

Union Calendar No. 350

116TH CONGRESS
2D SESSION

H. R. 2

[Report No. 116–437]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

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

JUNE 26, 2020

Additional sponsors: Mr. PALLONE, Mr. NEAL, Ms. WATERS, Mrs. CAROLYN B. MALONEY of New York, Mr. SCOTT of Virginia, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. RYAN, Mr. LOWENTHAL, Mr. WELCH, Mr. GARCÍA of Illinois, Ms. WILSON of Florida, Mr. LYNCH, Mr. BROWN of Maryland, Mr. GARAMENDI, Mr. CARBAJAL, Mr. DESAULNIER, Mr. MALINOWSKI, Mrs. NAPOLITANO, Mr. COHEN, Mr. CARSON of Indiana, Ms. SHALALA, Mr. RUPPERSBERGER, Ms. VELÁZQUEZ, Mr. ESPAILLAT, Mrs. HAYES, Mr. HASTINGS, Ms. BROWNLEY of California, Mr. SWALWELL of California, Mr. HUFFMAN, Ms. ADAMS, Mr. BEYER, Mr. SIRES, Ms. MUCARSEL-POWELL, Mr. PAPPAS, Mr. CÁRDENAS, Mr. CICILLINE, Mr. SABLÁN, Ms. CRAIG, Mr. HIGGINS of New York, Mr. TRONE, Mr. HORSFORD, Mr. ROUDA, Mr. JOHNSON of Georgia, Mr. PASCRELL, Mrs. TRAHAN, Mrs. LAWRENCE, Ms. SCHAKOWSKY, Mr. BISHOP of Georgia, Mr. TONKO, Mr. LARSON of Connecticut, Mr. MORELLE, Mr. CONNOLLY, Mr. EVANS, Ms. FRANKEL, Ms. DAVIDS of Kansas, Mr. SUOZZI, Ms. WASSERMAN SCHULTZ, Ms. CLARKE of New York, Mr. COURTNEY, Mr. LUJÁN, Ms. DEAN, Ms. ROYBAL-ALLARD, Mr. CUELLAR, Mr. KILDEE, Ms. BONAMICI, Mrs. DINGELL, Ms. UNDERWOOD, Mr. HECK, Ms. BARRAGÁN, Mr. PRICE of North Carolina, Mr. LARSEN of Washington, Mr. PAYNE, Mr. BLUMENAUER, Ms. MATSUI, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. DAVID SCOTT of Georgia, Ms. PLASKETT, Ms. WILD, Mr. TAKANO, Mr. DANNY K. DAVIS of Illinois, Ms. MOORE, Mr. CISNEROS, Mr. CLEAVER, Ms. SHERRILL, Mr. SARBANES, Mr. MFUME,

Ms. JOHNSON of Texas, Mr. CASTEN of Illinois, Mr. RUSH, Mr. CARTWRIGHT, Mr. CASE, Ms. BLUNT ROCHESTER, Mrs. BEATTY, Mr. LANGEVIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. THOMPSON of California, Ms. PORTER, Mr. RASKIN, Ms. ESHOO, Ms. DELAURO, Ms. DELBENE, Mr. SCHNEIDER, Ms. SÁNCHEZ, Mr. KIM, Mr. NORCROSS, Ms. CASTOR of Florida, Mr. ALLRED, Mr. MCNERNEY, Mr. KRISHNAMOORTHY, Ms. FUDGE, Mr. YARMUTH, Mr. VELA, Mrs. WATSON COLEMAN, Mr. HIMES, Ms. GARCIA of Texas, Mr. SEAN PATRICK MALONEY of New York, Mr. GOTTHEIMER, Mr. STANTON, Mr. CORREA, Ms. HAALAND, Mr. McEACHIN, Ms. DEGETTE, Mr. MEEKS, Mr. PERLMUTTER, Mr. VEASEY, and Mr. LAMB

JUNE 26, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 11, 2020]

A BILL

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

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

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 3 *vesting in a New Vision for the Environment and Surface*
 4 *Transportation in America Act” or the “INVEST in Amer-*
 5 *ica 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.
Sec. 1113. Federal-aid highway project requirements.
Sec. 1114. State assumption of responsibility for categorical exclusions.
Sec. 1115. Surface transportation project delivery program written agreements.
Sec. 1116. Corrosion prevention for bridges.
Sec. 1117. Sense of Congress.

Subtitle B—Programmatic Infrastructure Investment

Sec. 1201. National highway performance program.
Sec. 1202. Increasing the resilience of transportation assets.

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

Subtitle C—Project-Level Investments

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

Subtitle D—Planning, Performance Management, and Asset Management

Sec. 1401. Metropolitan transportation planning.
Sec. 1402. Statewide and nonmetropolitan transportation planning.
Sec. 1403. National goals and performance management measures.
Sec. 1404. Transportation demand data and modeling study.
Sec. 1405. Fiscal constraint on long-range transportation plans.

Subtitle E—Federal Lands, Tribes, and Territories

Sec. 1501. Territorial and Puerto Rico highway program.
Sec. 1502. Tribal transportation program.
Sec. 1503. Tribal High Priority Projects program.
Sec. 1504. Federal lands transportation program.
Sec. 1505. Federal lands and Tribal major projects program.
Sec. 1506. Office of Tribal Government Affairs.
Sec. 1507. Alternative contracting methods.
Sec. 1508. Divestiture of federally owned bridges.
Sec. 1509. Study on Federal funding available to Indian Tribes.
Sec. 1510. GAO study.

Subtitle F—Additional Provisions

Sec. 1601. Vision zero.
Sec. 1602. Speed limits.
Sec. 1603. Broadband infrastructure deployment.
Sec. 1604. Balance Exchanges for Infrastructure Program.
Sec. 1605. Stormwater best management practices.
Sec. 1606. Pedestrian facilities in the public right-of-way.

- Sec. 1607. Highway formula modernization report.*
- Sec. 1608. Consolidation of programs.*
- Sec. 1609. Student outreach report to Congress.*
- Sec. 1610. Task force on developing a 21st century surface transportation work-force.*
- Sec. 1611. On-the-job training and supportive services.*
- Sec. 1612. Work zone safety.*
- Sec. 1613. Transportation education development program.*
- Sec. 1614. Working group on construction resources.*
- Sec. 1615. Numbering system of highway interchanges.*
- Sec. 1616. Toll credits.*
- Sec. 1617. Transportation construction materials procurement.*
- Sec. 1618. Construction of certain access and development roads.*
- Sec. 1619. Nationwide road safety assessment.*
- Sec. 1620. Wildlife crossings.*
- Sec. 1621. Climate resilient transportation infrastructure study.*
- Sec. 1622. Elimination of duplication of environmental reviews and approvals.*
- Sec. 1623. AMBER Alerts along major transportation routes.*
- Sec. 1624. Natural gas, electric battery, and zero emission vehicles.*
- Sec. 1625. Guidance on evacuation routes.*
- Sec. 1626. Prohibiting use of Federal funds for payments in support of congressional campaigns.*
- Sec. 1627. High priority corridors on National Highway System.*
- Sec. 1628. Guidance on inundated and submerged roads.*
- Sec. 1629. Airport innovative financing techniques.*

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

- Sec. 2101. Authorizations.*
- Sec. 2102. Chapter 53 definitions.*
- Sec. 2103. General provisions.*
- Sec. 2104. Miscellaneous provisions.*
- Sec. 2105. Policies and purposes.*
- Sec. 2106. Fiscal year 2022 formulas.*
- Sec. 2107. Metropolitan transportation planning.*
- Sec. 2108. Statewide and nonmetropolitan transportation planning.*
- Sec. 2109. Obligation limitation.*
- Sec. 2110. Public transportation emergency relief funds.*
- Sec. 2111. General provisions.*
- Sec. 2112. Certification requirements.*

Subtitle B—Improving Frequency and Ridership

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

Subtitle C—Buy America and Other Procurement Reforms

- Sec. 2301. Buy America.*
- Sec. 2302. Bus procurement streamlining.*
- Sec. 2303. Bus testing facility.*
- Sec. 2304. Repayment requirement.*

- Sec. 2305. Definition of urbanized areas following a major disaster.*
Sec. 2306. Special rule for certain rolling stock procurements.
Sec. 2307. Certification requirements.

Subtitle D—Bus Grant Reforms

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

Subtitle E—Supporting All Riders

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

Subtitle F—Supporting Frontline Workers and Passenger Safety

- Sec. 2601. National transit frontline workforce training center.*
Sec. 2602. Public transportation safety program.
Sec. 2603. Innovation workforce standards.
Sec. 2604. Safety performance measures and set asides.
Sec. 2605. U.S. Employment Plan.
Sec. 2606. Technical assistance and workforce development.

Subtitle G—Transit-Supportive Communities

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

Subtitle H—Innovation

- Sec. 2801. Mobility innovation sandbox program.*
Sec. 2802. Transit bus operator compartment redesign program.
Sec. 2803. Federal Transit Administration Every Day Counts initiative.
Sec. 2804. Technical corrections.
Sec. 2805. National advanced technology transit bus development program.

Subtitle I—Other Program Reauthorizations

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

Subtitle J—Streamlining

- Sec. 2911. Fixed guideway capital investment grants.*
Sec. 2912. Rural and small urban apportionment deadline.
Sec. 2913. Disposition of assets beyond useful life.
Sec. 2914. Innovative coordinated access and mobility.
Sec. 2915. Passenger ferry grants.
Sec. 2916. Evaluation of benefits and Federal investment.

TITLE III—HIGHWAY TRAFFIC SAFETY

- Sec. 3001. Authorization of appropriations.*
Sec. 3002. Highway safety programs.

- Sec. 3003. Traffic safety enforcement grants.*
- Sec. 3004. Highway safety research and development.*
- Sec. 3005. Grant program to prohibit racial profiling.*
- Sec. 3006. High-visibility enforcement program.*
- Sec. 3007. National priority safety programs.*
- Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.*
- Sec. 3009. National priority safety program grant eligibility.*
- Sec. 3010. Implicit bias research and training grants.*
- Sec. 3011. Stop motorcycle checkpoint funding.*
- Sec. 3012. Electronic driver's license.*
- Sec. 3013. Motorcyclist Advisory Council.*

TITLE IV—MOTOR CARRIER SAFETY

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

- Sec. 4101. Motor carrier safety grants.*
- Sec. 4102. Motor carrier safety operations and programs.*
- Sec. 4103. Immobilization grant program.*
- Sec. 4104. Dry bulk weight tolerance.*

Subtitle B—Motor Carrier Safety Oversight

- Sec. 4201. Motor carrier safety advisory committee.*
- Sec. 4202. Compliance, safety, accountability.*
- Sec. 4203. Terms and conditions for exemptions.*
- Sec. 4204. Safety fitness of motor carriers of passengers.*
- Sec. 4205. Providers of recreational activities.*
- Sec. 4206. Amendments to regulations relating to transportation of household goods in interstate commerce.*

Subtitle C—Commercial Motor Vehicle Driver Safety

- Sec. 4301. Commercial driver's license for passenger carriers.*
- Sec. 4302. Alcohol and controlled substances testing.*
- Sec. 4303. Entry-level driver training.*
- Sec. 4304. Driver detention time.*
- Sec. 4305. Truck Leasing Task Force.*
- Sec. 4306. Hours of service.*
- Sec. 4307. Driver recruitment.*
- Sec. 4308. Screening for obstructive sleep apnea.*
- Sec. 4309. Women of Trucking Advisory Board.*

Subtitle D—Commercial Motor Vehicle and Schoolbus Safety

- Sec. 4401. Schoolbus safety standards.*
- Sec. 4402. Illegal passing of schoolbuses.*
- Sec. 4403. State inspection of passenger-carrying commercial motor vehicles.*
- Sec. 4404. Automatic emergency braking.*
- Sec. 4405. Underride protection.*
- Sec. 4406. Transportation of horses.*
- Sec. 4407. Additional State authority.*
- Sec. 4408. Updating the required amount of insurance for commercial motor vehicles.*

TITLE V—INNOVATION

Sec. 5001. Authorization of appropriations.

Subtitle A—Research and Development

Sec. 5101. Highway research and development program.

Sec. 5102. Materials to reduce greenhouse gas emissions program.

Sec. 5103. Transportation research and development 5-year strategic plan.

Sec. 5104. University transportation centers program.

Sec. 5105. Unsolicited research initiative.

Sec. 5106. National cooperative multimodal freight transportation research program.

Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.

Sec. 5108. Research activities.

Sec. 5109. Innovative material innovation hubs.

Subtitle B—Technology Deployment

Sec. 5201. Technology and innovation deployment program.

Sec. 5202. Accelerated implementation and deployment of pavement technologies.

Sec. 5203. Federal Highway Administration Every Day Counts initiative.

Subtitle C—Emerging Technologies

Sec. 5301. Safe, efficient mobility through advanced technologies.

Sec. 5302. Intelligent transportation systems program.

Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse.

Sec. 5304. Study on safe interactions between automated vehicles and road users.

Sec. 5305. Nontraditional and Emerging Transportation Technology Council.

Sec. 5306. Hyperloop transportation.

Sec. 5307. Surface transportation workforce retraining grant program.

Sec. 5308. Third-party data integration pilot program.

Sec. 5309. Third-party data planning integration pilot program.

Subtitle D—Surface Transportation Funding Pilot Programs

Sec. 5401. State surface transportation system funding pilots.

Sec. 5402. National surface transportation system funding pilot.

Subtitle E—Miscellaneous

Sec. 5501. Ergonomic seating working group.

Sec. 5502. Repeal of section 6314 of title 49, United States Code.

Sec. 5503. Transportation workforce outreach program.

Sec. 5504. Certification on ensuring no human rights abuses.

TITLE VI—MULTIMODAL TRANSPORTATION

Sec. 6001. National multimodal freight policy.

Sec. 6002. National freight strategic plan.

Sec. 6003. National multimodal freight network.

Sec. 6004. State freight advisory committees.

Sec. 6005. State freight plans.

Sec. 6006. Study of freight transportation fee.

Sec. 6007. National Surface Transportation and Innovative Finance Bureau.

- Sec. 6008. Local hire.*
Sec. 6009. FTE cap.
Sec. 6010. Identification of COVID–19 testing needs of critical infrastructure employees.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

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

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

- Sec. 8001. Short title.*

TITLE I—AUTHORIZATIONS

- Sec. 8101. Authorization of appropriations.*

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

- Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.*
Sec. 8202. Transportation of liquefied natural gas by rail tank car.
Sec. 8203. Hazardous materials training requirements and grants.

DIVISION D—RAIL

- Sec. 9001. Short title.*

TITLE I—AUTHORIZATIONS

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

TITLE II—AMTRAK REFORMS

- Sec. 9201. Amtrak findings, mission, and goals.*
Sec. 9202. Amtrak status.
Sec. 9203. Board of Directors.
Sec. 9204. Amtrak preference enforcement.
Sec. 9205. Use of facilities and providing services to Amtrak.
Sec. 9206. Prohibition on mandatory arbitration.
Sec. 9207. Amtrak ADA assessment.
Sec. 9208. Prohibition on smoking on Amtrak trains.
Sec. 9209. State-supported routes operated by Amtrak.
Sec. 9210. Amtrak Police Department.
Sec. 9211. Amtrak food and beverage.
Sec. 9212. Clarification on Amtrak contracting out.
Sec. 9213. Amtrak staffing.
Sec. 9214. Special transportation.
Sec. 9215. Disaster and emergency relief program.
Sec. 9216. Recreational trail access.
Sec. 9217. Investigation of substandard performance.
Sec. 9218. Amtrak cybersecurity enhancement grant program.
Sec. 9219. Amtrak and private cars.

Sec. 9220. Amtrak Office of Community Outreach.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 9301. Northeast Corridor Commission.

Sec. 9302. Northeast Corridor planning.

Sec. 9303. Protective arrangements.

Sec. 9304. High-speed rail funds.

TITLE IV—COMMUTER RAIL POLICY

Sec. 9401. Surface Transportation Board mediation of trackage use requests.

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

Sec. 9403. Chicago Union Station improvement plans.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

Sec. 9501. National Academies study on safety impact of trains longer than 7,500 feet.

Sec. 9502. GAO study on changes in freight railroad operating and scheduling practices.

Sec. 9503. FRA safety reporting.

Sec. 9504. Waiver notice requirements.

Sec. 9505. Notice of FRA comprehensive safety assessments.

Sec. 9506. FRA accident and incident investigations.

Sec. 9507. Rail safety improvements.

Sec. 9508. Annual review of speed limit action plans.

Sec. 9509. Freight train crew size safety standards.

Sec. 9510. Safe cross border operations.

Sec. 9511. Yardmasters hours of service.

Sec. 9512. Leaking brakes.

Sec. 9513. Annual report on PTC system failures.

Sec. 9514. Fatigue reduction pilot projects.

Sec. 9515. Assault prevention and response plans.

Sec. 9516. Critical incident stress plans.

Sec. 9517. Study on safety culture assessments.

Subtitle B—Grade Crossing Safety

Sec. 9551. Grade crossing separation grants.

Sec. 9552. Rail safety public awareness grants.

Sec. 9553. Establishment of 10-minute time limit for blocking public grade crossings.

Sec. 9554. National strategy to address blocked crossings.

Sec. 9555. Railroad point of contact for blocked crossing matters.

Sec. 9556. National highway-rail crossing inventory review.

Sec. 9557. Counting railroad suicides.

DIVISION E—ADDITIONAL PROGRAMS

Sec. 10001. National scenic byways program.

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

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

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

8 *(1) IN GENERAL.—Except as otherwise provided*
 9 *in this division, the requirements, authorities, condi-*
 10 *tions, eligibilities, limitations, and other provisions*
 11 *authorized under the covered laws, which would other-*
 12 *wise expire on or cease to apply after September 30,*
 13 *2020, are incorporated by reference and shall con-*
 14 *tinue in effect through September 30, 2021.*

15 *(2) AUTHORIZATION OF APPROPRIATIONS.—*

16 *(A) HIGHWAY TRUST FUND.—*

17 *(i) HIGHWAY ACCOUNT.—*

18 *(I) IN GENERAL.—Except as pro-*
 19 *vided in subclause (II), there is author-*
 20 *ized to be appropriated from the High-*
 21 *way Account for fiscal year 2021, for*
 22 *each program under the covered laws*
 23 *with respect to which amounts are au-*
 24 *thorized to be appropriated from such*
 25 *account for fiscal year 2020, an*

1 *amount equal to the amount author-*
2 *ized for appropriation with respect to*
3 *the program from such account for fis-*
4 *cal year 2020.*

5 (II) ADMINISTRATIVE EX-
6 PENSES.—*Notwithstanding any other*
7 *provision of this division, there is au-*
8 *thorized to be appropriated from the*
9 *Highway Account for fiscal year*
10 *2021—*

11 (aa) \$502,897,049 for admin-
12 *istrative expenses of the Federal*
13 *Highway Administration, as de-*
14 *scribed in section 104(a) of title*
15 *23, United States Code; and*

16 (bb) \$30,086,000 for grant
17 *administrative expenses of the Na-*
18 *tional Highway Traffic Safety*
19 *Administration, as described in*
20 *section 4001(a)(6) of the FAST*
21 *Act (Public Law 114–94).*

22 (ii) MASS TRANSIT ACCOUNT.—*There*
23 *is authorized to be appropriated from the*
24 *Mass Transit Account for fiscal year 2021,*
25 *for each program under the covered laws*

1 *with respect to which amounts are author-*
2 *ized to be appropriated from such account*
3 *for fiscal year 2020, an amount equal to the*
4 *amount authorized for appropriation with*
5 *respect to the program from such account*
6 *for fiscal year 2020.*

7 *(B) GENERAL FUND.—*

8 *(i) IN GENERAL.—Except as provided*
9 *in clause (ii), there is authorized to be ap-*
10 *propriated for fiscal year 2021, for each*
11 *program with respect to which amounts are*
12 *authorized to be appropriated for fiscal year*
13 *2020 from an account other than the High-*
14 *way Account or the Mass Transit Account*
15 *under the titles described in subsection*
16 *(b)(1), an amount not less than the amount*
17 *authorized for appropriation with respect to*
18 *the program under such titles for fiscal year*
19 *2020.*

20 *(ii) ADMINISTRATIVE EXPENSES.—Not-*
21 *withstanding any other provision of this di-*
22 *vision, there is authorized to be appro-*
23 *priated from the general fund of the Treas-*
24 *ury for fiscal year 2021 \$140,016,543 for*

1 *administrative expenses of the Federal*
2 *Transit Administration.*

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

11 (4) *OBLIGATION LIMITATION.—*

12 (A) *IN GENERAL.—Except as provided in*
13 *subparagraph (B), a program for which amounts*
14 *are authorized to be appropriated under para-*
15 *graph (2)(A) shall be subject to a limitation on*
16 *obligations for fiscal year 2021 in the same*
17 *amount and in the same manner as the limita-*
18 *tion applicable with respect to the program for*
19 *fiscal year 2020 under the Department of Trans-*
20 *portation Appropriations Act, 2020 (Public Law*
21 *116–94), as in effect on December 20, 2019.*

22 (B) *FEDERAL-AID HIGHWAY AND HIGHWAY*
23 *SAFETY CONSTRUCTION PROGRAMS.—*

24 (i) *IN GENERAL.—Notwithstanding*
25 *any other provision of this division, section*

1 1102 of the *FAST Act* (Public Law 114–
 2 94), or the *Department of Transportation*
 3 *Appropriations Act, 2020* (Public Law 116–
 4 94), for fiscal year 2021, the obligations for
 5 Federal-aid highway and highway safety
 6 construction programs shall not exceed
 7 \$46,387,191,360.

8 (ii) *LIMITATION ON FEDERAL HIGHWAY*
 9 *ADMINISTRATION ADMINISTRATIVE EX-*
 10 *PENSES.*—Notwithstanding any other provi-
 11 sion of this division, of the amount de-
 12 scribed in clause (i), for fiscal year 2021 an
 13 amount not to exceed \$478,897,049, together
 14 with advances and reimbursements received
 15 by the *Federal Highway Administration*,
 16 shall be obligated for necessary expenses for
 17 administration and operation of the *Federal*
 18 *Highway Administration*.

19 (b) *DEFINITIONS.*—In this section, the term “covered
 20 laws” means the following:

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

23 (2) *Division A, division B, subtitle A of title I*
 24 *and title II of division C, and division E of MAP–*
 25 *21* (Public Law 112–141).

1 (3) *Titles I, II, and III of the SAFETEA-LU*
 2 *Technical Corrections Act of 2008 (Public Law 110–*
 3 *244).*

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

6 (5) *Titles I, II, III, IV, and V of the Transpor-*
 7 *tation Equity Act for the 21st Century (Public Law*
 8 *105–178).*

9 (6) *Titles II, III, and IV of the National High-*
 10 *way System Designation Act of 1995 (Public Law*
 11 *104–59).*

12 (7) *Title I, part A of title II, title III, title IV,*
 13 *title V, and title VI of the Intermodal Surface Trans-*
 14 *portation Efficiency Act of 1991 (Public Law 102–*
 15 *240).*

16 (8) *Title 23, United States Code.*

17 (9) *Sections 116, 117, 330, and 5505 and chap-*
 18 *ters 53, 139, 303, 311, 313, 701, and 702 of title 49,*
 19 *United States Code.*

20 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

21 (a) *ADDITIONAL AMOUNTS.—*

22 (1) *AUTHORIZATION OF APPROPRIATIONS.—*

23 (A) *IN GENERAL.—In addition to amounts*
 24 *authorized under section 101, there is authorized*
 25 *to be appropriated from the Highway Account*

1 *for fiscal year 2021, for activities under this sec-*
 2 *tion, \$14,742,808,640.*

3 *(B) CONTRACT AUTHORITY.—Amounts au-*
 4 *thorized to be appropriated under subparagraph*
 5 *(A) shall be available for obligation as if appor-*
 6 *tioned under chapter 1 of title 23, United States*
 7 *Code.*

8 *(2) OBLIGATION CEILING.—*

9 *(A) IN GENERAL.—Notwithstanding any*
 10 *other provision of law, for fiscal year 2021, obli-*
 11 *gations for activities authorized under para-*
 12 *graph (1) shall not exceed \$14,742,808,640.*

13 *(B) DISTRIBUTION OF OBLIGATION AUTHOR-*
 14 *ITY.—*

15 *(i) IN GENERAL.—Of the obligation au-*
 16 *thority provided under subparagraph (A),*
 17 *the Secretary shall make available to States,*
 18 *Tribes, Puerto Rico, the territories, and*
 19 *Federal land management agencies, during*
 20 *the period of fiscal year 2021, amounts of*
 21 *obligation authority equal to the amounts*
 22 *described in subparagraphs (A) through (E)*
 23 *of paragraph (3), respectively.*

24 *(ii) FURTHER DISTRIBUTION.—Each*
 25 *State, each Tribe, Puerto Rico, each terri-*

tory, and each Federal land management agency receiving funds under subparagraphs (A) through (E) of paragraph (3), respectively, shall receive an amount of obligation authority equal to the funds that it receives under any of such subparagraphs.

(C) *REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.*—

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

(I) revise a distribution of the obligation authority made available under subparagraph (B) if an amount distributed cannot be obligated during that fiscal year; and

(II) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP-21 (Public Law

1 112–141)) and 104 of title 23, United
2 States Code.

3 (ii) *ADMINISTRATION.*—The Secretary
4 shall administer a redistribution under
5 clause (i) of obligation authority provided
6 under subparagraph (B) in a similar man-
7 ner as the standard August redistribution.

8 (iii) *USE OF OBLIGATION AUTHOR-*
9 *ITY.*—A State may use obligation authority
10 that it receives pursuant to this subpara-
11 graph in the same manner that it uses obli-
12 gation authority that it receives as part of
13 the standard August redistribution.

14 (3) *DISTRIBUTION OF FUNDS.*—Amounts author-
15 ized to be appropriated for fiscal year 2021 under
16 paragraph (1) shall be distributed as follows:

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

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

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

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

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

23 (4) *STATE FUNDS.*—

24 (A) *DISTRIBUTION.*—

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

7 (ii) *SUBALLOCATION.*—

8 (I) *IN GENERAL.*—Amounts dis-
 9 tributed among the States under clause
 10 (i) shall be suballocated within the
 11 State to an area described in subclause
 12 (II) in the proportion that—

13 (aa) the total amount of
 14 funds suballocated to such area of
 15 the State as described in such sub-
 16 clause for fiscal year 2020; bears
 17 to

18 (bb) the total amount of
 19 funds apportioned to the State for
 20 the Federal-aid highway program
 21 under section 104 of title 23,
 22 United States Code, for fiscal year
 23 2020.

24 (II) *AREAS DESCRIBED.*—The
 25 areas described in this subclause are—

1 (aa) urbanized areas of the
2 State with an urbanized area
3 population of over 200,000;

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

7 (cc) other areas of the State.

8 (B) *TREATMENT.*—Except as otherwise pro-
9 vided in this paragraph, amounts made avail-
10 able under paragraph (3)(A) shall be adminis-
11 tered as if apportioned under chapter 1 of title
12 23, United States Code.

13 (C) *USE OF FUNDS.*—Amounts made avail-
14 able under paragraph (3)(A) may be obligated
15 for—

16 (i) eligible projects described in section
17 133(b) of title 23, United States Code, sub-
18 ject to section 133(c) of such title; and

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

21 (I) the State department of trans-
22 portation;

23 (II) a local transportation agency;

24 or

1 (III) *a metropolitan planning or-*
2 *ganization.*

3 (5) *TRIBAL FUNDS.—*

4 (A) *TREATMENT.—*

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

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

16 (B) *USE OF FUNDS.—Amounts made avail-*
17 *able under paragraph (3)(B) may be obligated*
18 *for—*

19 (i) *activities eligible under section*
20 *202(a)(1) of title 23, United States Code;*
21 *and*

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

1 (6) *FUNDS FOR PUERTO RICO AND THE TERRI-*
2 *TORIES.*—

3 (A) *TREATMENT.*—

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

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

15 (B) *USE OF FUNDS.*—

16 (i) *PUERTO RICO.*—*Amounts made*
17 *available to Puerto Rico under paragraph*
18 *(3)(C) may be obligated for—*

19 (I) *activities eligible under chap-*
20 *ter 1 of title 23, United States Code;*
21 *and*

22 (II) *transportation related admin-*
23 *istrative expenses, including salaries*
24 *and benefits.*

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

(I) activities eligible under section 165(c)(6) of title 23, United States Code, subject to section 165(c)(7) of such title; and

(II) transportation-related administrative expenses, including salaries and benefits.

(7) *FEDERAL LAND MANAGEMENT AGENCY FUNDS.*—

(A) *DISTRIBUTION.*—Amounts made available under paragraph (3)(E) shall be distributed among the Federal land management agencies as follows:

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

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

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

(iv) \$8,622,826 to be allocated to the applicable Federal land management agen-

1 *cies as described in section 203(b) of title*
 2 *23, United States Code.*

3 *(B) TREATMENT.—Amounts made available*
 4 *under paragraph (3)(E) shall be administered as*
 5 *if made available under section 203 of title 23,*
 6 *United States Code.*

7 *(8) DISADVANTAGED BUSINESS ENTERPRISES.—*
 8 *Section 1101(b) of the FAST Act (Public Law 114–*
 9 *94) shall apply to additional amounts made available*
 10 *under paragraph (1).*

11 *(b) SPECIAL RULES FOR FISCAL YEAR 2021.—*

12 *(1) SUBALLOCATED AMOUNTS.—*

13 *(A) USE OF FUNDS.—Amounts authorized*
 14 *to be appropriated for fiscal year 2021 with re-*
 15 *spect to a program under section 101(a)(2)(A)*
 16 *that are suballocated pursuant to section*
 17 *133(d)(1)(A) of title 23, United States Code,*
 18 *may be obligated for—*

19 *(i) eligible projects as described in sec-*
 20 *tion 133(b) of title 23, United States Code;*
 21 *or*

22 *(ii) administrative expenses, including*
 23 *salaries and benefits, of—*

24 *(I) a local transportation agency;*
 25 *or*

1 (II) a metropolitan planning or-
2 ganization.

3 (B) OBLIGATION AUTHORITY.—

4 (i) IN GENERAL.—A State that is re-
5 quired to obligate in an urbanized area
6 with an urbanized area population of over
7 200,000 individuals under section 133(d) of
8 title 23, United States Code, funds appor-
9 tioned to the State under section 104(b)(2)
10 of such title shall make available during the
11 period of fiscal years 2016 through 2021 an
12 amount of obligation authority distributed
13 to the State for Federal-aid highways and
14 highway safety construction programs for
15 use in the area that is equal to the amount
16 obtained by multiplying—

17 (I) the aggregate amount of funds
18 that the State is required to obligate in
19 the area under section 133(d) of title
20 23, United States Code, during the pe-
21 riod; and

22 (II) the ratio that—

23 (aa) the aggregate amount of
24 obligation authority distributed to
25 the State for Federal-aid high-

ways and highway safety construction programs during the period; bears to

(bb) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

(ii) *JOINT RESPONSIBILITY.*—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with clause (i).

(2) *FERRY BOAT PROGRAM.*—Amounts authorized to be appropriated for fiscal year 2021 with respect to a program under section 101(a)(2)(A) that are made available for the construction of ferry boats and ferry terminal facilities under section 147 of title 23, United States Code, may be obligated—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (D) PUBLICATION AND METHODOLOGY.—In
22 any published notice of funding opportunity for
23 a grant under such section, the Secretary shall
24 include detailed information on the rating meth-

1 *odology and merit criteria to be used to evaluate*
2 *applications.*

3 *(E) REPEAT APPLICATIONS.—*

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

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

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

18 *(ii) SUPPLEMENTARY APPLICATION.—*

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

1 *ments of section 117 of title 23, United*
 2 *States Code, and this paragraph.*

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

8 (F) *CONGRESSIONAL NOTIFICATION.*—*A no-*
 9 *tification submitted pursuant to subsection (m)*
 10 *of such section shall include—*

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

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

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

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

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

25 (c) *FEDERAL SHARE.*—

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

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

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

17 (d) *ADMINISTRATIVE EXPENSES.*—

18 (1) *SELF-CERTIFICATION AND AUDIT.*—

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

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

3 *(B) AUDIT.—The Secretary may conduct an*
 4 *audit to review obligations of funds and liquida-*
 5 *tion of such obligations for eligible administra-*
 6 *tive expenses described under subparagraph (A).*

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

16 *(e) DEFINITIONS.—In this section, the following defini-*
 17 *tions apply:*

18 *(1) STANDARD AUGUST REDISTRIBUTION.—The*
 19 *term “standard August redistribution” means the re-*
 20 *distribution of obligation authority that the Secretary*
 21 *is directed to administer under—*

22 *(A) section 1102(d) of the FAST Act (Pub-*
 23 *lic Law 114–94); or*

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

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

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

8 (A) American Samoa.

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

11 (C) Guam.

12 (D) The United States Virgin Islands.

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

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

18 (a) ADDITIONAL AMOUNTS.—

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

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

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

12 (C) *ALLOCATION.*—The Secretary shall allo-
13 cate the amounts authorized to be appropriated
14 to sections 5307, 5310, 5311, 5337, and 5340 of
15 title 49, United States Code, among such sections
16 in the same ratio as funds are provided in the
17 fiscal year 2020 appropriations.

18 (D) *OBLIGATION LIMITATION.*—Notwith-
19 standing any other provision of law, for fiscal
20 year 2021, obligations for activities authorized
21 under this paragraph shall not exceed
22 \$5,794,851,538.

23 (2) *AUTHORIZATION OF APPROPRIATIONS FROM*
24 *GENERAL FUND.*—In addition to amounts authorized

under section 101(a)(1)(B), there is authorized to be appropriated from the general fund of the Treasury—

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

(B) such sums as may be necessary to be made available as described in subsection (c) and that such sums shall be designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) *DISADVANTAGED BUSINESS ENTERPRISES.*—Section 1101(b) of the FAST Act (Public Law 114–94) shall apply to additional amounts made available under this subsection.

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

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

(A) operating expenses, including, beginning on January 20, 2020—

(i) reimbursement for operating costs to maintain service and offset lost revenue,

1 including the purchase of personal protec-
2 tive equipment; and

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

6 (B) any other activity eligible under section
7 5307, 5310, 5311, or 5337 of title 49, United
8 States Code.

9 (2) *CONDITIONS.*—*Recipients use of funds under*
10 *paragraph (1) shall—*

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

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

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

23 (3) *OVERSIGHT.*—

24 (A) Of the amounts made available to carry
25 out this section, the percentages available for

1 oversight in section 5338(f)(1) of title 49, United
 2 States Code, shall apply to the allocations of
 3 funds in subsection (a)(1)(C).

4 (B) *USE OF FUNDS.*—Amounts made avail-
 5 able under subsection (a)(1)(A) shall be available
 6 for administrative expenses and program man-
 7 agement oversight as authorized under sections
 8 5334 and 5338(f)(2) of title 49, United States
 9 Code.

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

15 (c) *CIG COVID–19 EMERGENCY RELIEF PROGRAM.*—

16 (1) *IN GENERAL.*—From amounts made avail-
 17 able under subsection (a)(2)(B) and notwithstanding
 18 section 5309(k)(2)(C)(ii), section 5309(a)(7)(B), or
 19 section 5309(l)(1)(B)(ii) of title 49, United States
 20 Code, at the request of a project sponsor, the Secretary
 21 shall use such sums as may be necessary to provide
 22 an additional 30 percent of total project costs for any
 23 project under—

1 (A) 5309(d) of title 49, United States Code,
2 that has been approved for advancement into the
3 engineering phase;

4 (B) 5309(e) of title 49, United States Code,
5 that has entered into the project development
6 phase or approved for advancement into the en-
7 gineering phase;

8 (C) subsection (d) or (e) of section 5309 of
9 title 49, United States Code, that has a full
10 funding grant agreement entered into under ei-
11 ther such subsection after January 1, 2017; and

12 (D) section 5309(h) of title 49, United
13 States Code, that the Federal Transit Adminis-
14 tration has a small starts grant award or agree-
15 ment entered into after January, 1, 2017, or that
16 has been recommended by the Administration for
17 an allocation of capital investment funds that
18 were appropriated in fiscal year 2018, 2019, or
19 2020.

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

1 (A) are not eligible for funds made available
2 under paragraph (1); and

3 (B) have remaining scheduled Federal funds
4 to be appropriated under a full funding grant
5 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 (C) the project rating for a project not yet
16 approved into project engineering;

17 (D) the small starts grant or grant agree-
18 ment; or

19 (E) the project rating for a small starts
20 project that has not yet been awarded a grant or
21 grant agreement.

22 (5) *FEDERAL SHARE.*—The Federal share of the
23 costs of a project under this subsection may not exceed
24 80 percent.

1 (6) *APPLICATION OF LAW.*—For purposes of
2 *paragraph (1), the Secretary shall apply section*
3 *7001(b) of this Act when providing the additional 30*
4 *percent of total project costs to any project that meets*
5 *the criteria in such section.*

6 (d) *FEDERAL SHARE.*—

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

12 (2) *FUNDS DESCRIBED.*—The funds described in
13 *this paragraph are funds made available for the im-*
14 *plementation of transit programs authorized by chap-*
15 *ter 53 of title 49, United States Code, the FAST Act*
16 *(Public Law 114–94), or this division, excluding*
17 *funds made available to projects under section 5309*
18 *of title 49, United States Code.*

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

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

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

4 *(1) IN GENERAL.—*

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

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

16 *(C) OBLIGATION LIMITATION.—Notwith-*
17 *standing any other provision of law, for fiscal*
18 *year 2021, obligations for activities authorized*
19 *under this paragraph and obligations for activi-*
20 *ties authorized under section*
21 *101(a)(2)(A)(i)(II)(bb) that exceed amounts au-*
22 *thorized under section 4001(a)(6) of the FAST*
23 *Act (Public Law 114–94) shall not exceed*
24 *\$247,783,000.*

1 (2) *DISTRIBUTION OF FUNDS.*—Amounts author-
 2 ized to be appropriated for fiscal year 2021 under
 3 paragraph (1) shall be distributed as follows:

4 (A) \$105,000,000 for carrying out section
 5 402 of title 23, United States Code.

6 (B) \$15,312,000 for carrying out section
 7 403 of title 23, United States Code.

8 (C) \$19,202,000 for carrying out section
 9 404 of title 23, United States Code.

10 (D) \$105,000,000 for carrying out section
 11 405 of title 23, United States Code.

12 (b) *SPECIAL RULES FOR FISCAL YEAR 2021.*—

13 (1) *FEDERAL SHARE.*—Notwithstanding sections
 14 120, 405(b)(2), 405(c)(2), 405(d)(2) and 405(h)(2) of
 15 title 23, United States Code, the Federal share of ac-
 16 tivities for fiscal year 2021 carried out under chapter
 17 4 of title 23, United States Code and section 1906 of
 18 SAFETEA—LU (23 U.S.C. 402 note) shall be 100
 19 percent.

20 (2) *PERIOD OF AVAILABILITY.*—Notwithstanding
 21 section 118(b) of title 23, United States Code, funds
 22 apportioned or allocated to a State in fiscal years
 23 2017 and 2018 under sections 402 and 405 of title 23,
 24 United States Code, and section 1906 of SAFETEA—
 25 LU (23 U.S.C. 402 note), shall remain available for

1 *obligation in that State for a period of 4 years after*
 2 *the last day of the fiscal year for which the funds are*
 3 *authorized. Notwithstanding any other provision of*
 4 *law, this paragraph shall apply as if such paragraph*
 5 *was enacted on September 30, 2020.*

6 (3) *MAINTENANCE OF EFFORT.—Notwith-*
 7 *standing section 405(a)(9) of title 23, United States*
 8 *Code, the Secretary may waive the maintenance of ef-*
 9 *fort requirements under such section for fiscal year*
 10 *2021 for a State, if the Secretary determines appro-*
 11 *priate.*

12 (4) *IN-VEHICLE ALCOHOL DETECTION DEVICE*
 13 *RESEARCH.—In carrying out subsection (h) of section*
 14 *403 of title 23, United States Code, the Secretary may*
 15 *obligate from funds made available to carry out such*
 16 *section for fiscal year 2021 not more than \$5,312,000*
 17 *to conduct the research described in paragraph (1) of*
 18 *such subsection.*

19 (5) *COOPERATIVE RESEARCH AND EVALUA-*
 20 *TION.—Notwithstanding the apportionment formula*
 21 *set forth in section 402(c)(2) of title 23, United States*
 22 *Code, and section 403(f)(1) of title 23, United States*
 23 *Code, \$2,500,000 of the total amount available for ap-*
 24 *portionment to the States for highway safety pro-*
 25 *grams under section 402(c)(2) of title 23, United*

1 *States Code, for each of fiscal years 2016 through*
 2 *2021, shall be available for expenditure by the Sec-*
 3 *retary, acting through the Administrator of the Na-*
 4 *tional Highway Traffic Safety Administration, for a*
 5 *cooperative research and evaluation program to re-*
 6 *search and evaluate priority highway safety counter-*
 7 *measures. This paragraph shall apply as if such*
 8 *paragraph was enacted on October 1, 2015.*

9 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
 10 **TION.**

11 *(a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—*

12 *(1) AUTHORIZATION OF APPROPRIATIONS.—*

13 *(A) IN GENERAL.—In addition to amounts*
 14 *authorized under section 101, there is authorized*
 15 *to be appropriated from the Highway Account*
 16 *for fiscal year 2021, for activities under this sub-*
 17 *section, \$209,900,000.*

18 *(B) OBLIGATION LIMITATION.—Notwith-*
 19 *standing any other provision of law, for fiscal*
 20 *year 2021, obligations for activities authorized*
 21 *under this paragraph shall not exceed*
 22 *\$209,900,000.*

23 *(2) DISTRIBUTION OF FUNDS.—Amounts author-*
 24 *ized to be appropriated for fiscal year 2021 under*
 25 *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 49,*
 5 *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 provided*
 14 *in subsection (b), amounts made available under this*
 15 *section shall be made available for obligation and ad-*
 16 *ministered as if made available under chapter 311 of*
 17 *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 require-
 6 ment under 31102(f) of title 49, United States
 7 Code, for all States without requiring States to
 8 request a waiver.

9 (2) *FINANCIAL ASSISTANCE AGREEMENTS PERIOD*
 10 *OF AVAILABILITY.*—Notwithstanding section 31104(f)
 11 of title 49, United States Code, the Secretary shall ex-
 12 tend the periods of availability described in such sec-
 13 tion by 1 year.

14 (3) *ADMINISTRATIVE EXPENSES.*—The Adminis-
 15 trator of the Federal Motor Carrier Safety Adminis-
 16 tration shall ensure that funds made available under
 17 subsection (a)(2)(B) are used, to the maximum extent
 18 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 statutory
 24 mandates required by MAP-21 (112–141) and
 25 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 di-
21 vision and the amendments made by this division, any ref-
22 erence 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 by*
 5 *this division,*
 6 *shall be treated as a reference to October 1, 2021.*

7 (c) *EXCEPTION FOR IMMEDIATE APPLICATION.*—Sub-
 8 sections (a) and (b) *shall not apply to section 1105 and*
 9 *the amendments made by such section.*

10 ***TITLE I—FEDERAL-AID***
 11 ***HIGHWAYS***
 12 ***Subtitle A—Authorizations and***
 13 ***Program Conditions***

14 ***SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.***

15 (a) *IN GENERAL.*—*The following amounts are author-*
 16 *ized to be appropriated out of the Highway Trust Fund*
 17 *(other than the Mass Transit Account):*

18 (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*
 19 *national highway performance program under section*
 20 *119 of title 23, United States Code, the pre-disaster*
 21 *mitigation program under section 124 of such title,*
 22 *the railway crossings program under section 130 of*
 23 *such title, the surface transportation program under*
 24 *section 133 of such title, the highway safety improve-*
 25 *ment program under section 148 of such title, the con-*

1 *gestion mitigation and air quality improvement pro-*
 2 *gram under section 149 of such title, the national*
 3 *highway freight program under section 167 of such*
 4 *title, the carbon pollution reduction program under*
 5 *section 171 of such title, and metropolitan planning*
 6 *under section 134 of such title—*

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

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

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

10 *and*

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

12 *(2) TRANSPORTATION INFRASTRUCTURE FINANCE*
 13 *AND INNOVATION PROGRAM.—For credit assistance*
 14 *under the transportation infrastructure finance and*
 15 *innovation program under chapter 6 of title 23,*
 16 *United States Code, \$300,000,000 for each of fiscal*
 17 *years 2022 through 2025.*

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

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

1 (A) *TRIBAL TRANSPORTATION PROGRAM.*—
2 *For the tribal transportation program under sec-*
3 *tion 202 of title 23, United States Code,*
4 *\$800,000,000 for each of fiscal years 2022*
5 *through 2025.*

6 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
7 *GRAM.*—

8 (i) *IN GENERAL.*—*For the Federal*
9 *lands transportation program under section*
10 *203 of title 23, United States Code,*
11 *\$550,000,000 for each of fiscal years 2022*
12 *through 2025.*

13 (ii) *ALLOCATION.*—*Of the amount*
14 *made available for a fiscal year under*
15 *clause (i)—*

16 (I) *the amount for the National*
17 *Park Service is \$400,000,000 for each*
18 *of fiscal years 2022 through 2025;*

19 (II) *the amount for the United*
20 *States Fish and Wildlife Service is*
21 *\$50,000,000 for each of fiscal years*
22 *2022 through 2025; and*

23 (III) *the amount for the United*
24 *States Forest Service is \$50,000,000*

1 *for each of fiscal years 2022 through*
2 *2025.*

3 (C) *FEDERAL LANDS ACCESS PROGRAM.—*
4 *For the Federal lands access program under sec-*
5 *tion 204 of title 23, United States Code,*
6 *\$345,000,000 for each of fiscal years 2022*
7 *through 2025.*

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

12 (5) *TERRITORIAL AND PUERTO RICO HIGHWAY*
13 *PROGRAM.—For the territorial and Puerto Rico high-*
14 *way program under section 165 of title 23, United*
15 *States Code, \$310,000,000 for each of fiscal years*
16 *2022 through 2025.*

17 (6) *PROJECTS OF NATIONAL AND REGIONAL SIG-*
18 *NIFICANCE.—For projects of national and regional*
19 *significance under section 117 of title 23, United*
20 *States Code—*

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

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

23 (C) *\$2,300,000,000 for fiscal year 2024; and*

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

1 (7) *COMMUNITY TRANSPORTATION INVESTMENT*
 2 *GRANTS.—To carry out section 173 of title 23, United*
 3 *States Code, \$600,000,000 for each of fiscal years*
 4 *2022 through 2025.*

5 (8) *ELECTRIC VEHICLE CHARGING, NATURAL GAS*
 6 *FUELING, PROPANE FUELING, AND HYDROGEN FUEL-*
 7 *ING INFRASTRUCTURE GRANTS.—To carry out section*
 8 *151(f) of title 23, United States Code, \$350,000,000*
 9 *for each of fiscal years 2022 through 2025.*

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

14 (b) *ADDITIONAL PROGRAMS.—*

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

18 (A) *GRIDLOCK REDUCTION GRANT PRO-*
 19 *GRAM.—To carry out section 1306 of this Act,*
 20 *\$250,000,000 for fiscal year 2022.*

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

1 (C) *PARKING FOR COMMERCIAL MOTOR VE-*
 2 *HICLES.—To carry out section 1308 of this Act,*
 3 *\$250,000,000 for fiscal year 2023.*

4 (D) *ACTIVE TRANSPORTATION*
 5 *CONNECTIVITY GRANT PROGRAM.—To carry out*
 6 *section 1309 of this Act, \$250,000,000 for fiscal*
 7 *year 2024.*

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

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

15 (c) *DISADVANTAGED BUSINESS ENTERPRISES.—*

16 (1) *FINDINGS.—Congress finds that—*

17 (A) *despite the real improvements caused by*
 18 *the disadvantaged business enterprise program,*
 19 *minority- and women-owned businesses across*
 20 *the country continue to confront serious and sig-*
 21 *nificant obstacles to success caused by race and*
 22 *gender discrimination in the federally assisted*
 23 *surface transportation market and related mar-*
 24 *kets across the United States;*

1 (B) the continuing race and gender dis-
2 crimination described in subparagraph (A) mer-
3 its the continuation of the disadvantaged busi-
4 ness enterprise program;

5 (C) recently, the disparities cause by dis-
6 crimination against African American, His-
7 panic American, Asian American, Native Amer-
8 ican, and women business owners have been fur-
9 ther exacerbated by the coronavirus pandemic
10 and its disproportionate effects on minority- and
11 women-owned businesses across the nation;

12 (D) Congress has received and reviewed tes-
13 timony and documentation of race and gender
14 discrimination from numerous sources, including
15 congressional hearings and other investigative
16 activities, scientific reports, reports issued by
17 public and private agencies at every level of gov-
18 ernment, news reports, academic publications,
19 reports of discrimination by organizations and
20 individuals, and discrimination lawsuits, which
21 continue to demonstrate that race- and gender-
22 neutral efforts alone are insufficient to address
23 the problem;

24 (E) the testimony and documentation de-
25 scribed in subparagraph (D) demonstrate that

1 *discrimination across the United States poses an*
2 *injurious and enduring barrier to full and fair*
3 *participation in surface transportation-related*
4 *businesses of women business owners and minor-*
5 *ity business owners and has negatively affected*
6 *firm formation, development and success in*
7 *many aspects of surface transportation-related*
8 *business in the public and private markets; and*

9 *(F) the testimony and documentation de-*
10 *scribed in subparagraph (D) provide a clear pic-*
11 *ture of the inequality caused by discrimination*
12 *that continues to plague our nation and a strong*
13 *basis that there is a compelling need for the con-*
14 *tinuation of the disadvantaged business enter-*
15 *prise program to address race and gender dis-*
16 *crimination in surface transportation-related*
17 *business.*

18 *(2) DEFINITIONS.—In this subsection, the fol-*
19 *lowing definitions apply:*

20 *(A) SMALL BUSINESS CONCERN.—*

21 *(i) IN GENERAL.—The term “small*
22 *business concern” means a small business*
23 *concern (as the term is used in section 3 of*
24 *the Small Business Act (15 U.S.C. 632)).*

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

(B) *SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.*—The term “socially and economically disadvantaged individuals” has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) *AMOUNTS FOR SMALL BUSINESS CONCERNS.*—Except to the extent that the Secretary of Transportation determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, V, and VII of this division and section 403 of title 23, United States Code, shall

1 *be expended through small business concerns owned*
 2 *and controlled by socially and economically disadvan-*
 3 *taged individuals.*

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

6 (A) *survey and compile a list of the small*
 7 *business concerns referred to in paragraph (3) in*
 8 *the State, including the location of the small*
 9 *business concerns in the State; and*

10 (B) *notify the Secretary, in writing, of the*
 11 *percentage of the small business concerns that*
 12 *are controlled by—*

13 (i) *women;*

14 (ii) *socially and economically dis-*
 15 *advantaged individuals (other than*
 16 *women); and*

17 (iii) *individuals who are women and*
 18 *are otherwise socially and economically dis-*
 19 *advantaged individuals.*

20 (5) *UNIFORM CERTIFICATION.—*

21 (A) *IN GENERAL.—The Secretary of Trans-*
 22 *portation shall establish minimum uniform cri-*
 23 *teria for use by State governments in certifying*
 24 *whether a concern qualifies as a small business*
 25 *concern for the purpose of this subsection.*

1 (B) *INCLUSIONS.*—*The minimum uniform*
2 *criteria established under subparagraph (A) shall*
3 *include, with respect to a potential small busi-*
4 *ness concern—*

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

18 (6) *REPORTING.*—*The Secretary of Transpor-*
19 *tation shall establish minimum requirements for use*
20 *by State governments in reporting to the Secretary—*

21 (A) *information concerning disadvantaged*
22 *business enterprise awards, commitments, and*
23 *achievements; and*

24 (B) *such other information as the Secretary*
25 *determines to be appropriate for the proper mon-*

1 *itoring of the disadvantaged business enterprise*
 2 *program.*

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

13 (8) *SENSE OF CONGRESS ON PROMPT PAYMENT*
 14 *OF DBE SUBCONTRACTORS.—It is the sense of Con-*
 15 *gress that—*

16 (A) *the Secretary of Transportation should*
 17 *take additional steps to ensure that recipients*
 18 *comply with section 26.29 of title 49, Code of*
 19 *Federal Regulations (the disadvantaged business*
 20 *enterprises prompt payment rule), or any cor-*
 21 *responding regulation, in awarding federally*
 22 *funded transportation contracts under laws and*
 23 *regulations administered by the Secretary; and*

24 (B) *such additional steps should include in-*
 25 *creasing the Department of Transportation's*

1 *ability to track and keep records of complaints*
 2 *and to make that information publicly available.*

3 (d) *LIMITATION ON FINANCIAL ASSISTANCE FOR*
 4 *STATE-OWNED ENTERPRISES.—*

5 (1) *IN GENERAL.—Funds provided under this*
 6 *section may not be used in awarding a contract, sub-*
 7 *contract, grant, or loan to an entity that is owned or*
 8 *controlled by, is a subsidiary of, or is otherwise re-*
 9 *lated legally or financially to a corporation based in*
 10 *a country that—*

11 (A) *is identified as a nonmarket economy*
 12 *country (as defined in section 771(18) of the*
 13 *Tariff Act of 1930 (19 U.S.C. 1677(18))) as of*
 14 *the date of enactment of this Act;*

15 (B) *was identified by the United States*
 16 *Trade Representative in the most recent report*
 17 *required by section 182 of the Trade Act of 1974*
 18 *(19 U.S.C. 2242) as a priority foreign country*
 19 *under subsection (a)(2) of that section; and*

20 (C) *is subject to monitoring by the Trade*
 21 *Representative under section 306 of the Trade*
 22 *Act of 1974 (19 U.S.C. 2416).*

23 (2) *EXCEPTION.—For purposes of subparagraph*
 24 (A), *the term “otherwise related legally or finan-*

1 *cially” does not include a minority relationship or*
 2 *investment.*

3 (3) *INTERNATIONAL AGREEMENTS.—This para-*
 4 *graph shall be applied in a manner consistent with*
 5 *the obligations of the United States under inter-*
 6 *national agreements.*

7 **SEC. 1102. OBLIGATION LIMITATION.**

8 (a) *GENERAL LIMITATION.—Subject to subsection (e),*
 9 *and notwithstanding any other provision of law, the obliga-*
 10 *tions for Federal-aid highway and highway safety construc-*
 11 *tion programs shall not exceed—*

12 (1) *\$62,159,350,954 for fiscal year 2022;*

13 (2) *\$63,121,354,776 for fiscal year 2023;*

14 (3) *\$64,346,443,712 for fiscal year 2024; and*

15 (4) *\$65,180,125,186 for fiscal year 2025.*

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

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

19 (2) *section 147 of the Surface Transportation As-*
 20 *sistance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
 21 *2714);*

22 (3) *section 9 of the Federal-Aid Highway Act of*
 23 *1981 (95 Stat. 1701);*

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

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

7 (6) sections 1103 through 1108 of the *Intermodal*
8 *Surface Transportation Efficiency Act of 1991* (*Pub-*
9 *lic Law 102–240*);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (3) shall determine the proportion that—

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

15 (B) the total of—

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

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

24 (II) section 203 of title 23, United
 25 States Code, equal to the amount re-

1 ferred to in subsection (b)(14) for the
2 fiscal year; and

3 (III) section 133(d)(1)(B) of title
4 23, United States Code, equal to the
5 amount referred to in subsection
6 (b)(15) for the fiscal year; less

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

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

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

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

23 (5) shall distribute the obligation authority pro-
24 vided by subsection (a), less the aggregate amounts
25 not distributed under paragraphs (1) and (2) and the

1 *amounts distributed under paragraph (4), for Fed-*
 2 *eral-aid highway and highway safety construction*
 3 *programs that are apportioned by the Secretary*
 4 *under title 23, United States Code (other than the*
 5 *amounts apportioned for the surface transportation*
 6 *program in section 133(d)(1)(B) of title 23, United*
 7 *States Code, that are exempt from the limitation*
 8 *under subsection (b)(15) and the amounts appor-*
 9 *tioned under sections 202 and 204 of such title) in the*
 10 *proportion that—*

11 *(A) amounts authorized to be appropriated*
 12 *for the programs that are apportioned under title*
 13 *23, United States Code, to each State for the fis-*
 14 *cal year; bears to*

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

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

23 *(1) revise a distribution of the obligation author-*
 24 *ity made available under subsection (c) if an amount*

1 *distributed cannot be obligated during that fiscal*
 2 *year; and*

3 *(2) redistribute sufficient amounts to those States*
 4 *able to obligate amounts in addition to those pre-*
 5 *viously distributed during that fiscal year, giving pri-*
 6 *ority to those States having large unobligated bal-*
 7 *ances of funds apportioned under section 104 of title*
 8 *23, United States Code.*

9 *(e) SPECIAL LIMITATION.—*

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

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

16 *(B) the metro performance program under*
 17 *section 1305 of this Act.*

18 *(2) EXCEPTION.—Obligation authority made*
 19 *available under paragraph (1) shall—*

20 *(A) remain available for a period of 4 fiscal*
 21 *years; and*

22 *(B) be in addition to the amount of any*
 23 *limitation imposed on obligations for Federal-*
 24 *aid highway and highway safety construction*
 25 *programs for future fiscal years.*

1 (f) *LOP-OFF.*—

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

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

10 (B) the Secretary determines will not be al-
11 located to the States (or will not be apportioned
12 to the States under section 204 of title 23,
13 United States Code), and will not be available
14 for obligation, for the fiscal year because of the
15 imposition of any obligation limitation for the
16 fiscal year.

17 (2) *RATIO.*—Funds shall be distributed under
18 paragraph (1) in the same proportion as the distribu-
19 tion of obligation authority under subsection (c)(5).

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

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

2 *Section 101 of title 23, United States Code, is amend-*
 3 *ed—*

4 *(1) in subsection (a)—*

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

14 *(B) by inserting before paragraph (2), as so*
 15 *redesignated, the following:*

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

21 *(C) by inserting after paragraph (4), as so*
 22 *redesignated, the following:*

23 *“(5) CLIMATE CHANGE.—The term ‘climate*
 24 *change’ means any significant change in the measures*
 25 *of climate lasting for an extended period of time, and*
 26 *may include major changes in temperature, precipita-*

tion, wind patterns, or sea level, among others, that occur over several decades or longer.”;

(D) in paragraph (6)(A), as so redesignated, by inserting “assessing resilience,” after “surveying,”;

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

“(7) *CONTEXT SENSITIVE DESIGN PRINCIPLES.*—The term ‘context sensitive design principles’ means principles for the design of a public road that—

“(A) provides for the safe and adequate accommodation, in all phases of project planning, design, and development, transportation facilities for users, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles; and

“(B) considers the context in which the facility is planned to be constructed to determine the appropriate facility design.”;

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

“(9) *EVACUATION ROUTE.*—The term ‘evacuation route’ means a transportation route or system that—

“(A) is used to transport—

1 “(i) the public away from an emer-
2 gency event; or

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

5 “(B) is identified, consistent with sections
6 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the el-
7 igible entity with jurisdiction over the area in
8 which the route is located for the purposes de-
9 scribed in subparagraph (A).”;

10 (G) by inserting after paragraph (14), as so
11 redesignated, the following:

12 “(15) GREENHOUSE GAS.—The term ‘greenhouse
13 gas’ has the meaning given the term in section
14 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
15 7545(o)(1)(G)).”;

16 (H) by inserting after paragraph (21), as so
17 redesignated, the following:

18 “(22) NATURAL INFRASTRUCTURE.—

19 “(A) IN GENERAL.—The term ‘natural in-
20 frastructure’ means infrastructure that uses, re-
21 stores, or emulates natural ecological processes
22 that—

23 “(i) is created through the action of
24 natural physical, geological, biological, and
25 chemical processes over time;

1 “(ii) is created by human design, engi-
2 neering, and construction to emulate or act
3 in concert with natural processes; or

4 “(iii) involves the use of plants, soils,
5 and other natural features, including
6 through the creation, restoration, or preser-
7 vation of vegetated areas using materials
8 appropriate to the region to manage
9 stormwater and runoff, to attenuate flood-
10 ing and storm surges, and for other related
11 purposes.

12 “(B) INCLUSION.—The term ‘natural infra-
13 structure’ includes green infrastructure and na-
14 ture-based solutions.”;

15 (I) by inserting after paragraph (26), as so
16 redesignated, the following:

17 “(27) PROTECTIVE FEATURE.—

18 “(A) IN GENERAL.—The term ‘protective
19 feature’ means an improvement to a highway or
20 bridge designed to increase resilience or mitigate
21 the risk of recurring damage or the cost of future
22 repairs from climate change effects, extreme
23 events, seismic activity, or any other natural
24 disaster.

1 “(B) *INCLUSIONS.*—The term ‘protective
2 *feature*’ includes—

3 “(i) *raising roadway grades;*

4 “(ii) *relocating roadways to higher*
5 *ground above projected flood elevation levels*
6 *or away from slide prone areas;*

7 “(iii) *stabilizing slide areas;*

8 “(iv) *stabilizing slopes;*

9 “(v) *lengthening or raising bridges to*
10 *increase waterway openings;*

11 “(vi) *increasing the size or number of*
12 *drainage structures;*

13 “(vii) *replacing culverts with bridges*
14 *or upsizing culverts;*

15 “(viii) *installing seismic retrofits on*
16 *bridges;*

17 “(ix) *scour, stream stability, coastal,*
18 *and other hydraulic countermeasures; and*

19 “(x) *the use of natural infrastructure.”;*

20 (J) *by inserting after paragraph (29), as so*
21 *redesignated, the following:*

22 “(30) *REPEATEDLY DAMAGED FACILITY.*—The
23 term ‘*repeatedly damaged facility*’ means a road,
24 highway, or bridge that has required repair and re-
25 construction activities on 2 or more occasions due to

1 *natural disasters or catastrophic failures resulting in*
 2 *emergencies declared by the Governor of the State in*
 3 *which the road, highway, or bridge is located or emer-*
 4 *gencies or major disasters declared by the President*
 5 *under the Robert T. Stafford Disaster Relief and*
 6 *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

7 “(31) *RESILIENCE*.—

8 “(A) *IN GENERAL*.—The term ‘resilience’
 9 *means, with respect to a facility, the ability to—*

10 “(i) *anticipate, prepare for, or adapt*
 11 *to conditions; or*

12 “(ii) *withstand, respond to, or recover*
 13 *rapidly from disruptions.*

14 “(B) *INCLUSIONS*.—Such term includes,
 15 *with respect to a facility, the ability to—*

16 “(i) *resist hazards or withstand im-*
 17 *pacts from disruptions;*

18 “(ii) *reduce the magnitude, duration,*
 19 *or impact of a disruption; or*

20 “(iii) *have the absorptive capacity,*
 21 *adaptive capacity, and recoverability to de-*
 22 *crease vulnerability to a disruption.”;*

23 (K) *by inserting after paragraph (38), as so*
 24 *redesignated, the following:*

1 “(39) *TRANSPORTATION SYSTEM ACCESS.*—*The*
 2 *term ‘transportation system access’ means the ability*
 3 *to travel by automobile, public transportation, pedes-*
 4 *trian, and bicycle networks, measured by travel time,*
 5 *taking into consideration—*

6 “(A) *the impacts of the level of travel stress*
 7 *for non-motorized users;*

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

9 “(C) *the extent to which transportation ac-*
 10 *cess is impacted by zoning policies and land use*
 11 *planning practices that effect the affordability,*
 12 *elasticity, and diversity of the housing supply.”;*
 13 *and*

14 “(L) *by adding at the end the following:*

15 “(45) *TRANSPORTATION DEMAND MANAGEMENT;*
 16 *TDM.*—*The terms ‘transportation demand manage-*
 17 *ment’ and ‘TDM’ mean the use of strategies to inform*
 18 *and encourage travelers to maximize the efficiency of*
 19 *a transportation system leading to improved mobil-*
 20 *ity, reduced congestion, and lower vehicle emissions.*

21 “(46) *TRANSPORTATION DEMAND MANAGEMENT*
 22 *STRATEGIES.*—*The term ‘transportation demand*
 23 *management strategies’ means the use of planning,*
 24 *programs, policy, marketing, communications, incen-*
 25 *tives, pricing, and technology to shift travel mode,*

1 *routes used, departure times, number of trips, and lo-*
 2 *cation and design work space or public attractions.”;*
 3 *and*

4 *(2) in subsection (b)—*

5 *(A) in paragraph (1) by striking “Defense,”*
 6 *and inserting “Defense Highways,”;*

7 *(B) in paragraph (3)—*

8 *(i) in subparagraph (A) by striking*
 9 *“Century” and inserting “century”;*

10 *(ii) in subparagraph (G) by striking “;*
 11 *and” and inserting a semicolon;*

12 *(iii) in subparagraph (H) by striking*
 13 *“Century.” and inserting “century,”; and*

14 *(iv) by adding at the end the following:*

15 *“(I) safety is the highest priority of the De-*
 16 *partment of Transportation, and the Secretary*
 17 *and States should take all actions necessary to*
 18 *meet the transportation needs of the 21st century*
 19 *for all road users;*

20 *“(J) climate change presents a significant*
 21 *risk to safety, the economy, and national secu-*
 22 *rity, and reducing the contributions of the trans-*
 23 *portation system to the Nation’s total carbon*
 24 *pollution is critical; and*

1 “(K) the Secretary and States should take
 2 appropriate measures and ensure investments to
 3 increase the resilience of the Nation’s transpor-
 4 tation system.”; and

5 (C) in paragraph (4)(A) by inserting
 6 “while ensuring that environmental protections
 7 are maintained” after “review process”.

8 **SEC. 1104. APPORTIONMENT.**

9 (a) *IN GENERAL.*—Section 104 of title 23, United
 10 States Code, is amended—

11 (1) in subsection (a)(1) by striking subpara-
 12 graphs (A) through (E) and inserting the following:

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

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

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

16 and

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

18 (2) by striking subsections (b) and (c) and in-
 19 serting the following:

20 “(b) *DIVISION AMONG PROGRAMS OF STATE’S SHARE*
 21 *OF APPORTIONMENT.*—The Secretary shall distribute the
 22 amount apportioned to a State for a fiscal year under sub-
 23 section (c) among the covered programs as follows:

24 “(1) *NATIONAL HIGHWAY PERFORMANCE PRO-*
 25 *GRAM.*—For the national highway performance pro-

1 *gram, 55.09 percent of the amount remaining after*
 2 *distributing amounts under paragraphs (4), (6), and*
 3 *(7).*

4 *“(2) SURFACE TRANSPORTATION PROGRAM.—For*
 5 *the surface transportation program, 28.43 percent of*
 6 *the amount remaining after distributing amounts*
 7 *under paragraphs (4), (6), and (7).*

8 *“(3) HIGHWAY SAFETY IMPROVEMENT PRO-*
 9 *GRAM.—For the highway safety improvement pro-*
 10 *gram, 6.19 percent of the amount remaining after*
 11 *distributing amounts under paragraphs (4), (6), and*
 12 *(7).*

13 *“(4) CONGESTION MITIGATION AND AIR QUALITY*
 14 *IMPROVEMENT PROGRAM.—*

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

19 *“(B) TOTAL AMOUNT.—The total amount*
 20 *for the congestion mitigation and air quality im-*
 21 *provement program for all States shall be—*

22 *“(i) \$2,913,925,833 for fiscal year*
 23 *2022;*

24 *“(ii) \$2,964,919,535 for fiscal year*
 25 *2023;*

1 “(iii) \$3,024,217,926 for fiscal year
2 2024; and

3 “(iv) \$3,078,653,849 for fiscal year
4 2025.

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

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

15 “(ii) the total amount of funds appor-
16 tioned to all States for such program for fis-
17 cal year 2020.

18 “(5) *NATIONAL HIGHWAY FREIGHT PROGRAM*.—
19 For the national highway freight program, 3.38 per-
20 cent of the amount remaining after distributing
21 amounts under paragraphs (4), (6), and (7).

22 “(6) *METROPOLITAN PLANNING*.—

23 “(A) *IN GENERAL*.—For metropolitan plan-
24 ning, an amount determined for the State under
25 subparagraphs (B) and (C).

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

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

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

6 “(iii) \$526,708,875 for fiscal year
 7 2024; and

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

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

14 “(i) *the amount apportioned to the*
 15 *State for metropolitan planning for fiscal*
 16 *year 2020; bears to*

17 “(ii) *the total amount of funds appor-*
 18 *tioned to all States for metropolitan plan-*
 19 *ning for fiscal year 2020.*

20 “(7) *RAILWAY CROSSINGS.*—

21 “(A) *IN GENERAL.*—*For the railway cross-*
 22 *ings program, an amount determined for the*
 23 *State under subparagraphs (B) and (C).*

24 “(B) *TOTAL AMOUNT.*—*The total amount*
 25 *for the railway crossings program for all States*

1 *shall be \$245,000,000 for each of fiscal years*
2 *2022 through 2025.*

3 “(C) *STATE SHARE.*—

4 “(i) *IN GENERAL.*—*For each fiscal*
5 *year, the Secretary shall distribute among*
6 *the States the amount for the railway cross-*
7 *ings program under subparagraph (B) as*
8 *follows:*

9 “(I) *50 percent of the amount for*
10 *a fiscal year shall be apportioned to*
11 *States by the formula set forth in sec-*
12 *tion 104(b)(3)(A) (as in effect on the*
13 *day before the date of enactment of*
14 *MAP–21).*

15 “(II) *50 percent of the amount for*
16 *a fiscal year shall be apportioned to*
17 *States in the ratio that total public*
18 *railway-highway crossings in each*
19 *State bears to the total of such cross-*
20 *ings in all States.*

21 “(ii) *MINIMUM APPORTIONMENT.*—*Not-*
22 *withstanding clause (i), for each fiscal year,*
23 *each State shall receive a minimum of one-*
24 *half of 1 percent of the total amount for the*

1 *railway crossings program for such fiscal*
 2 *year under subparagraph (B).*

3 “(8) *PREDISASTER MITIGATION PROGRAM.*—*For*
 4 *the predisaster mitigation program, 2.96 percent of*
 5 *the amount remaining after distributing amounts*
 6 *under paragraphs (4), (6), and (7).*

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

11 “(c) *CALCULATION OF AMOUNTS.*—

12 “(1) *STATE SHARE.*—*For each of fiscal years*
 13 *2022 through 2025, the amount for each State shall*
 14 *be determined as follows:*

15 “(A) *INITIAL AMOUNTS.*—*The initial*
 16 *amounts for each State shall be determined by*
 17 *multiplying—*

18 “(i) *the combined amount authorized*
 19 *for appropriation for the fiscal year for the*
 20 *covered programs; by*

21 “(ii) *the share for each State, which*
 22 *shall be equal to the proportion that—*

23 “(I) *the amount of apportion-*
 24 *ments that the State received for fiscal*
 25 *year 2020; bears to*

1 “(II) the amount of those appor-
 2 tionments received by all States for fis-
 3 cal year 2020.

4 “(B) ADJUSTMENTS TO AMOUNTS.—The ini-
 5 tial amounts resulting from the calculation
 6 under subparagraph (A) shall be adjusted to en-
 7 sure that each State receives an aggregate appor-
 8 tionment equal to at least 95 percent of the esti-
 9 mated tax payments attributable to highway
 10 users in the State paid into the Highway Trust
 11 Fund (other than the Mass Transit Account) in
 12 the most recent fiscal year for which data are
 13 available.

14 “(2) STATE APPORTIONMENT.—On October 1 of
 15 fiscal years 2022 through 2025, the Secretary shall
 16 apportion the sums authorized to be appropriated for
 17 expenditure on the covered programs in accordance
 18 with paragraph (1).”;

19 (3) in subsection (d)(1)(A)—

20 (A) in clause (i) by striking “paragraphs
 21 (5)(D) and (6) of subsection (b)” and inserting
 22 “subsection (b)(6)”; and

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

1 (4) by striking subsections (h) and (i) and in-
 2 serting the following:

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

5 “(1) the national highway performance program
 6 under section 119;

7 “(2) the surface transportation program under
 8 section 133;

9 “(3) the highway safety improvement program
 10 under section 148;

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

13 “(5) the national highway freight program under
 14 section 167;

15 “(6) metropolitan planning under section 134;

16 “(7) the railway crossings program under section
 17 130;

18 “(8) the predisaster mitigation program under
 19 section 124; and

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

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

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

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

2 (c) *METROPOLITAN TRANSPORTATION PLANNING*;
 3 *TITLE 23.—Section 134(p) of title 23, United States Code,*
 4 *is amended by striking “paragraphs (5)(D) and (6) of sec-*
 5 *tion 104(b)” and inserting “section 104(b)(6)”.*

6 (d) *STATEWIDE AND NONMETROPOLITAN TRANSPOR-*
 7 *TATION PLANNING.—Section 135(i) of title 23, United*
 8 *States Code, is amended by striking “paragraphs (5)(D)*
 9 *and (6) of section 104(b)” and inserting “section*
 10 *104(b)(6)”.*

11 (e) *METROPOLITAN TRANSPORTATION PLANNING*;
 12 *TITLE 49.—Section 5303(p) of title 49, United States Code,*
 13 *is amended by striking “section 104(b)(5)” and inserting*
 14 *“section 104(b)(6)”.*

15 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
 16 **FUND.**

17 *Section 105 of title 23, United States Code, is amend-*
 18 *ed—*

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

21 (2) in subsection (c)—

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

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

25 “(4) *SPECIAL RULE.—*

1 “(A) *ADJUSTMENT.*—*In making an adjust-*
2 *ment under paragraph (1) for an allocation, res-*
3 *ervation, or set-aside from an amount authorized*
4 *from the Highway Account or Mass Transit Ac-*
5 *count described in subparagraph (B), the Sec-*
6 *retary shall—*

7 “(i) *determine the ratio that—*

8 “(I) *the amount authorized to be*
9 *appropriated for the allocation, res-*
10 *ervation, or set-aside from the account*
11 *for the fiscal year; bears to*

12 “(II) *the total amount authorized*
13 *to be appropriated for such fiscal year*
14 *for all programs under such account;*

15 “(ii) *multiply the ratio determined*
16 *under clause (i) by the amount of the ad-*
17 *justment determined under subsection*
18 *(b)(1)(B); and*

19 “(iii) *adjust the amount that the Sec-*
20 *retary would have allocated for the alloca-*
21 *tion, reservation, or set-aside for such fiscal*
22 *year but for this section by the amount cal-*
23 *culated under clause (ii).*

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

4 “(i) *from the amount made available*
 5 *for a fiscal year for the Federal lands trans-*
 6 *portation program under section 203, the*
 7 *amounts allocated for a fiscal year for the*
 8 *National Park Service, the United States*
 9 *Fish and Wildlife Service, and the United*
 10 *States Forest Service;*

11 “(ii) *the amount made available for*
 12 *the Puerto Rico highway program under*
 13 *section 165(a)(1); and*

14 “(iii) *the amount made available for*
 15 *the territorial highway program under sec-*
 16 *tion 165(a)(2).”;*

17 (3) *in subsection (e)—*

18 (A) *by striking “There is authorized” and*
 19 *inserting “For fiscal year 2022 and each fiscal*
 20 *year thereafter, there is authorized”;* and

21 (B) *by striking “for any of fiscal years*
 22 *2017 through 2020”;* and

23 (4) *in subsection (f)(1) by striking “section 1102*
 24 *or 3018 of the FAST Act” and inserting “any other*
 25 *provision of law”.*

1 **SEC. 1106. TRANSPARENCY.**

2 (a) *APPORTIONMENT.*—Section 104 of title 23, United
3 States Code, is amended by striking subsection (g) and in-
4 serting the following:

5 “(g) *HIGHWAY TRUST FUND TRANSPARENCY AND AC-*
6 *COUNTABILITY REPORTS.*—

7 “(1) *REQUIREMENT.*—

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

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

17 “(2) *PROJECT DATA.*—

18 “(A) *IN GENERAL.*—Not later than 120
19 days after the end of each fiscal year, the Sec-
20 retary shall make available on the website of the
21 Department of Transportation a report that de-
22 scribes—

23 “(i) the location of each active project
24 within each State during such fiscal year,
25 including in which congressional district or
26 districts such project is located;

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

2 “(iii) the amount of Federal funding
3 obligated for such project;

4 “(iv) the program or programs from
5 which Federal funds have been obligated for
6 such project;

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

9 “(I) less than 5,000 individuals;

10 “(II) 5,000 or more individuals
11 but less than 50,000 individuals;

12 “(III) 50,000 or more individuals
13 but less than 200,000 individuals; or

14 “(IV) 200,000 or more individ-
15 uals;

16 “(vi) whether such project is located in
17 an area of persistent poverty, as defined in
18 section 172(l);

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

22 “(I) a road reconstruction project;

23 “(II) a new road construction
24 project;

1 “(III) a new bridge construction
2 project;

3 “(IV) a bridge rehabilitation
4 project; or

5 “(V) a bridge replacement project;
6 and

7 “(viii) the functional classification of
8 the roadway on which such project is lo-
9 cated.

10 “(B) *INTERACTIVE MAP.*—In addition to the
11 data made available under subparagraph (A),
12 the Secretary shall make available on the website
13 of the Department of Transportation an inter-
14 active map that displays, for each active project,
15 the information described in clauses (i) through
16 (v) of subparagraph (A).

17 “(3) *STATE DATA.*—

18 “(A) *APPORTIONED AND ALLOCATED PRO-*
19 *GRAMS.*—The website described in paragraph
20 (2)(A) shall be updated annually to display the
21 Federal-aid highway funds apportioned and allo-
22 cated to each State under this title, including—

23 “(i) the amount of funding available
24 for obligation by the State, including prior

1 *unobligated balances, at the start of the fis-*
 2 *cal year;*

3 *“(ii) the amount of funding obligated*
 4 *by the State during such fiscal year;*

5 *“(iii) the amount of funding remain-*
 6 *ing available for obligation by the State at*
 7 *the end of such fiscal year; and*

8 *“(iv) changes in the obligated, unex-*
 9 *pended balance for the State.*

10 *“(B) PROGRAMMATIC DATA.—The data de-*
 11 *scribed in subparagraph (A) shall include—*

12 *“(i) the amount of funding by each ap-*
 13 *portioned and allocated program for which*
 14 *the State received funding under this title;*

15 *“(ii) the amount of funding transferred*
 16 *between programs by the State during the*
 17 *fiscal year using the authority provided*
 18 *under section 126; and*

19 *“(iii) the amount and program cat-*
 20 *egory of Federal funds exchanged as de-*
 21 *scribed in section 106(g)(6).*

22 *“(4) DEFINITIONS.—In this subsection:*

23 *“(A) ACTIVE PROJECT.—*

24 *“(i) IN GENERAL.—The term ‘active*
 25 *project’ means a Federal-aid highway*

1 *project using funds made available under*
 2 *this title on which those funds were obli-*
 3 *gated or expended during the fiscal year for*
 4 *which the estimated total cost as of the start*
 5 *of construction is greater than \$5,000,000.*

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

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

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

19 (b) *PROJECT APPROVAL AND OVERSIGHT.*—*Section*
 20 *106 of title 23, United States Code, is amended—*

21 *(1) in subsection (g)—*

22 *(A) in paragraph (4) by striking subpara-*
 23 *graph (B) and inserting the following:*

24 “(B) *ASSISTANCE TO STATES.*—*The Sec-*
 25 *retary shall—*

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

4 “(ii) provide training, guidance, and
5 other assistance to States and subrecipients
6 as needed to ensure that projects adminis-
7 tered by subrecipients comply with the re-
8 quirements 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 Fed-
17 eral funds allocated to such subrecipient in accord-
18 ance with the requirements of this title for State or
19 local funds if the State certifies to the Secretary that
20 the State has prevailing wage and domestic content
21 requirements that are comparable to the requirements
22 under sections 113 and 313 and that such require-
23 ments shall apply to projects carried out using such
24 funds if such projects would have been subject to the

1 *requirements of sections 113 and 313 if such projects*
 2 *were carried out using Federal 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 assist-*
 17 *ance under this title for such megaproject shall submit*
 18 *to the Secretary a comprehensive risk management*
 19 *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 sub-
3 paragraph (A);

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

5 “(D) such assurances as the Secretary deter-
6 mines appropriate that the recipient shall, with
7 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 and
12 unknown risks.

13 “(2) *PEER REVIEW GROUP.*—

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

24 “(B) *MEMBERSHIP.*—

1 “(i) *IN GENERAL.*—Not later than 180
2 *days after the date of enactment of this sub-*
3 *section, the Secretary shall establish guide-*
4 *lines describing how a recipient described in*
5 *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 review*
24 *group and not later than 90 days after the*
25 *date of any significant change, as deter-*

1 mined by the Secretary, to the scope, sched-
 2 ule, or budget of the megaproject, review the
 3 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 under
 16 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 “(l) *SPECIAL EXPERIMENTAL PROJECTS*.—

20 “(1) *PUBLIC AVAILABILITY*.—The Secretary shall
 21 publish on the website of the Department of Transpor-
 22 tation a copy of all letters of interest, proposals,
 23 workplans, and reports related to the special experi-
 24 mental project authority pursuant to section 502(b).
 25 The Secretary shall redact confidential business infor-

1 *mation, as necessary, from any such information*
2 *published.*

3 “(2) *NOTIFICATION AND OPPORTUNITY FOR COM-*
4 *MENT.—Not later than 30 days before making a de-*
5 *termination to proceed with an experiment under a*
6 *letter of interest described in paragraph (1), the Sec-*
7 *retary shall provide notification and an opportunity*
8 *for public comment on the letter of interest and the*
9 *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 Envi-*
15 *ronment and Public Works of the Senate a report that*
16 *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 AND*
23 *ACCOUNTABILITY.—*

24 “(1) *IN GENERAL.—To ensure the accountability*
25 *and oversight of the discretionary grant selection*

1 *process administered by the Secretary, a covered pro-*
2 *gram shall be subject to the requirements of this sec-*
3 *tion, in addition to the requirements applicable to*
4 *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 con-*
11 *siderations established for the applicable*
12 *covered program;*

13 “(B) *create a data driven process to evalu-*
14 *ate, as set forth in the covered program, each eli-*
15 *gible project for which an application is received;*
16 *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 pro-*
21 *gram.*

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

1 *Representatives and the Committee on the Environ-*
2 *ment and Public Works of the Senate of—*

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

5 *“(B) a description of the review process;*

6 *“(C) for each application, the determination*
7 *made under paragraph (2)(C); and*

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

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

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

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

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

5 “(6) *TEMPLATE.*—*The Secretary shall, to the ex-*
 6 *tent practicable, develop a template as described in*
 7 *paragraph (2)(A) for any discretionary program ad-*
 8 *ministered by the Secretary that is not a covered pro-*
 9 *gram.*

10 “(7) *COVERED PROGRAM DEFINED.*—*The term*
 11 *‘covered program’ means each of the following discre-*
 12 *tionary grant programs:*

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

15 “(B) *Electric vehicle charging and hydrogen*
 16 *fueling infrastructure grants under section*
 17 *151(f).*

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

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

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

1 *troller General of the United States shall submit to Congress*
 2 *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 insert-*
 23 *ing “DESIGN CRITERIA FOR THE INTERSTATE*
 24 *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 this
 5 title, of the plans, specifications, and estimates
 6 for actual construction of such project” and in-
 7 serting “the existing and future operational per-
 8 formance 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 pe-
 13 riod 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-NHS
 19 PROJECTS.—

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

22 “(A) be designed, constructed, operated, and
 23 maintained in accordance with State laws, regu-
 24 lations, directives, safety standards, design
 25 standards, and construction standards; and

1 “(B) take into consideration context sen-
2 sitive design principles.

3 “(2) *DESIGN FLEXIBILITY*.—

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

10 “(i) the deviation is approved by the
11 Secretary; and

12 “(ii) the design complies with all other
13 applicable Federal laws.

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

19 “(C) *PROGRAMMATIC BASIS*.—The Secretary
20 may approve a deviation under this paragraph
21 on a project, multiple project, or programmatic
22 basis.”; and

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

24 “(s) *CONTEXT SENSITIVE DESIGN*.—

1 “(1) *CONTEXT SENSITIVE DESIGN PRINCIPLES.*—
2 *The Secretary shall collaborate with the American As-*
3 *sociation of State Highway Transportation Officials*
4 *to ensure that any roadway design publications ap-*
5 *proved by the Secretary under this section provide*
6 *adequate flexibility for a project sponsor to select the*
7 *appropriate design of a roadway, consistent with con-*
8 *text sensitive design principles.*

9 “(2) *POLICIES OR PROCEDURES.*—

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

17 “(B) *LOCAL GOVERNMENTS.*—*The Secretary*
18 *and States shall encourage local governments to*
19 *adopt policies or procedures described under sub-*
20 *paragraph (A).*

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

25 “(3) *GUIDANCE.*—

1 “(A) *IN GENERAL.*—

2 “(i) *NOTICE.*—Not later than 1 year
3 after the date of enactment of this sub-
4 section, the Secretary shall publish guidance
5 on the official website of the Department of
6 Transportation on context sensitive design.

7 “(ii) *PUBLIC REVIEW AND COMMENT.*—
8 The guidance described in this paragraph
9 shall be finalized following an opportunity
10 for public review and comment.

11 “(iii) *UPDATE.*—The Secretary shall
12 periodically update the guidance described
13 in this paragraph, including the model poli-
14 cies or procedures described under subpara-
15 graph (B)(v).

16 “(B) *REQUIREMENTS.*—The guidance de-
17 scribed in this paragraph shall—

18 “(i) provide best practices for States,
19 metropolitan planning organizations, re-
20 gional transportation planning organiza-
21 tions, local governments, or other project
22 sponsors to carry out context sensitive de-
23 sign principles;

24 “(ii) identify opportunities to modify
25 planning, scoping, design, and development

1 *procedures to more effectively combine*
2 *modes of transportation into integrated fa-*
3 *cilities that meet the needs of each of such*
4 *modes of transportation in an appropriate*
5 *balance;*

6 “(iii) *identify metrics to assess the*
7 *context of the facility, including sur-*
8 *rounding land use or roadside characteris-*
9 *tics;*

10 “(iv) *assess the expected operational*
11 *and safety performance of alternative ap-*
12 *proaches to facility design; and*

13 “(v) *taking into consideration the find-*
14 *ings of this guidance, establish model poli-*
15 *cies or procedures for a State or other*
16 *project sponsor to evaluate the context of a*
17 *proposed facility and select the appropriate*
18 *facility design for the context.*

19 “(C) *TOPICS OF EMPHASIS.—In publishing*
20 *the guidance described in this paragraph, the*
21 *Secretary shall emphasize—*

22 “(i) *procedures for identifying the*
23 *needs of users of all ages and abilities of a*
24 *particular roadway;*

1 “(ii) procedures for identifying the
2 types and designs of facilities needed to
3 serve various modes of transportation;

4 “(iii) safety and other benefits pro-
5 vided by carrying out context sensitive de-
6 sign principles;

7 “(iv) common barriers to carrying out
8 context sensitive design principles;

9 “(v) procedures for overcoming the
10 most common barriers to carrying out con-
11 text sensitive design principles;

12 “(vi) procedures for identifying the
13 costs associated with carrying out context
14 sensitive design principles;

15 “(vii) procedures for maximizing local
16 cooperation in the introduction of context
17 sensitive design principles and carrying out
18 those principles; and

19 “(viii) procedures for assessing and
20 modifying the facilities and operational
21 characteristics of existing roadways to im-
22 prove consistency with context sensitive de-
23 sign principles.

24 “(4) *FUNDING.*—Amounts made available under
25 sections 104(b)(6) and 505 of this title may be used

1 *for States, local governments, metropolitan planning*
 2 *organizations, or regional transportation planning*
 3 *organizations to adopt policies or procedures to evalu-*
 4 *ate the context of a proposed roadway and select the*
 5 *appropriate design, consistent with context sensitive*
 6 *design principles.”.*

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

9 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
 10 **SHARE.**

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

13 (1) *by striking clauses (i) and (ii) and inserting*
 14 *the following:*

15 “(i) *prefabricated bridge elements and*
 16 *systems, innovative materials, and other*
 17 *technologies to reduce bridge construction*
 18 *time, extend service life, and reduce preser-*
 19 *vation costs, as compared to conventionally*
 20 *designed and constructed bridges;*

21 “(ii) *innovative construction equip-*
 22 *ment, materials, techniques, or practices,*
 23 *including the use of in-place recycling tech-*
 24 *nology, digital 3-dimensional modeling tech-*

1 nologies, and advanced digital construction
2 management systems;”;

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

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

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

6 “(vi) innovative pavement materials
7 that demonstrate reductions in greenhouse
8 gas emissions through sequestration or inno-
9 vative manufacturing processes; or”.

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

13 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
14 **FUNDS.**

15 Section 126(b) of title 23, United States Code, is
16 amended—

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

19 (2) in paragraph (1) by striking “and
20 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
21 133(h), 149, and 171”; and

22 (3) by striking paragraph (2) and inserting the
23 following:

24 “(2) *ENVIRONMENTAL PROGRAMS.*—With respect
25 to an apportionment under either paragraph (4) or

1 *paragraph (9) of section 104(b), and notwithstanding*
 2 *paragraph (1), a State may only transfer not more*
 3 *than 50 percent from the amount of the apportion-*
 4 *ment of either such paragraph to the apportionment*
 5 *under the other such paragraph in a fiscal year.”.*

6 **SEC. 1110. TOLLING.**

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

10 *(1) in subsection (a)—*

11 *(A) by striking paragraph (1) and inserting*
 12 *the following:*

13 *“(1) IN GENERAL.—*

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

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

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

1 *System) and conversion of that highway,*
2 *bridge, or tunnel to a tolled facility, if the*
3 *number of toll-free lanes, excluding auxil-*
4 *iary lanes, after the construction is not less*
5 *than the number of toll-free lanes, excluding*
6 *auxiliary lanes, before the construction;*

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

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 a*
22 *toll-free bridge or tunnel and conversion of*
23 *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 the*
 2 *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 non-*
 6 *HOV lanes, excluding auxiliary lanes, after*
 7 *reconstruction, restoration, or rehabilitation*
 8 *is not less than the number of toll-free non-*
 9 *HOV lanes, excluding auxiliary lanes, be-*
 10 *fore reconstruction, restoration, or rehabili-*
 11 *tation;*

12 “(viii) *conversion of a high occupancy*
 13 *vehicle lane on a highway, bridge, or tunnel*
 14 *to a toll facility, subject to the requirements*
 15 *of section 166; and*

16 “(ix) *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 sub-*
 23 *section, the public authority with jurisdic-*
 24 *tion over a highway, bridge, or tunnel shall*
 25 *enter into an agreement with the Secretary*

1 to ensure compliance with the requirements
2 of this subsection.

3 “(ii) *APPLICABILITY.*—

4 “(I) *IN GENERAL.*—The require-
5 ments of this subparagraph shall apply
6 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 or
19 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 the*
9 *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 or*
18 *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 im-*
11 *prove 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 subpara-*
21 *graph shall limit a public authority from*
22 *meeting the requirements of this subpara-*
23 *graph through the environmental review*
24 *process, as applicable.*

25 “(E) *CONGESTION PRICING.—*

1 “(i) *IN GENERAL.*—*The Secretary may*
2 *authorize conversion of a non-tolled lane on*
3 *the National Highway System to a toll fa-*
4 *ility to utilize pricing to manage the de-*
5 *mand to use the facility by varying the toll*
6 *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 en-*
11 *sure (in addition to the requirements under*
12 *subparagraphs (B), (C), and (D)) that such*
13 *toll facility and the planned investments to*
14 *improve public transportation or other non-*
15 *tolled alternatives in the corridor are rea-*
16 *sonably expected to improve the operation of*
17 *the cordon or corridor, as described in*
18 *clauses (iii) and (iv).*

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

23 “(I) *establish, monitor, and sup-*
24 *port a performance monitoring, eval-*
25 *uation, and reporting program—*

1 “(aa) for the toll facility that
2 provides for continuous moni-
3 toring, assessment, and reporting
4 on the impacts that the pricing
5 structure may have on the oper-
6 ation of the facility; and

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

13 “(II) submit to the Secretary an-
14 nual reports of the impacts described
15 in subclause (I); and

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

23 “(iv) DETERMINATION.—

24 “(I) DEGRADED OPERATION.—For
25 purposes of clause (iii)(III), the oper-

1 *ation of a toll facility shall be consid-*
 2 *ered to be degraded if vehicles oper-*
 3 *ating on the facility are failing to*
 4 *maintain a minimum average oper-*
 5 *ating speed 90 percent of the time over*
 6 *a consecutive 180-day period during*
 7 *peak hour periods.*

8 *“(II) DEGRADED CORRIDOR OR*
 9 *CORDON.—For the purposes of clause*
 10 *(iii)(III), a corridor or cordon shall be*
 11 *considered to be degraded if congestion*
 12 *pricing or investments to improve pub-*
 13 *lic transportation or other non-tolled*
 14 *alternatives have not resulted in—*

15 *“(aa) an increase in person*
 16 *or freight throughput in the cor-*
 17 *ridor or cordon; or*

18 *“(bb) a reduction in person*
 19 *hours of delay in the corridor or*
 20 *cordon, as determined by the Sec-*
 21 *retary.*

22 *“(III) DEFINITION OF MINIMUM*
 23 *AVERAGE OPERATING SPEED.—In this*
 24 *subparagraph, the term ‘minimum av-*
 25 *erage operating speed’ means—*

1 “(aa) 35 miles per hour, in
 2 the case of a toll facility with a
 3 speed limit of 45 miles per hour
 4 or greater; and

5 “(bb) not more than 10 miles
 6 per hour below the speed limit, in
 7 the case of a toll facility with a
 8 speed limit of less than 50 miles
 9 per hour.

10 “(v) MAINTENANCE OF OPERATING
 11 PERFORMANCE.—

12 “(I) IN GENERAL.—Not later than
 13 180 days after the date on which a fa-
 14 cility or a corridor or cordon becomes
 15 degraded under clause (iv), the public
 16 authority with jurisdiction over the fa-
 17 cility shall submit to the Secretary for
 18 approval a plan that details the ac-
 19 tions the public authority will take to
 20 make significant progress toward
 21 bringing the facility or corridor or cor-
 22 don into compliance with this subpara-
 23 graph.

24 “(II) NOTICE OF APPROVAL OR
 25 DISAPPROVAL.—Not later than 60 days

1 *after the date of receipt of a plan*
2 *under subclause (I), the Secretary shall*
3 *provide to the public authority a writ-*
4 *ten notice indicating whether the Sec-*
5 *retary has approved or disapproved the*
6 *plan based on a determination of*
7 *whether the implementation of the plan*
8 *will make significant progress toward*
9 *bringing the facility or corridor or cor-*
10 *don into compliance with this subpara-*
11 *graph.*

12 “(III) *UPDATE.*—Until the date
13 *on which the Secretary determines that*
14 *the public authority has brought the fa-*
15 *cility or corridor or cordon into com-*
16 *pliance with this subparagraph, the*
17 *public authority shall submit annual*
18 *updates that describe—*

19 “(aa) *the actions taken to*
20 *bring the facility into compliance;*

21 “(bb) *the actions taken to*
22 *bring the corridor or cordon into*
23 *compliance; and*

24 “(cc) *the progress made by*
25 *those actions.*

1 “(IV) *COMPLIANCE.*—If a public
 2 *authority fails to bring a facility into*
 3 *compliance under this subparagraph,*
 4 *the Secretary may subject the public*
 5 *authority to appropriate program*
 6 *sanctions under section 1.36 of title 23,*
 7 *Code of Federal Regulations (or suc-*
 8 *cessor regulations), until the perform-*
 9 *ance is no longer degraded.*

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

18 “(vii) *INCLUSION.*—For the purposes of
 19 *this paragraph, the corridor or cordon shall*
 20 *include toll-free facilities that are adjacent*
 21 *to the toll facility.”;*

22 *(B) in paragraph (3)—*

23 *(i) in subparagraph (A)—*

24 *(I) in clause (iv) by striking*
 25 *“and” at the end; and*

1 (II) by striking clause (v) and in-
2 serting the following:

3 “(v) any project eligible under this
4 title or chapter 53 of title 49 that improves
5 the operation of the corridor or cordon by
6 increasing person or freight throughput and
7 reducing person hours of delay;

8 “(vi) toll discounts or rebates for users
9 of the toll facility that have no reasonable
10 alternative transportation method to the toll
11 facility; and

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

23 (ii) by striking subparagraph (B) and
24 inserting the following:

25 “(B) TRANSPARENCY.—

1 “(i) *ANNUAL AUDIT.*—

2 “(I) *IN GENERAL.*—A public au-
 3 thority with jurisdiction over a toll fa-
 4 cility shall conduct or have an inde-
 5 pendent auditor conduct an annual
 6 audit of toll facility records to verify
 7 adequate maintenance and compliance
 8 with subparagraph (A), and report the
 9 results of the audits to the Secretary.

10 “(II) *RECORDS.*—On reasonable
 11 notice, the public authority shall make
 12 all records of the public authority per-
 13 taining to the toll facility available for
 14 audit by the Secretary.

15 “(ii) *USE OF REVENUES.*—A State or
 16 public authority that obligates amounts
 17 under clauses (v), (vi), or (vii) of subpara-
 18 graph (A) shall annually report to the Sec-
 19 retary a list of activities funded with such
 20 amounts and the amount of funding pro-
 21 vided for each such activity.”;

22 (C) in paragraph (8) by striking “as of the
 23 date of enactment of the MAP–21, before com-
 24 mencing any activity authorized” and inserting
 25 “, before commencing any activity authorized”;

1 (D) in paragraph (9)—

2 (i) by striking “bus” and inserting
3 “vehicle”; and

4 (ii) by striking “buses” and inserting
5 “vehicles”; and

6 (E) by striking paragraph (10) and insert-
7 ing the following:

8 “(10) *INTEROPERABILITY OF ELECTRONIC TOLL*
9 *COLLECTION.*—All toll facilities on Federal-aid high-
10 ways shall provide for the regional interoperability of
11 electronic toll collection, including through tech-
12 nologies or business practices.

13 “(11) *NONCOMPLIANCE.*—If the Secretary con-
14 cludes that a public authority has not complied with
15 the requirements of this subsection, the Secretary may
16 require the public authority to discontinue collecting
17 tolls until the public authority and the Secretary
18 enter into an agreement for the public authority to
19 achieve compliance with such requirements.

20 “(12) *DEFINITIONS.*—In this subsection, the fol-
21 lowing definitions apply:

22 “(A) *FEDERAL PARTICIPATION.*—The term
23 ‘Federal participation’ means the use of funds
24 made available under this title.

1 “(B) *HIGH OCCUPANCY VEHICLE; HOV.*—
 2 *The term ‘high occupancy vehicle’ or ‘HOV’*
 3 *means a vehicle with not fewer than 2 occupants.*

4 “(C) *INITIAL CONSTRUCTION.*—

5 “(i) *IN GENERAL.*—*The term ‘initial*
 6 *construction’ means the construction of a*
 7 *highway, bridge, tunnel, or other facility at*
 8 *any time before it is open to traffic.*

9 “(ii) *EXCLUSIONS.*—*The term ‘initial*
 10 *construction’ does not include any improve-*
 11 *ment to a highway, bridge, tunnel, or other*
 12 *facility after it is open to traffic.*

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

17 “(E) *PUBLIC AUTHORITY.*—*The term ‘pub-*
 18 *lic authority’ means a State, interstate compact*
 19 *of States, or public entity designated by a State.*

20 “(F) *PUBLIC TRANSPORTATION VEHICLE.*—
 21 *The term ‘public transportation vehicle’ has the*
 22 *meaning given that term in section 166.*

23 “(G) *TOLL FACILITY.*—*The term ‘toll facil-*
 24 *ity’ means a toll highway, bridge, or tunnel or*
 25 *approach to the highway, bridge, or tunnel con-*

1 *structed or authorized to be tolled under this sub-*
 2 *section.”.*

3 **(b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-**
 4 **TION AND REHABILITATION PILOT PROGRAM.**—Section
 5 1216 of the *Transportation Equity Act for the 21st Century*
 6 (23 U.S.C. 129 note), and the item related to such section
 7 in the table of contents in section 1(b) of such Act, are re-
 8 pealed.

9 **(c) VALUE PRICING PILOT PROGRAM.**—Section
 10 1012(b) of the *Intermodal Surface Transportation Effi-*
 11 *ciency Act of 1991* (23 U.S.C. 149 note) is amended by add-
 12 ing at the end the following:

13 “(9) *SUNSET.*—The Secretary may not consider
 14 an expression of interest submitted under this section
 15 after the date of enactment of this paragraph.”.

16 **(d) SAVINGS CLAUSE.**—

17 **(1) APPLICATION OF LIMITATIONS.**—Any toll fa-
 18 cility described in paragraph (2) shall be subject to
 19 the requirements of section 129(a)(3) of title 23,
 20 *United States Code*, as in effect on the day before the
 21 date of enactment of this Act.

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

25 (A) operating;

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

2 (C) in the construction phase.

3 (e) *REPORT*.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall submit to Congress a report on the implementation
6 of the interoperability of toll collection as required under
7 section 1512(b) of MAP–21, including an assessment of the
8 progress in, and barriers on, such implementation.

9 **SEC. 1111. HOV FACILITIES.**

10 Section 166 of title 23, United States Code, is amend-
11 ed—

12 (1) in subsection (b)—

13 (A) in paragraph (4)(C)(iii) by striking
14 “transportation buses” and inserting “transpor-
15 tation vehicles”; and

16 (B) in paragraph (5)(B) by striking “2019”
17 and inserting “2025”;

18 (2) in subsection (d)(2)(A)(i) by striking “45
19 miles per hour, in the case of a toll facility with a
20 speed of 50 miles per hour or greater” and inserting
21 “35 miles per hour, in the case of a toll facility with
22 a speed limit of 45 miles per hour or greater”;

23 (3) in subsection (d)(2)(B) by striking “morning
24 or evening weekday peak hour periods (or both)” and
25 inserting “peak hour periods”;

1 (4) in subsection (e)—

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

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

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

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

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

14 (5) in subsection (f)—

15 (A) in paragraph (1)—

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

9 (C) by striking “the Surface Transportation
10 Assistance Act of 1982 (96 Stat. 2097) or”; and

11 (D) by striking “and manufactured prod-
12 ucts” and inserting “manufactured products,
13 and construction materials”;

14 (2) in subsection (b) by inserting “*DETERMINA-*
15 *TION.*—” before “The provisions”;

16 (3) in subsection (c) by striking “For purposes”
17 and inserting “*CALCULATION.*—For purposes”;

18 (4) in subsection (d)—

19 (A) by striking “The Secretary of Transpor-
20 tation” and inserting “*REQUIREMENTS.*—The
21 Secretary”; and

22 (B) by striking “the Surface Transportation
23 Assistance Act of 1982 (96 Stat. 2097) or”; and

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

25 “(h) *WAIVER PROCEDURE.*—

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

6 “(2) *PUBLIC NOTIFICATION AND COMMENT.*—

7 “(A) *IN GENERAL.*—Not later than 30 days
 8 before making a determination regarding a
 9 waiver described in paragraph (1), the Secretary
 10 shall provide notification and an opportunity for
 11 public comment on the request for such waiver.

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

15 “(i) describe whether the application is
 16 being made for a determination described in
 17 subsection (b)(1); and

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

22 “(3) *DETERMINATION.*—Before a determination
 23 described in paragraph (1) takes effect, the Secretary
 24 shall publish a detailed justification for such deter-

1 *mination that addresses all public comments received*
 2 *under paragraph (2)—*

3 *“(A) on the public website of the Depart-*
 4 *ment of Transportation; and*

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

8 *“(i) REVIEW OF NATIONWIDE WAIVERS.—*

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

15 *“(2) PUBLIC NOTIFICATION AND OPPORTUNITY*
 16 *FOR COMMENT.—*

17 *“(A) IN GENERAL.—Not later than 30 days*
 18 *before the completion of a review under para-*
 19 *graph (1), the Secretary shall provide notifica-*
 20 *tion and an opportunity for public comment on*
 21 *such review.*

22 *“(B) MEANS OF NOTIFICATION.—Notifica-*
 23 *tion provided under this subparagraph shall be*
 24 *provided by electronic means, including on the*

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

21 SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-
22 MENTS.

(a) *IN GENERAL.*—Except as otherwise provided in subsection (b), notwithstanding any other provision of law, the Secretary shall require recipients of assistance under

1 *title 23, United States Code, and title I of division B this*
 2 *Act and the amendments made by this Act to comply with*
 3 *subsection (a) of section 113 of title 23, United States Code,*
 4 *with respect to all construction work, in the same manner*
 5 *that recipients of assistance under chapter 1 of such title*
 6 *are required to comply with such subsection for construction*
 7 *work performed on highway projects on Federal-aid high-*
 8 *ways.*

9 (b) *TREATMENT OF CERTAIN PROJECTS.*—*The Sec-*
 10 *retary shall apply the requirements of section 1306(l) of this*
 11 *Act and sections 117(k), 172(j), and 173(k) of title 23,*
 12 *United States Code, to a project funded with a grant under*
 13 *such sections.*

14 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
 15 **CATEGORICAL EXCLUSIONS.**

16 *Section 326(c)(3) of title 23, United States Code, is*
 17 *amended—*

18 (1) *by striking subparagraph (A) and inserting*
 19 *the following:*

20 “(A) *except as provided under subpara-*
 21 *graph (C), have a term of not more than 3*
 22 *years;”;*

23 (2) *in subparagraph (B) by striking the period*
 24 *at the end and inserting “; and”; and*

25 (3) *by adding at the end the following:*

1 “(C) for any State that has assumed the re-
 2 sponsibility for categorical exclusions under this
 3 section for at least 10 years, have a term of 5
 4 years.”.

5 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY**
 6 **PROGRAM WRITTEN AGREEMENTS.**

7 Section 327 of title 23, United States Code, is amend-
 8 ed—

9 (1) in subsection (c)—

10 (A) by striking paragraph (5) and inserting
 11 the following:

12 “(5) except as provided under paragraph (7),
 13 have a term of not more than 5 years;”;

14 (B) in paragraph (6) by striking the period
 15 at the end and inserting “; and”; and

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

17 “(7) for any State that has participated in a
 18 program under this section (or under a predecessor
 19 program) for at least 10 years, have a term of 10
 20 years.”;

21 (2) in subsection (g)(1)—

22 (A) in subparagraph (C) by striking “an-
 23 nual”;

24 (B) in subparagraph (B) by striking “and”
 25 at the end;

1 (C) by redesignating subparagraph (C) as
2 subparagraph (D); and

3 (D) by inserting after subparagraph (B) the
4 following:

5 “(C) in the case of an agreement period of
6 greater than 5 years under subsection (c)(7), con-
7 duct an audit covering the first 5 years of the
8 agreement period; and”; and

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

10 “(m) *AGENCY DEEMED TO BE FEDERAL AGENCY.*—
11 A State agency that is assigned a responsibility under an
12 agreement under this section shall be deemed to be a Federal
13 agency for the purposes of all Federal laws pursuant to
14 which the responsibility is exercised.”.

15 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

16 (a) *DEFINITIONS.*—In this section:

17 (1) *APPLICABLE BRIDGE PROJECTS.*—The term
18 “applicable bridge projects” means a project for con-
19 struction, alteration, or maintenance work, other than
20 de minimus maintenance or repair work as deter-
21 mined by the applicable State department of trans-
22 portation, on a bridge or overpass structure funded
23 under title 23, United States Code.

24 (2) *CERTIFIED CONTRACTOR.*—The term “cer-
25 tified contractor” means a contracting or subcon-

1 *tracting firm that has been certified by a third party*
 2 *organization that evaluates the capability of the con-*
 3 *tractor or subcontractor to properly perform one or*
 4 *more specified aspects of applicable bridge projects as*
 5 *defined in subsection (b)(2).*

6 (3) *QUALIFIED TRAINING PROGRAM.—The term*
 7 *“qualified training program” means a training pro-*
 8 *gram in corrosion control, mitigation and prevention,*
 9 *that is either offered or accredited by an organization*
 10 *that sets industry corrosion standards or is recognized*
 11 *in corrosion management transportation structures by*
 12 *the Department of Transportation, for the purposes of*
 13 *controlling, mitigating and preventing corrosion, or a*
 14 *program registered under the Act of August 16, 1937*
 15 *(29 U.S.C. 50 et seq.) (commonly known as the “Na-*
 16 *tional Apprenticeship Act”)* *that meets the require-*
 17 *ments of parts 29 and 30 of title 29, Code of Federal*
 18 *Regulations, as in effect on January 1, 2020.*

19 (b) *APPLICABLE BRIDGE PROJECTS.—*

20 (1) *QUALITY CONTROL.—A certified contractor*
 21 *shall carry out aspects of an applicable bridge project*
 22 *described in paragraph (2).*

23 (2) *ASPECTS OF APPLICABLE BRIDGE*
 24 *PROJECTS.—Aspects of an applicable bridge project*
 25 *referred to in paragraph (1) include—*

1 (A) *surface preparation or coating applica-*
 2 *tion on steel or rebar of an applicable bridge*
 3 *project;*

4 (B) *removal of a lead-based or other haz-*
 5 *ardous coating from steel of an existing applica-*
 6 *ble bridge project;*

7 (C) *shop painting of structural steel or*
 8 *rebar fabricated for installation on an applicable*
 9 *bridge project; and*

10 (D) *the design, application, installation*
 11 *and maintenance of a cathodic protection system*
 12 *on an applicable bridge project.*

13 (3) *CORROSION MANAGEMENT SYSTEM.—A State*
 14 *transportation department shall—*

15 (A) *implement a corrosion management sys-*
 16 *tem that utilizes industry-recognized standards*
 17 *and corrosion mitigation and prevention meth-*
 18 *ods to address—*

19 (i) *surface preparation;*

20 (ii) *protective coatings;*

21 (iii) *materials selection;*

22 (iv) *cathodic protection;*

23 (v) *corrosion engineering;*

24 (vi) *personnel training; and*

1 (vii) best practices in environmental
 2 protection to prevent environmental deg-
 3 radation and uphold public health;

4 (B) require certified contractors that employ
 5 appropriately trained and certified coating ap-
 6 plicators to carry out aspects of applicable
 7 bridge projects as described in paragraph (2);
 8 and

9 (C) use certified cathodic protection profes-
 10 sionals for all aspects of applicable bridge
 11 projects that require knowledge of the design, in-
 12 stallation, monitoring, or maintenance of a ca-
 13 thodic protection system.

14 (c) *TRAINING PROGRAM.*—As a condition of entering
 15 into a contract for an applicable bridge project, each cer-
 16 tified contractor shall provide training, through a qualified
 17 training program, for each applicable craft or trade classi-
 18 fication of employees that the certified contractor intends
 19 to employ to carry out aspects of applicable bridge projects
 20 as described in subsection (b)(2).

21 **SEC. 1117. SENSE OF CONGRESS.**

22 *It is the sense of Congress that—*

23 (1) States should utilize life-cycle cost analysis to
 24 evaluate the total economic cost of a transportation
 25 project over its expected lifetime; and

(2) data indicating that future repair costs associated with a transportation project frequently total more than half of the initial cost of the project, and that conducting life-cycle cost analysis prior to construction will help States identify the most cost-effective option, improve their economic performance, and lower the total cost of building and maintaining the project.

Subtitle B—Programmatic Infrastructure Investment

SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

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

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

“(b) *PURPOSES.*—The purposes of the national highway performance program shall be—

“(1) to provide support for the condition and performance of the National Highway System, consistent with the asset management plans of States;

“(2) to support progress toward the achievement of performance targets of States established under section 150;

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

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

4 (2) in subsection (d)—

5 (A) in paragraph (1)(A) by striking “or
6 freight movement on the National Highway Sys-
7 tem” and inserting “freight movement, environ-
8 mental sustainability, transportation system ac-
9 cess, or combating climate change”;

10 (B) in paragraph (1)(B) by striking “and”
11 at the end;

12 (C) in paragraph (2)—

13 (i) in subparagraph (G)—

14 (I) in clause (i) by inserting
15 “and” at the end;

16 (II) in clause (ii) by striking “;
17 and” and inserting a period; and

18 (III) by striking clause (iii);

19 (ii) in subparagraph (I) by inserting
20 “, including the installation of safety bar-
21 riers and nets on bridges on the National
22 Highway System” after “National Highway
23 System”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(Q) *Projects on or off the National High-*
2 *way System to reduce greenhouse gas emissions*
3 *that are eligible under section 171, including the*
4 *installation of electric vehicle charging infra-*
5 *structure.*

6 “(R) *Projects on or off the National High-*
7 *way System to enhance resilience of a transpor-*
8 *tation facility, including protective features.*

9 “(S) *Projects and strategies to reduce vehi-*
10 *cle-caused wildlife mortality related to, or to re-*
11 *store and maintain connectivity among terres-*
12 *trial or aquatic habitats affected by, a transpor-*
13 *tation facility otherwise eligible for assistance*
14 *under this section.*

15 “(T) *Projects on or off the National High-*
16 *way System to improve an evacuation route eli-*
17 *gible under section 124(b)(1)(C).*

18 “(U) *Undergrounding public utilities in the*
19 *course of other infrastructure improvements eli-*
20 *gible under this section to mitigate the cost of re-*
21 *curring damages from extreme weather events,*
22 *wildfire or other natural disasters.”; and*

23 *(D) by adding at the end the following:*

1 “(3) a project that is otherwise eligible under
2 this subsection to construct new capacity for single
3 occupancy passenger vehicles only if the State—

4 “(A) has demonstrated progress in achiev-
5 ing a state of good repair, as defined in the
6 State’s asset management plan, on the National
7 Highway System;

8 “(B) demonstrates that the project—

9 “(i) supports the achievement of per-
10 formance targets of the State established
11 under section 150; and

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

14 “(I) an operational improvement
15 to the facility or corridor;

16 “(II) the construction of a transit
17 project eligible for assistance under
18 chapter 53 of title 49; or

19 “(III) the construction of a non-
20 single occupancy passenger vehicle
21 project that improves freight move-
22 ment; and

23 “(C) has a public plan for maintaining and
24 operating the new asset while continuing its

1 *progress in achieving a state of good repair*
 2 *under subparagraph (A).”;*

3 *(3) in subsection (e)—*

4 *(A) in the heading by inserting “ASSET*
 5 *AND” after “STATE”;*

6 *(B) in paragraph (4)(D) by striking “anal-*
 7 *ysis” and inserting “analyses, both of which*
 8 *shall take into consideration climate change ad-*
 9 *aptation and resilience;”;* and

10 *(C) in paragraph (8) by striking “Not later*
 11 *than 18 months after the date of enactment of the*
 12 *MAP-21, the Secretary” and inserting “The Sec-*
 13 *retary”; and*

14 *(4) by adding at the end the following:*

15 *“(k) BENEFIT-COST ANALYSIS.—In carrying out sub-*
 16 *section (d)(3)(B)(ii), the Secretary shall establish a process*
 17 *for analyzing the cost and benefits of projects under such*
 18 *subsection, ensuring that—*

19 *“(1) the benefit-cost analysis includes a calcula-*
 20 *tion of all the benefits addressed in the performance*
 21 *measures established under section 150;*

22 *“(2) the benefit-cost analysis includes a consider-*
 23 *ation of the total maintenance cost of an asset over*
 24 *the lifecycle of the asset; and*

1 “(3) the State demonstrates that any travel de-
 2 mand modeling used to calculate the benefit-cost anal-
 3 ysis has a documented record of accuracy.”.

4 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
 5 **TATION ASSETS.**

6 (a) *PREDISASTER MITIGATION PROGRAM.*—

7 (1) *IN GENERAL.*—Chapter 1 of title 23, United
 8 States Code, is amended by inserting after section 123
 9 the following:

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

11 “(a) *ESTABLISHMENT.*—The Secretary shall establish
 12 and implement a predisaster mitigation program to en-
 13 hance the resilience of the transportation system of the
 14 United States, mitigate the impacts of covered events, and
 15 ensure the efficient use of Federal resources.

16 “(b) *ELIGIBLE ACTIVITIES.*—

17 “(1) *IN GENERAL.*—Subject to paragraph (2),
 18 funds apportioned to the State under section
 19 104(b)(8) may be obligated for construction activities,
 20 including construction of natural infrastructure or
 21 protective features and the development of such
 22 projects and programs that help agencies, to—

23 “(A) increase the resilience of a surface
 24 transportation infrastructure asset to withstand
 25 a covered event;

1 “(B) relocate or provide a reasonable alter-
2 native to a repeatedly damaged facility;

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

6 “(i) improve the capacity or operation
7 of such evacuation route through—

8 “(I) communications and intel-
9 ligent transportation system equipment
10 and infrastructure;

11 “(II) counterflow measures; and

12 “(III) shoulders; and

13 “(ii) relocate such evacuation route or
14 provide a reasonable alternative to such
15 evacuation route to address the risk of a
16 covered event; and

17 “(D) recover from incidents that signifi-
18 cantly disrupt a regions transportation system
19 including—

20 “(i) predisaster training programs that
21 help agencies and regional stakeholders plan
22 for and prepare multimodal recovery efforts;
23 and

24 “(ii) the establishment of regional wide
25 telework training and programs.

1 “(2) *INFRASTRUCTURE RESILIENCE AND ADAPTA-*
2 *TION.—No funds shall be obligated to a project under*
3 *this section unless the project meets each of the fol-*
4 *lowing criteria:*

5 “(A) *The project is designed to ensure resil-*
6 *ience over the anticipated service life of the sur-*
7 *face transportation infrastructure asset.*

8 “(B) *The project is identified in the metro-*
9 *politan or statewide transportation improvement*
10 *program as a project to address resilience*
11 *vulnerabilities, consistent with section*
12 *134(j)(3)(E) or 135(g)(5)(B)(iii).*

13 “(C) *For a project in a flood-prone area,*
14 *the project sponsor considers hydrologic and hy-*
15 *draulic data and methods that integrate current*
16 *and projected changes in flooding based on cli-*
17 *mate science over the anticipated service life of*
18 *the surface transportation infrastructure asset*
19 *and future forecasted land use changes.*

20 “(3) *PRIORITIZATION OF PROJECTS.—A State*
21 *shall develop a process to prioritize projects under*
22 *this section based on the degree to which the proposed*
23 *project would—*

24 “(A) *be cost effective;*

1 “(B) reduce the risk of disruption to a sur-
 2 face transportation infrastructure asset consid-
 3 ered critical to support population centers,
 4 freight movement, economic activity, evacuation,
 5 recovery, or national security functions; and

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

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

11 “(d) DEFINITIONS.—In this section:

12 “(1) COVERED EVENT.—The term ‘covered event’
 13 means a climate change effect (including sea level
 14 rise), an extreme event, seismic activity, or any other
 15 natural disaster (including a wildfire or landslide).

16 “(2) SURFACE TRANSPORTATION INFRASTRUC-
 17 TURE ASSET.—The term ‘surface transportation in-
 18 frastructure asset’ means a facility eligible for assist-
 19 ance under this title or chapter 53 of title 49.”.

20 “(2) CONFORMING AMENDMENT.—The analysis for
 21 chapter 1 of title 23, United States Code, is amended
 22 by inserting after the item relating to section 123 the
 23 following:

“124. Predisaster mitigation program.”.

24 “(b) METROPOLITAN TRANSPORTATION PLANNING.—

25 “(1) AMENDMENTS TO TITLE 23.—

1 (A) *CLIMATE CHANGE AND RESILIENCE.*—
2 Section 134(i)(2) of title 23, United States Code,
3 is amended by adding at the end the following:

4 “(I) *CLIMATE CHANGE AND RESILIENCE.*—

5 “(i) *IN GENERAL.*—The transportation
6 planning process shall assess strategies to
7 reduce the climate change impacts of the
8 surface transportation system and conduct
9 a vulnerability assessment to identify op-
10 portunities to enhance the resilience of the
11 surface transportation system and ensure
12 the efficient use of Federal resources.

13 “(ii) *CLIMATE CHANGE MITIGATION*
14 *AND IMPACTS.*—A long-range transportation
15 plan shall—

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

20 “(II) identify investments and
21 strategies to manage transportation de-
22 mand and increase the rates of public
23 transportation ridership, walking, bi-
24 cycling, and carpools; and

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

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

8 “(I) includes a risk-based assess-
9 ment of vulnerabilities of critical
10 transportation assets and systems to
11 covered events (as such term is defined
12 in section 124);

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

21 “(III) identifies evacuation routes,
22 assesses the ability of any such routes
23 to provide safe passage for evacuation
24 and emergency response during an
25 emergency event, and identifies any

1 *improvements or redundant facilities*
2 *necessary to adequately facilitate safe*
3 *passage;*

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

10 “(V) *is consistent with and com-*
11 *plementary of the State and local miti-*
12 *gation plans required under section*
13 *322 of the Robert T. Stafford Disaster*
14 *Relief and Emergency Assistance Act*
15 *(42 U.S.C. 5165).*

16 “(iv) *CONSULTATION.—The assessment*
17 *described in this subparagraph shall be de-*
18 *veloped in consultation with, as appro-*
19 *priate, State, local, and Tribal officials re-*
20 *sponsible for land use, housing, resilience,*
21 *hazard mitigation, and emergency manage-*
22 *ment.”.*

23 (B) *RESILIENCE PROJECTS.—Section*
24 *134(j)(3) of title 23, United States Code, is*
25 *amended by adding at the end the following:*

1 “(E) *RESILIENCE PROJECTS.—The TIP*
2 *shall—*

3 “(i) *identify projects that address the*
4 *vulnerabilities identified by the assessment*
5 *in subsection (i)(2)(I)(iii); and*

6 “(ii) *describe how each project identi-*
7 *fied under clause (i) would improve the re-*
8 *silience of the transportation system.”.*

9 (2) *AMENDMENTS TO TITLE 49.—*

10 (A) *CLIMATE CHANGE AND RESILIENCE.—*
11 *Section 5303(i)(2) of title 49, United States*
12 *Code, is amended by adding at the end the fol-*
13 *lowing:*

14 “(I) *CLIMATE CHANGE AND RESILIENCE.—*

15 “(i) *IN GENERAL.—The transportation*
16 *planning process shall assess strategies to*
17 *reduce the climate change impacts of the*
18 *surface transportation system and conduct*
19 *a vulnerability assessment to identify op-*
20 *portunities to enhance the resilience of the*
21 *surface transportation system and ensure*
22 *the efficient use of Federal resources.*

23 “(ii) *CLIMATE CHANGE MITIGATION*
24 *AND IMPACTS.—A long-range transportation*
25 *plan shall—*

1 “(I) identify investments and
2 strategies to reduce transportation-re-
3 lated sources of greenhouse gas emis-
4 sions per capita;

5 “(II) identify investments and
6 strategies to manage transportation de-
7 mand and increase the rates of public
8 transportation ridership, walking, bi-
9 cycling, and carpools; and

10 “(III) recommend zoning and
11 other land use policies that would sup-
12 port infill, transit-oriented develop-
13 ment, and mixed use development.

14 “(iii) *VULNERABILITY ASSESSMENT.*—
15 A long-range transportation plan shall in-
16 corporate a vulnerability assessment that—

17 “(I) includes a risk-based assess-
18 ment of vulnerabilities of critical
19 transportation assets and systems to
20 covered events (as such term is defined
21 in section 124 of title 23);

22 “(II) considers, as applicable, the
23 risk management analysis in the
24 State’s asset management plan devel-
25 oped pursuant to section 119 of title

1 23, and the State’s evaluation of rea-
2 sonable alternatives to repeatedly dam-
3 aged facilities conducted under part
4 667 of title 23, Code of Federal Regula-
5 tions;

6 “(III) identifies evacuation routes,
7 assesses the ability of any such routes
8 to provide safe passage for evacuation
9 and emergency response during an
10 emergency event, and identifies any
11 improvements or redundant facilities
12 necessary to adequately facilitate safe
13 passage;

14 “(IV) describes the metropolitan
15 planning organization’s adaptation
16 and resilience improvement strategies
17 that will inform the transportation in-
18 vestment decisions of the metropolitan
19 planning organization; and

20 “(V) is consistent with and com-
21 plementary of the State and local miti-
22 gation plans required under section
23 322 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act
25 (42 U.S.C. 5165).

1 “(iv) *CONSULTATION.*—*The assessment*
 2 *described in this subparagraph shall be de-*
 3 *veloped in consultation, as appropriate,*
 4 *with State, local, and Tribal officials re-*
 5 *sponsible for land use, housing, resilience,*
 6 *hazard mitigation, and emergency manage-*
 7 *ment.”.*

8 (B) *RESILIENCE PROJECTS.*—*Section*
 9 *5303(j)(3) of title 49, United States Code, is*
 10 *amended by adding at the end the following:*

11 “(E) *RESILIENCE PROJECTS.*—*The TIP*
 12 *shall—*

13 “(i) *identify projects that address the*
 14 *vulnerabilities identified by the assessment*
 15 *in subsection (i)(2)(I)(iii); and*

16 “(ii) *describe how each project identi-*
 17 *fied under clause (i) would improve the re-*
 18 *silience of the transportation system.”.*

19 (c) *STATEWIDE AND NONMETROPOLITAN PLANNING.*—

20 (1) *AMENDMENTS TO TITLE 23.*—

21 (A) *CLIMATE CHANGE AND RESILIENCE.*—
 22 *Section 135(f) of title 23, United States Code, is*
 23 *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 reduce*
3 *the climate change impacts of the surface trans-*
4 *portation system and conduct a vulnerability as-*
5 *essment to identify opportunities to enhance the*
6 *resilience of the surface transportation system*
7 *and ensure the efficient use of Federal resources.*

8 “(B) *CLIMATE CHANGE MITIGATION AND IM-*
9 *PACTS.*—*A long-range transportation plan*
10 *shall—*

11 “(i) *identify investments and strategies*
12 *to reduce transportation-related sources of*
13 *greenhouse gas emissions per capita;*

14 “(ii) *identify investments and strate-*
15 *gies to manage transportation demand and*
16 *increase the rates of public transportation*
17 *ridership, walking, bicycling, and carpool;*
18 *and*

19 “(iii) *recommend zoning and other*
20 *land use policies that would support infill,*
21 *transit-oriented development, and mixed use*
22 *development.*

23 “(C) *VULNERABILITY ASSESSMENT.*—*A*
24 *long-range transportation plan shall incorporate*
25 *a vulnerability assessment that—*

1 “(i) includes a risk-based assessment of
2 vulnerabilities of critical transportation as-
3 sets and systems to covered events (as such
4 term is defined in section 124);

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

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

19 “(iv) describes the States’s adaptation
20 and resilience improvement strategies that
21 will inform the transportation investment
22 decisions of the State; and

23 “(v) is consistent with and complemen-
24 tary of the State and local mitigation plans
25 required under section 322 of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

“(D) *CONSULTATION.*—*The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.*”.

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

“(iii) *RESILIENCE PROJECTS.*—*The STIP shall—*

“(I) *identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and*

“(II) *describe how each project identified under subclause (I) would improve the resilience of the transportation system.*”.

(2) *AMENDMENTS TO TITLE 49.*—

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

“(10) *CLIMATE CHANGE AND RESILIENCE.*—

1 “(A) *IN GENERAL.*—*The transportation*
2 *planning process shall assess strategies to reduce*
3 *the climate change impacts of the surface trans-*
4 *portation system and conduct a vulnerability as-*
5 *essment to identify opportunities to enhance the*
6 *resilience of the surface transportation system*
7 *and ensure the efficient use of Federal resources.*

8 “(B) *CLIMATE CHANGE MITIGATION AND IM-*
9 *PACTS.*—*A long-range transportation plan*
10 *shall—*

11 “(i) *identify investments and strategies*
12 *to reduce transportation-related sources of*
13 *greenhouse gas emissions per capita;*

14 “(ii) *identify investments and strate-*
15 *gies to manage transportation demand and*
16 *increase the rates of public transportation*
17 *ridership, walking, bicycling, and carpool;*
18 *and*

19 “(iii) *recommend zoning and other*
20 *land use policies that would support infill,*
21 *transit-oriented development, and mixed use*
22 *development.*

23 “(C) *VULNERABILITY ASSESSMENT.*—*A*
24 *long-range transportation plan shall incorporate*
25 *a vulnerability assessment that—*

1 “(i) includes a risk-based assessment of
2 vulnerabilities of critical transportation as-
3 sets and systems to covered events (as such
4 term is defined in section 124 of title 23);

5 “(ii) considers, as applicable, the risk
6 management analysis in the State’s asset
7 management plan developed pursuant to
8 section 119 of title 23, and the State’s eval-
9 uation of reasonable alternatives to repeat-
10 edly damaged facilities conducted under
11 part 667 of title 23, Code of Federal Regu-
12 lations;

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

20 “(iv) describes the State’s adaptation
21 and resilience improvement strategies that
22 will inform the transportation investment
23 decisions of the State; and

24 “(v) is consistent with and complemen-
25 tary of the State and local mitigation plans

1 *required under section 322 of the Robert T.*
 2 *Stafford Disaster Relief and Emergency As-*
 3 *sistance Act (42 U.S.C. 5165).*

4 “(D) *CONSULTATION.*—*The assessment de-*
 5 *scribed in this subparagraph shall be developed*
 6 *in consultation with, as appropriate, State,*
 7 *local, and Tribal officials responsible for land*
 8 *use, housing, resilience, hazard mitigation, and*
 9 *emergency management.”.*

10 (B) *RESILIENCE PROJECTS.*—*Section*
 11 *5304(g)(5)(B) of title 49, United States Code, is*
 12 *amended by adding at the end the following:*

13 “(iii) *RESILIENCE PROJECTS.*—*The*
 14 *STIP shall—*

15 “(I) *identify projects that address*
 16 *the vulnerabilities identified by the as-*
 17 *essment in subsection (i)(10)(B); and*

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

22 **SEC. 1203. EMERGENCY RELIEF.**

23 (a) *IN GENERAL.*—*Section 125 of title 23, United*
 24 *States Code, is amended—*

1 (1) in subsection (a)(1) by inserting “wildfire,”
2 after “severe storm,”;

3 (2) by striking subsection (b);

4 (3) in subsection (c)(2)(A) by striking “in any
5 1 fiscal year commencing after September 30, 1980,”
6 and inserting “in any fiscal year”;

7 (4) in subsection (d)—

8 (A) in paragraph (3)(C) by striking “sub-
9 section (e)(1)” and inserting “subsection (g)”;

10 (B) by redesignating paragraph (3) as
11 paragraph (4); and

12 (C) by striking paragraphs (1) and (2) and
13 inserting the following:

14 “(1) *IN GENERAL.*—The Secretary may expend
15 funds from the emergency fund authorized by this sec-
16 tion only for the repair or reconstruction of highways
17 on Federal-aid highways in accordance with this
18 chapter.

19 “(2) *RESTRICTIONS.*—

20 “(A) *IN GENERAL.*—No funds shall be ex-
21 pended from the emergency fund authorized by
22 this section unless—

23 “(i) an emergency has been declared by
24 the Governor of the State with concurrence
25 by the Secretary, unless the President has

1 *declared the emergency to be a major dis-*
2 *aster for the purposes of the Robert T. Staf-*
3 *ford Disaster Relief and Emergency Assist-*
4 *ance Act (42 U.S.C. 5121 et seq.) for which*
5 *concurrence of the Secretary is not required;*
6 *and*

7 “(ii) *the Secretary has received an ap-*
8 *plication from the State transportation de-*
9 *partment that includes a comprehensive list*
10 *of all eligible project sites and repair costs*
11 *by not later than 2 years after the natural*
12 *disaster or catastrophic failure.*

13 “(B) *COST LIMITATION.—The total cost of a*
14 *project funded under this section may not exceed*
15 *the cost of repair or reconstruction of a com-*
16 *parable facility unless the Secretary determines*
17 *that the project incorporates economically justi-*
18 *fied betterments, including protective features to*
19 *increase the resilience of the facility.*

20 “(3) *SPECIAL RULE FOR BRIDGE PROJECTS.—In*
21 *no case shall funds be used under this section for the*
22 *repair or reconstruction of a bridge—*

23 “(A) *that has been permanently closed to all*
24 *vehicular traffic by the State or responsible local*
25 *official because of imminent danger of collapse*

1 *due to a structural deficiency or physical dete-*
 2 *rioration; or*

3 *“(B) if a construction phase of a replace-*
 4 *ment structure is included in the approved state-*
 5 *wide transportation improvement program at*
 6 *the time of an event described in subsection (a).”;*
 7 *(5) in subsection (e)—*

8 *(A) by striking paragraph (1);*

9 *(B) in paragraph (2) by striking “sub-*
 10 *section (d)(1)” and inserting “subsection (c)(1)”;*
 11 *and*

12 *(C) by redesignating paragraphs (2) and*
 13 *(3), as amended, as paragraphs (1) and (2), re-*
 14 *spectively;*

15 *(6) by redesignating subsections (c) through (g),*
 16 *as amended, as subsections (b) through (f), respec-*
 17 *tively; and*

18 *(7) by adding at the end the following:*

19 *“(g) IMPOSITION OF DEADLINE.—*

20 *“(1) IN GENERAL.—Notwithstanding any other*
 21 *provision of law, the Secretary may not require any*
 22 *project funded under this section to advance to the*
 23 *construction obligation stage before the date that is*
 24 *the last day of the sixth fiscal year after the later of—*

1 “(A) the date on which the Governor de-
 2 clared the emergency, as described in subsection
 3 (d)(2)(A)(i); or

4 “(B) the date on which the President de-
 5 clared the emergency to be a major disaster, as
 6 described in such subsection.

7 “(2) *EXTENSION OF DEADLINE.*—If the Secretary
 8 imposes a deadline for advancement to the construc-
 9 tion obligation stage pursuant to paragraph (1), the
 10 Secretary may, upon the request of the Governor of
 11 the State, issue an extension of not more than 1 year
 12 to complete such advancement, and may issue addi-
 13 tional extensions after the expiration of any exten-
 14 sion, if the Secretary determines the Governor of the
 15 State has provided suitable justification to warrant
 16 such an extension.

17 “(h) *PREDISASTER HAZARD MITIGATION PILOT PRO-*
 18 *GRAM.*—

19 “(1) *IN GENERAL.*—The Secretary shall establish
 20 a predisaster mitigation program for the purpose of
 21 mitigating future hazards posed to Federal-aid high-
 22 ways.

23 “(2) *DISTRIBUTION OF FUNDS.*—Every 6
 24 months, the Secretary shall total the amount of funds
 25 made available to each State, territory, Tribal or

1 *other eligible entity under the emergency relief pro-*
2 *gram under this section during the preceding 6*
3 *months and remit an additional 5 percent from the*
4 *Highway Trust Fund to such entities for eligible ac-*
5 *tivities described in paragraph (3).*

6 “(3) *ELIGIBLE ACTIVITIES.—Funds made avail-*
7 *able under paragraph (2) shall be used for mitigation*
8 *projects and activities that the Secretary determines*
9 *are cost effective and which substantially reduce the*
10 *risk of, or increase resilience to, future damage as a*
11 *result of natural disasters, including by flood, hurri-*
12 *cane, tidal wave, earthquake, severe storm, or land-*
13 *slide, by upgrading existing assets to meet or exceed*
14 *design standards adopted by the Federal Highway*
15 *Administration by—*

16 “(A) *relocating or elevating roadways;*

17 “(B) *increasing the size or number of*
18 *drainage structures, including culverts;*

19 “(C) *installing mitigation measures to pre-*
20 *vent the impairment of transportation assets as*
21 *a result of the intrusion of floodwaters;*

22 “(D) *improving bridges to expand water ca-*
23 *capacity and prevent flooding;*

24 “(E) *deepening channels to prevent asset in-*
25 *undation and improve drainage;*

1 “(F) improving strength of natural features
2 adjacent to highway right-of-way to promote ad-
3 ditional flood storage;

4 “(G) installing or upgrading tide gates and
5 flood gates;

6 “(H) stabilizing slide areas or slopes;

7 “(I) installing seismic retrofits for bridges;

8 “(J) adding scour protection at bridges;

9 “(K) adding scour, stream stability, coastal,
10 or other hydraulic countermeasures, including
11 riprap;

12 “(L) installing intelligent transportation
13 system equipment to monitor infrastructure
14 quality; and

15 “(M) any other protective features as deter-
16 mined by the Secretary.

17 “(4) REPORT.—The Secretary shall submit to the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on
20 Environment and Public Works of the Senate an an-
21 nual report detailing—

22 “(A) a description of the activities carried
23 out under the pilot program;

1 “(B) an evaluation of the effectiveness of the
 2 pilot program in meeting purposes described in
 3 paragraph (1);

4 “(C) policy recommendations to improve the
 5 effectiveness of the pilot program.

6 “(i) *IMPROVING THE EMERGENCY RELIEF PRO-*
 7 *GRAM.*—Not later than 90 days after the date of enactment
 8 of the *INVEST in America Act*, the Secretary shall—

9 “(1) revise the emergency relief manual of the
 10 *Federal Highway Administration*—

11 “(A) to include and reflect the definition of
 12 the term ‘resilience’ (as defined in section
 13 101(a));

14 “(B) to identify procedures that States may
 15 use to incorporate resilience into emergency relief
 16 projects; and

17 “(C) to encourage the use of context sen-
 18 sitive design principles and consideration of ac-
 19 cess for moderate- and low-income families im-
 20 pacted by a declared disaster;

21 “(2) develop best practices for improving the use
 22 of resilience in—

23 “(A) the emergency relief program under
 24 section 125; and

25 “(B) emergency relief efforts;

1 “(3) provide to division offices of the Federal
 2 *Highway Administration and State departments of*
 3 *transportation information on the best practices de-*
 4 *veloped under paragraph (2); and*

5 “(4) develop and implement a process to track—

6 “(A) the consideration of resilience as part
 7 *of the emergency relief program under section*
 8 *125; and*

9 “(B) the costs of emergency relief projects.

10 “(j) *DEFINITIONS.—In this section:*

11 “(1) *COMPARABLE FACILITY.—The term ‘com-*
 12 *parable facility’ means a facility that meets the cur-*
 13 *rent geometric and construction standards required*
 14 *for the types and volume of traffic that the facility*
 15 *will carry over its design life.*

16 “(2) *CONSTRUCTION PHASE.—The term ‘con-*
 17 *struction phase’ means the phase of physical construc-*
 18 *tion of a highway or bridge facility that is separate*
 19 *from any other identified phases, such as planning,*
 20 *design, or right-of-way phases, in the State transpor-*
 21 *tation improvement program.*

22 “(3) *OPEN TO PUBLIC TRAVEL.—The term ‘open*
 23 *to public travel’ means with respect to a road, that,*
 24 *except during scheduled periods, extreme weather con-*
 25 *ditions, or emergencies, the road—*

1 “(A) is maintained;

2 “(B) is open to the general public; and

3 “(C) can accommodate travel by a standard
4 passenger vehicle, without restrictive gates or
5 prohibitive signs or regulations, other than for
6 general traffic control or restrictions based on
7 size, weight, or class of registration.

8 “(4) STANDARD PASSENGER VEHICLE.—The term
9 ‘standard passenger vehicle’ means a vehicle with 6
10 inches of clearance from the lowest point of the frame,
11 body, suspension, or differential to the ground.”.

12 (b) SUNSET.—On the date that is 5 years after the date
13 of enactment of this Act, the authority provided under sec-
14 tion 125(h) of title 23, United States Code, shall terminate.

15 (c) CONFORMING AMENDMENTS.—

16 (1) FEDERAL LANDS AND TRIBAL TRANSPOR-
17 TATION PROGRAMS.—Section 201(c)(8)(A) of title 23,
18 United States Code, is amended by striking “section
19 125(e)” and inserting “section 125(g)”.

20 (2) TRIBAL TRANSPORTATION PROGRAM.—Sec-
21 tion 202(b)(6)(A) of title 23, United States Code, is
22 amended by striking “section 125(e)” and inserting
23 “section 125(d)”.

24 (d) REPEAL.—Section 668.105(h) of title 23, Code of
25 Federal Regulations, is repealed.

1 **SEC. 1204. RAILWAY CROSSINGS.**

2 (a) *IN GENERAL.*—Section 130 of title 23, United
3 States Code, is amended—

4 (1) in the section heading by striking “**Rail-**
5 **way-highway crossings**” and inserting “**Rail-**
6 **way crossings**”;

7 (2) in subsection (a)—

8 (A) by striking “Subject to section 120 and
9 subsection (b) of this section, the entire” and in-
10 serting “*IN GENERAL.—The*”;

11 (B) by striking “then the entire” and in-
12 serting “the”; and

13 (C) by striking “, subject to section 120 and
14 subsection (b) of this section,”;

15 (3) by amending subsection (b) to read as fol-
16 lows:

17 “(b) *CLASSIFICATION.*—

18 “(1) *IN GENERAL.*—The construction of projects
19 for the elimination of hazards at railway crossings
20 represents a benefit to the railroad. The Secretary
21 shall classify the various types of projects involved in
22 the elimination of hazards of railway-highway cross-
23 ings, and shall set for each such classification a per-
24 centage of the total project cost that represent the ben-
25 efit to the railroad or railroads for the purpose of de-
26 termining the railroad’s share of the total project cost.

1 *The Secretary shall determine the appropriate classi-*
 2 *fication of each project.*

3 “(2) *NONCASH CONTRIBUTIONS.*—

4 “(A) *IN GENERAL.*—Not more than 5 per-
 5 *cent of the cost share described in paragraph (1)*
 6 *may be attributable to noncash contributions of*
 7 *materials and labor furnished by the railroad in*
 8 *connection with the construction of such project.*

9 “(B) *REQUIREMENT.*—The requirements
 10 *under section 200.306 and 200.403(g) of title 2,*
 11 *Code of Federal Regulations (or successor regula-*
 12 *tions), shall apply to any noncash contributions*
 13 *under this subsection.*

14 “(3) *TOTAL PROJECT COST.*—For the purposes of
 15 *this subsection, the determination of the railroad’s*
 16 *share of the total project cost shall include environ-*
 17 *ment, design, right-of-way, utility accommodation,*
 18 *and construction phases of the project.”;*

19 (4) *in subsection (c)*—

20 (A) *by striking “Any railroad involved”*
 21 *and inserting “BENEFIT.—Any railroad in-*
 22 *volved”;*

23 (B) *by striking “the net benefit” and insert-*
 24 *ing “the cost associated with the benefit”; and*

1 (C) by striking “Such payment may consist
2 in whole or in part of materials and labor fur-
3 nished by the railroad in connection with the
4 construction of such project.”;

5 (5) by striking subsection (e) and inserting the
6 following:

7 “(e) *RAILWAY CROSSINGS.*—

8 “(1) *ELIGIBLE ACTIVITIES.*—Funds apportioned
9 to a State under section 104(b)(7) may be obligated
10 for the following:

11 “(A) *The elimination of hazards at rail-*
12 *way-highway crossings, including technology or*
13 *protective upgrades.*

14 “(B) *Construction (including installation*
15 *and replacement) of protective devices at rail-*
16 *way-highway crossings.*

17 “(C) *Infrastructure and noninfrastructure*
18 *projects and strategies to prevent or reduce sui-*
19 *cide or trespasser fatalities and injuries along*
20 *railroad rights-of-way and at or near railway-*
21 *highway crossings.*

22 “(D) *Projects to mitigate any degradation*
23 *in the level of access from a highway-grade cross-*
24 *ing closure.*

1 “(E) *Bicycle and pedestrian railway grade*
 2 *crossing improvements, including underpasses*
 3 *and overpasses.*

4 “(F) *Projects eligible under section*
 5 *22907(c)(5) of title 49, provided that amounts*
 6 *obligated under this subparagraph—*

7 “(i) *shall be administered by the Sec-*
 8 *retary in accordance with such section as if*
 9 *such amounts were made available to carry*
 10 *out such section; and*

11 “(ii) *may be used to pay up to 90 per-*
 12 *cent of the non-Federal share of the cost of*
 13 *a project carried out under such section.*

14 “(2) *SPECIAL RULE.—If a State demonstrates to*
 15 *the satisfaction of the Secretary that the State has*
 16 *met all its needs for installation of protective devices*
 17 *at railway-highway crossings, the State may use*
 18 *funds made available by this section for other high-*
 19 *way safety improvement program purposes.”;*

20 (6) *by striking subsection (f) and inserting the*
 21 *following:*

22 “(f) *FEDERAL SHARE.—Notwithstanding section 120,*
 23 *the Federal share payable on account of any project fi-*
 24 *nanced with funds made available to carry out subsection*
 25 *(e) shall be up to 90 percent of the cost thereof.”;*

1 (7) *by striking subsection (g) and inserting the*
2 *following:*

3 “(g) *REPORT.—*

4 “(1) *STATE REPORT.—*

5 “(A) *IN GENERAL.—Not later than 2 years*
6 *after the date of enactment of the INVEST in*
7 *America Act, and at least biennially thereafter,*
8 *each State shall submit to the Secretary a report*
9 *on the progress being made to implement the*
10 *railway crossings program authorized by this*
11 *section and the effectiveness of such improve-*
12 *ments.*

13 “(B) *CONTENTS.—Each State report under*
14 *subparagraph (A) shall contain an assessment of*
15 *the costs of the various treatments employed and*
16 *subsequent accident experience at improved loca-*
17 *tions.*

18 “(2) *DEPARTMENTAL REPORT.—*

19 “(A) *IN GENERAL.—Not later than 180*
20 *days after the deadline for the submission of a*
21 *report under paragraph (1)(A), the Secretary*
22 *shall publish on the website of the Department of*
23 *Transportation a report on the progress being*
24 *made by the State in implementing projects to*
25 *improve railway-highway crossings.*

1 “(B) CONTENTS.—The report under sub-
2 paragraph (A) shall include—

3 “(i) the number of projects undertaken;

4 “(ii) distribution of such projects by
5 cost range, road system, nature of treat-
6 ment, and subsequent accident experience at
7 improved locations;

8 “(iii) an analysis and evaluation of
9 each State program;

10 “(iv) the identification of any State
11 found not to be in compliance with the
12 schedule of improvements required by sub-
13 section (d); and

14 “(v) recommendations for future imple-
15 mentation of the railway crossings pro-
16 gram.”;

17 (8) in subsection (j)—

18 (A) in the heading by inserting “AND PE-
19 DESTRIAN” after “BICYCLE”; and

20 (B) by inserting “and pedestrian” after “bi-
21 cycle”; and

22 (9) in subsection (l)—

23 (A) in paragraph (1) by striking “Not later
24 than” and all that follows through “each State”
25 and inserting “Not later than 6 months after a

1 *new railway crossing becomes operational, each*
 2 *State”; and*

3 *(B) in paragraph (2) by striking “On a*
 4 *periodic” and all that follows through “every*
 5 *year thereafter” and inserting “On or before*
 6 *September 30 of each year”.*

7 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 8 *1 of title 23, United States Code, is amended by amending*
 9 *the item relating to section 130 to read as follows:*

“130. Railway crossings.”.

10 *(c) GAO STUDY.—Not later than 2 years after the date*
 11 *of enactment of this Act, the Comptroller General of the*
 12 *United States shall submit to Congress a report that in-*
 13 *cludes an analysis of the effectiveness of the railway cross-*
 14 *ing program under section 130 of title 23, United States*
 15 *Code.*

16 *(d) SENSE OF CONGRESS RELATING TO TRESPASSER*
 17 *DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the*
 18 *sense of Congress that the Department of Transportation*
 19 *should, where feasible, coordinate departmental efforts to*
 20 *prevent or reduce trespasser deaths along railroad rights-*
 21 *of-way and at or near railway-highway crossings.*

22 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

23 *(a) IN GENERAL.—Section 133 of title 23, United*
 24 *States Code, is amended—*

25 *(1) in the heading by striking “**block grant**”;*

1 (2) *in subsection (a) by striking “block grant”;*

2 (3) *in subsection (b)—*

3 (A) *by striking “block grant”;*

4 (B) *in paragraph (4) by striking “railway-*

5 *highway grade crossings” and inserting “projects*

6 *eligible under section 130 and installation of*

7 *safety barriers and nets on bridges”;*

8 (C) *in paragraph (6)—*

9 (i) *by striking “Recreational” and in-*

10 *serting “Transportation alternatives*

11 *projects eligible under subsection (h), rec-*

12 *reational”;* and

13 (ii) *by striking “1404 of SAFETEA-*

14 *LU (23 U.S.C. 402 note)” and inserting*

15 *“211”;* and

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

17 “(16) *Protective features (including natural in-*

18 *frastructure and vegetation control and clearance) to*

19 *enhance the resilience of a transportation facility oth-*

20 *erwise eligible for assistance under this section.*

21 “(17) *Projects to reduce greenhouse gas emissions*

22 *eligible under section 171, including the installation*

23 *of electric vehicle charging infrastructure.*

24 “(18) *Projects and strategies to reduce vehicle-*

25 *caused wildlife mortality related to, or to restore and*

1 *maintain connectivity among terrestrial or aquatic*
 2 *habitats affected by, a transportation facility other-*
 3 *wise eligible for assistance under this section.*

4 “(19) A surface transportation project carried
 5 out in accordance with the national travel and tour-
 6 ism infrastructure strategic plan under section
 7 1431(e) of the FAST Act (49 U.S.C. 301 note).”;

8 (4) in subsection (c)—

9 (A) by striking “block grant” and inserting
 10 “program”;

11 (B) by striking paragraph (3) and inserting
 12 the following:

13 “(3) for a project described in—

14 “(A) subsection (h); or

15 “(B) section 101(a)(29), as in effect on the
 16 day before the date of enactment of the FAST
 17 Act;”;

18 (C) by redesignating paragraph (4) as
 19 paragraph (5); and

20 (D) by inserting after paragraph (3) the fol-
 21 lowing:

22 “(4) for a project described in section 5308 of
 23 title 49; and”;

24 (5) in subsection (d)—

25 (A) in paragraph (1)—

1 (i) by inserting “each fiscal year” after
2 “apportioned to a State”;

3 (ii) by striking “the reservation of”
4 and inserting “setting aside”; and

5 (iii) in subparagraph (A)—

6 (I) by striking “the percentage
7 specified in paragraph (6) for a fiscal
8 year” and inserting “57 percent for
9 fiscal year 2022, 58 percent for fiscal
10 year 2023, 59 percent for fiscal year
11 2024, and 60 percent for fiscal year
12 2025”;

13 (II) in clause (i) by striking “of
14 over” and inserting “greater than”;
15 and

16 (III) by striking clauses (ii) and
17 (iii) and inserting the following:

18 “(ii) in urbanized areas of the State
19 with an urbanized area population greater
20 than 49,999 and less than 200,001;

21 “(iii) in urban areas of the State with
22 a population greater than 4,999 and less
23 than 50,000; and

24 “(iv) in other areas of the State with
25 a population less than 5,000; and”;

1 (B) by striking paragraph (3) and inserting
2 the following:

3 “(3) LOCAL COORDINATION AND CONSULTA-
4 TION.—

5 “(A) COORDINATION WITH METROPOLITAN
6 PLANNING ORGANIZATIONS.—For purposes of
7 paragraph (1)(A)(ii), a State shall—

8 “(i) establish a process to coordinate
9 with all metropolitan planning organiza-
10 tions in the State that represent an urban-
11 ized area described in such paragraph; and

12 “(ii) describe how funds described
13 under paragraph (1)(A)(ii) will be allocated
14 equitably among such urbanized areas dur-
15 ing the period of fiscal years 2022 through
16 2025.

17 “(B) JOINT RESPONSIBILITY.—Each State
18 and the Secretary shall jointly ensure compli-
19 ance with subparagraph (A).

20 “(C) CONSULTATION WITH REGIONAL
21 TRANSPORTATION PLANNING ORGANIZATIONS.—
22 For purposes of clauses (iii) and (iv) of para-
23 graph (1)(A), before obligating funding attrib-
24 uted to an area with a population less than
25 50,000, a State shall consult with the regional

1 *transportation planning organizations that rep-*
2 *resent the area, if any.”;*

3 *(C) in the heading for paragraph (4) by*
4 *striking “OVER 200,000” and inserting “GREATER*
5 *THAN 200,000”;*

6 *(D) by striking paragraph (6) and insert-*
7 *ing the following:*

8 *“(6) TECHNICAL ASSISTANCE.—*

9 *“(A) IN GENERAL.—The State and all met-*
10 *ropolitan planning organizations in the State*
11 *that represent an urbanized area with a popu-*
12 *lation of greater than 200,000 shall jointly estab-*
13 *lish a program to improve the ability of appli-*
14 *cants to deliver projects under this subsection in*
15 *an efficient and expeditious manner and reduce*
16 *the period of time between the selection of the*
17 *project and the obligation of funds for the project*
18 *by providing—*

19 *“(i) technical assistance and training*
20 *to applicants for projects under this sub-*
21 *section; and*

22 *“(ii) funding for 1 or more full-time*
23 *State employee positions to administer this*
24 *subsection.*

1 “(B) *ELIGIBLE FUNDS.*—*To carry out this*
2 *paragraph—*

3 “(i) *a State shall set aside an amount*
4 *equal to 1 percent of the funds available*
5 *under paragraph (1)(A)(i); and*

6 “(ii) *at the request of an eligible met-*
7 *ropolitan planning organization, the State*
8 *and metropolitan planning organization*
9 *may jointly agree to use additional funds*
10 *available under paragraph (1)(A)(i).*

11 “(C) *USE OF FUNDS.*—*Amounts used under*
12 *this paragraph may be expended—*

13 “(i) *directly by the State; or*

14 “(ii) *through contracts with State*
15 *agencies, private entities, or nonprofit orga-*
16 *nizations.”;*

17 (6) *in subsection (e)(1)—*

18 (A) *by striking “over 200,000” and insert-*
19 *ing “greater than 200,000”; and*

20 (B) *by striking “2016 through 2020” and*
21 *inserting “2022 through 2025”;*

22 (7) *by striking subsection (f) and inserting the*
23 *following:*

24 “(f) *BRIDGES NOT ON FEDERAL-AID HIGHWAYS.*—

1 “(1) *DEFINITION OF OFF-SYSTEM BRIDGE.*—In
 2 *this subsection, the term ‘off-system bridge’ means a*
 3 *bridge located on a public road, other than a bridge*
 4 *on a Federal-aid highway.*

5 “(2) *SPECIAL RULE.*—

6 “(A) *SET ASIDE.*—Of the amounts appor-
 7 *tioned to a State for each fiscal year under this*
 8 *section other than the amounts described in sub-*
 9 *paragraph (C), the State shall obligate for ac-*
 10 *tivities described in subsection (b)(2) (as in effect*
 11 *on the day before the date of enactment of the*
 12 *FAST Act) for off-system bridges an amount*
 13 *that is not less than 20 percent of the amounts*
 14 *available to such State under this section in fis-*
 15 *cal year 2020, not including the amounts de-*
 16 *scribed in subparagraph (C).*

17 “(B) *REDUCTION OF EXPENDITURES.*—The
 18 *Secretary, after consultation with State and*
 19 *local officials, may reduce the requirement for*
 20 *expenditures for off-system bridges under sub-*
 21 *paragraph (A) with respect to the State if the*
 22 *Secretary determines that the State has inad-*
 23 *equately needs to justify the expenditure.*

1 “(C) *LIMITATIONS.—The following amounts*
2 *shall not be used for the purposes of meeting the*
3 *requirements of subparagraph (A):*

4 “(i) *Amounts described in section*
5 *133(d)(1)(A).*

6 “(ii) *Amounts set aside under section*
7 *133(h).*

8 “(iii) *Amounts described in section*
9 *505(a).*

10 “(3) *CREDIT FOR BRIDGES NOT ON FEDERAL-AID*
11 *HIGHWAYS.—Notwithstanding any other provision of*
12 *law, with respect to any project not on a Federal-aid*
13 *highway for the replacement of a bridge or rehabilita-*
14 *tion of a bridge that is wholly funded from State and*
15 *local sources, is eligible for Federal funds under this*
16 *section, is certified by the State to have been carried*
17 *out in accordance with all standards applicable to*
18 *such projects under this section, and is determined by*
19 *the Secretary upon completion to be no longer a defi-*
20 *cient bridge—*

21 “(A) *any amount expended after the date of*
22 *enactment of this subsection from State and local*
23 *sources for the project in excess of 20 percent of*
24 *the cost of construction of the project may be*
25 *credited to the non-Federal share of the cost of*

1 *other bridge projects in the State that are eligible*
 2 *for Federal funds under this section; and*

3 *“(B) that crediting shall be conducted in ac-*
 4 *cordance with procedures established by the Sec-*
 5 *retary.”; and*

6 *(8) in subsection (g)(1)—*

7 *(A) by striking “subsection (d)(1)(A)(ii) for*
 8 *each of fiscal years 2016 through 2020” and in-*
 9 *serting “subsection (d)(1)(A)(iv) for each fiscal*
 10 *year”;*

11 *(B) by inserting “rural” after “functionally*
 12 *classified as”;* and

13 *(C) by inserting “or local roads, or on crit-*
 14 *ical rural freight corridors designated under sec-*
 15 *tion 167(e)” after “minor collectors”.*

16 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 17 *1 of title 23, United States Code, is amended by striking*
 18 *the item relating to section 133 and inserting the following:*

“133. Surface transportation program.”.

19 *(c) CONFORMING AMENDMENTS.—*

20 *(1) ADVANCE ACQUISITION OF REAL PROP-*
 21 *ERTY.—Section 108(c) of title 23, United States Code,*
 22 *is amended—*

23 *(A) in paragraph (2)(A) by striking “block*
 24 *grant”;* and

1 (B) in paragraph (3) by striking “block
2 grant”.

3 (2) *NONDISCRIMINATION*.—Section 140(b) of title
4 23, United States Code, is amended by striking “block
5 grant”.

6 (3) *PUBLIC TRANSPORTATION*.—Section
7 142(e)(2) of title 23, United States Code, is amended
8 by striking “block grant”.

9 (4) *HIGHWAY USE TAX EVASION PROJECTS*.—
10 Section 143(b)(8) of title 23, United States Code, is
11 amended in the heading by striking “BLOCK GRANT”.

12 (5) *CONGESTION MITIGATION AND AIR QUALITY*
13 *IMPROVEMENT PROGRAM*.—Section 149(d) of title 23,
14 United States Code, is amended—

15 (A) in paragraph (1)(B) by striking “block
16 grant”; and

17 (B) in paragraph (2)(A) by striking “block
18 grant”.

19 (6) *TERRITORIAL AND PUERTO RICO HIGHWAY*
20 *PROGRAM*.—Section 165 of title 23, United States
21 Code, is amended—

22 (A) in subsection (b)(2)(A)(ii) by striking
23 “block grant” each time such term appears; and

24 (B) in subsection (c)(6)(A)(i) by striking
25 “block grant”.

1 (7) *MAGNETIC LEVITATION TRANSPORTATION*
 2 *TECHNOLOGY DEPLOYMENT PROGRAM.*—Section
 3 322(h)(3) of title 23, United States Code, is amended
 4 by striking “block grant”.

5 (8) *TRAINING AND EDUCATION.*—Section
 6 504(a)(4) of title 23, United States Code, is amended
 7 by striking “block grant”.

8 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

9 Section 133(h) of title 23, United States Code, is
 10 amended to read as follows:

11 “(h) *TRANSPORTATION ALTERNATIVES PROGRAM SET-*
 12 *ASIDE.*—

13 “(1) *SET ASIDE.*—For each fiscal year, of the
 14 total funds apportioned to all States under section
 15 104(b)(2) for a fiscal year, the Secretary shall set
 16 aside an amount such that—

17 “(A) the Secretary sets aside a total amount
 18 under this subsection for a fiscal year equal to
 19 10 percent of such total funds; and

20 “(B) the State’s share of the amount set
 21 aside under subparagraph (A) is determined by
 22 multiplying the amount set aside under subpara-
 23 graph (A) by the ratio that—

24 “(i) the amount apportioned to the
 25 State for the transportation enhancement

1 *program for fiscal year 2009 under section*
 2 *133(d)(2), as in effect on the day before the*
 3 *date of enactment of MAP-21; bears to*

4 *“(ii) the total amount of funds appor-*
 5 *tioned to all States for the transportation*
 6 *enhancements program for fiscal year 2009.*

7 *“(2) ALLOCATION WITHIN A STATE.—*

8 *“(A) IN GENERAL.—Except as provided in*
 9 *subparagraph (B), funds set aside for a State*
 10 *under paragraph (1) shall be obligated within*
 11 *that State in the manner described in subsections*
 12 *(d) and (e), except that, for purposes of this*
 13 *paragraph (after funds are made available under*
 14 *paragraph (5))—*

15 *“(i) for each fiscal year, the percentage*
 16 *referred to in paragraph (1)(A) of sub-*
 17 *section (d) shall be deemed to be 66 percent;*
 18 *and*

19 *“(ii) paragraph (3) of subsection (d)*
 20 *shall not apply.*

21 *“(B) LOCAL CONTROL.—*

22 *“(i) IN GENERAL.—A State may make*
 23 *available up to 100 percent of the funds set*
 24 *aside under paragraph (1) to the entities*
 25 *described in subclause (I) if the State sub-*

1 mits to the Secretary, and the Secretary ap-
2 proves, a plan that describes—

3 “(I) how such funds shall be made
4 available to metropolitan planning or-
5 ganizations, regional transportation
6 planning organizations, counties, or
7 other regional transportation authori-
8 ties;

9 “(II) how the entities described in
10 subclause (I) shall select projects for
11 funding and how such entities shall re-
12 port selected projects to the State;

13 “(III) the legal, financial, and
14 technical capacity of such entities; and

15 “(IV) the procedures in place to
16 ensure such entities comply with the
17 requirements of this title.

18 “(ii) *REQUIREMENT.*—A State that
19 makes funding available under a plan ap-
20 proved under this subparagraph shall make
21 available an equivalent amount of obliga-
22 tion authority to an entity described in
23 clause (i)(I) to whom funds are made avail-
24 able under this subparagraph.

1 “(3) *ELIGIBLE PROJECTS.*—*Funds set aside*
2 *under this subsection may be obligated for any of the*
3 *following projects or activities:*

4 “(A) *Construction, planning, and design of*
5 *on-road and off-road trail facilities for pedes-*
6 *trians, bicyclists, and other nonmotorized forms*
7 *of transportation, including sidewalks, bicycle*
8 *infrastructure, pedestrian and bicycle signals,*
9 *traffic calming techniques, lighting and other*
10 *safety-related infrastructure, and transportation*
11 *projects to achieve compliance with the Ameri-*
12 *cans with Disabilities Act of 1990 (42 U.S.C.*
13 *12101 et seq.).*

14 “(B) *Construction, planning, and design of*
15 *infrastructure-related projects and systems that*
16 *will provide safe routes for nondrivers, including*
17 *children, older adults, and individuals with dis-*
18 *abilities to access daily needs.*

19 “(C) *Conversion and use of abandoned rail-*
20 *road corridors for trails for pedestrians,*
21 *bicyclists, or other nonmotorized transportation*
22 *users.*

23 “(D) *Construction of turnouts, overlooks,*
24 *and viewing areas.*

1 “(E) *Community improvement activities,*
2 *including—*

3 “(i) *inventory, control, or removal of*
4 *outdoor advertising;*

5 “(ii) *historic preservation and reha-*
6 *bilitation of historic transportation facili-*
7 *ties;*

8 “(iii) *vegetation management practices*
9 *in transportation rights-of-way to improve*
10 *roadway safety, prevent against invasive*
11 *species, facilitate wildfire control, and pro-*
12 *vide erosion control; and*

13 “(iv) *archaeological activities relating*
14 *to impacts from implementation of a trans-*
15 *portation project eligible under this title.*

16 “(F) *Any environmental mitigation activ-*
17 *ity, including pollution prevention and pollution*
18 *abatement activities and mitigation to address*
19 *stormwater management, control, and water pol-*
20 *lution prevention or abatement related to high-*
21 *way construction or due to highway runoff, in-*
22 *cluding activities described in sections 328(a)*
23 *and 329.*

24 “(G) *Projects and strategies to reduce vehi-*
25 *cle-caused wildlife mortality related to, or to re-*

1 *store and maintain connectivity among terres-*
2 *trial or aquatic habitats affected by, a transpor-*
3 *tation facility otherwise eligible for assistance*
4 *under this subsection.*

5 “(H) *The recreational trails program under*
6 *section 206.*

7 “(I) *The safe routes to school program*
8 *under section 211.*

9 “(J) *Activities in furtherance of a vulner-*
10 *able road user assessment described in section*
11 *148.*

12 “(K) *Any other projects or activities de-*
13 *scribed in section 101(a)(29) or section 213, as*
14 *such sections were in effect on the day before the*
15 *date of enactment of the FAST Act (Public Law*
16 *114–94).*

17 “(4) *ACCESS TO FUNDS.—*

18 “(A) *IN GENERAL.—A State, metropolitan*
19 *planning organization required to obligate funds*
20 *in accordance with paragraph (2)(A), or an en-*
21 *tity required to obligate funds in accordance*
22 *with paragraph (2)(B) shall develop a competi-*
23 *tive process to allow eligible entities to submit*
24 *projects for funding that achieve the objectives of*
25 *this subsection. A metropolitan planning organi-*

1 *zation for an area described in subsection*
2 *(d)(1)(A)(i) shall select projects under such proc-*
3 *ess in consultation with the relevant State.*

4 *“(B) ELIGIBLE ENTITY DEFINED.—In this*
5 *paragraph, the term ‘eligible entity’ means—*

6 *“(i) a local government, including a*
7 *county or multi-county special district;*

8 *“(ii) a regional transportation author-*
9 *ity;*

10 *“(iii) a transit agency;*

11 *“(iv) a natural resource or public land*
12 *agency;*

13 *“(v) a school district, local education*
14 *agency, or school;*

15 *“(vi) a tribal government;*

16 *“(vii) a metropolitan planning organi-*
17 *zation that serves an urbanized area with a*
18 *population of 200,000 or fewer;*

19 *“(viii) a nonprofit organization car-*
20 *rying out activities related to transpor-*
21 *tation;*

22 *“(ix) any other local or regional gov-*
23 *ernmental entity with responsibility for or*
24 *oversight of transportation or recreational*
25 *trails (other than a metropolitan planning*

1 *organization that serves an urbanized area*
 2 *with a population of over 200,000 or a*
 3 *State agency) that the State determines to*
 4 *be eligible, consistent with the goals of this*
 5 *subsection; and*

6 *“(x) a State, at the request of any enti-*
 7 *ty listed in clauses (i) through (ix).*

8 *“(5) CONTINUATION OF CERTAIN RECREATIONAL*
 9 *TRAILS PROJECTS.—*

10 *“(A) IN GENERAL.—For each fiscal year, a*
 11 *State shall—*

12 *“(i) obligate an amount of funds set*
 13 *aside under this subsection equal to 175*
 14 *percent of the amount of the funds appor-*
 15 *tioned to the State for fiscal year 2009*
 16 *under section 104(h)(2), as in effect on the*
 17 *day before the date of enactment of MAP-*
 18 *21, for projects relating to recreational*
 19 *trails under section 206;*

20 *“(ii) return 1 percent of the funds de-*
 21 *scribed in clause (i) to the Secretary for the*
 22 *administration of such program; and*

23 *“(iii) comply with the provisions of the*
 24 *administration of the recreational trails*
 25 *program under section 206, including the*

1 *use of apportioned funds described in sub-*
2 *section (d)(3)(A) of such section.*

3 “(B) *STATE FLEXIBILITY.*—A State may
4 *opt out of the recreational trails program under*
5 *this paragraph if the Governor of the State noti-*
6 *fies the Secretary not later than 30 days prior*
7 *to the date on which an apportionment is made*
8 *under section 104 for any fiscal year.*

9 “(6) *IMPROVING ACCESSIBILITY AND EFFI-*
10 *CIENCY.*—

11 “(A) *IN GENERAL.*—A State may use an
12 *amount equal to not more than 5 percent of the*
13 *funds set aside for the State under this sub-*
14 *section, after allocating funds in accordance with*
15 *paragraph (2)(A), to improve the ability of ap-*
16 *plicants to access funding for projects under this*
17 *subsection in an efficient and expeditious man-*
18 *ner by providing—*

19 “(i) *to applicants for projects under*
20 *this subsection application assistance, tech-*
21 *nical assistance, and assistance in reducing*
22 *the period of time between the selection of*
23 *the project and the obligation of funds for*
24 *the project; and*

1 “(ii) *funding for 1 or more full-time*
 2 *State employee positions to administer this*
 3 *subsection.*

4 “(B) *USE OF FUNDS.—Amounts used under*
 5 *subparagraph (A) may be expended—*

6 “(i) *directly by the State; or*

7 “(ii) *through contracts with State*
 8 *agencies, private entities, or nonprofit enti-*
 9 *ties.*

10 “(7) *FEDERAL SHARE.—*

11 “(A) *FLEXIBLE MATCH.—*

12 “(i) *IN GENERAL.—Notwithstanding*
 13 *section 120—*

14 “(I) *the non-Federal share for a*
 15 *project under this subsection may be*
 16 *calculated on a project, multiple-*
 17 *project, or program basis; and*

18 “(II) *the Federal share of the cost*
 19 *of an individual project in this sub-*
 20 *section may be up to 100 percent.*

21 “(ii) *AGGREGATE NON-FEDERAL*
 22 *SHARE.—The average annual non-Federal*
 23 *share of the total cost of all projects for*
 24 *which funds are obligated under this sub-*
 25 *section in a State for a fiscal year shall be*

1 *not less than the non-Federal share author-*
 2 *ized for the State under section 120(b).*

3 “(iii) *REQUIREMENT.*—*This subpara-*
 4 *graph shall only apply to a State if such*
 5 *State has adequate financial controls, as*
 6 *certified by the Secretary, to account for the*
 7 *average annual non-Federal share under*
 8 *this subparagraph.*

9 “(B) *SAFETY PROJECTS.*—*Notwithstanding*
 10 *section 120, funds made available to carry out*
 11 *section 148 may be credited toward the non-Fed-*
 12 *eral share of the costs of a project under this sub-*
 13 *section if the project—*

14 “(i) *is a project described in section*
 15 *148(e)(1); and*

16 “(ii) *is consistent with the State stra-*
 17 *tegic highway safety plan (as defined in sec-*
 18 *tion 148(a)).*

19 “(8) *FLEXIBILITY.*—

20 “(A) *STATE AUTHORITY.*—

21 “(i) *IN GENERAL.*—*A State may use*
 22 *not more than 50 percent of the funds set*
 23 *aside under this subsection that are avail-*
 24 *able for obligation in any area of the State*
 25 *(suballocated consistent with the require-*

1 *ments of subsection (d)(1)(B)) for any pur-*
2 *pose eligible under subsection (b).*

3 “(ii) *RESTRICTION.—Funds may be*
4 *used as described in clause (i) only if the*
5 *State demonstrates to the Secretary—*

6 “(I) *that the State held a competi-*
7 *tion in compliance with the require-*
8 *ments of this subsection in such form*
9 *as the Secretary determines appro-*
10 *priate;*

11 “(II) *that the State offered tech-*
12 *nical assistance to all eligible entities*
13 *and provided such assistance upon re-*
14 *quest by an eligible entity; and*

15 “(III) *that there were not suffi-*
16 *cient suitable applications from eligible*
17 *entities to use the funds described in*
18 *clause (i).*

19 “(B) *MPO AUTHORITY.—*

20 “(i) *IN GENERAL.—A metropolitan*
21 *planning organization that represents an*
22 *urbanized area with a population of greater*
23 *than 200,000 may use not more than 50*
24 *percent of the funds set aside under this*
25 *subsection for an urbanized area described*

1 in subsection (d)(1)(A)(i) for any purpose
2 eligible under subsection (b).

3 “(ii) *RESTRICTION.*—Funds may be
4 used as described in clause (i) only if the
5 Secretary certifies that the metropolitan
6 planning organization—

7 “(I) held a competition in compli-
8 ance with the requirements of this sub-
9 section in such form as the Secretary
10 determines appropriate; and

11 “(II) demonstrates that there were
12 not sufficient suitable applications
13 from eligible entities to use the funds
14 described in clause (i).

15 “(9) *ANNUAL REPORTS.*—

16 “(A) *IN GENERAL.*—Each State or metro-
17 politan planning organization responsible for
18 carrying out the requirements of this subsection
19 shall submit to the Secretary an annual report
20 that describes—

21 “(i) the number of project applications
22 received for each fiscal year, including—

23 “(I) the aggregate cost of the
24 projects for which applications are re-
25 ceived; and

1 “(II) the types of projects to be
2 carried out, expressed as percentages of
3 the total apportionment of the State
4 under this subsection; and

5 “(ii) the list of each project selected for
6 funding for each fiscal year, including
7 specifying the fiscal year for which the
8 project was selected, the fiscal year in which
9 the project is anticipated to be funded, the
10 recipient, the location, the type, and a brief
11 description.

12 “(B) *PUBLIC AVAILABILITY.*—The Secretary
13 shall make available to the public, in a user-
14 friendly format on the website of the Department
15 of Transportation, a copy of each annual report
16 submitted under subparagraph (A).”.

17 **SEC. 1207. BRIDGE INVESTMENT.**

18 (a) *IN GENERAL.*—Section 144 of title 23, United
19 States Code, is amended—

20 (1) in the section heading by striking “**Na-**
21 **tional bridge and tunnel inventory and**
22 **inspection standards**” and inserting “**Bridges**
23 **and tunnels**”;

24 (2) in subsection (a)(1)(B) by striking “defi-
25 cient”;

(3) in subsection (b)(5) by striking “structurally deficient bridge” and inserting “bridge classified as in poor condition”;

(4) in subsection (d)—

(A) in paragraph (2) by striking “Not later than 2 years after the date of enactment of the MAP-21, each” and inserting “Each”; and

(B) by striking paragraph (4);

(5) in subsection (j)—

(A) in paragraph (2) by inserting “, 124,” after “section 119”;

(B) in paragraph (3)(A) by inserting “, 124,” after “section 119”; and

(C) in paragraph (5) by striking “financial characteristics” and all that follows through the end and inserting “Federal share.”; and

(6) by adding at the end the following:

“(l) *HIGHWAY BRIDGE REPLACEMENT AND REHABILI-*

TATION.—

“(1) *GOALS.*—The goals of this subsection shall be to—

“(A) support the achievement of a state of good repair for the Nation’s bridges;

1 “(B) improve the safety, efficiency, and reli-
2 ability of the movement of people and freight
3 over bridges; and

4 “(C) improve the condition of bridges in the
5 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 geometric
17 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 geometric
24 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.—Ex-
6 cluding the amounts described in subparagraph
7 (C), of the total funds apportioned to a State
8 under paragraphs (1) and (2) of section 104(b)
9 for fiscal years 2022 to 2025, a State shall obli-
10 gate not less than 20 percent for projects de-
11 scribed in subparagraph (E).

12 “(B) PROGRAM FLEXIBILITY.—A State re-
13 quired to obligate funds under subparagraph (A)
14 may use any combination of funds apportioned
15 to a State under paragraphs (1) and (2) of sec-
16 tion 104(b).

17 “(C) LIMITATION.—Amounts described
18 below may not be used for the purposes of calcu-
19 lating 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 in*
4 *this section shall be construed to prohibit the ex-*
5 *penditure of funds described in subparagraph*
6 *(C) for bridge projects eligible under such sec-*
7 *tion.*

8 “(E) *ELIGIBLE PROJECTS.*—*Funds required*
9 *to be obligated in accordance with paragraph*
10 *(2)(A) may be obligated for projects or activities*
11 *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 the*
17 *condition and performance of bridges on*
18 *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 in-*
23 *cluded on the national bridge inventory au-*
24 *thorized 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 designed
10 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/form-
18 ate, or other environmentally accept-
19 able, minimally corrosive anti-icing
20 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 measures*
6 *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 sub-*
13 *section (j) to satisfy the requirements of subpara-*
14 *graph (A), if each project in the bundle is other-*
15 *wise eligible under subparagraph (E).*

16 “(G) *FLEXIBILITY.—The Secretary may, at*
17 *the request of a State, reduce the required obliga-*
18 *tion 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 expendi-*
5 *ture.*

6 “(H) *BRIDGE INVESTMENT REPORT.—The*
7 *Secretary shall annually publish on the website*
8 *of the Department of Transportation a bridge in-*
9 *vestment report that includes—*

10 “(i) *the total Federal funding obligated*
11 *for bridge projects in the most recent fiscal*
12 *year, on a State-by-State basis and broken*
13 *out by Federal program;*

14 “(ii) *the total Federal funding obli-*
15 *gated, on a State-by-State basis and broken*
16 *out by Federal program, for bridge projects*
17 *carried out pursuant to the minimum*
18 *bridge investment requirements under sub-*
19 *paragraph (A);*

20 “(iii) *the progress made by each State*
21 *toward meeting the minimum bridge invest-*
22 *ment requirement under subparagraph (A)*
23 *for such State, both cumulatively and for*
24 *the most recent fiscal year;*

25 “(iv) *a summary of—*

1 “(I) each request made under sub-
2 paragraph (G) by a State for a reduc-
3 tion in the minimum bridge invest-
4 ment requirement under subparagraph
5 (A); and

6 “(II) for each request described in
7 subclause (I) that is granted by the
8 Secretary—

9 “(aa) the percentage and dol-
10 lar amount of the reduction; and

11 “(bb) an explanation of how
12 the State met each of the criteria
13 described in subparagraph (G);
14 and

15 “(v) a summary of—

16 “(I) each request made by a State
17 for a reduction in the obligation re-
18 quirements under section 133(f); and

19 “(II) for each request that is
20 granted by the Secretary—

21 “(aa) the percentage and dol-
22 lar amount of the reduction; and

23 “(bb) an explanation of how
24 the Secretary made the determina-
25 tion under section 133(f)(2)(B).

1 “(I) *OFF-SYSTEM BRIDGES*.—A State may
 2 apply amounts obligated under this subsection or
 3 section 133(f)(2)(A) to the obligation require-
 4 ments of both this subsection and section 133(f).

5 “(J) *NHS PENALTY*.—A State may apply
 6 amounts obligated under this subsection or sec-
 7 tion 119(f)(2) to the obligation requirements of
 8 both this subsection and section 119(f)(2).

9 “(K) *COMPLIANCE*.—If a State fails to sat-
 10 isfy the requirements of subparagraph (A) by the
 11 end of fiscal year 2025, the Secretary may sub-
 12 ject the State to appropriate program sanctions
 13 under section 1.36 of title 23, Code of Federal
 14 Regulations (or successor regulations).”.

15 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
 16 1 of title 23, United States Code, is amended by striking
 17 the item relating to section 144 and inserting the following:

“144. Bridges and tunnels.”.

18 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
 19 **TERMINAL FACILITIES.**

20 Section 147 of title 23, United States Code, is amend-
 21 ed—

22 (1) by striking subsection (h); and

23 (2) by redesignating subsections (i) and (j) as
 24 subsections (h) and (i), respectively.

1 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

2 (a) *IN GENERAL.*—Section 148 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (4)(B)—

6 (i) by striking “only includes a
7 project” and inserting “includes a project”;

8 (ii) in clause (xiii) by inserting “, in-
9 cluding the development of a vulnerable
10 road user safety assessment or a vision zero
11 plan under section 1601 of the INVEST in
12 America Act” after “safety planning”;

13 (iii) by amending clause (xviii) to read
14 as follows:

15 “(xviii) Safe routes to school infra-
16 structure-related projects eligible under sec-
17 tion 211.”;

18 (iv) in clause (xxvi) by inserting “or
19 leading pedestrian intervals” after “hybrid
20 beacons”; and

21 (v) by striking clause (xxviii) and in-
22 serting the following:

23 “(xxviii) A pedestrian security feature
24 designed to slow or stop a motor vehicle.

25 “(xxix) Installation of infrastructure
26 improvements, including sidewalks, cross-

1 *walks, signage, and bus stop shelters or pro-*
 2 *tected waiting areas.”;*

3 *(B) in paragraph (11)—*

4 *(i) in subparagraph (A)—*

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

7 *(II) by redesignating clause (x) as*
 8 *clause (xi); and*

9 *(III) by inserting after clause (ix)*
 10 *the following:*

11 *“(x) State or local representatives of*
 12 *educational agencies to address safe routes*
 13 *to school and schoolbus safety; and”;*

14 *(ii) in subparagraph (E) by inserting*
 15 *“Tribal,” after “State,”;*

16 *(iii) by redesignating subparagraphs*
 17 *(G), (H), and (I) as subparagraphs (H),*
 18 *(I), and (J), respectively; and*

19 *(iv) by inserting after subparagraph*
 20 *(F) the following:*

21 *“(G) includes a vulnerable road user safety*
 22 *assessment described under paragraph (16);”;*

23 *(C) by redesignating paragraphs (10), (11),*
 24 *and (12) as paragraphs (12), (13), and (14), re-*
 25 *spectively;*

1 (D) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) *SAFE SYSTEM APPROACH.*—The term ‘safe
4 system approach’ means a roadway design that em-
5 phasizes minimizing the risk of injury or fatality to
6 road users and that—

7 “(A) takes into consideration the possibility
8 and likelihood of human error;

9 “(B) accommodates human injury tolerance
10 by taking into consideration likely crash types,
11 resulting impact forces, and the human body’s
12 ability to withstand such forces; and

13 “(C) takes into consideration vulnerable
14 road users.

15 “(11) *SPECIFIED SAFETY PROJECT.*—

16 “(A) *IN GENERAL.*—The term ‘specified
17 safety project’ means a project carried out for the
18 purpose of safety under any other section of this
19 title that is consistent with the State strategic
20 highway safety plan.

21 “(B) *INCLUSION.*—The term ‘specified safe-
22 ty project’ includes a project that—

23 “(i) promotes public awareness and in-
24 forms the public regarding highway safety
25 matters (including safety for motorcyclists,

1 *bicyclists, pedestrians, individuals with dis-*
2 *abilities, and other road users);*

3 *“(ii) facilitates enforcement of traffic*
4 *safety laws;*

5 *“(iii) provides infrastructure and in-*
6 *frastructure-related equipment to support*
7 *emergency services;*

8 *“(iv) conducts safety-related research to*
9 *evaluate experimental safety counter-*
10 *measures or equipment; or*

11 *“(v) supports safe routes to school non-*
12 *infrastructure-related activities described*
13 *under section 211(e)(2).”; and*

14 *(E) by adding at the end the following:*

15 *“(15) VULNERABLE ROAD USER.—The term ‘vul-*
16 *nerable road user’ means a nonmotorist—*

17 *“(A) with a fatality analysis reporting sys-*
18 *tem person attribute code that is included in the*
19 *definition of the term ‘number of non-motorized*
20 *fatalities’ in section 490.205 of title 23, Code of*
21 *Federal Regulations (or successor regulation); or*

22 *“(B) described in the term ‘number of non-*
23 *motorized serious injuries’ in such section.*

24 *“(16) VULNERABLE ROAD USER SAFETY ASSESS-*
25 *MENT.—The term ‘vulnerable road user safety assess-*

1 *ment’ means an assessment of the safety performance*
2 *of the State or a metropolitan planning organization*
3 *within the State with respect to vulnerable road users*
4 *and the plan of the State or metropolitan planning*
5 *organization to improve the safety of vulnerable road*
6 *users described in subsection (l).”;*

7 *(2) in subsection (c)—*

8 *(A) in paragraph (1) by striking “(a)(11)”*
9 *and inserting “(a)(13)”;* and

10 *(B) in paragraph (2)—*

11 *(i) in subparagraph (A)(vi) by insert-*
12 *ing “, consistent with the vulnerable road*
13 *user safety assessment” after “nonmotorized*
14 *crashes”;*

15 *(ii) in subparagraph (B)(i)—*

16 *(I) by inserting “, consistent with*
17 *a safe system approach,” after “iden-*
18 *tify”;*

19 *(II) by inserting “excessive design*
20 *speeds and speed limits,” after “cross-*
21 *ing needs,”;* and

22 *(III) by striking “motorists (in-*
23 *cluding motorcyclists), bicyclists, pe-*
24 *destrians, and other highway users”*
25 *and inserting “road users”; and*

1 (iii) in subparagraph (D)(iii) by strik-
 2 ing “motorists (including motorcyclists),
 3 bicyclists, pedestrians, persons with disabil-
 4 ities, and other highway users” and insert-
 5 ing “road users”;

6 (3) in subsection (d)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A) by striking
 9 “Not later than 1 year after the date of en-
 10 actment of the MAP–21, the” and inserting
 11 “The”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (iv) by inserting
 14 “and serious injury” after “fatality”;

15 (II) in clause (vii) by striking “;
 16 and” and inserting a semicolon;

17 (III) by redesignating clause
 18 (viii) as clause (ix); and

19 (IV) by inserting after clause (vii)
 20 the following:

21 “(viii) the findings of a vulnerable
 22 road user safety assessment of the State;
 23 and”; and

1 (B) in paragraph (2)(B)(i) by striking
 2 “subsection (a)(11)” and inserting “subsection
 3 (a)(13)”;
 4 (4) in subsection (e)—

5 (A) in paragraph (1)(C) by striking “,
 6 without regard to whether the project is included
 7 in an applicable State strategic highway safety
 8 plan”; and

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

10 “(3) *FLEXIBLE FUNDING FOR SPECIFIED SAFETY*
 11 *PROJECTS.*—

12 “(A) *IN GENERAL.*—To advance the imple-
 13 mentation of a State strategic highway safety
 14 plan, a State may use not more than 10 percent
 15 of the amounts apportioned to the State under
 16 section 104(b)(3) for a fiscal year to carry out
 17 specified safety projects.

18 “(B) *RULE OF STATUTORY CONSTRUC-*
 19 *TION.*—Nothing in this paragraph shall be con-
 20 strued to require a State to revise any State
 21 process, plan, or program in effect on the date of
 22 enactment of this paragraph.

23 “(C) *EFFECT OF PARAGRAPH.*—

24 “(i) *REQUIREMENTS.*—A project fund-
 25 ed under this paragraph shall be subject to

all requirements under this section that apply to a highway safety improvement project.

“(ii) OTHER APPORTIONED PROGRAMS.—Subparagraph (A) shall not apply to amounts that may be obligated for non-infrastructure projects apportioned under any other paragraph of section 104(b).”;

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) HIGH-RISK RURAL ROAD SAFETY.—

“(A) IN GENERAL.—If a State determines that the fatality rate on rural roads in such State for the most recent 2-year period for which data are available exceeds the median fatality rate for rural roads among all States, that State shall be required to—

“(i) obligate over the 2 fiscal years following the fiscal year in which such determination is made for projects on high-risk rural roads an amount not less than 7.5 percent of the amounts apportioned to the State under section 104(b)(3) for fiscal year 2020; and

1 “(ii) include, in the subsequent update
2 to the State strategic highway safety plan,
3 strategies to reduce the fatality rate.

4 “(B) *SOURCE OF FUNDS.*—Any amounts ob-
5 ligated under subparagraph (A) shall be from
6 amounts described under section 133(d)(1)(B).

7 “(C) *ANNUAL DETERMINATION.*—The deter-
8 mination described under subparagraph (A)
9 shall be made on an annual basis.

10 “(D) *CONSULTATION.*—In carrying out a
11 project with an amount obligated under subpara-
12 graph (A), a State shall consult with, as appli-
13 cable, local governments, metropolitan planning
14 organizations, and regional transportation plan-
15 ning organizations.”;

16 (B) in paragraph (2)—

17 (i) in the heading by striking “DRIV-
18 ERS” and inserting “ROAD USERS”; and

19 (ii) by striking “address the increases
20 in” and inserting “reduce”; and

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

22 “(3) *VULNERABLE ROAD USER SAFETY.*—

23 “(A) *IN GENERAL.*—Beginning on the date
24 of enactment of the *INVEST in America Act*, if
25 a State determines that the number of vulnerable

1 *road user fatalities and serious injuries per cap-*
2 *ita in such State over the most recent 2-year pe-*
3 *riod for which data are available exceeds the me-*
4 *dian number of such fatalities and serious inju-*
5 *ries per capita among all States, that State shall*
6 *be required to obligate over the 2 fiscal years fol-*
7 *lowing the fiscal year in which such determina-*
8 *tion is made an amount that is not less than 50*
9 *percent of the amount set aside in such State*
10 *under section 133(h)(1) for fiscal year 2020, less*
11 *any amounts obligated by a metropolitan plan-*
12 *ning organization in the State as required by*
13 *subparagraph (D), for—*

14 *“(i) in the first fiscal year—*

15 *“(I) performing the vulnerable*
16 *user safety assessment as prescribed by*
17 *subsection (l);*

18 *“(II) providing matching funds*
19 *for transportation alternatives safety*
20 *project as identified in section*
21 *133(h)(7)(B); and*

22 *“(III) projects eligible under sec-*
23 *tion 133(h)(3)(A), (B), (C), or (I); and*

1 “(ii) in each fiscal year thereafter, the
2 program of projects identified in subsection
3 (l)(2)(C).

4 “(B) *SOURCE OF FUNDS.*—Any amounts ob-
5 ligated under subparagraph (A) shall be from
6 amounts described in section 133(d)(1)(B).

7 “(C) *ANNUAL DETERMINATION.*—The deter-
8 mination described under subparagraph (A)
9 shall be made on an annual basis.

10 “(D) *METROPOLITAN PLANNING AREA WITH*
11 *EXCESSIVE FATALITIES AND SERIOUS INJURIES*
12 *PER CAPITA.*—

13 “(i) *ANNUAL DETERMINATION.*—Begin-
14 ning on the date of enactment of the IN-
15 VEST in America Act, a metropolitan
16 planning organization representing an ur-
17 banized area with a population greater
18 than 200,000 shall annually determine the
19 number of vulnerable user road fatalities
20 and serious injuries per capita in such area
21 over the most recent 2-year period.

22 “(ii) *REQUIREMENT TO OBLIGATE*
23 *FUNDS.*—If such a metropolitan planning
24 area organization determines that the num-
25 ber of vulnerable user road fatalities and se-

1 *rious injuries per capita in such area over*
2 *the most recent 2-year period for which*
3 *data are available exceeds the median num-*
4 *ber of such fatalities and serious injuries*
5 *among all urbanized areas with a popu-*
6 *lation of over 200,000, then there shall be*
7 *obligated over the 2 fiscal years following*
8 *the fiscal year in which such determination*
9 *is made an amount that is not less than 50*
10 *percent of the amount set aside for that ur-*
11 *banized area under section 133(h)(2) for fis-*
12 *cal year 2020 for projects identified in the*
13 *program of projects described in subsection*
14 *(l)(7)(C).*

15 *“(E) SOURCE OF FUNDS.—*

16 *“(i) METROPOLITAN PLANNING ORGA-*
17 *NIZATION IN STATE REQUIRED TO OBLIGATE*
18 *FUNDS.—For a metropolitan planning or-*
19 *ganization in a State required to obligate*
20 *funds to vulnerable user safety under sub-*
21 *paragraph (A), the State shall be required*
22 *to obligate from such amounts required to*
23 *be obligated for vulnerable road user safety*
24 *under subparagraph (B) for projects de-*
25 *scribed in subsection (l)(7).*

1 “(ii) *OTHER METROPOLITAN PLANNING*
 2 *ORGANIZATIONS.*—*For a metropolitan plan-*
 3 *ning organization that is not located within*
 4 *a State required to obligate funds to vulner-*
 5 *able user safety under subparagraph (A),*
 6 *the State shall be required to obligate from*
 7 *amounts apportioned under section*
 8 *104(b)(3) for projects described in sub-*
 9 *section (l)(7).’;*

10 (6) *in subsection (h)(1)(A) by inserting “, in-*
 11 *cluding any efforts to reduce vehicle speed” after*
 12 *“under this section”; and*

13 (7) *by adding at the end the following:*

14 “(l) *VULNERABLE ROAD USER SAFETY ASSESS-*
 15 *MENT.*—

16 “(1) *IN GENERAL.*—*Not later than 1 year after*
 17 *date of enactment of the INVEST in America Act,*
 18 *each State shall create a vulnerable road user safety*
 19 *assessment.*

20 “(2) *CONTENTS.*—*A vulnerable road user safety*
 21 *assessment required under paragraph (1) shall in-*
 22 *clude—*

23 “(A) *a description of the location within the*
 24 *State of each vulnerable road user fatality and*

1 *serious injury and the design speed of the road-*
2 *way at any such location;*

3 *“(B) a description of any corridors identi-*
4 *fied by a State, in coordination with local gov-*
5 *ernments, metropolitan planning organizations,*
6 *and regional transportation planning organiza-*
7 *tions that pose a high risk of a vulnerable road*
8 *user fatality or serious injury and the design*
9 *speeds of such corridors; and*

10 *“(C) a program of projects or strategies to*
11 *reduce safety risks to vulnerable road users in*
12 *corridors identified under subparagraph (B), in*
13 *coordination with local governments, metropoli-*
14 *tan planning organizations, and regional trans-*
15 *portation planning organizations that represent*
16 *a high-risk area identified under subparagraph*
17 *(B).*

18 *“(3) ANALYSIS.—In creating a vulnerable road*
19 *user safety assessment under this subsection, a State*
20 *shall assess the last 5 years of available data.*

21 *“(4) REQUIREMENTS.—In creating a vulnerable*
22 *road user safety assessment under this subsection, a*
23 *State shall—*

24 *“(A) take into consideration a safe system*
25 *approach; and*

1 “(B) coordinate with local governments,
 2 metropolitan planning organizations, and re-
 3 gional transportation planning organizations
 4 that represent a high-risk area identified under
 5 paragraph (2)(B).

6 “(5) *UPDATE*.—A State shall update a vulner-
 7 able road user safety assessment on the same schedule
 8 as the State updates the State strategic highway safe-
 9 ty plan.

10 “(6) *TRANSPORTATION SYSTEM ACCESS*.—The
 11 program of projects developed under paragraph (2)(C)
 12 may not degrade transportation system access for vul-
 13 nerable road users.”.

14 (b) *TECHNICAL AMENDMENT*.—Section 148 of title 23,
 15 United States Code, is amended—

16 (1) in the heading for subsection (a)(8) by strik-
 17 ing “ROAD USERS” and inserting “ROAD USER”; and

18 (2) in subsection (i)(2)(D) by striking “safety
 19 safety” and inserting “safety”.

20 (c) *HIGH-RISK RURAL ROADS*.—

21 (1) *STUDY*.—Not later than 2 years after the
 22 date of enactment of this Act, the Secretary of Trans-
 23 portation shall update the study described in para-
 24 graph (1) of section 1112(b) of MAP-21 (23 U.S.C.
 25 148 note).

1 (2) *PUBLICATION OF REPORT.*—Not later than 2
 2 *years after the date of enactment of this Act, the Sec-*
 3 *retary shall publish on the website of the Department*
 4 *of Transportation an updated report of the report de-*
 5 *scribed in paragraph (2) of section 1112(b) of MAP–*
 6 *21 (23 U.S.C. 148 note).*

7 (3) *BEST PRACTICES MANUAL.*—Not later than
 8 *180 days after the date of submission of the report de-*
 9 *scribed in paragraph (2), the Secretary shall update*
 10 *the best practices manual described in section*
 11 *1112(b)(3) of MAP–21 (23 U.S.C. 148 note).*

12 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
 13 **PROVEMENT PROGRAM.**

14 *Section 149 of title 23, United States Code, is amend-*
 15 *ed—*

16 (1) *in subsection (b)—*

17 (A) *in paragraph (1)(A)(ii) by striking*
 18 *“subsection (h)” and inserting “subsection (i)”;*

19 (B) *in paragraph (7) by inserting “shared*
 20 *micromobility (including bikesharing and shared*
 21 *scooter systems),” after “carsharing,”;*

22 (C) *in paragraph (8)(B) by striking “; or”*
 23 *and inserting a semicolon;*

24 (D) *in paragraph (9) by striking the period*
 25 *and inserting “; or”; and*

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

2 “(10) if the project or program mitigates sea-
3 sonal or temporary traffic congestion from long-haul
4 travel or tourism.”;

5 (2) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in the heading by inserting “, HY-
8 DROGEN VEHICLE,” after “ELECTRIC VEHI-
9 CLE”;

10 (ii) by inserting “hydrogen or” after
11 “charging stations or”; and

12 (iii) by inserting “, hydrogen-pow-
13 ered,” after “battery powered”; and

14 (B) in paragraph (3) by inserting “, and is
15 consistent with section 166” after “travel times”;
16 and

17 (3) by striking subsection (m) and inserting the
18 following:

19 “(m) OPERATING ASSISTANCE.—

20 “(1) PROJECTS.—A State may obligate funds
21 apportioned under section 104(b)(4) in an area of
22 such State that is otherwise eligible for obligations of
23 such funds for operating costs under chapter 53 of
24 title 49 or on a system for which CMAQ funding was
25 made available, obligated, or expended in fiscal year

2012, or, notwithstanding subsection (b), on a State-supported Amtrak route with a cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 or alternative cost allocation under section 24712(g)(3) of title 49.

“(2) *TIME LIMITATION.*—In determining the amount of time for which a State may obligate funds under paragraph (1) for operating assistance for an area of a State or on a system, the Secretary shall allow such obligations to occur, in such area or on such system—

“(A) with a time limitation of not less than 3 years; and

“(B) in the case of projects that demonstrate continued net air quality benefits beyond 3 years, as determined annually by the Secretary in consultation with the Administrator of the Environmental Protection Agency, with no imposed time limitation.”.

SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.

(a) *ELECTRIC VEHICLE CHARGING STATIONS.*—Chapter 1 of title 23, United States Code, is amended by inserting after section 154 the following new section:

1 **“§ 155. Electric vehicle charging stations**

2 “(a) *IN GENERAL.*—Any electric vehicle charging in-
3 frastructure funded under this title shall be subject to the
4 requirements of this section.

5 “(b) *INTEROPERABILITY.*—

6 “(1) *IN GENERAL.*—Electric vehicle charging sta-
7 tions funded under this title shall provide, at a min-
8 imum, two of the following charging connector types
9 at the location:

10 “(A) *CCS.*

11 “(B) *CHAdeMO.*

12 “(C) *An alternative connector that meets*
13 *applicable industry safety standards*

14 “(2) *SAVINGS CLAUSE.*—Nothing in this sub-
15 section shall prevent the use of charging types other
16 than the connectors described in paragraph (1) if, at
17 a minimum, such connectors meet applicable industry
18 safety standards and are compatible with a majority
19 of electric vehicles in operation.

20 “(c) *OPEN ACCESS TO PAYMENT.*—Electric vehicle
21 charging stations shall provide payment methods available
22 to all members of the public to ensure secure, convenient,
23 and equal access and shall not be limited by membership
24 to a particular payment provider.

25 “(d) *TREATMENT OF PROJECTS.*—Notwithstanding
26 any other provision of law, any project to install electric

1 *vehicle charging infrastructure shall be treated as if the*
 2 *project is located on a Federal-aid highway.*

3 “(e) *CERTIFICATION.—The Secretary of Commerce*
 4 *shall certify that no electric vehicle charging stations in-*
 5 *stalled under this section use minerals sourced or processed*
 6 *with child labor, as such term is defined in Article 3 of*
 7 *the International Labor Organization Convention con-*
 8 *cerning the prohibition and immediate action for the elimi-*
 9 *nation of the worst forms of child labor (December 2, 2000),*
 10 *or in violation of human rights.”.*

11 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
 12 *1 of title 23, United States Code, is amended by inserting*
 13 *after the item relating to section 154 the following new item:*
 “155. Electric vehicle charging stations.”.

14 “(c) *ELECTRIC VEHICLE CHARGING SIGNAGE.—The*
 15 *Secretary of Transportation shall update the Manual on*
 16 *Uniform Traffic Control Devices to—*

17 (1) *ensure uniformity in providing road users*
 18 *direction to electric charging stations that are open to*
 19 *the public; and*

20 (2) *allow the use of Specific Service signs for*
 21 *electric vehicle charging station providers.*

22 “(d) *AGREEMENTS RELATING TO THE USE AND ACCESS*
 23 *OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Section*
 24 *111 of title 23, United States Code, is amended by adding*
 25 *at the end the following:*

1 “(f) *INTERSTATE SYSTEM RIGHTS-OF WAY*.—

2 “(1) *IN GENERAL*.—*Notwithstanding subsections*
 3 *(a) or (b), the Secretary shall permit, consistent with*
 4 *section 155, the charging of electric vehicles on rights-*
 5 *of-way of the Interstate System in—*

6 “(A) *a rest area; or*

7 “(B) *a fringe or corridor parking facility,*
 8 *including a park and ride facility.*

9 “(2) *SAVINGS CLAUSE*.—*Nothing in this sub-*
 10 *section shall permit commercial activities on rights-*
 11 *of-way of the Interstate System, except as necessary*
 12 *for the charging of electric vehicles in accordance with*
 13 *this subsection.”.*

14 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

15 *Section 167 of title 23, United States Code, is amend-*
 16 *ed—*

17 *(1) in subsection (b)—*

18 *(A) in paragraph (6) by striking “; and”*
 19 *and inserting a semicolon; and*

20 *(B) by striking paragraph (7) and inserting*
 21 *the following:*

22 “(7) *to reduce the environmental impacts of*
 23 *freight movement on the National Highway Freight*
 24 *Network, including—*

25 “(A) *greenhouse gas emissions;*

1 “(B) local air pollution;

2 “(C) minimizing, capturing, or treating
3 stormwater runoff and addressing other adverse
4 impacts to water quality; and

5 “(D) wildlife habitat loss; and

6 “(8) to decrease any adverse impact of freight
7 transportation on communities located near freight
8 facilities or freight corridors.”;

9 (2) in subsection (e) by adding at the end the fol-
10 lowing:

11 “(3) *ADDITIONAL MILEAGE.*—Notwithstanding
12 paragraph (2), a State that has designated at least 90
13 percent of its maximum mileage described in para-
14 graph (2) may designate up to an additional 150
15 miles of critical rural freight corridors.”;

16 (3) in subsection (f) by adding at the end the fol-
17 lowing:

18 “(5) *ADDITIONAL MILEAGE.*—Notwithstanding
19 paragraph (4), a State that has designated at least 90
20 percent of its maximum mileage described in para-
21 graph (4) may designate up to an additional 75 miles
22 of critical urban freight corridors under paragraphs
23 (1) and (2).”;

24 (4) in subsection (h) by striking “Not later than”
25 and all that follows through “shall prepare” and in-

serting “As part of the report required under section 503(b)(8), the Administrator shall biennially prepare”;

(5) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by amending paragraph (4) to read as follows:

“(4) *FREIGHT PLANNING.*—Notwithstanding any other provision of law, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed, updated, or amended, as applicable, a freight plan in accordance with section 70202 of title 49.”;

(C) in paragraph (5)—

(i) by striking subparagraph (B) and inserting the following:

“(B) *LIMITATION.*—The Federal share of a project described in subparagraph (C)(xxiii) shall fund only elements of such project that provide public benefits.”; and

(ii) in subparagraph (C)—

(I) in clause (iii) by inserting “and freight management and operations systems” after “freight transportation systems”; and

1 (II) by amending clause (xxiii) to
2 read as follows:

3 “(xxiii) *Freight intermodal or freight*
4 *rail projects, including—*

5 “(I) *projects within the bound-*
6 *aries of public or private freight rail*
7 *or water facilities (including ports);*

8 “(II) *projects that provide surface*
9 *transportation infrastructure necessary*
10 *to facilitate direct intermodal inter-*
11 *change, transfer, and access into or out*
12 *of the facility; and*

13 “(III) *any other surface transpor-*
14 *tation project to improve the flow of*
15 *freight into or out of a facility de-*
16 *scribed in subclause (I) or (II).”;*

17 (D) *in paragraph (6) by striking “para-*
18 *graph (5)” and inserting “paragraph (3)”;* and

19 (E) *by redesignating paragraphs (4), (5),*
20 *(6), and (7) as paragraphs (2), (3), (4), and (5),*
21 *respectively; and*

22 (6) *in subsection (k)(1)(A)(ii) by striking “ports-*
23 *of entry” and inserting “ports-of-entry”.*

1 **SEC. 1213. CARBON POLLUTION REDUCTION.**

2 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
3 Code, is amended by adding at the end the following:

4 **“§ 171. Carbon pollution reduction**

5 “(a) *ESTABLISHMENT.*—The Secretary shall establish
6 a carbon pollution reduction program to support the reduc-
7 tion of greenhouse gas emissions from the surface transpor-
8 tation system.

9 “(b) *ELIGIBLE PROJECTS.*—A project is eligible for
10 funding under this section if such project—

11 “(1) is expected to yield a significant reduction
12 in greenhouse gas emissions from the surface trans-
13 portation system;

14 “(2) will help a State meet the greenhouse gas
15 emissions performance targets established under sec-
16 tion 150(c)(7); and

17 “(3) is—

18 “(A) eligible for assistance under this title
19 or under chapter 53 of title 49; or

20 “(B) a capital project, as such term is de-
21 fined in section 22906 of title 49, to improve
22 intercity rail passenger transportation, provided
23 that the project will yield a significant reduction
24 in single occupant vehicle trips and improve mo-
25 bility on public roads.

1 “(c) *GUIDANCE.—The Secretary shall issue guidance*
 2 *on methods of determining the reduction of single occupant*
 3 *vehicle trips and improvement of mobility on public roads*
 4 *as those factors relate to intercity rail passenger transpor-*
 5 *tation projects under subsection (b)(4).*

6 “(d) *OPERATING EXPENSES.—A State may use not*
 7 *more than 10 percent of the funds provided under section*
 8 *104(b)(9) for the operating expenses of public transpor-*
 9 *tation and passenger rail transportation projects.*

10 “(e) *SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILI-*
 11 *TIES.—None of the funds provided under this section may*
 12 *be used for a project that will result in the construction*
 13 *of new capacity available to single occupant vehicles unless*
 14 *the project consists of a high occupancy vehicle facility and*
 15 *is consistent with section 166.*

16 “(f) *EVALUATION.—*

17 “(1) *IN GENERAL.—The Secretary shall annually*
 18 *evaluate the progress of each State in carrying out the*
 19 *program under this section by comparing the percent*
 20 *change in carbon dioxide emissions per capita on*
 21 *public roads in the State calculated as—*

22 “(A) *the annual carbon dioxide emissions*
 23 *per capita on public roads in the State for the*
 24 *most recent year for which there is data; divided*
 25 *by*

1 “(B) the average annual carbon dioxide
2 emissions per capita on public roads in the State
3 in calendar years 2015 through 2019.

4 “(2) MEASURES.—In conducting the evaluation
5 under paragraph (1), the Secretary shall—

6 “(A) prior to the effective date of the green-
7 house gas performance measures under section
8 150(c)(7), use such data as are available, which
9 may include data on motor fuels usage published
10 by the Federal Highway Administration and in-
11 formation on emissions factors or coefficients
12 published by the Energy Information Adminis-
13 tration of the Department of Energy; and

14 “(B) following the effective date of the
15 greenhouse gas performance measures under sec-
16 tion 150(c)(7), use such measures.

17 “(g) PROGRESS REPORT.—The Secretary shall annu-
18 ally issue a carbon pollution reduction progress report, to
19 be made publicly available on the website of the Department
20 of Transportation, that includes—

21 “(1) the results of the evaluation under sub-
22 section (f) for each State; and

23 “(2) a ranking of all the States by the criteria
24 under subsection (f), with the States that, for the year
25 covered by such report, have the largest percentage re-

1 *duction in annual carbon dioxide emissions per cap-*
2 *ita on public roads being ranked the highest.*

3 “(h) *HIGH-PERFORMING STATES.*—

4 “(1) *DESIGNATION.*—*For purposes of this sec-*
5 *tion, each State that is 1 of the 15 highest ranked*
6 *States, as determined under subsection (g)(2), and*
7 *that achieves a reduction in carbon dioxide emissions*
8 *per capita on public roads, as determined by the eval-*
9 *uation in subsection (f), shall be designated as a high-*
10 *performing State for the following fiscal year.*

11 “(2) *USE OF FUNDS.*—*For each State that is*
12 *designated as a high-performing State under para-*
13 *graph (1)—*

14 “(A) *notwithstanding section 120, the State*
15 *may use funds made available under this title to*
16 *pay the non-Federal share of a project under this*
17 *section during any year for which such State is*
18 *designated as a high-performing State; and*

19 “(B) *notwithstanding section 126, the State*
20 *may transfer up to 50 percent of funds appor-*
21 *tioned under section 104(b)(9) to the program*
22 *under section 104(b)(2) in any year for which*
23 *such State is designated as a high-performing*
24 *State.*

1 “(3) *TRANSFER.*—For each State that is 1 of the
2 15 lowest ranked States, as determined under sub-
3 section (g)(2), the Secretary shall transfer 10 percent
4 of the amount apportioned to the State under section
5 104(b)(2) in the fiscal year following the year in
6 which the State is so ranked, not including amounts
7 set aside under section 133(d)(1)(A) and under sec-
8 tion 133(h) or 505(a), to the apportionment of the
9 State under section 104(b)(9).

10 “(4) *LIMITATION.*—The Secretary shall not con-
11 duct a transfer under paragraph (3)—

12 “(A) until the first fiscal year following the
13 effective date of greenhouse gas performance
14 measures under section 150(c)(7); and

15 “(B) with respect to a State in any fiscal
16 year following the year in which such State
17 achieves a reduction in carbon dioxide emissions
18 per capita on public roads in such year as deter-
19 mined by the evaluation under subsection (f).

20 “(i) *REPORT.*—Not later than 2 years after the date
21 of enactment of this section and periodically thereafter, the
22 Secretary, in consultation with the Administrator of the
23 Environmental Protection Agency, shall issue a report—

24 “(1) detailing, based on the best available
25 science, what types of projects eligible for assistance

1 *under this section are expected to provide the most*
 2 *significant greenhouse gas emissions reductions from*
 3 *the surface transportation sector; and*

4 *“(2) detailing, based on the best available*
 5 *science, what types of projects eligible for assistance*
 6 *under this section are not expected to provide signifi-*
 7 *cant greenhouse gas emissions reductions from the*
 8 *surface transportation sector.”.*

9 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 10 *1 of title 23, United States Code, is amended by adding*
 11 *at the end the following new item:*

“171. Carbon pollution reduction.”.

12 *(c) APPLICABILITY.—Subsection (b)(2) of section 171*
 13 *of title 23, United States Code, as added by this section,*
 14 *shall apply to a State beginning on the first fiscal year*
 15 *following the fiscal year in which the State sets greenhouse*
 16 *gas performance targets under section 150(d) of title 23,*
 17 *United States Code.*

18 **SEC. 1214. RECREATIONAL TRAILS.**

19 *Section 206 of title 23, United States Code, is amended*
 20 *by adding at the end the following:*

21 *“(j) USE OF OTHER APPORTIONED FUNDS.—Funds*
 22 *apportioned to a State under section 104(b) that are obli-*
 23 *gated for recreational trails and related projects shall be*
 24 *administered as if such funds were made available for pur-*
 25 *poses described under this section.”.*

1 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

2 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
3 Code, is amended by inserting after section 210 the fol-
4 lowing:

5 **“§211. Safe routes to school program**

6 “(a) *PROGRAM.*—The Secretary shall carry out a safe
7 routes to school program for the benefit of children in pri-
8 mary, middle, and high schools.

9 “(b) *PURPOSES.*—The purposes of the program shall
10 be—

11 “(1) to enable and encourage children, including
12 those with disabilities, to walk and bicycle to school;

13 “(2) to make bicycling and walking to school a
14 safer and more appealing transportation alternative,
15 thereby encouraging a healthy and active lifestyle
16 from an early age; and

17 “(3) to facilitate the planning, development, and
18 implementation of projects and activities that will
19 improve safety and reduce traffic, fuel consumption,
20 and air pollution in the vicinity of schools.

21 “(c) *USE OF FUNDS.*—Amounts apportioned to a State
22 under paragraphs (2) and (3) of section 104(b) may be used
23 to carry out projects, programs, and other activities under
24 this section.

25 “(d) *ELIGIBLE ENTITIES.*—Projects, programs, and
26 activities funded under this section may be carried out by

1 *eligible entities described under section 133(h)(4)(B) that*
 2 *demonstrate an ability to meet the requirements of this sec-*
 3 *tion.*

4 “(e) *ELIGIBLE PROJECTS AND ACTIVITIES.*—

5 “(1) *INFRASTRUCTURE-RELATED PROJECTS.*—

6 “(A) *IN GENERAL.*—*A State may obligate*
 7 *funds under this section for the planning, design,*
 8 *and construction of infrastructure-related*
 9 *projects that will substantially improve the abil-*
 10 *ity of students to walk and bicycle to school, in-*
 11 *cluding sidewalk improvements, traffic calming*
 12 *and speed reduction improvements, pedestrian*
 13 *and bicycle crossing improvements, on-street bi-*
 14 *cycle facilities, off-street bicycle and pedestrian*
 15 *facilities, secure bicycle parking facilities, and*
 16 *traffic diversion improvements in the vicinity of*
 17 *schools.*

18 “(B) *LOCATION OF PROJECTS.*—*Infrastruc-*
 19 *ture-related projects under subparagraph (A)*
 20 *may be carried out on any public road or any*
 21 *bicycle or pedestrian pathway or trail in the vi-*
 22 *cinity of schools.*

23 “(2) *NONINFRASTRUCTURE-RELATED ACTIVI-*
 24 *TIES.*—*In addition to projects described in paragraph*
 25 *(1), a State may obligate funds under this section for*

1 *noninfrastructure-related activities to encourage walk-*
2 *ing and bicycling to school, including—*

3 *“(A) public awareness campaigns and out-*
4 *reach to press and community leaders;*

5 *“(B) traffic education and enforcement in*
6 *the vicinity of schools;*

7 *“(C) student sessions on bicycle and pedes-*
8 *trian safety, health, and environment;*

9 *“(D) programs that address personal safety;*
10 *and*

11 *“(E) funding for training, volunteers, and*
12 *managers of safe routes to school programs.*

13 *“(3) SAFE ROUTES TO SCHOOL COORDINATOR.—*
14 *Each State receiving an apportionment under para-*
15 *graphs (2) and (3) of section 104(b) shall use a suffi-*
16 *cient amount of the apportionment to fund a full-time*
17 *position of coordinator of the State’s safe routes to*
18 *school program.*

19 *“(4) RURAL SCHOOL DISTRICT OUTREACH.—A*
20 *coordinator described in paragraph (3) shall conduct*
21 *outreach to ensure that rural school districts in the*
22 *State are aware of such State’s safe routes to school*
23 *program and the funds authorized by this section.*

1 “(f) *FEDERAL SHARE.*—*The Federal share of the cost*
 2 *of a project, program, or activity under this section shall*
 3 *be 100 percent.*

4 “(g) *CLEARINGHOUSE.*—

5 “(1) *IN GENERAL.*—*The Secretary shall main-*
 6 *tain a national safe routes to school clearinghouse*
 7 *to—*

8 “(A) *develop information and educational*
 9 *programs on safe routes to school; and*

10 “(B) *provide technical assistance and dis-*
 11 *seminate techniques and strategies used for suc-*
 12 *cessful safe routes to school programs.*

13 “(2) *FUNDING.*—*The Secretary shall carry out*
 14 *this subsection using amounts authorized to be appro-*
 15 *priated for administrative expenses under section*
 16 *104(a).*

17 “(h) *TREATMENT OF PROJECTS.*—*Notwithstanding*
 18 *any other provision of law, projects carried out under this*
 19 *section shall be treated as projects on a Federal-aid highway*
 20 *under chapter 1 of this title.*

21 “(i) *DEFINITIONS.*—*In this section, the following defi-*
 22 *nitions apply:*

23 “(1) *IN THE VICINITY OF SCHOOLS.*—*The term*
 24 *‘in the vicinity of schools’ means, with respect to a*

1 *school, the area within bicycling and walking dis-*
 2 *tance of the school (approximately 2 miles).*

3 *“(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—*
 4 *The term ‘primary, middle, and high schools’ means*
 5 *schools providing education from kindergarten*
 6 *through twelfth grade.”.*

7 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

8 *(1) REPEAL.—Section 1404 of SAFETEA-LU*
 9 *(Public Law 109–59; 119 Stat. 1228–1230), and the*
 10 *item relating to such section in the table of contents*
 11 *in section 1(b) of such Act, are repealed.*

12 *(2) ANALYSIS.—The analysis for chapter 2 of*
 13 *title 23, United States Code, is amended by inserting*
 14 *after the item relating to section 210 the following:*

“211. Safe routes to school program.”.

15 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 16 **WALKWAYS.**

17 *Section 217 of title 23, United States Code, is amend-*
 18 *ed—*

19 *(1) in subsection (d)—*

20 *(A) by striking “104(b)(3)” and inserting*
 21 *“104(b)(4)”;* and

22 *(B) by striking “a position” and inserting*
 23 *“at least one full-time positions”;*

1 (2) in subsection (e) by striking “bicycles” and
2 inserting “pedestrians or bicyclists” each place such
3 term appears; and

4 (3) in subsection (j) by striking paragraph (2)
5 and inserting the following:

6 “(2) *ELECTRIC BICYCLE*.—The term ‘electric bi-
7 cycle’ means mean a bicycle equipped with fully oper-
8 able pedals, a saddle or seat for the rider, and an
9 electric motor of less than 750 watts that can safely
10 share a bicycle transportation facility with other
11 users of such facility and meets the requirements of
12 one of the following three classes:

13 “(A) *CLASS 1 ELECTRIC BICYCLE*.—The
14 term ‘class 1 electric bicycle’ means an electric
15 bicycle equipped with a motor that provides as-
16 sistance only when the rider is pedaling, and
17 that ceases to provide assistance when the bicycle
18 reaches the speed of 20 miles per hour.

19 “(B) *CLASS 2 ELECTRIC BICYCLE*.—The
20 term ‘class 2 electric bicycle’ means an electric
21 bicycle equipped with a motor that may be used
22 exclusively to propel the bicycle, and that is not
23 capable of providing assistance when the bicycle
24 reaches the speed of 20 miles per hour.

1 “(C) *CLASS 3 ELECTRIC BICYCLE.*—The
 2 term ‘class 3 electric bicycle’ means an electric
 3 bicycle equipped with a motor that provides as-
 4 sistance only when the rider is pedaling, and
 5 that ceases to provide assistance when the bicycle
 6 reaches the speed of 28 miles per hour.”.

7 ***Subtitle C—Project-Level***
 8 ***Investments***

9 ***SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-***
 10 ***NIFICANCE.***

11 (a) *IN GENERAL.*—Section 117 of title 23, United
 12 States Code, is amended to read as follows:

13 ***“§ 117. Projects of national and regional significance***

14 “(a) *ESTABLISHMENT.*—The Secretary shall establish
 15 a projects of national and regional significance program
 16 under which the Secretary may make grants to, and estab-
 17 lish multiyear grant agreements with, eligible entities in
 18 accordance with this section.

19 “(b) *APPLICATIONS.*—To be eligible for a grant under
 20 this section, an eligible entity shall submit to the Secretary
 21 an application in such form, in such manner, and con-
 22 taining such information as the Secretary may require.

23 “(c) *GRANT AMOUNTS AND PROJECT COSTS.*—

24 “(1) *IN GENERAL.*—Each grant made under this
 25 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 or terri-
9 tory, 30 percent of the amount appor-
10 tioned under this chapter to the State
11 or territory in the most recently com-
12 pleted fiscal year; or

13 “(II) located in more than 1 State
14 or territory, 50 percent of the amount
15 apportioned under this chapter to the
16 participating State or territory with
17 the largest apportionment under this
18 chapter in the most recently completed
19 fiscal year.

20 “(2) *LARGE PROJECTS.*—For a project that has
21 eligible project costs that are reasonably anticipated
22 to equal or exceed \$500,000,000, a grant made under
23 this section—

24 “(A) shall be in an amount sufficient to
25 fully fund the project, or in the case of a public

1 *transportation project, a minimum operable seg-*
 2 *ment, in combination with other funding sources,*
 3 *including non-Federal financial commitment,*
 4 *identified in the application; and*

5 *“(B) may be awarded pursuant to the proc-*
 6 *ess under subsection (d), as necessary based on*
 7 *the amount of the grant.*

8 *“(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE*
 9 *PROJECTS.—*

10 *“(1) IN GENERAL.—A large project that receives*
 11 *a grant under this section may be carried out through*
 12 *a multiyear grant agreement in accordance with this*
 13 *subsection.*

14 *“(2) REQUIREMENTS.—A multiyear grant agree-*
 15 *ment for a large project shall—*

16 *“(A) establish the terms of participation by*
 17 *the Federal Government in the project;*

18 *“(B) establish the amount of Federal finan-*
 19 *cial assistance for the project;*

20 *“(C) establish a schedule of anticipated Fed-*
 21 *eral obligations for the project that provides for*
 22 *obligation of the full grant amount by not later*
 23 *than 4 fiscal years after the fiscal year in which*
 24 *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 in*
11 *advance for commitments under this para-*
12 *graph, to obligate an additional amount*
13 *from future available budget authority spec-*
14 *ified in law.*

15 “(B) *CONTINGENT COMMITMENT.—A contin-*
16 *gent commitment under this subsection is not an*
17 *obligation of the Federal Government under sec-*
18 *tion 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 the*
23 *project within a reasonable time shall be*
24 *considered a cost of carrying out the project*
25 *under a multiyear grant agreement, except*

1 *that eligible costs may not be more than the*
2 *cost of the most favorable financing terms*
3 *reasonably available for the project at the*
4 *time of borrowing.*

5 “(ii) *CERTIFICATION.—The applicant*
6 *shall certify to the Secretary that the appli-*
7 *cant has shown reasonable diligence in seek-*
8 *ing the most favorable financing terms.*

9 “(4) *ADVANCE PAYMENT.—An eligible entity car-*
10 *rying out a large project under a multiyear grant*
11 *agreement—*

12 “(A) *may use funds made available to the*
13 *eligible entity under this title or title 49 for eli-*
14 *gible project costs of the large project; and*

15 “(B) *shall be reimbursed, at the option of*
16 *the eligible entity, for such expenditures from the*
17 *amount made available under the multiyear*
18 *grant agreement for the project in that fiscal*
19 *year or a subsequent fiscal year.*

20 “(e) *ELIGIBLE PROJECTS.—*

21 “(1) *IN GENERAL.—The Secretary may make a*
22 *grant under this section only for a project that is a*
23 *project eligible for assistance under this title or chap-*
24 *ter 53 of title 49 and is—*

1 “(A) a bridge project carried out on the Na-
2 tional Highway System, or that is eligible to be
3 carried out under section 165;

4 “(B) a project to improve person through-
5 put that is—

6 “(i) a highway project carried out on
7 the National Highway System, or that is el-
8 igible to be carried out under section 165;

9 “(ii) a public transportation project;
10 or

11 “(iii) a capital project, as such term is
12 defined in section 22906 of title 49, to im-
13 prove intercity rail passenger transpor-
14 tation; or

15 “(C) a project to improve freight throughput
16 that is—

17 “(i) a highway freight project carried
18 out on the National Highway Freight Net-
19 work established under section 167 or on the
20 National Highway System;

21 “(ii) a freight intermodal, freight rail,
22 or railway-highway grade crossing or grade
23 separation project; or

24 “(iii) within the boundaries of a public
25 or private freight rail, water (including

ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.

“(2) *LIMITATION.*—

“(A) *CERTAIN FREIGHT PROJECTS.*—Projects described in clauses (ii) and (iii) of paragraph (1)(C) may receive a grant under this section only if—

“(i) the project will make a significant improvement to the movement of freight on the National Highway System; and

“(ii) the Federal share of the project funds only elements of the project that provide public benefits.

“(B) *CERTAIN PROJECTS FOR PERSON THROUGHPUT.*—Projects described in clauses (ii) and (iii) of paragraph (1)(B) may receive a grant under this section only if the project will make a significant improvement in mobility on public roads.

“(f) *ELIGIBLE PROJECT COSTS.*—An eligible entity receiving a grant under this section may use such grant for—

1 “(1) development phase activities, including
2 planning, feasibility analysis, revenue forecasting, en-
3 vironmental review, preliminary engineering and de-
4 sign work, and other preconstruction activities; and

5 “(2) construction, reconstruction, rehabilitation,
6 acquisition of real property (including land related to
7 the project and improvements to the land), environ-
8 mental mitigation, construction contingencies, acqui-
9 sition of equipment, and operational improvements
10 directly related to improving system performance.

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 the
14 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 exist-
6 ing Federal apportionments; and

7 “(6) is reasonably expected to begin construction
8 not later than 18 months after the date of obligation
9 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 fol-
13 lowing 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 prevention
19 of closure or reduced use of the asset to be
20 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 costs
15 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 award-
21 ing a grant under this section, the Secretary shall
22 also consider the following:

23 “(A) Whether the project serves low-income
24 residents of low-income communities, including

1 *areas of persistent poverty, while not displacing*
2 *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 for*
20 *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, how*

1 *each application addresses the merit criteria*
2 *pursuant to subsection (h);*

3 *“(C) assign a quality rating for each merit*
4 *criteria for each application based on the evalua-*
5 *tion 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 gives*
10 *final consideration only to applications that*
11 *meet the minimally acceptable level for each of*
12 *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 PROJECTS.—*
16 *In awarding a grant for a large project, the Secretary*
17 *shall—*

18 *“(A) consider the amount of funds available*
19 *in future fiscal years for the program under this*
20 *section; and*

21 *“(B) assume the availability of funds in fu-*
22 *ture fiscal years for the program that extend be-*
23 *yond 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 and*
4 *urban communities among grant recipients over fiscal*
5 *years 2022 through 2025.*

6 “(4) *PUBLICATION OF METHODOLOGY.*—

7 “(A) *IN GENERAL.*—*Prior to the issuance of*
8 *any notice of funding opportunity for grants*
9 *under this section, the Secretary shall publish*
10 *and make publicly available on the Department’s*
11 *website—*

12 “(i) *a detailed explanation of the merit*
13 *criteria developed under subsection (h);*

14 “(ii) *a description of the evaluation*
15 *process under this subsection; and*

16 “(iii) *how the Secretary shall deter-*
17 *mine whether a project satisfies each of the*
18 *requirements under subsection (g).*

19 “(B) *UPDATES.*—*The Secretary shall up-*
20 *date and make publicly available on the website*
21 *of the Department of Transportation such infor-*
22 *mation at any time a revision to the informa-*
23 *tion described in subparagraph (A) is made.*

24 “(C) *INFORMATION REQUIRED.*—*The Sec-*
25 *retary shall include in the published notice of*

1 *funding opportunity for a grant under this sec-*
2 *tion detailed information on the rating method-*
3 *ology and merit criteria to be used to evaluate*
4 *applications, or a reference to the information on*
5 *the website of the Department of Transportation,*
6 *as required by subparagraph (A).*

7 “(j) *FEDERAL SHARE.*—

8 “(1) *IN GENERAL.*—*The Federal share of the cost*
9 *of a project carried out with a grant under this sec-*
10 *tion may not exceed 60 percent.*

11 “(2) *MAXIMUM FEDERAL INVOLVEMENT.*—*Fed-*
12 *eral assistance other than a grant under this section*
13 *may be used to satisfy the non-Federal share of the*
14 *cost of a project for which such a grant is made, ex-*
15 *cept that the total Federal assistance provided for a*
16 *project receiving a grant under this section may not*
17 *exceed 80 percent of the total project cost.*

18 “(k) *TREATMENT OF PROJECTS.*—

19 “(1) *FEDERAL REQUIREMENTS.*—*The Secretary*
20 *shall, with respect to a project funded by a grant*
21 *under this section, apply—*

22 “(A) *the requirements of this title to a high-*
23 *way project;*

24 “(B) *the requirements of chapter 53 of title*
25 *49 to a public transportation project; and*

1 “(C) *the requirements of section 22905 of*
 2 *title 49 to a passenger rail or freight rail project.*

3 “(2) *MULTIMODAL PROJECTS.—*

4 “(A) *IN GENERAL.—Except as otherwise*
 5 *provided in this paragraph, if an eligible project*
 6 *is a multimodal project, the Secretary shall—*

7 “(i) *determine the predominant modal*
 8 *component of the project; and*

9 “(ii) *apply the applicable requirements*
 10 *of such predominant modal component to*
 11 *the project.*

12 “(B) *EXCEPTIONS.—*

13 “(i) *PASSENGER OR FREIGHT RAIL*
 14 *COMPONENT.—For any passenger or freight*
 15 *rail component of a project, the require-*
 16 *ments of section 22907(j)(2) of title 49 shall*
 17 *apply.*

18 “(ii) *PUBLIC TRANSPORTATION COMPO-*
 19 *NENT.—For any public transportation com-*
 20 *ponent of a project, the requirements of sec-*
 21 *tion 5333 of title 49 shall apply.*

22 “(C) *BUY AMERICA.—In applying the Buy*
 23 *American requirements under section 313 of this*
 24 *title and sections 5320, 22905(a), and 24305(f)*

1 *of title 49 to a multimodal project under this*
2 *paragraph, the Secretary shall—*

3 “(i) *consider the various modal compo-*
4 *nents of the project; and*

5 “(ii) *seek to maximize domestic jobs.*

6 “(3) *FEDERAL-AID HIGHWAY REQUIREMENTS.—*
7 *Notwithstanding any other provision of this sub-*
8 *section, the Secretary shall require recipients of*
9 *grants under this section to comply with subsection*
10 *(a) of section 113 with respect to public transpor-*
11 *tation projects, passenger rail projects, and freight*
12 *rail projects, in the same manner that recipients of*
13 *grants are required to comply with such subsection*
14 *for construction work performed on highway projects*
15 *on Federal-aid highways.*

16 “(l) *TIFIA PROGRAM.—At the request of an eligible*
17 *entity under this section, the Secretary may use amounts*
18 *awarded to the entity to pay subsidy and administrative*
19 *costs necessary to provide the entity Federal credit assist-*
20 *ance under chapter 6 with respect to the project for which*
21 *the grant was awarded.*

22 “(m) *ADMINISTRATION.—Of the amounts made avail-*
23 *able to carry out this section, the Secretary may use up*
24 *to \$5,000,000 for the costs of administering the program*
25 *under this section.*

1 “(n) *TECHNICAL ASSISTANCE.*—Of the amounts made
2 available to carry out this section, the Secretary may re-
3 serve up to \$5,000,000 to provide technical assistance to eli-
4 gible entities.

5 “(o) *CONGRESSIONAL REVIEW.*—

6 “(1) *NOTIFICATION.*—Not less than 60 days be-
7 fore making an award under this section, the Sec-
8 retary shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Representa-
10 tives and the Committee on Environment and Public
11 Works, the Committee on Banking, Housing, and
12 Urban Affairs, and the Committee on Commerce,
13 Science, and Transportation of the Senate—

14 “(A) a list of all applications determined to
15 be eligible for a grant by the Secretary;

16 “(B) the quality ratings assigned to each
17 application pursuant to subsection (i);

18 “(C) a list of applications that received
19 final consideration by the Secretary to receive an
20 award under this section;

21 “(D) each application proposed to be se-
22 lected for a grant award;

23 “(E) proposed grant amounts, including for
24 each new multiyear grant agreement, the pro-
25 posed payout schedule for the project; and

1 “(F) an analysis of the impacts of any
2 large projects proposed to be selected on existing
3 commitments and anticipated funding levels for
4 the next 4 fiscal years, based on information
5 available to the Secretary at the time of the re-
6 port.

7 “(2) COMMITTEE REVIEW.—Before the last day
8 of the 60-day period described in paragraph (1), each
9 Committee described in paragraph (1) shall review
10 the Secretary’s list of proposed projects.

11 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
12 retary may not make a grant or any other obligation
13 or commitment to fund a project under this section
14 if a joint resolution is enacted disapproving funding
15 for the project before the last day of the 60-day period
16 described in paragraph (1).

17 “(p) TRANSPARENCY.—

18 “(1) IN GENERAL.—Not later than 30 days after
19 awarding a grant for a project under this section, the
20 Secretary shall send to all applicants, and publish on
21 the website of the Department of Transportation—

22 “(A) a summary of each application made
23 to the program for the grant application period;
24 and

1 “(B) the evaluation and justification for the
 2 project selection, including ratings assigned to
 3 all applications and a list of applications that
 4 received final consideration by the Secretary to
 5 receive an award under this section, for the
 6 grant application period.

7 “(2) BRIEFING.—The Secretary shall provide, at
 8 the request of a grant applicant under this section,
 9 the opportunity to receive a briefing to explain any
 10 reasons the grant applicant was not awarded a grant.

11 “(q) DEFINITIONS.—In this section:

12 “(1) AREAS OF PERSISTENT POVERTY.—The
 13 term ‘areas of persistent poverty’ has the meaning
 14 given such term in section 172(l).

15 “(2) ELIGIBLE ENTITY.—The term ‘eligible enti-
 16 ty’ means—

17 “(A) a State or a group of States;

18 “(B) a unit of local government, including
 19 a metropolitan planning organization, or a
 20 group of local governments;

21 “(C) a political subdivision of a State or
 22 local government;

23 “(D) a special purpose district or public
 24 authority with a transportation function, includ-
 25 ing a port authority;

1 “(E) a Tribal government or a consortium
2 of Tribal governments;

3 “(F) a Federal agency eligible to receive
4 funds under section 201, 203, or 204 that applies
5 jointly with a State or group of States;

6 “(G) a territory; and

7 “(H) a multistate or multijurisdictional
8 group of entities described in this paragraph.”.

9 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
10 1 of title 23, United States Code, is amended by striking
11 the item relating to section 117 and inserting the following:
 “117. Projects of national and regional significance.”.

12 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
13 **GRANT PROGRAM.**

14 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
15 Code, as amended by this title, is further amended by add-
16 ing at the end the following:

17 **“§173. Community transportation investment grant**
18 **program**

19 “(a) *ESTABLISHMENT.*—The Secretary shall establish
20 a community transportation investment grant program to
21 improve surface transportation safety, state of good repair,
22 accessibility, and environmental quality through infra-
23 structure investments.

24 “(b) *GRANT AUTHORITY.*—

1 “(1) *IN GENERAL.*—*In carrying out the program*
2 *established under subsection (a), the Secretary shall*
3 *make grants, on a competitive basis, to eligible enti-*
4 *ties in accordance with this section.*

5 “(2) *GRANT AMOUNT.*—*The maximum amount of*
6 *a grant under this section shall be \$25,000,000.*

7 “(c) *APPLICATIONS.*—*To be eligible for a grant under*
8 *this section, an eligible entity shall submit to the Secretary*
9 *an application in such form, at such time, and containing*
10 *such information as the Secretary may require.*

11 “(d) *ELIGIBLE PROJECT COSTS.*—*Grant amounts for*
12 *an eligible project carried out under this section may be*
13 *used for—*

14 “(1) *development phase activities, including*
15 *planning, feasibility analysis, revenue forecasting, en-*
16 *vironmental review, preliminary engineering and de-*
17 *sign work, and other preconstruction activities; and*

18 “(2) *construction, reconstruction, rehabilitation,*
19 *acquisition of real property (including land related to*
20 *the project and improvements to such land), environ-*
21 *mental mitigation, construction contingencies, acqui-*
22 *sition of equipment, and operational improvements.*

23 “(e) *RURAL AND COMMUNITY SETASIDES.*—

24 “(1) *IN GENERAL.*—*The Secretary shall re-*
25 *serve—*

1 “(A) not less than 25 percent of the
2 amounts made available to carry out this section
3 for projects located in rural areas; and

4 “(B) not less than 25 percent of the
5 amounts made available to carry out this section
6 for projects located in urbanized areas with a
7 population greater than 49,999 individuals and
8 fewer than 200,001 individuals.

9 “(2) *DEFINITION OF RURAL AREA.*—In this sub-
10 section, the term ‘rural area’ means all areas of a
11 State or territory not included in urbanized areas.

12 “(3) *EXCESS FUNDING.*—If the Secretary deter-
13 mines that there are insufficient qualified applicants
14 to use the funds set aside under this subsection, the
15 Secretary may use such funds for grants for any
16 projects eligible under this section.

17 “(f) *EVALUATION.*—To evaluate applications under
18 this section, the Secretary shall—

19 “(1) develop a process to objectively evaluate ap-
20 plications on the benefits of the project proposed in
21 such application—

22 “(A) to transportation safety, including re-
23 ductions in traffic fatalities and serious injuries;

24 “(B) to state of good repair, including im-
25 proved condition of bridges and pavements;

1 “(C) to transportation system access, in-
2 cluding improved access to jobs and services; and

3 “(D) in reducing greenhouse gas emissions;

4 “(2) develop a rating system to assign a numeric
5 value to each application, based on each of the cri-
6 teria described in paragraph (1);

7 “(3) for each application submitted, compare the
8 total benefits of the proposed project, as determined by
9 the rating system developed under paragraph (2),
10 with the costs of such project, and rank each applica-
11 tion based on the results of the comparison; and

12 “(4) ensure that only such applications that are
13 ranked highly based on the results of the comparison
14 conducted under paragraph (3) are considered to re-
15 ceive a grant under this section.

16 “(g) *WEIGHTING*.—In establishing the evaluation
17 process under subsection (f), the Secretary may assign dif-
18 ferent weights to the criteria described in subsection (f)(1)
19 based on project type, population served by a project, and
20 other context-sensitive considerations, provided that—

21 “(1) each application is rated on all criteria de-
22 scribed in subsection (f)(1); and

23 “(2) each application has the same possible min-
24 imum and maximum rating, regardless of any dif-
25 ferences in the weighting of criteria.

1 “(h) *TRANSPARENCY.*—

2 “(1) *PUBLICLY AVAILABLE INFORMATION.*—*Prior*
3 *to the issuance of any notice of funding opportunity*
4 *under this section, the Secretary shall make publicly*
5 *available on the website of the Department of Trans-*
6 *portation a detailed explanation of the evaluation*
7 *and rating process developed under subsection (f), in-*
8 *cluding any differences in the weighting of criteria*
9 *pursuant to subsection (g), if applicable, and update*
10 *such website for each revision of the evaluation and*
11 *rating process.*

12 “(2) *NOTIFICATIONS TO CONGRESS.*—*The Sec-*
13 *retary shall submit to the Committee on Transpor-*
14 *tation and Infrastructure of the House of Representa-*
15 *tives, the Committee on Environment and Public*
16 *Works of the Senate, the Committee on Banking,*
17 *Housing, and Urban Affairs of the Senate, and the*
18 *Committee on Commerce, Science, and Transpor-*
19 *tation of the Senate the following written notifica-*
20 *tions:*

21 “(A) *A notification when the Secretary pub-*
22 *lishes or updates the information required under*
23 *paragraph (1).*

1 “(B) Not later than 30 days prior to the
2 date on which the Secretary awards a grant
3 under this section, a notification that includes—

4 “(i) the ratings of each application
5 submitted pursuant to subsection (f)(2);

6 “(ii) the ranking of each application
7 submitted pursuant to subsection (f)(3); and

8 “(iii) a list of all applications that re-
9 ceive final consideration by the Secretary to
10 receive an award under this section pursu-
11 ant to subsection (f)(4).

12 “(C) Not later than 3 business days prior to
13 the date on which the Secretary announces the
14 award of a grant under this section, a notifica-
15 tion describing each grant to be awarded, includ-
16 ing the amount and the recipient.

17 “(i) TECHNICAL ASSISTANCE.—Of the amounts made
18 available to carry out this section, the Secretary may re-
19 serve up to \$3,000,000 to provide technical assistance to eli-
20 gible entities.

21 “(j) ADMINISTRATION.—Of the amounts made avail-
22 able to carry out this section, the Secretary may reserve
23 up to \$5,000,000 for the administrative costs of carrying
24 out the program under this section.

25 “(k) TREATMENT OF PROJECTS.—

1 “(1) *FEDERAL REQUIREMENTS.*—*The Secretary*
 2 *shall, with respect to a project funded by a grant*
 3 *under this section, apply—*

4 “(A) *the requirements of this title to a high-*
 5 *way project;*

6 “(B) *the requirements of chapter 53 of title*
 7 *49 to a public transportation project; and*

8 “(C) *the requirements of section 22905 of*
 9 *title 49 to a passenger rail or freight rail project.*

10 “(2) *MULTIMODAL PROJECTS.*—

11 “(A) *IN GENERAL.*—*Except as otherwise*
 12 *provided in this paragraph, if an eligible project*
 13 *is a multimodal project, the Secretary shall—*

14 “(i) *determine the predominant modal*
 15 *component of the project; and*

16 “(ii) *apply the applicable requirements*
 17 *of such predominant modal component to*
 18 *the project.*

19 “(B) *EXCEPTIONS.*—

20 “(i) *PASSENGER OR FREIGHT RAIL*
 21 *COMPONENT.*—*For any passenger or freight*
 22 *rail component of a project, the require-*
 23 *ments of section 22907(j)(2) of title 49 shall*
 24 *apply.*

1 “(ii) *PUBLIC TRANSPORTATION COMPO-*
 2 *NENT.—For any public transportation com-*
 3 *ponent of a project, the requirements of sec-*
 4 *tion 5333 of title 49 shall apply.*

5 “(C) *BUY AMERICA.—In applying the Buy*
 6 *American requirements under section 313 of this*
 7 *title and sections 5320, 22905(a), and 24305(f)*
 8 *of title 49 to a multimodal project under this*
 9 *paragraph, the Secretary shall—*

10 “(i) *consider the various modal compo-*
 11 *nents of the project; and*

12 “(ii) *seek to maximize domestic jobs.*

13 “(3) *FEDERAL-AID HIGHWAY REQUIREMENTS.—*
 14 *Notwithstanding any other provision of this sub-*
 15 *section, the Secretary shall require recipients of*
 16 *grants under this section to comply with subsection*
 17 *(a) of section 113 with respect to public transpor-*
 18 *tation projects, passenger rail projects, and freight*
 19 *rail projects, in the same manner that recipients of*
 20 *grants are required to comply with such subsection*
 21 *for construction work performed on highway projects*
 22 *on Federal-aid highways.*

23 “(l) *TRANSPARENCY.—*

24 “(1) *IN GENERAL.—Not later than 30 days after*
 25 *awarding a grant for a project under this section, the*

1 *Secretary shall send to all applicants, and publish on*
2 *the website of the Department of Transportation—*

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 the*
7 *project selection, including ratings and rankings*
8 *assigned to all applications and a list of appli-*
9 *cations that received final consideration by the*
10 *Secretary to receive an award under this section,*
11 *for the grant application period.*

12 *“(2) BRIEFING.—The Secretary shall provide, at*
13 *the request of a grant applicant under this section,*
14 *the opportunity to receive a briefing to explain any*
15 *reasons the grant applicant was not awarded a grant.*

16 *“(m) DEFINITIONS.—In this section:*

17 *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*
18 *ty’ means—*

19 *“(A) a metropolitan planning organization;*

20 *“(B) a unit of local government;*

21 *“(C) a transit agency;*

22 *“(D) a Tribal Government or a consortium*
23 *of Tribal governments;*

24 *“(E) a multijurisdictional group of entities*
25 *described in this paragraph;*

1 “(F) a special purpose district with a
2 transportation function or a port authority;

3 “(G) a territory; or

4 “(H) a State that applies for a grant under
5 this section jointly with an entity described in
6 subparagraphs (A) through (G).

7 “(2) *ELIGIBLE PROJECT*.—The term ‘eligible
8 project’ means any project eligible under this title or
9 chapter 53 of title 49.”.

10 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
11 1 of title 23, United States Code, is further amended by
12 adding at the end the following new item:

 “173. Community transportation investment grant program.”.

13 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
14 **STRUCTURE TO MODERNIZE AND RECON-**
15 **NECT AMERICA FOR THE 21ST CENTURY.**

16 (a) *PURPOSE*.—The purpose of this section is to estab-
17 lish a grant program to strategically deploy electric vehicle
18 charging infrastructure, natural gas fueling, propane fuel-
19 ing, and hydrogen fueling infrastructure along designated
20 alternative fuel corridors that will be accessible to all driv-
21 ers of electric vehicles, natural gas vehicles, propane vehi-
22 cles, and hydrogen vehicles.

23 (b) *GRANT PROGRAM*.—Section 151 of title 23, United
24 States Code, is amended—

1 (1) *in subsection (a) by striking “Not later than*
2 *1 year after the date of enactment of the FAST Act,*
3 *the Secretary shall” and inserting “The Secretary*
4 *shall periodically”;*

5 (2) *in subsection (b)(2) by inserting “previously*
6 *designated by the Federal Highway Administration*
7 *or” after “fueling corridors”;*

8 (3) *in subsection (d)—*

9 (A) *by striking “5 years after the date of es-*
10 *tablishment of the corridors under subsection (a),*
11 *and every 5 years thereafter” and inserting “180*
12 *days after the date of enactment of the INVEST*
13 *in America Act”;* and

14 (B) *by inserting “establish a recurring*
15 *process to regularly” after “the Secretary shall”;*

16 (4) *in subsection (e)—*

17 (A) *in paragraph (1) by striking “; and”*
18 *and inserting a semicolon;*

19 (B) *in paragraph (2)—*

20 (i) *by striking “establishes an aspira-*
21 *tional goal of achieving” and inserting “de-*
22 *scribes efforts to achieve”;* and

23 (ii) *by striking “by the end of fiscal*
24 *year 2020.” and inserting a semicolon; and*

25 (C) *by adding at the end the following:*

1 “(3) summarizes best practices and provides
2 guidance, developed through consultation with the
3 Secretary of Energy, for project development of elec-
4 tric vehicle charging infrastructure, hydrogen fueling
5 infrastructure, and natural gas fueling infrastructure
6 at the State, tribal, and local level to allow for the
7 predictable deployment of such infrastructure; and

8 “(4) summarizes the progress and implementa-
9 tion of the grant program under subsection (f), in-
10 cluding—

11 “(A) a description of how funds awarded
12 through the grant program under subsection (f)
13 will aid efforts to achieve strategic deployment of
14 electric vehicle charging infrastructure, natural
15 gas fueling, propane fueling, and hydrogen fuel-
16 ing infrastructure in those corridors;

17 “(B) the total number and location of
18 charging and fueling stations installed under
19 subsection (f); and

20 “(C) the total estimated greenhouse gas
21 emissions that have been reduced through the use
22 of electric vehicle charging, natural gas fueling,
23 propane fueling, or hydrogen fueling infrastruc-
24 ture funded under subsection (f) using the meth-
25 odology identified in paragraph (3)(B).”; and

1 (5) *by adding at the end the following:*

2 “(f) *ELECTRIC VEHICLE CHARGING, NATURAL GAS*
3 *FUELING, PROPANE FUELING, AND HYDROGEN FUELING*
4 *INFRASTRUCTURE GRANTS.*—

5 “(1) *ESTABLISHMENT.*—*Not later than 1 year*
6 *after the date of enactment of the INVEST in Amer-*
7 *ica Act, the Secretary shall establish a grant program*
8 *to award grants to eligible entities for electric vehicle*
9 *charging, natural gas fueling, propane fueling, and*
10 *hydrogen fueling infrastructure projects.*

11 “(2) *ELIGIBLE ENTITY.*—*An entity eligible to re-*
12 *ceive a grant under this subsection is—*

13 “(A) *a State (as such term is defined in sec-*
14 *tion 401) or political subdivision of a State;*

15 “(B) *a metropolitan planning organization;*

16 “(C) *a unit of local government;*

17 “(D) *a special purpose district or public*
18 *authority with a transportation function, includ-*
19 *ing a port authority;*

20 “(E) *a Tribal government;*

21 “(F) *an authority, agency, or instrumen-*
22 *tality of, or an entity owned by, 1 or more of the*
23 *entities described in subparagraphs (A) through*
24 *(E); or*

1 “(G) a group of entities described in sub-
2 paragraphs (A) through (F).

3 “(3) *APPLICATION.*—To be eligible to receive a
4 grant under this subsection, an eligible entity shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary shall require, including—

8 “(A) a description of—

9 “(i) the public accessibility of the
10 charging or fueling infrastructure proposed
11 to be funded with a grant under this sub-
12 section, including—

13 “(I) charging or fueling connector
14 types;

15 “(II) publicly available informa-
16 tion on real-time availability; and

17 “(III) payment methods available
18 to all members of the public to ensure
19 secure, convenient, fair, and equal ac-
20 cess and not limited by membership to
21 a particular provider;

22 “(ii) collaborative engagement with the
23 entity with jurisdiction over the roadway
24 and any other relevant stakeholders (includ-
25 ing automobile manufacturers, utilities, in-

1 *frastructure providers, technology providers,*
2 *electric charging, natural gas, propane, and*
3 *hydrogen fuel providers, metropolitan plan-*
4 *ning organizations, States, Indian Tribes,*
5 *units of local government, fleet owners, fleet*
6 *managers, fuel station owners and opera-*
7 *tors, labor organizations, infrastructure*
8 *construction and component parts sup-*
9 *pliers, and multistate and regional enti-*
10 *ties)—*

11 *“(I) to foster enhanced, coordi-*
12 *nated, public-private or private invest-*
13 *ment in electric vehicle charging, nat-*
14 *ural gas fueling, propane fueling, and*
15 *hydrogen fueling infrastructure;*

16 *“(II) to expand deployment of*
17 *electric vehicle charging, natural gas*
18 *fueling, propane fueling, or hydrogen*
19 *fueling infrastructure;*

20 *“(III) to protect personal privacy*
21 *and ensure cybersecurity; and*

22 *“(IV) to ensure that a properly*
23 *trained workforce is available to con-*
24 *struct and install electric vehicle charg-*

1 *ing, natural gas fueling, propane fuel-*
2 *ing, or hydrogen fueling infrastructure;*

3 *“(iii) the location of the station or*
4 *fueling site, including consideration of—*

5 *“(I) the availability of onsite*
6 *amenities for vehicle operators, includ-*
7 *ing restrooms or food facilities;*

8 *“(II) access in compliance with*
9 *the Americans with Disabilities Act of*
10 *1990 (42 U.S.C. 12101 et seq.);*

11 *“(III) height and fueling capacity*
12 *requirements for facilities that charge*
13 *or refuel large vehicles, including*
14 *semitrailer trucks; and*

15 *“(IV) appropriate distribution to*
16 *avoid redundancy and fill charging or*
17 *fueling gaps;*

18 *“(iv) infrastructure installation that*
19 *can be responsive to technology advance-*
20 *ments, including accommodating autono-*
21 *mous vehicles and future charging methods;*

22 *“(v) the long-term operation and*
23 *maintenance of the electric vehicle charging*
24 *or hydrogen fueling infrastructure to avoid*

1 *stranded assets and protect the investment*
2 *of public funds in such infrastructure; and*

3 *“(vi) in the case of an applicant that*
4 *is not a State department of transportation,*
5 *the degree of coordination with the applica-*
6 *ble State department of transportation; and*

7 *“(B) an assessment of the estimated green-*
8 *house gas emissions and air pollution from vehi-*
9 *cle emissions that will be reduced through the use*
10 *of electric vehicle charging, natural gas fueling,*
11 *propane fueling, or hydrogen fueling infrastruc-*
12 *ture, which shall be conducted using one stand-*
13 *ardized methodology or tool as determined by the*
14 *Secretary.*

15 *“(4) CONSIDERATIONS.—In selecting eligible en-*
16 *tities to receive a grant under this subsection, the Sec-*
17 *retary shall—*

18 *“(A) consider the extent to which the appli-*
19 *cation of the eligible entity would—*

20 *“(i) reduce estimated greenhouse gas*
21 *emissions and air pollution from vehicle*
22 *emissions, weighted by the total Federal in-*
23 *vestment in the project;*

24 *“(ii) improve alternative fueling cor-*
25 *ridor networks by—*

1 “(I) converting corridor-pending
2 corridors to corridor-ready corridors;
3 or

4 “(II) in the case of corridor-ready
5 corridors, providing additional capac-
6 ity—

7 “(aa) to meet excess demand
8 for charging or fueling infrastruc-
9 ture; or

10 “(bb) to reduce congestion at
11 existing charging or fueling infra-
12 structure in high-traffic locations;

13 “(iii) meet current or anticipated mar-
14 ket demands for charging or fueling infra-
15 structure;

16 “(iv) enable or accelerate the construc-
17 tion of charging or fueling infrastructure
18 that would be unlikely to be completed with-
19 out Federal assistance;

20 “(v) support a long-term competitive
21 market for electric vehicle charging infra-
22 structure, natural gas fueling, propane fuel-
23 ing, or hydrogen fueling infrastructure that
24 does not significantly impair existing elec-

1 *tric vehicle charging or hydrogen fueling in-*
2 *frastructure providers; and*

3 “(vi) *reducing greenhouse gas emis-*
4 *sions in established goods-movement cor-*
5 *ridors, locations serving first- and last-mile*
6 *freight near ports and freight hubs, and lo-*
7 *cations that optimize infrastructure net-*
8 *works and reduce hazardous air pollutants*
9 *in communities disproportionately im-*
10 *pacted by such pollutants; and*

11 “(B) *ensure, to the maximum extent prac-*
12 *ticable, geographic diversity among grant recipi-*
13 *ents to ensure that electric vehicle charging in-*
14 *frastructure or hydrogen fueling infrastructure is*
15 *available throughout the United States.*

16 “(5) *USE OF FUNDS.—*

17 “(A) *IN GENERAL.—Any grant made under*
18 *this subsection shall be—*

19 “(i) *directly related to the charging or*
20 *fueling of a vehicle; and*

21 “(ii) *only for charging or fueling in-*
22 *frastructure that is open to the general pub-*
23 *lic.*

24 “(B) *LOCATION OF INFRASTRUCTURE.—*

1 “(i) *IN GENERAL.*—Any electric vehicle
2 *charging, natural gas fueling, propane fuel-*
3 *ing, or hydrogen fueling infrastructure ac-*
4 *quired and installed with a grant under*
5 *this subsection shall be located along an al-*
6 *ternative fuel corridor designated under this*
7 *section or by a State or group of States.*

8 “(ii) *EXCEPTION.*—Notwithstanding
9 *clause (i), the Secretary may make a grant*
10 *for electric vehicle charging or hydrogen*
11 *fueling infrastructure not on a designated*
12 *alternative fuel corridor if the applicant*
13 *demonstrates that the proposed charging or*
14 *fueling infrastructure would expand deploy-*
15 *ment of electric vehicle charging or hydro-*
16 *gen fueling to a greater number of users*
17 *than investments on such corridor.*

18 “(C) *OPERATING ASSISTANCE.*—

19 “(i) *IN GENERAL.*—Subject to clauses
20 (ii) and (iii), an eligible entity that receives
21 a grant under this subsection may use a
22 portion of the funds for operating assistance
23 for the first 5 years of operations after the
24 installation of electric vehicle charging, nat-
25 ural gas fueling, propane fueling, or hydro-

1 *gen fueling infrastructure while the facility*
2 *transitions to independent system oper-*
3 *ations.*

4 “(ii) *INCLUSION.—Operating assist-*
5 *ance under this subparagraph shall be lim-*
6 *ited to costs allocable to operating and*
7 *maintaining the electric vehicle charging,*
8 *natural gas fueling, propane fueling, or hy-*
9 *drogen fueling infrastructure and service.*

10 “(iii) *LIMITATION.—Operating assist-*
11 *ance under this subparagraph may not ex-*
12 *ceed the amount of a contract under sub-*
13 *paragraph (A) to acquire and install elec-*
14 *tric vehicle charging, natural gas fueling,*
15 *propane fueling, or hydrogen fueling infra-*
16 *structure.*

17 “(D) *SIGNS.—*

18 “(i) *IN GENERAL.—Subject to this*
19 *paragraph and paragraph (6)(B), an eligi-*
20 *ble entity that receives a grant under this*
21 *subsection may use a portion of the funds to*
22 *acquire and install—*

23 “(I) *traffic control devices located*
24 *in the right-of-way to provide direc-*
25 *tional information to electric vehicle*

1 *charging, natural gas fueling, propane*
2 *fueling, or hydrogen fueling infrastruc-*
3 *ture acquired, installed, or operated*
4 *with the grant under this subsection;*
5 *and*

6 “(II) *on-premises signs to provide*
7 *information about electric vehicle*
8 *charging, natural gas fueling, propane*
9 *fueling, or hydrogen fueling infrastruc-*
10 *ture acquired, installed, or operated*
11 *with a grant under this subsection.*

12 “(ii) *REQUIREMENT.—Any traffic con-*
13 *trol device or on-premises sign acquired, in-*
14 *stalled, or operated with a grant under this*
15 *subsection shall comply with the Manual on*
16 *Uniform Traffic Control Devices, if located*
17 *in the highway right-of-way.*

18 “(E) *REVENUE.—An eligible entity receiv-*
19 *ing a grant under this subsection and a private*
20 *entity referred to in subparagraph (F) may enter*
21 *into a cost-sharing agreement under which the*
22 *private entity submits to the eligible entity a*
23 *portion of the revenue from the electric vehicle*
24 *charging, natural gas fueling, propane fueling,*
25 *or hydrogen fueling infrastructure.*

1 “(F) *PRIVATE ENTITY*.—

2 “(i) *IN GENERAL*.—An eligible entity
3 receiving a grant under this subsection may
4 use the funds in accordance with this para-
5 graph to contract with a private entity for
6 installation, operation, or maintenance of
7 electric vehicle charging, natural gas fuel-
8 ing, propane fueling, or hydrogen fueling
9 infrastructure.

10 “(ii) *INCLUSION*.—An eligible private
11 entity includes privately, publicly, or coop-
12 eratively owned utilities, private electric ve-
13 hicle service equipment and hydrogen fuel-
14 ing infrastructure providers, and retail fuel
15 stations.

16 “(6) *PROJECT REQUIREMENTS*.—

17 “(A) *IN GENERAL*.—Notwithstanding any
18 other provision of law, any project funded by a
19 grant under this subsection shall be treated as a
20 project on a Federal-aid highway.

21 “(B) *ELECTRIC VEHICLE CHARGING*
22 *PROJECTS*.—A project for electric vehicle charg-
23 ing infrastructure funded by a grant under this
24 subsection shall be subject to the requirements of
25 section 155.

1 “(7) *FEDERAL SHARE.*—*The Federal share of the*
 2 *cost of a project carried out with a grant under this*
 3 *subsection shall not exceed 80 percent of the total*
 4 *project cost.*

5 “(8) *CERTIFICATION.*—*The Secretary of Com-*
 6 *merce shall certify that no projects carried out under*
 7 *this subsection use minerals sourced or processed with*
 8 *child labor, as such term is defined in Article 3 of the*
 9 *International Labor Organization Convention con-*
 10 *cerning the prohibition and immediate action for the*
 11 *elimination of the worst forms of child labor (Decem-*
 12 *ber 2, 2000), or in violation of human rights.”.*

13 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

14 “(a) *IN GENERAL.*—*Chapter 1 of title 23, United States*
 15 *Code, as amended by this title, is further amended by in-*
 16 *serting after section 171 the following:*

17 **“§ 172. Community climate innovation grants**

18 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
 19 *a community climate innovation grant program (in this*
 20 *section referred to as the ‘Program’) to make grants, on a*
 21 *competitive basis, for locally selected projects that reduce*
 22 *greenhouse gas emissions while improving the mobility, ac-*
 23 *cessibility, and connectivity of the surface transportation*
 24 *system.*

1 “(b) *PURPOSE.*—*The purpose of the Program shall be*
 2 *to support communities in reducing greenhouse gas emis-*
 3 *sions from the surface transportation system.*

4 “(c) *ELIGIBLE APPLICANTS.*—*The Secretary may*
 5 *make grants under the Program to the following entities:*

6 “(1) *A metropolitan planning organization.*

7 “(2) *A unit of local government or a group of*
 8 *local governments, or a county or multi-county spe-*
 9 *cial district.*

10 “(3) *A subdivision of a local government.*

11 “(4) *A transit agency.*

12 “(5) *A special purpose district with a transpor-*
 13 *tation function or a port authority.*

14 “(6) *A Tribal government or a consortium of*
 15 *tribal governments.*

16 “(7) *A territory.*

17 “(8) *A multijurisdictional group of entities de-*
 18 *scribed in paragraphs (1) through (7).*

19 “(d) *APPLICATIONS.*—*To be eligible for a grant under*
 20 *the Program, an entity specified in subsection (c) shall sub-*
 21 *mit to the Secretary an application in such form, at such*
 22 *time, and containing such information as the Secretary de-*
 23 *termines appropriate.*

24 “(e) *ELIGIBLE PROJECTS.*—*The Secretary may only*
 25 *provide a grant under the Program for a project that is*

1 *expected to yield a significant reduction in greenhouse gas*
 2 *emissions from the surface transportation system and—*

3 *“(1) is a project eligible for assistance under this*
 4 *title or under chapter 53 of title 49 or supports fuel-*
 5 *ing infrastructure for fuels defined under section*
 6 *9001(5) of the Farm Security and Rural Investment*
 7 *Act of 2002 (7 U.S.C. 8101(5)); or*

8 *“(2) is a capital project as defined in section*
 9 *22906 of title 49 to improve intercity passenger rail*
 10 *that will yield a significant reduction in single occu-*
 11 *phant vehicle trips and improve mobility on public*
 12 *roads.*

13 *“(f) ELIGIBLE USES.—Grant amounts received for a*
 14 *project under the Program may be used for—*

15 *“(1) development phase activities, including*
 16 *planning, feasibility analysis, revenue forecasting, en-*
 17 *vironmental review, preliminary engineering and de-*
 18 *sign work, and other preconstruction activities; and*

19 *“(2) construction, reconstruction, rehabilitation,*
 20 *acquisition of real property (including land related to*
 21 *the project and improvements to the land), environ-*
 22 *mental mitigation, construction contingencies, acqui-*
 23 *sition of equipment, and operational improvements.*

24 *“(g) PROJECT PRIORITIZATION.—In making grants*
 25 *for projects under the Program, the Secretary shall give pri-*

1 ority to projects that are expected to yield the most signifi-
2 cant reductions in greenhouse gas emissions from the sur-
3 face transportation system.

4 “(h) *ADDITIONAL CONSIDERATIONS.—In making*
5 *grants for projects under the Program, the Secretary shall*
6 *consider the extent to which—*

7 “(1) *a project maximizes greenhouse gas reduc-*
8 *tions in a cost-effective manner;*

9 “(2) *a project reduces dependence on single-occu-*
10 *pant vehicle trips or provides additional transpor-*
11 *tation options;*

12 “(3) *a project improves the connectivity and ac-*
13 *cessibility of the surface transportation system, par-*
14 *ticularly to low- and zero-emission forms of transpor-*
15 *tation, including public transportation, walking, and*
16 *bicycling;*

17 “(4) *an applicant has adequately considered or*
18 *will adequately consider, including through the oppor-*
19 *tunity for public comment, the environmental justice*
20 *and equity impacts of the project;*

21 “(5) *a project contributes to geographic diversity*
22 *among grant recipients, including to achieve a bal-*
23 *ance between urban, suburban, and rural commu-*
24 *nities;*

1 “(6) a project serves low-income residents of low-
2 income communities, including areas of persistent
3 poverty, while not displacing such residents;

4 “(7) a project uses pavement materials that dem-
5 onstrate reductions in greenhouse gas emissions
6 through sequestration or innovative manufacturing
7 processes;

8 “(8) a project repurposes neglected or underused
9 infrastructure, including abandoned highways,
10 bridges, railways, trail ways, and adjacent underused
11 spaces, into new hybrid forms of public space that
12 support multiple modes of transportation; and

13 “(9) a project includes regional multimodal
14 transportation system management and operations
15 elements that will improve the effectiveness of such
16 project and encourage reduction of single occupancy
17 trips by providing the ability of users to plan, use,
18 and pay for multimodal transportation alternatives.

19 “(i) *FUNDING.*—

20 “(1) *MAXIMUM AMOUNT.*—The maximum
21 amount of a grant under the Program shall be
22 \$25,000,000.

23 “(2) *TECHNICAL ASSISTANCE.*—Of the amounts
24 made available to carry out the Program, the Sec-

retary may use up to 1 percent to provide technical assistance to applicants and potential applicants.

“(j) *TREATMENT OF PROJECTS.*—

“(1) *FEDERAL REQUIREMENTS.*—The Secretary shall, with respect to a project funded by a grant under this section, apply—

“(A) the requirements of this title to a highway project;

“(B) the requirements of chapter 53 of title 49 to a public transportation project; and

“(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

“(2) *MULTIMODAL PROJECTS.*—

“(A) *IN GENERAL.*—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

“(i) determine the predominant modal component of the project; and

“(ii) apply the applicable requirements of such predominant modal component to the project.

“(B) *EXCEPTIONS.*—

“(i) *PASSENGER OR FREIGHT RAIL COMPONENT.*—For any passenger or freight rail component of a project, the require-

1 ments of section 22907(j)(2) of title 49 shall
2 apply.

3 “(ii) *PUBLIC TRANSPORTATION COMPO-*
4 *NENT.—For any public transportation com-*
5 *ponent of a project, the requirements of sec-*
6 *tion 5333 of title 49 shall apply.*

7 “(C) *BUY AMERICA.—In applying the Buy*
8 *American requirements under section 313 of this*
9 *title and sections 5320, 22905(a), and 24305(f)*
10 *of title 49 to a multimodal project under this*
11 *paragraph, the Secretary shall—*

12 “(i) *consider the various modal compo-*
13 *nents of the project; and*

14 “(ii) *seek to maximize domestic jobs.*

15 “(3) *FEDERAL-AID HIGHWAY REQUIREMENTS.—*
16 *Notwithstanding any other provision of this sub-*
17 *section, the Secretary shall require recipients of*
18 *grants under this section to comply with subsection*
19 *(a) of section 113 with respect to public transpor-*
20 *tation projects, passenger rail projects, and freight*
21 *rail projects, in the same manner that recipients of*
22 *grants are required to comply with such subsection*
23 *for construction work performed on highway projects*
24 *on Federal-aid highways.*

1 “(k) *SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILI-*
 2 *TIES.*—None of the funds provided under this section may
 3 be used for a project that will result in the construction
 4 of new capacity available to single occupant vehicles unless
 5 the project consists of a high-occupancy vehicle facility and
 6 is consistent with section 166.

7 “(l) *DEFINITION OF AREAS OF PERSISTENT POV-*
 8 *ERTY.*—In this section, the term ‘areas of persistent poverty’
 9 means—

10 “(1) any county that has had 20 percent or more
 11 of the population of such county living in poverty
 12 over the past 30 years, as measured by the 1990 and
 13 2000 decennial censuses and the most recent Small
 14 Area Income and Poverty Estimates;

15 “(2) any census tract with a poverty rate of at
 16 least 20 percent, as measured by the most recent 5-
 17 year data series available from the American Commu-
 18 nity Survey of the Bureau of the Census for all States
 19 and Puerto Rico; or

20 “(3) any other territory or possession of the
 21 United States that has had 20 percent or more of its
 22 population living in poverty over the past 30 years,
 23 as measured by the 1990, 2000, and 2010 island
 24 areas decennial censuses, or equivalent data, of the
 25 Bureau of the Census.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *1 of title 23, United States Code, is amended by inserting*
 3 *after the item relating to section 171 the following:*

“172. Community climate innovation grants.”.

4 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

5 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 6 *tation shall directly allocate funds in accordance with this*
 7 *section to enhance local decision making and control in de-*
 8 *livering projects to address local transportation needs.*

9 (b) *DESIGNATION.*—

10 (1) *IN GENERAL.*—*The Secretary shall designate*
 11 *direct recipients based on the criteria in paragraph*
 12 *(3) to be direct recipients of funds under this section.*

13 (2) *RESPONSIBILITIES.*—*A direct recipient shall*
 14 *be responsible for compliance with any requirements*
 15 *related to the use of Federal funds vested in a State*
 16 *department of transportation under chapter 1 of title*
 17 *23, United States Code.*

18 (3) *CRITERIA.*—*In designating an applicant*
 19 *under this subsection, the Secretary shall consider—*

20 (A) *the legal, financial, and technical ca-*
 21 *capacity of the applicant;*

22 (B) *the level of coordination between the ap-*
 23 *plicant and—*

24 (i) *the State department of transpor-*
 25 *tation of the State or States in which the*

1 *metropolitan planning area represented by*
2 *the applicant is located;*

3 *(ii) local governments and providers of*
4 *public transportation within the metropoli-*
5 *tan planning area represented by the appli-*
6 *cant; and*

7 *(iii) if more than 1 metropolitan plan-*
8 *ning organization is designated within an*
9 *urbanized area represented by the appli-*
10 *cant, any other such metropolitan planning*
11 *organization;*

12 *(C) in the case of an applicant that rep-*
13 *resents an urbanized area population of greater*
14 *than 200,000, the effectiveness of project delivery*
15 *and timely obligation of funds made available*
16 *under section 133(d)(1)(A)(i) of title 23, United*
17 *States Code;*

18 *(D) if the applicant or a local government*
19 *within the metropolitan planning area that the*
20 *applicant represents has been the recipient of a*
21 *discretionary grant from the Secretary within*
22 *the preceding 5 years, the administration of such*
23 *grant;*

24 *(E) the extent to which the planning and*
25 *decision making process of the applicant, includ-*

1 *ing the long-range transportation plan and the*
2 *approved transportation improvement program*
3 *under section 134 of such title, support—*

4 *(i) the performance goals established*
5 *under section 150(b) of such title; and*

6 *(ii) the achievement of metropolitan or*
7 *statewide performance targets established*
8 *under section 150(d) of such title;*

9 *(F) whether the applicant is a designated*
10 *recipient of funds from the Federal Transit Ad-*
11 *ministration as described under subsections (A)*
12 *and (B) of section 5302(4) of title 49, United*
13 *States Code; and*

14 *(G) any other criteria established by the*
15 *Secretary.*

16 *(4) REQUIREMENTS.—*

17 *(A) CALL FOR NOMINATION.—Not later than*
18 *February 1, 2022, the Secretary shall publish in*
19 *the Federal Register a notice soliciting applica-*
20 *tions for designation under this subsection.*

21 *(B) GUIDANCE.—The notification under*
22 *paragraph (1) shall include guidance on the re-*
23 *quirements and responsibilities of a direct re-*
24 *cipient under this section, including imple-*
25 *menting regulations.*

1 (C) *DETERMINATION.*—*The Secretary shall*
 2 *make all designations under this section for fis-*
 3 *cal year 2023 not later than June 1, 2022.*

4 (5) *TERM.*—*Except as provided in paragraph*
 5 *(6), a designation under this subsection shall—*

6 (A) *be for a period of not less than 5 years;*
 7 *and*

8 (B) *be renewable.*

9 (6) *TERMINATION.*—

10 (A) *IN GENERAL.*—*The Secretary shall es-*
 11 *tablish procedures for the termination of a des-*
 12 *ignation under this subsection.*

13 (B) *CONSIDERATIONS.*—*In establishing pro-*
 14 *cedures under subparagraph (A), the Secretary*
 15 *shall consider—*

16 (i) *with respect to projects carried out*
 17 *under this section, compliance with the re-*
 18 *quirements of title 23, United States Code,*
 19 *or chapter 53 of title 49, United States*
 20 *Code; and*

21 (ii) *the obligation rate of any funds—*
 22 (I) *made available under this sec-*
 23 *tion; and*

24 (II) *in the case of a metropolitan*
 25 *planning organization that represents*

1 *a metropolitan planning area with an*
2 *urbanized area population of greater*
3 *than 200,000, made available under*
4 *section 133(d)(1)(A)(i) of title 23,*
5 *United States Code.*

6 *(c) USE OF FUNDS.—*

7 *(1) ELIGIBLE PROJECTS.—Funds made available*
8 *under this section may be obligated for the purposes*
9 *described in section 133(b) of title 23, United States*
10 *Code.*

11 *(2) ADMINISTRATIVE EXPENSES AND TECHNICAL*
12 *ASSISTANCE.—Of the amounts made available under*
13 *this section, the Secretary may set aside not more*
14 *than \$5,000,000 for program management, oversight,*
15 *and technical assistance to direct recipients.*

16 *(d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—*

17 *(1) DIRECT AVAILABILITY OF FUNDS.—Notwith-*
18 *standing title 23, United States Code, the amounts*
19 *made available under this section shall be allocated to*
20 *each direct recipient for obligation.*

21 *(2) PROJECT DELIVERY.—*

22 *(A) IN GENERAL.—The direct recipient may*
23 *collaborate with a State, unit of local govern-*
24 *ment, regional entity, or transit agency to carry*

1 *out a project under this section and ensure com-*
2 *pliance with all applicable Federal requirements.*

3 *(B) STATE AUTHORITY.—The State may ex-*
4 *ercise, on behalf of the direct recipient, any*
5 *available decisionmaking authorities or actions*
6 *assumed from the Secretary.*

7 *(C) USE OF FUNDS.—The direct recipient*
8 *may use amounts made available under this sec-*
9 *tion to compensate a State, unit of local govern-*
10 *ment, regional entity, or transit agency for costs*
11 *incurred in providing assistance under this*
12 *paragraph.*

13 *(3) DISTRIBUTION OF AMOUNTS AMONG DIRECT*
14 *RECIPIENTS.—*

15 *(A) IN GENERAL.—Subject to subparagraph*
16 *(B), on the first day of the fiscal year for which*
17 *funds are made available under this section, the*
18 *Secretary shall allocate such funds to each direct*
19 *recipient as the proportion of the population (as*
20 *determined by data collected by the Bureau of*
21 *the Census) of the urbanized area represented by*
22 *any 1 direct recipient bears to the total popu-*
23 *lation of all of urbanized areas represented by all*
24 *direct recipients.*

1 (B) *MINIMUM AND MAXIMUM AMOUNTS.*—Of
2 *funds allocated to direct recipients under sub-*
3 *paragraph (A), each direct recipient shall receive*
4 *not less than \$10,000,000 and not more than*
5 *\$50,000,000 each fiscal year.*

6 (C) *MINIMUM GUARANTEED AMOUNT.*—In
7 *making a determination whether to designate a*
8 *metropolitan planning organization as a direct*
9 *recipient under subsection (b), the Secretary*
10 *shall ensure that each direct recipient receives*
11 *the minimum required allocation under subpara-*
12 *graph (B).*

13 (D) *ADDITIONAL AMOUNTS.*—If any
14 *amounts remain undistributed after the distribu-*
15 *tion described in this subsection, such remaining*
16 *amounts and an associated amount of obligation*
17 *limitation shall be made available as if suballo-*
18 *cated under clauses (i) and (ii) of section*
19 *133(d)(1)(A) of title 23, United States Code, and*
20 *distributed among the States in the proportion*
21 *that the relative shares of the population (as de-*
22 *termined by data collected by the Bureau of the*
23 *Census) of the urbanized areas of each State*
24 *bears to the total populations of all urbanized*
25 *areas across all States.*

1 (4) *ASSUMPTION OF RESPONSIBILITY OF THE*
2 *SECRETARY.*—

3 (A) *IN GENERAL.*—*For projects carried out*
4 *with funds provided under this section, the direct*
5 *recipient may assume the responsibilities of the*
6 *Secretary under section 106 of title 23, United*
7 *States Code, for design, plans, specifications, es-*
8 *timates, contract awards, and inspections with*
9 *respect to the projects unless the Secretary deter-*
10 *mines that the assumption is not appropriate.*

11 (B) *AGREEMENT.*—*The Secretary and the*
12 *direct recipient shall enter into an agreement re-*
13 *lating to the extent to which the direct recipient*
14 *assumes the responsibilities of the Secretary*
15 *under this paragraph.*

16 (C) *LIMITATIONS.*—*The Secretary shall re-*
17 *tain responsibilities described in subparagraph*
18 *(A) for any project that the Secretary determines*
19 *to be in a high-risk category, including projects*
20 *on the National Highway System.*

21 (e) *EXPENDITURE OF FUNDS.*—

22 (1) *CONSISTENCY WITH METROPOLITAN PLAN-*
23 *NING.*—*Except as otherwise provided in this section,*
24 *programming and expenditure of funds for projects*
25 *under this section shall be consistent with the require-*

ments of section 134 of title 23, United States Code,
and section 5303 of title 49, United States Code.

(2) *SELECTION OF PROJECTS.*—

(A) *IN GENERAL.*—Notwithstanding subsections (j)(5) and (k)(4) of section 134 of title 23, United States Code, or subsections (j)(5) and (k)(4) of section 5303 of title 49, United States Code, a direct recipient shall select, from the approved transportation improvement program under such sections, all projects to be funded under this section, including projects on the National Highway System.

(B) *ELIGIBLE PROJECTS.*—The project selection process described in this subsection shall apply to all federally funded projects within the boundaries of a metropolitan planning area served by a direct recipient that are carried out under this section.

(C) *CONSULTATION REQUIRED.*—In selecting a project under this subsection, the metropolitan planning organization shall consult with—

(i) in the case of a highway project, the State and locality in which such project is located; and

1 (ii) in the case of a transit project, any
2 affected public transportation operator.

3 (3) *RULE OF CONSTRUCTION.*—Nothing in this
4 section shall be construed to limit the ability of a di-
5 rect recipient to partner with a State department of
6 transportation or other recipient of Federal funds
7 under title 23, United States Code, or chapter 53 of
8 title 49, United States Code, to carry out a project.

9 (f) *TREATMENT OF FUNDS.*—

10 (1) *IN GENERAL.*—Except as provided in this
11 section, funds made available to carry out this section
12 shall be administered as if apportioned under chapter
13 1 of title 23, United States Code.

14 (2) *FEDERAL SHARE.*—The Federal share of the
15 cost of a project carried out under this section shall
16 be determined in accordance with section 120 of title
17 23, United States Code.

18 (g) *REPORT.*—

19 (1) *DIRECT RECIPIENT REPORT.*—Not later than
20 60 days after the end of each fiscal year, each direct
21 recipient shall submit to the Secretary a report that
22 includes—

23 (A) a list of projects funded with amounts
24 provided under this section;

1 (B) a description of any obstacles to com-
2 plete projects or timely obligation of funds; and

3 (C) recommendations to improve the effec-
4 tiveness of the program under this section.

5 (2) *REPORT TO CONGRESS.*—Not later than Oc-
6 tober 1, 2024, the Secretary shall submit to the Com-
7 mittee on Environment and Public Works of the Sen-
8 ate and the Committee on Transportation and Infra-
9 structure of the House of Representatives a report
10 that—

11 (A) summarizes the findings of each direct
12 recipient provided under paragraph (1);

13 (B) describes the efforts undertaken by both
14 direct recipients and the Secretary to ensure
15 compliance with the requirements of title 23 and
16 chapter 53 of title 49, United States Code;

17 (C) analyzes the capacity of direct recipi-
18 ents to receive direct allocations of funds under
19 chapter 1 of title 23, United States Code; and

20 (D) provides recommendations from the
21 Secretary to—

22 (i) improve the administration, over-
23 sight, and performance of the program es-
24 tablished under this section;

1 (ii) improve the effectiveness of direct
2 recipients to complete projects and obligate
3 funds in a timely manner; and

4 (iii) evaluate options to expand the au-
5 thority provided under this section, includ-
6 ing to allow for the direct allocation to met-
7 ropolitan planning organizations of funds
8 made available to carry out clause (i) or
9 (ii) of section 133(d)(1)(A) of title 23,
10 United States Code.

11 (3) *UPDATE*.—Not less frequently than every 2
12 years, the Secretary shall update the report described
13 in paragraph (2).

14 (h) *DEFINITIONS*.—

15 (1) *DIRECT RECIPIENT*.—In this section, the
16 term “direct recipient” means a metropolitan plan-
17 ning organization designated by the Secretary as
18 high-performing under subsection (b) and that was
19 directly allocated funds as described in subsection (d).

20 (2) *METROPOLITAN PLANNING AREA*.—The term
21 “metropolitan planning area” has the meaning given
22 such term in section 134 of title 23, United States
23 Code.

24 (3) *METROPOLITAN PLANNING ORGANIZATION*.—
25 The term “metropolitan planning organization” has

1 *the meaning given such term in section 134 of title*
 2 *23, United States Code.*

3 (4) *NATIONAL HIGHWAY SYSTEM.—The term*
 4 *“National Highway System” has the meaning given*
 5 *such term in section 101 of title 23, United States*
 6 *Code.*

7 (5) *STATE.—The term “State” has the meaning*
 8 *given such term in section 101 of title 23, United*
 9 *States Code.*

10 (6) *URBANIZED AREA.—The term “urbanized*
 11 *area” has the meaning given such term in section 134*
 12 *of title 23, United States Code.*

13 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

14 (a) *ESTABLISHMENT.—The Secretary of Transpor-*
 15 *tation shall establish a gridlock reduction program to make*
 16 *grants, on a competitive basis, for projects to reduce, and*
 17 *mitigate the adverse impacts of, traffic congestion.*

18 (b) *APPLICATIONS.—To be eligible for a grant under*
 19 *this section, an applicant shall submit to the Secretary an*
 20 *application in such form, at such time, and containing such*
 21 *information as the Secretary determines appropriate.*

22 (c) *ELIGIBLE APPLICANTS.—The Secretary may make*
 23 *grants under this section to an applicant that is serving*
 24 *an urbanized area, as designated by the Bureau of the Cen-*

1 *sus, with a population of not less than 1,000,000 and that*
2 *is—*

3 *(1) a metropolitan planning organization;*

4 *(2) a unit of local government or a group of local*
5 *governments;*

6 *(3) a multijurisdictional group of entities de-*
7 *scribed in paragraphs (1) and (2); or*

8 *(4) a State that is in partnership with an entity*
9 *or group of entities described in paragraph (1), (2),*
10 *or (3).*

11 *(d) ELIGIBLE PROJECTS.—The Secretary may award*
12 *grants under this section to applicants that submit a com-*
13 *prehensive program of surface transportation-related*
14 *projects to reduce traffic congestion and related adverse im-*
15 *pacts, including a project for 1 or more of the following:*

16 *(1) Transportation systems management and op-*
17 *erations.*

18 *(2) Intelligent transportation systems.*

19 *(3) Real-time traveler information.*

20 *(4) Traffic incident management.*

21 *(5) Active traffic management.*

22 *(6) Traffic signal timing.*

23 *(7) Multimodal travel payment systems.*

24 *(8) Transportation demand management, includ-*
25 *ing employer-based commuting programs such as car-*

1 *pool, vanpool, transit benefit, parking cashout, shut-*
2 *tle, or telework programs.*

3 *(9) A project to provide transportation options*
4 *to reduce traffic congestion, including—*

5 *(A) a project under chapter 53 of title 49,*
6 *United States Code;*

7 *(B) a bicycle or pedestrian project, includ-*
8 *ing a project to provide safe and connected active*
9 *transportation networks; and*

10 *(C) a surface transportation project carried*
11 *out in accordance with the national travel and*
12 *tourism infrastructure strategic plan under sec-*
13 *tion 1431(e) of the FAST Act (49 U.S.C. 301*
14 *note).*

15 *(10) Any other project, as determined appro-*
16 *priate by the Secretary.*

17 *(e) AWARD PRIORITIZATION.—*

18 *(1) IN GENERAL.—In selecting grants under this*
19 *section, the Secretary shall prioritize applicants serv-*
20 *ing urbanized areas, as described in subsection (c),*
21 *that are experiencing a high degree of recurrent trans-*
22 *portation congestion, as determined by the Secretary.*

23 *(2) ADDITIONAL CONSIDERATIONS.—In selecting*
24 *grants under this section, the Secretary shall also con-*
25 *sider the extent to which the project would—*

1 (A) reduce traffic congestion and improve
2 the reliability of the surface transportation sys-
3 tem;

4 (B) mitigate the adverse impacts of traffic
5 congestion on the surface transportation system,
6 including safety and environmental impacts;

7 (C) maximize the use of existing capacity;
8 and

9 (D) employ innovative, integrated, and
10 multimodal solutions to the items described in
11 subparagraphs (A), (B), and (C).

12 (f) *FEDERAL SHARE*.—

13 (1) *IN GENERAL*.—The Federal share of the cost
14 of a project carried out under this section may not ex-
15 ceed 60 percent.

16 (2) *MAXIMUM FEDERAL SHARE*.—Federal assist-
17 ance other than a grant for a project under this sec-
18 tion may be used to satisfy the non-Federal share of
19 the cost of such project, except that the total Federal
20 assistance provided for a project receiving a grant
21 under this section may not exceed 80 percent of the
22 total project cost.

23 (g) *USE OF FUNDS*.—Funds made available for a
24 project under this section may be used for—

1 (1) *development phase activities, including plan-*
2 *ning, feasibility analysis, revenue forecasting, envi-*
3 *ronmental review, preliminary engineering and de-*
4 *sign work, and other preconstruction activities; and*

5 (2) *construction, reconstruction, rehabilitation,*
6 *acquisition of real property (including land related to*
7 *the project and improvements to the land), environ-*
8 *mental mitigation, construction contingencies, acqui-*
9 *sition of equipment, and operational improvements.*

10 (h) *FUNDING.—*

11 (1) *GRANT AMOUNT.—A grant under this section*
12 *shall be in an amount not less than \$10,000,000 and*
13 *not more than \$50,000,000.*

14 (2) *AVAILABILITY.—Funds made available under*
15 *this program shall be available until expended.*

16 (i) *FREIGHT PROJECT SET-ASIDE.—*

17 (1) *IN GENERAL.—The Secretary shall set aside*
18 *not less than 50 percent of the funds made available*
19 *to carry out this section for grants for freight projects*
20 *under this subsection.*

21 (2) *ELIGIBLE USES.—The Secretary shall pro-*
22 *vide funds set aside under this subsection to appli-*
23 *cants that submit a comprehensive program of surface*
24 *transportation-related projects to reduce freight-re-*

1 *lated traffic congestion and related adverse impacts,*
2 *including—*

3 *(A) freight intelligent transportation sys-*
4 *tems;*

5 *(B) real-time freight parking information;*

6 *(C) real-time freight routing information;*

7 *(D) freight transportation and delivery*
8 *safety projects;*

9 *(E) first-mile and last-mile delivery solu-*
10 *tions;*

11 *(F) shifting freight delivery to off-peak trav-*
12 *el times;*

13 *(G) reducing greenhouse gas emissions and*
14 *air pollution from freight transportation and de-*
15 *livery, including through the use of innovative*
16 *vehicles that produce fewer greenhouse gas emis-*
17 *sions;*

18 *(H) use of centralized delivery locations;*

19 *(I) designated freight vehicle parking and*
20 *staging areas;*

21 *(J) curb space management; and*

22 *(K) other projects, as determined appro-*
23 *priate by the Secretary.*

24 *(3) AWARD PRIORITIZATION.—*

1 (A) *IN GENERAL.*—*In providing funds set*
2 *aside under this section, the Secretary shall*
3 *prioritize applicants serving urbanized areas, as*
4 *described in subsection (c), that are experiencing*
5 *a high degree of recurrent congestion due to*
6 *freight transportation, as determined by the Sec-*
7 *retary.*

8 (B) *ADDITIONAL CONSIDERATIONS.*—*In*
9 *providing funds set aside under this subsection,*
10 *the Secretary shall consider the extent to which*
11 *the proposed project—*

12 (i) *reduces freight-related traffic con-*
13 *gestion and improves the reliability of the*
14 *freight transportation system;*

15 (ii) *mitigates the adverse impacts of*
16 *freight-related traffic congestion on the sur-*
17 *face transportation system, including safety*
18 *and environmental impacts;*

19 (iii) *maximizes the use of existing ca-*
20 *capacity;*

21 (iv) *employs innovative, integrated,*
22 *and multimodal solutions to the items de-*
23 *scribed in clauses (i) through (iii);*

24 (v) *leverages Federal funds with non-*
25 *Federal contributions; and*

1 (vi) integrates regional multimodal
2 transportation management and oper-
3 ational projects that address both passenger
4 and freight congestion.

5 (4) *FLEXIBILITY*.—If the Secretary determines
6 that there are insufficient qualified applicants to use
7 the funds set aside under this subsection, the Sec-
8 retary may use such funds for grants for any projects
9 eligible under this section.

10 (j) *REPORT*.—

11 (1) *RECIPIENT REPORT*.—The Secretary shall
12 ensure that not later than 2 years after the Secretary
13 awards grants under this section, the recipient of each
14 such grant submits to the Secretary a report that con-
15 tains—

16 (A) information on each activity or project
17 that received funding under this section;

18 (B) a summary of any non-Federal re-
19 sources leveraged by a grant under this section;

20 (C) any statistics, measurements, or quan-
21 titative assessments that demonstrate the conges-
22 tion reduction, reliability, safety, and environ-
23 mental benefits achieved through activities or
24 projects that received funding under this section;
25 and

1 (D) any additional information required by
2 the Secretary.

3 (2) *REPORT TO CONGRESS*.—Not later than 9
4 months after the date specified in paragraph (1), the
5 Secretary shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representa-
7 tives and the Committee on Environment and Public
8 Works, the Committee on Commerce, Science, and
9 Transportation, and the Committee on Banking,
10 Housing, and Urban Affairs of the Senate, and make
11 publicly available on a website, a report detailing—

12 (A) a summary of any information pro-
13 vided under paragraph (1); and

14 (B) recommendations and best practices
15 to—

16 (i) reduce traffic congestion, including
17 freight-related traffic congestion, and im-
18 prove the reliability of the surface transpor-
19 tation system;

20 (ii) mitigate the adverse impacts of
21 traffic congestion, including freight-related
22 traffic congestion, on the surface transpor-
23 tation system, including safety and environ-
24 mental impacts; and

1 (iii) employ innovative, integrated,
 2 and multimodal solutions to the items de-
 3 scribed in clauses (i) and (ii).

4 (k) NOTIFICATION.—Not later than 3 business days be-
 5 fore awarding a grant under this section, the Secretary
 6 shall notify the Committee on Transportation and Infra-
 7 structure of the House of Representatives and the Committee
 8 on Environment and Public Works, the Committee on Com-
 9 merce, Science, and Transportation, and the Committee on
 10 Banking, Housing, and Urban Affairs of the Senate of the
 11 intention to award such a grant.

12 (l) 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 title 23, United
 17 States Code, to a highway project;

18 (B) the requirements of chapter 53 of title
 19 49, United States Code, to a public transpor-
 20 tation project; and

21 (C) the requirements of section 22905 of
 22 title 49, United States Code, to a passenger rail
 23 or freight rail project.

24 (2) MULTIMODAL PROJECTS.—

1 (A) *IN GENERAL.*—*Except as otherwise pro-*
2 *vided in this paragraph, if an eligible project is*
3 *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 COM-*
11 *PONENT.*—*For any passenger or freight rail*
12 *component of a project, the requirements of*
13 *section 22907(j)(2) of title 49, United States*
14 *Code, shall apply.*

15 (ii) *PUBLIC TRANSPORTATION COMPO-*
16 *NENT.*—*For any public transportation com-*
17 *ponent of a project, the requirements of sec-*
18 *tion 5333 of title 49, United States Code,*
19 *shall apply.*

20 (C) *BUY AMERICA.*—*In applying the Buy*
21 *American requirements under section 313 of title*
22 *23, United States Code, and sections 5320,*
23 *22905(a), and 24305(f) of title 49, United States*
24 *Code, to a multimodal project under this para-*
25 *graph, the Secretary shall—*

1 (i) consider the various modal compo-
 2 nents of the project; and

3 (ii) seek to maximize domestic jobs.

4 (3) *FEDERAL-AID HIGHWAY REQUIREMENTS.*—

5 *Notwithstanding any other provision of this sub-*
 6 *section, the Secretary shall require recipients of*
 7 *grants under this section to comply with subsection*
 8 *(a) of section 113 of title 23, United States Code, with*
 9 *respect to public transportation projects, passenger*
 10 *rail projects, and freight rail projects, in the same*
 11 *manner that recipients of grants are required to com-*
 12 *ply with such subsection for construction work per-*
 13 *formed on highway projects on Federal-aid highways.*

14 (m) *TREATMENT OF FUNDS.*—*Except as provided in*
 15 *subsection (l), funds authorized for the purposes described*
 16 *in this section shall be available for obligation in the same*
 17 *manner as if the funds were apportioned under chapter 1*
 18 *of title 23, United States Code.*

19 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

20 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 21 *tation shall establish a rebuild rural grant program to im-*
 22 *prove the safety, state of good repair, and connectivity of*
 23 *transportation infrastructure in rural communities.*

24 (b) *GRANT AUTHORITY.*—

1 (1) *IN GENERAL.*—*In carrying out the program*
2 *established in subsection (a), the Secretary shall make*
3 *grants, on a competitive basis, in accordance with*
4 *this section.*

5 (2) *GRANT AMOUNT.*—*A grant made under this*
6 *program shall be for no more than \$25,000,000.*

7 (c) *ELIGIBLE APPLICANTS.*—*The Secretary may make*
8 *a grant under this section to—*

9 (1) *a State;*

10 (2) *a metropolitan planning organization or a*
11 *regional transportation planning organization;*

12 (3) *a unit of local government;*

13 (4) *a Federal land management agency;*

14 (5) *a Tribal government or a consortium of*
15 *Tribal governments;*

16 (6) *a territory; and*

17 (7) *a multijurisdictional group of entities de-*
18 *scribed in this subsection.*

19 (d) *APPLICATIONS.*—*To be eligible for a grant under*
20 *this section, an entity specified under subsection (c) shall*
21 *submit to the Secretary an application in such form, at*
22 *such time, and containing such information as the Sec-*
23 *retary determines is appropriate.*

24 (e) *ELIGIBLE PROJECTS.*—*The Secretary shall provide*
25 *grants under this section to projects eligible under title 23,*

1 *United States Code, including projects on and off the Fed-*
 2 *eral-aid highway system, that improve safety, state of good*
 3 *repair, or connectivity in a rural community, including*
 4 *projects to—*

5 (1) *improve transportation safety, including*
 6 *projects on high-risk rural roads and on Federal*
 7 *lands;*

8 (2) *improve state of good repair, including*
 9 *projects to repair and rehabilitate bridges on and off*
 10 *the Federal-aid highway system;*

11 (3) *provide or increase access to jobs and serv-*
 12 *ices;*

13 (4) *provide or increase access to—*

14 (A) *a grain elevator;*

15 (B) *an agricultural facility;*

16 (C) *a mining facility;*

17 (D) *a forestry facility;*

18 (E) *an intermodal facility;*

19 (F) *travel or tourism destinations; or*

20 (G) *any other facility that supports the*
 21 *economy of a rural community; and*

22 (5) *reduce vehicle-wildlife collisions and improve*
 23 *habitat connectivity.*

24 (f) *ELIGIBLE PROJECT COSTS.—Grant amounts for a*
 25 *project under this section may be used for—*

1 (1) *development phase activities, including plan-*
 2 *ning, feasibility analysis, revenue forecasting, envi-*
 3 *ronmental review, preliminary engineering and de-*
 4 *sign work, and other preconstruction activities; and*

5 (2) *construction, reconstruction, rehabilitation,*
 6 *acquisition of real property (including land related to*
 7 *the project and improvements to the land), environ-*
 8 *mental mitigation, construction contingencies, acqui-*
 9 *sition of equipment, and operational improvements.*

10 (g) *FEDERAL SHARE.—*

11 (1) *IN GENERAL.—The share of the cost of a*
 12 *project provided with a grant under this section may*
 13 *not exceed 80 percent of the total cost of such project.*

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 cost*
 17 *of such project.*

18 (h) *PRIORITY.—In making grants under this section,*
 19 *the Secretary shall prioritize projects that address—*

20 (1) *significant transportation safety challenges;*

21 (2) *state of good repair challenges that pose safe-*
 22 *ty risks or risks to a local economy;*

23 (3) *economic development challenges;*

24 (4) *connectivity challenges that limit access to*
 25 *jobs or services; and*

1 (5) *coordination of projects in the highway right-*
 2 *of-way with proposed broadband service infrastruc-*
 3 *ture needs.*

4 (i) *NOTIFICATION.*—*Not later than 3 business days be-*
 5 *fore awarding a grant under this section, the Secretary of*
 6 *Transportation shall notify the Committee on Transpor-*
 7 *tation and Infrastructure of the House of Representatives*
 8 *and the Committee on Environment and Public Works of*
 9 *the Senate of the intention to award such a grant.*

10 (j) *TREATMENT OF PROJECTS.*—*Notwithstanding any*
 11 *other provision of law, a project carried out under this sec-*
 12 *tion shall be treated as if the project is located on a Federal-*
 13 *aid highway.*

14 (k) *DEFINITION OF RURAL COMMUNITY.*—*In this sec-*
 15 *tion, the term “rural community” means an area that is*
 16 *not an urbanized area, as such term is defined in section*
 17 *101(a) of title 23, United States Code.*

18 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

19 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 20 *tation shall establish a program under which the Secretary*
 21 *shall make grants, on a competitive basis, to eligible entities*
 22 *to address the shortage of parking for commercial motor ve-*
 23 *hicles to improve the safety of commercial motor vehicle op-*
 24 *erators.*

1 (b) *APPLICATIONS.*—To be eligible for a grant under
2 this section, an eligible entity shall submit to the Secretary
3 an application in such form, at such time, and containing
4 such information as the Secretary may require.

5 (c) *ELIGIBLE PROJECTS.*—Projects eligible under this
6 section are projects that—

7 (1) construct safety rest areas that include park-
8 ing for commercial motor vehicles;

9 (2) construct commercial motor vehicle parking
10 facilities—

11 (A) adjacent to private commercial truck-
12 stops and travel plazas;

13 (B) within the boundaries of, or adjacent to,
14 a publicly owned freight facility, including a
15 port terminal operated by a public authority;
16 and

17 (C) at existing facilities, including inspec-
18 tion and weigh stations and park-and-ride loca-
19 tions;

20 (3) open existing weigh stations, safety rest
21 areas, and park-and-ride facilities to commercial
22 motor vehicle parking;

23 (4) facilitate access to publicly and privately
24 provided commercial motor vehicle parking, such as
25 through the use of intelligent transportation systems;

1 (5) *construct turnouts along a Federal-aid high-*
 2 *way for commercial motor vehicles;*

3 (6) *make capital improvements to public com-*
 4 *mercial motor vehicle parking facilities that are*
 5 *closed on a seasonal basis to allow the facilities to re-*
 6 *main open year-round;*

7 (7) *open existing commercial motor vehicle*
 8 *chain-up areas that are closed on a seasonal basis to*
 9 *allow the facilities to remain open year-round for*
 10 *commercial motor vehicle parking;*

11 (8) *address commercial motor vehicle parking*
 12 *and layover needs in emergencies that strain the ca-*
 13 *capacity of existing publicly and privately provided*
 14 *commercial motor vehicle parking; and*

15 (9) *make improvements to existing commercial*
 16 *motor vehicle parking facilities, including advanced*
 17 *truckstop electrification systems.*

18 (d) *USE OF FUNDS.—*

19 (1) *IN GENERAL.—An eligible entity may use a*
 20 *grant under this section for—*

21 (A) *development phase activities, including*
 22 *planning, feasibility analysis, benefit-cost anal-*
 23 *ysis, environmental review, preliminary engi-*
 24 *neering and design work, and other*

1 *preconstruction activities necessary to advance a*
2 *project described in subsection (c); and*

3 *(B) construction and operational improve-*
4 *ments, as such terms are defined in section 101*
5 *of title 23, United States Code.*

6 *(2) PRIVATE SECTOR PARTICIPATION.—An eligi-*
7 *ble entity that receives a grant under this section may*
8 *partner with a private entity to carry out an eligible*
9 *project under this section.*

10 *(3) LIMITATION.—Not more than 10 percent of*
11 *the amounts made available to carry out this section*
12 *may be used to promote the availability of existing*
13 *commercial motor vehicle parking.*

14 *(e) SELECTION CRITERIA.—In making grants under*
15 *this section, the Secretary shall consider—*

16 *(1) in the case of construction of new commercial*
17 *motor vehicle parking capacity, the shortage of public*
18 *and private commercial motor vehicle parking near*
19 *the project; and*

20 *(2) the extent to which each project—*

21 *(A) would increase commercial motor vehi-*
22 *cle parking capacity or utilization;*

23 *(B) would facilitate the efficient movement*
24 *of freight;*

1 (C) would improve safety, traffic congestion,
2 and air quality;

3 (D) is cost effective; and

4 (E) reflects consultation with motor car-
5 riers, commercial motor vehicle operators, and
6 private providers of commercial motor vehicle
7 parking.

8 (f) NOTIFICATION OF CONGRESS.—Not later than 3
9 business days before announcing a project selected to receive
10 a grant under this section, the Secretary of Transportation
11 shall notify the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Committee
13 on Environment and Public Works of the Senate of the in-
14 tentions to award such a grant.

15 (g) TREATMENT OF FUNDS.—

16 (1) TREATMENT OF PROJECTS.—Notwith-
17 standing any other provision of law, any project
18 funded by a grant under this section shall be treated
19 as a project on a Federal-aid highway under chapter
20 1 of title 23, United States Code.

21 (2) FEDERAL SHARE.—The Federal share of the
22 cost of a project under this section shall be determined
23 in accordance with subsections (b) and (c) of section
24 120 of title 23, United States Code.

1 (h) *PROHIBITION ON CHARGING FEES.*—To be eligible
2 for a grant under this section, an eligible entity shall certify
3 that no fees will be charged for the use of a project assisted
4 with such grant.

5 (i) *AMENDMENT TO MAP–21.*—Section 1401(c)(1) of
6 MAP–21 (23 U.S.C. 137 note) is amended—

7 (1) by inserting “and private providers of com-
8 mercial motor vehicle parking” after “personnel”; and

9 (2) in subparagraph (A) by striking “the capa-
10 bility of the State to provide” and inserting “the
11 availability of”.

12 (j) *SURVEY; COMPARATIVE ASSESSMENT; REPORT.*—

13 (1) *UPDATE.*—Not later than 2 years after the
14 date of enactment of this Act, the Secretary shall up-
15 date the survey of each State required under section
16 1401(c)(1) of the MAP–21 (23 U.S.C. 137 note).

17 (2) *REPORT.*—Not later than 1 year after the
18 deadline under paragraph (1), the Secretary shall
19 publish on the website of the Department of Transpor-
20 tation a report that—

21 (A) evaluates the availability of adequate
22 parking and rest facilities for commercial motor
23 vehicles engaged in interstate transportation;

1 (B) evaluates the effectiveness of the projects
2 funded under this section in improving access to
3 commercial motor vehicle parking; and

4 (C) reports on the progress being made to
5 provide adequate commercial motor vehicle park-
6 ing facilities in the State.

7 (3) CONSULTATION.—The Secretary shall pre-
8 pare the report required under paragraph (2) in con-
9 sultation with—

10 (A) relevant State motor carrier safety per-
11 sonnel;

12 (B) motor carriers and commercial motor
13 vehicle operators; and

14 (C) private providers of commercial motor
15 vehicle parking.

16 (k) DEFINITIONS.—In this section:

17 (1) COMMERCIAL MOTOR VEHICLE.—The term
18 “commercial motor vehicle” has the meaning given
19 such term in section 31132 of title 49, United States
20 Code.

21 (2) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty” means—

23 (A) a State;

24 (B) a metropolitan planning organization;

25 (C) a unit of local government;

1 (D) a political subdivision of a State or
 2 local government carrying out responsibilities re-
 3 lating to commercial motor vehicle parking; and

4 (E) a multistate or multijurisdictional
 5 group of entities described in subparagraphs (A)
 6 through (D).

7 (3) SAFETY REST AREA.—The term “safety rest
 8 area” has the meaning given such term in section
 9 120(c) of title 23, United States Code.

10 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**
 11 **GRANT PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary of Transpor-
 13 tation shall establish an active transportation connectivity
 14 grant program to provide for safe and connected active
 15 transportation facilities.

16 (b) GRANT AUTHORITY.—In carrying out the program
 17 established in subsection (a), the Secretary shall make
 18 grants, on a competitive basis, in accordance with this sec-
 19 tion.

20 (c) ELIGIBLE APPLICANTS.—The Secretary may make
 21 a grant under this section to—

22 (1) a State;

23 (2) a metropolitan planning organization;

24 (3) a regional transportation authority;

1 (4) *a unit of local government, including a coun-*
2 *ty or multi-county special district;*

3 (5) *a Federal land management agency;*

4 (6) *a natural resource or public land agency;*

5 (7) *a Tribal government or a consortium of*
6 *Tribal governments;*

7 (8) *any local or regional governmental entity*
8 *with responsibility for or oversight of transportation*
9 *or recreational trails; and*

10 (9) *a multistate or multijurisdictional group of*
11 *entities described in this subsection.*

12 (d) *APPLICATIONS.*—*To be eligible for a grant under*
13 *this section, an entity specified under subsection (c) shall*
14 *submit to the Secretary an application in such form, at*
15 *such time, and containing such information as the Sec-*
16 *retary determines is appropriate.*

17 (e) *ELIGIBLE PROJECTS.*—*The Secretary shall provide*
18 *grants under this section to projects that improve the*
19 *connectivity and the use of active transportation facili-*
20 *ties—*

21 (1) *including—*

22 (A) *active transportation networks;*

23 (B) *active transportation spines; and*

24 (C) *planning related to the development*
25 *of—*

- 1 (i) *active transportation networks;*
- 2 (ii) *active transportation spines; and*
- 3 (iii) *complete streets plans to create a*
- 4 *connected network of active transportation*
- 5 *facilities, including sidewalks, bikeways, or*
- 6 *pedestrian and bicycle trails; and*

7 (2) *that have—*

8 (A) *total project costs of not less than*

9 *\$15,000,000; or*

10 (B) *in the case of planning grants under*

11 *subsection (f), a total cost of not less than*

12 *\$100,000.*

13 (f) *PLANNING GRANTS.—Of the amounts made avail-*

14 *able to carry out this section, the Secretary may use not*

15 *more than 10 percent to provide planning grants to eligible*

16 *applicants for activities under subsection (e)(1)(C).*

17 (g) *CONSIDERATIONS.—In making grants under this*

18 *section, the Secretary shall consider the extent to which—*

19 (1) *a project is likely to provide substantial ad-*

20 *ditional opportunities for walking and bicycling, in-*

21 *cluding through the creation of—*

22 (A) *active transportation networks con-*

23 *necting destinations within or between commu-*

24 *nities, including schools, workplaces, residences,*

1 *businesses, recreation areas, and other commu-*
2 *nity areas; and*

3 *(B) active transportation spines connecting*
4 *2 or more communities, metropolitan areas, or*
5 *States;*

6 *(2) an applicant has adequately considered or*
7 *will consider, including through the opportunity for*
8 *public comment, the environmental justice and equity*
9 *impacts of the project;*

10 *(3) the project would improve safety for vulner-*
11 *able road users, including through the use of complete*
12 *street design policies or a safe system approach; and*

13 *(4) a project integrates active transportation fa-*
14 *cilities with public transportation services, where*
15 *available, to improve access to public transportation.*

16 *(h) LIMITATION.—*

17 *(1) IN GENERAL.—The share of the cost of a*
18 *project assisted with a grant under this section may*
19 *not exceed 80 percent.*

20 *(2) MAXIMUM FEDERAL ASSISTANCE.—Federal*
21 *assistance other than a grant under this section may*
22 *be used to satisfy up to 100 percent of the total*
23 *project cost.*

24 *(i) ELIGIBLE PROJECT COSTS.—Amounts made avail-*
25 *able for a project under this section may be used for—*

1 (1) *development phase activities, including plan-*
2 *ning, feasibility analysis, revenue forecasting, envi-*
3 *ronmental review, preliminary engineering and de-*
4 *sign work, and other preconstruction activities; and*

5 (2) *construction, reconstruction, rehabilitation,*
6 *acquisition of real property (including land related to*
7 *the project and improvements to the land), environ-*
8 *mental mitigation, construction contingencies, acqui-*
9 *sition of equipment, and operational improvements.*

10 (j) *NOTIFICATION.*—*Not later than 3 business days be-*
11 *fore awarding a grant under this section, the Secretary of*
12 *Transportation shall notify the Committee on Transpor-*
13 *tation and Infrastructure of the House of Representatives*
14 *and the Committee on Environment and Public Works of*
15 *the Senate of the intention to award such a grant.*

16 (k) *TREATMENT OF PROJECTS.*—*Notwithstanding any*
17 *other provision of law, a project carried out under this sec-*
18 *tion shall be treated in the manner described under section*
19 *133(i) of title 23, United States Code.*

20 (l) *DEFINITIONS.*—*In this section:*

21 (1) *ACTIVE TRANSPORTATION.*—*The term “active*
22 *transportation” means mobility options powered pri-*
23 *marily by human energy, including bicycling and*
24 *walking.*

1 (2) *ACTIVE TRANSPORTATION NETWORK.*—The
 2 term “active transportation network” means facilities
 3 built for active transportation, including sidewalks,
 4 bikeways, and pedestrian and bicycle trails, that con-
 5 nect destinations within a community, a metropoli-
 6 tan area, or on Federal lands.

7 (3) *ACTIVE TRANSPORTATION SPINE.*—The term
 8 “active transportation spine” means facilities built
 9 for active transportation, including sidewalks, bike-
 10 ways, and pedestrian and bicycle trails, that connect
 11 communities, metropolitan areas, Federal lands, or
 12 States.

13 (4) *SAFE SYSTEM APPROACH.*—The term “safe
 14 system approach” has the meaning given such term
 15 in section 148(a) of title 23, United States Code.

16 (5) *VULNERABLE ROAD USER.*—The term “vul-
 17 nerable road user” has the meaning given such term
 18 in section 148(a) of title 23, United States Code.

19 ***Subtitle D—Planning, Performance***
 20 ***Management, and Asset Manage-***
 21 ***ment***

22 ***SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.***

23 Section 134 of title 23, United States Code, is amend-
 24 ed—

1 (1) in subsection (a) by striking “resiliency
2 needs while minimizing transportation-related fuel
3 consumption and air pollution” and inserting “resil-
4 ience and climate change adaptation needs while re-
5 ducing transportation-related fuel consumption, air
6 pollution, and greenhouse gas emissions”;

7 (2) in subsection (b)—

8 (A) by redesignating paragraphs (6) and
9 (7) as paragraphs (7) and (8), respectively; and

10 (B) by inserting after paragraph (5) the fol-
11 lowing:

12 “(6) *STIP*.—The term ‘*STIP*’ means a statewide
13 transportation improvement program developed by a
14 State under section 135(g).”;

15 (3) in subsection (c)—

16 (A) in paragraph (1) by striking “and
17 transportation improvement programs” and in-
18 serting “and *TIPs*”; and

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

20 “(4) *CONSIDERATION*.—In developing the plans
21 and *TIPs*, metropolitan planning organizations shall
22 consider direct and indirect emissions of greenhouse
23 gases.”;

24 (4) in subsection (d)—

1 (A) in paragraph (2) by striking “Not later
2 than 2 years after the date of enactment of
3 MAP–21, each” and inserting “Each”;

4 (B) in paragraph (3) by adding at the end
5 the following:

6 “(D) CONSIDERATIONS.—

7 “(i) *EQUITABLE AND PROPORTIONAL*
8 *REPRESENTATION.*—In designating officials
9 or representatives under paragraph (2), the
10 metropolitan planning organization shall
11 consider the equitable and proportional rep-
12 resentation of the population of the metro-
13 politan planning area.

14 “(ii) *SAVINGS CLAUSE.*—Nothing in
15 this paragraph shall require a metropolitan
16 planning organization in existence on the
17 date of enactment of this subparagraph to
18 be restructured.

19 “(iii) *REDESIGNATION.*—Notwith-
20 standing clause (ii), the requirements of this
21 paragraph shall apply to any metropolitan
22 planning organization redesignated under
23 paragraph (6).”;

1 (C) in paragraph (6)(B) by striking “para-
 2 graph (2)” and inserting “paragraphs (2) or
 3 (3)(D)”; and

4 (D) in paragraph (7)—

5 (i) by striking “an existing metropoli-
 6 tan planning area” and inserting “an ur-
 7 banized area”; and

8 (ii) by striking “the existing metropoli-
 9 tan planning area” and inserting “the
 10 area”;

11 (5) in subsection (g)—

12 (A) in paragraph (1) by striking “a metro-
 13 politan area” and inserting “an urbanized
 14 area”;

15 (B) in paragraph (2) by striking “MPOS”
 16 and inserting “METROPOLITAN PLANNING
 17 AREAS”;

18 (C) in paragraph (3)(A) by inserting
 19 “emergency response and evacuation, climate
 20 change adaptation and resilience,” after “dis-
 21 aster risk reduction,”; and

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

23 “(4) COORDINATION BETWEEN MPOS.—

24 “(A) IN GENERAL.—If more than 1 metro-
 25 politan planning organization is designated

1 *within an urbanized area under subsection*
2 *(d)(7), the metropolitan planning organizations*
3 *designated within the area shall ensure, to the*
4 *maximum extent practicable, the consistency of*
5 *any data used in the planning process, including*
6 *information used in forecasting transportation*
7 *demand.*

8 *“(B) SAVINGS CLAUSE.—Nothing in this*
9 *paragraph requires metropolitan planning orga-*
10 *nizations designated within a single urbanized*
11 *area to jointly develop planning documents, in-*
12 *cluding a unified long-range transportation plan*
13 *or unified TIP.”;*

14 *(6) in subsection (h)(1)—*

15 *(A) by striking subparagraph (E) and in-*
16 *serting the following:*

17 *“(E) protect and enhance the environment,*
18 *promote energy conservation, reduce greenhouse*
19 *gas emissions, improve the quality of life and*
20 *public health, and promote consistency between*
21 *transportation improvements and State and*
22 *local planned growth and economic development*
23 *patterns, including housing and land use pat-*
24 *terns;”;*

25 *(B) in subparagraph (I)—*

1 (i) by inserting “, sea level rise, ex-
2 treme weather, and climate change” after
3 “stormwater”; and

4 (ii) by striking “and” at the end;

5 (C) by redesignating subparagraph (J) as
6 subparagraph (M); and

7 (D) by inserting after subparagraph (I) the
8 following:

9 “(J) facilitate emergency management, re-
10 sponse, and evacuation and hazard mitigation;

11 “(K) improve the level of transportation
12 system access;

13 “(L) support inclusive zoning policies and
14 land use planning practices that incentivize af-
15 fordable, elastic, and diverse housing supply, fa-
16 cilitate long-term economic growth by improving
17 the accessibility of housing to jobs, and prevent
18 high housing costs from displacing economically
19 disadvantaged households; and”;

20 (7) in subsection (h)(2) by striking subpara-
21 graph (A) and inserting the following:

22 “(A) IN GENERAL.—Through the use of a
23 performance-based approach, transportation in-
24 vestment decisions made as a part of the metro-
25 politan transportation planning process shall

1 *support the national goals described in section*
2 *150(b), the achievement of metropolitan and*
3 *statewide targets established under section*
4 *150(d), the improvement of transportation sys-*
5 *tem access (consistent with section 150(f)), and*
6 *the general purposes described in section 5301 of*
7 *title 49.”;*

8 *(8) in subsection (i)—*

9 *(A) in paragraph (2)(D)(i) by inserting*
10 *“reduce greenhouse gas emissions and” before*
11 *“restore and maintain”;*

12 *(B) in paragraph (2)(G) by inserting “and*
13 *climate change” after “infrastructure to natural*
14 *disasters”;*

15 *(C) in paragraph (2)(H) by inserting*
16 *“greenhouse gas emissions,” after “pollution,”;*

17 *(D) in paragraph (5)—*

18 *(i) in subparagraph (A) by inserting*
19 *“air quality, public health, housing, trans-*
20 *portation, resilience, hazard mitigation,*
21 *emergency management,” after “conserva-*
22 *tion,”; and*

23 *(ii) by striking subparagraph (B) and*
24 *inserting the following:*

1 “(B) *ISSUES.*—*The consultation shall in-*
2 *volve, as appropriate, comparison of transpor-*
3 *tation plans to other relevant plans, including, if*
4 *available—*

5 “(i) *State conservation plans or maps;*
6 *and*

7 “(ii) *inventories of natural or historic*
8 *resources.”; and*

9 “(E) *by amending paragraph (6)(C) to read*
10 *as follows:*

11 “(C) *METHODS.*—

12 “(i) *IN GENERAL.*—*In carrying out*
13 *subparagraph (A), the metropolitan plan-*
14 *ning organization shall, to the maximum*
15 *extent practicable—*

16 “(I) *hold any public meetings at*
17 *convenient and accessible locations and*
18 *times;*

19 “(II) *employ visualization tech-*
20 *niques to describe plans; and*

21 “(III) *make public information*
22 *available in electronically accessible*
23 *format and means, such as the inter-*
24 *net, as appropriate to afford reasonable*

1 *opportunity for consideration of public*
 2 *information under subparagraph (A).*

3 “(ii) *ADDITIONAL METHODS.—In addi-*
 4 *tion to the methods described in clause (i),*
 5 *in carrying out subparagraph (A), the met-*
 6 *ropolitan planning organization shall, to*
 7 *the maximum extent practicable—*

8 “(I) *use virtual public involve-*
 9 *ment, social media, and other web-*
 10 *based tools to encourage public partici-*
 11 *pation and solicit public feedback; and*

12 “(II) *use other methods, as appro-*
 13 *priate, to further encourage public par-*
 14 *ticipation of historically underrep-*
 15 *resented individuals in the transpor-*
 16 *tation planning process.”;*

17 (9) *in subsection (j) by striking “transportation*
 18 *improvement program” and inserting “TIP” each*
 19 *place it appears; and*

20 (10) *by striking “Federally” each place it ap-*
 21 *pears and inserting “federally”.*

22 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
 23 **PORTATION PLANNING.**

24 *Section 135 of title 23, United States Code, is amend-*
 25 *ed—*

1 (1) in subsection (a)—

2 (A) in paragraph (1) by striking “statewide
3 transportation improvement program” and in-
4 serting “STIP”;

5 (B) in paragraph (2)—

6 (i) by striking “The statewide trans-
7 portation plan and the” and inserting the
8 following:

9 “(A) IN GENERAL.—The statewide transpor-
10 tation plan and the”;

11 (ii) by striking “transportation im-
12 provement program” and inserting “STIP”;
13 and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(B) CONSIDERATION.—In developing the
17 statewide transportation plans and STIPs,
18 States shall consider direct and indirect emis-
19 sions of greenhouse gases.”; and

20 (C) in paragraph (3) by striking “transpor-
21 tation improvement program” and inserting
22 “STIP”;

23 (2) in subsection (d)—

24 (A) in paragraph (1)—

25 (i) in subparagraph (E)—

1 (I) by inserting “reduce green-
2 house gas emissions,” after “promote
3 energy conservation,”;

4 (II) by inserting “and public
5 health” after “improve the quality of
6 life”; and

7 (III) by inserting “, including
8 housing and land use patterns” after
9 “economic development patterns”;

10 (ii) in subparagraph (I)—

11 (I) by inserting “, sea level rise,
12 extreme weather, and climate change”
13 after “mitigate stormwater”; and

14 (II) by striking “and” after the
15 semicolon;

16 (iii) by redesignating subparagraph
17 (J) as subparagraph (M); and

18 (iv) by inserting after subparagraph
19 (I) the following:

20 “(J) facilitate emergency management, re-
21 sponse, and evacuation and hazard mitigation;

22 “(K) improve the level of transportation
23 system access;

24 “(L) support inclusive zoning policies and
25 land use planning practices that incentivize af-

1 *fordable, elastic, and diverse housing supply, fa-*
2 *cilitate long-term economic growth by improving*
3 *the accessibility of housing to jobs, and prevent*
4 *high housing costs from displacing economically*
5 *disadvantaged households; and”;*

6 *(B) in paragraph (2)—*

7 *(i) by striking subparagraph (A) and*
8 *inserting the following:*

9 “(A) *IN GENERAL.—Through the use of a*
10 *performance-based approach, transportation in-*
11 *vestment decisions made as a part of the state-*
12 *wide transportation planning process shall sup-*
13 *port—*

14 “(i) *the national goals described in sec-*
15 *tion 150(b);*

16 “(ii) *the consideration of transpor-*
17 *tation system access (consistent with section*
18 *150(f));*

19 “(iii) *the achievement of statewide tar-*
20 *gets established under section 150(d); and*

21 “(iv) *the general purposes described in*
22 *section 5301 of title 49.”; and*

23 (ii) *in subparagraph (D) by striking*
24 *“statewide transportation improvement pro-*
25 *gram” and inserting “STIP”; and*

1 (C) in paragraph (3) by striking “statewide
2 transportation improvement program” and in-
3 serting “STIP”;

4 (3) in subsection (e)(3) by striking “transportation improvement program” and inserting “STIP”;

6 (4) in subsection (f)—

7 (A) in paragraph (2)(D)—

8 (i) in clause (i) by inserting “air qual-
9 ity, public health, housing, transportation,
10 resilience, hazard mitigation, emergency
11 management,” after “conservation,”; and

12 (ii) by amending clause (ii) to read as
13 follows:

14 “(ii) COMPARISON AND CONSIDER-
15 ATION.—Consultation under clause (i) shall
16 involve the comparison of transportation
17 plans to other relevant plans and inven-
18 tories, including, if available—

19 “(I) State and tribal conservation
20 plans or maps; and

21 “(II) inventories of natural or
22 historic resources.”;

23 (B) in paragraph (3)(B)—

24 (i) by striking “In carrying out” and
25 inserting the following:

1 “(i) *IN GENERAL.—in carrying out*”;

2 (ii) *by redesignating clauses (i)*
 3 *through (iv) as subclauses (I) through (IV),*
 4 *respectively; and*

5 (iii) *by adding at the end the fol-*
 6 *lowing:*

7 “(ii) *ADDITIONAL METHODS.—In addi-*
 8 *tion to the methods described in clause (i),*
 9 *in carrying out subparagraph (A), the State*
 10 *shall, to the maximum extent practicable—*

11 “(I) *use virtual public involve-*
 12 *ment, social media, and other web-*
 13 *based tools to encourage public partici-*
 14 *pation and solicit public feedback; and*

15 “(II) *use other methods, as appro-*
 16 *priate, to further encourage public par-*
 17 *ticipation of historically underrep-*
 18 *resented individuals in the transpor-*
 19 *tation planning process.”;*

20 (C) *in paragraph (4)(A) by inserting “re-*
 21 *duce greenhouse gas emissions and” after “poten-*
 22 *tial to”; and*

23 (D) *in paragraph (8) by inserting “green-*
 24 *house gas emissions,” after “pollution,”;*

25 (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 (3) by striking “opera-
5 tors),,” and inserting “operators),”;

6 (C) in paragraph (4) by striking “statewide
7 transportation improvement program” and in-
8 serting “STIP” each place it appears;

9 (D) in paragraph (5)—

10 (i) in subparagraph (A) by striking
11 “transportation improvement program”
12 and inserting “STIP”;

13 (ii) in subparagraph (B)(ii) by strik-
14 ing “metropolitan transportation improve-
15 ment program” and inserting “TIP”;

16 (iii) in subparagraph (C) by striking
17 “transportation improvement program”
18 and inserting “STIP” each place it ap-
19 pears;

20 (iv) in subparagraph (E) by striking
21 “transportation improvement program”
22 and inserting “STIP”;

23 (v) in subparagraph (F)(i) by striking
24 “transportation improvement program”

1 *and inserting “STIP” each place it ap-*
2 *pears;*

3 *(vi) in subparagraph (G)(ii) by strik-*
4 *ing “transportation improvement program”*
5 *and inserting “STIP”; and*

6 *(vii) in subparagraph (H) by striking*
7 *“transportation improvement program”*
8 *and inserting “STIP”;*

9 *(E) in paragraph (6)—*

10 *(i) in subparagraph (A)—*

11 *(I) by striking “transportation*
12 *improvement program” and inserting*
13 *“STIP”; and*

14 *(II) by striking “and projects car-*
15 *ried out under the bridge program or*
16 *the Interstate maintenance program”;*
17 *and*

18 *(ii) in subparagraph (B)—*

19 *(I) by striking “or under the*
20 *bridge program or the Interstate main-*
21 *tenance program”;*

22 *(II) by striking “5310, 5311,*
23 *5316, and 5317” and inserting “5310*
24 *and 5311”; and*

1 (III) by striking “statewide trans-
 2 portation improvement program” and
 3 inserting “STIP”;

4 (F) in paragraph (7)—

5 (i) in the heading by striking “TRANS-
 6 PORTATION IMPROVEMENT PROGRAM” and
 7 inserting “STIP”; and

8 (ii) by striking “transportation im-
 9 provement program” and inserting “STIP”;

10 (G) in paragraph (8) by striking “statewide
 11 transportation plans and programs” and insert-
 12 ing “statewide transportation plans and STIPs”;
 13 and

14 (H) in paragraph (9) by striking “trans-
 15 portation improvement program” and inserting
 16 “STIP”;

17 (6) in subsection (h)(2)(A) by striking “Not later
 18 than 5 years after the date of enactment of the MAP-
 19 21,” and inserting “Not less frequently than once
 20 every 4 years,”;

21 (7) in subsection (k) by striking “transportation
 22 improvement program” and inserting “STIP” each
 23 place it appears; and

24 (8) in subsection (m) by striking “transportation
 25 improvement programs” and inserting “STIPs”.

1 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
2 **MENT MEASURES.**

3 (a) *IN GENERAL.*—Section 150 of title 23, United
4 States Code, is amended—

5 (1) *in subsection (b)*—

6 (A) *by redesignating paragraph (7) as*
7 *paragraph (8); and*

8 (B) *by inserting after paragraph (6) the fol-*
9 *lowing:*

10 “(7) *COMBATING CLIMATE CHANGE.*—To reduce
11 carbon dioxide and other greenhouse gas emissions
12 and reduce the climate impacts of the transportation
13 system.”;

14 (2) *in subsection (c)*—

15 (A) *in paragraph (1) by striking “Not later*
16 *than 18 months after the date of enactment of the*
17 *MAP-21, the Secretary” and inserting “The Sec-*
18 *retary”; and*

19 (B) *by adding at the end the following:*

20 “(7) *GREENHOUSE GAS EMISSIONS.*—The Sec-
21 retary shall establish, in consultation with the Ad-
22 ministrator of the Environmental Protection Agency,
23 measures for States to use to assess—

24 “(A) carbon dioxide emissions per capita on
25 public roads; and

1 “(B) any other greenhouse gas emissions per
2 capita on public roads that the Secretary deter-
3 mines to be appropriate.”;

4 (3) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) by striking “Not later than 1 year
7 after the Secretary has promulgated the
8 final rulemaking under subsection (c), each”
9 and inserting “Each”; and

10 (ii) by striking “and (6)” and insert-
11 ing “(6), and (7)”; and

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

13 “(3) *REGRESSIVE TARGETS.*—

14 “(A) *IN GENERAL.*—A State may not estab-
15 lish a regressive target for the measures described
16 under paragraph (4) or paragraph (7) of sub-
17 section (c).

18 “(B) *REGRESSIVE TARGET DEFINED.*—In
19 this paragraph, the term ‘regressive target’
20 means a target that fails to demonstrate constant
21 or improved performance for a particular meas-
22 ure.”;

23 (4) in subsection (e)—

1 (A) by striking “Not later than 4 years
2 after the date of enactment of the MAP-21 and
3 biennially thereafter, a” and inserting “A”; and

4 (B) by inserting “biennial” after “the Sec-
5 retary a”; and

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

7 “(f) *TRANSPORTATION SYSTEM ACCESS.*—

8 “(1) *IN GENERAL.*—The Secretary shall establish
9 measures for States and metropolitan planning orga-
10 nizations to use to assess the level of safe, reliable, and
11 convenient transportation system access to—

12 “(A) employment; and

13 “(B) services.

14 “(2) *CONSIDERATIONS.*—The measures estab-
15 lished pursuant to paragraph (1) shall include the
16 ability for States and metropolitan planning organi-
17 zations to assess—

18 “(A) the change in the level of transpor-
19 tation system access for various modes of travel,
20 including connection to other modes of transpor-
21 tation, that would result from new transpor-
22 tation investments;

23 “(B) the level of transportation system ac-
24 cess for economically disadvantaged commu-
25 nities, including to affordable housing; and

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

5 “(3) *DEFINITION OF SERVICES.—In this sub-*
 6 *section, the term ‘services’ includes healthcare facili-*
 7 *ties, child care, education and workforce training,*
 8 *food sources, banking and other financial institutions,*
 9 *and other retail shopping establishments.”.*

10 (b) *METROPOLITAN TRANSPORTATION PLANNING.—*
 11 *Section 134 of title 23, United States Code, is further*
 12 *amended—*

13 (1) *in subsection (j)(2)(D)—*

14 (A) *by striking “PERFORMANCE TARGET*
 15 *ACHIEVEMENT” and inserting “PERFORMANCE*
 16 *MANAGEMENT”;*

17 (B) *by striking “The TIP” and inserting*
 18 *the following:*

19 “(i) *IN GENERAL.—The TIP*”; *and*

20 (C) *by adding at the end the following:*

21 “(ii) *TRANSPORTATION MANAGEMENT*
 22 *AREAS.—For metropolitan planning areas*
 23 *that represent an urbanized area designated*
 24 *as a transportation management area*

1 under subsection (k), the TIP shall in-
2 clude—

3 “(I) a discussion of the antici-
4 pated effect of the TIP toward achiev-
5 ing the performance targets established
6 in the metropolitan transportation
7 plan, linking investment priorities to
8 such performance targets; and

9 “(II) a description of how the TIP
10 would improve the overall level of
11 transportation system access, consistent
12 with section 150(f).”;

13 (2) in subsection (k)—

14 (A) in paragraph (3)(A)—

15 (i) by striking “shall address conges-
16 tion management” and inserting the fol-
17 lowing: “shall address—

18 “(i) congestion management”;

19 (ii) by striking the period at the end
20 and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(ii) the overall level of transportation
24 system access for various modes of travel
25 within the metropolitan planning area, in-

cluding the level of access for economically disadvantaged communities, consistent with section 150(f), that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.”; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking “; and” and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) the TIP approved under clause (ii) improves the level of transportation system access, consistent with section 150(f).”; and

(3) in subsection (l)(2)—

(A) by striking “5 years after the date of enactment of the MAP-21” and inserting “2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter”;

1 (B) in subparagraph (C) by striking “and
 2 whether metropolitan planning organizations are
 3 developing meaningful performance targets; and”
 4 and inserting a semicolon; and

5 (C) by striking subparagraph (D) and in-
 6 serting the following:

7 “(D) a listing of all metropolitan planning
 8 organizations that are establishing performance
 9 targets and whether such performance targets es-
 10 tablished by the metropolitan planning organiza-
 11 tion are meaningful or regressive (as defined in
 12 section 150(d)(3)(B)); and

13 “(E) the progress of implementing the meas-
 14 ure established under section 150(f).”.

15 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
 16 TATION PLANNING.—Section 135(g)(4) of title 23, United
 17 States Code, is further amended—

18 (1) by striking “PERFORMANCE TARGET
 19 ACHIEVEMENT” and inserting “PERFORMANCE MAN-
 20 AGEMENT”;

21 (2) by striking “shall include, to the maximum
 22 extent practicable, a discussion” and inserting the fol-
 23 lowing: “shall include—

24 “(A) a discussion”;

1 (3) by striking the period at the end and insert-
2 ing “; and”; and

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

4 “(B) a consideration of how the STIP im-
5 pacts the overall level of transportation system
6 access, consistent with section 150(f).”.

7 (d) *EFFECTIVE DATE.*—The amendment made by sub-
8 section (a)(3)(B) shall take effect 1 year before the subse-
9 quent State target and reporting deadlines established pur-
10 suant to section 150 of title 23, United States Code.

11 (e) *DEVELOPMENT OF GREENHOUSE GAS MEASURE.*—
12 Not later than 1 year after the date of enactment of this
13 Act, the Secretary of Transportation shall issue such regula-
14 tions as are necessary to carry out paragraph (7) of section
15 150(c) of title 23, United States Code, as added by this Act.

16 (f) *DEVELOPMENT OF TRANSPORTATION SYSTEM AC-*
17 *CESS MEASURE.*—

18 (1) *ESTABLISHMENT.*—Not later than 120 days
19 after the date of enactment of this Act, the Secretary
20 of Transportation shall establish a working group to
21 assess the provisions of paragraphs (1) and (2) of sec-
22 tion 150(f) and make recommendations regarding the
23 establishment of measures for States and metropolitan
24 planning organizations to use to assess the level of
25 transportation system access for various modes of

1 *travel, consistent with section 150(f) of title 23,*
2 *United States Code.*

3 (2) *MEMBERS.*—*The working group established*
4 *pursuant to paragraph (1) shall include representa-*
5 *tives from—*

6 (A) *the Department of Transportation;*

7 (B) *State departments of transportation,*
8 *including representatives that specialize in pe-*
9 *destrian and bicycle safety;*

10 (C) *metropolitan planning organizations*
11 *representing transportation management areas*
12 *(as those terms are defined in section 134 of title*
13 *23, United States Code);*

14 (D) *other metropolitan planning organiza-*
15 *tions or local governments;*

16 (E) *providers of public transportation;*

17 (F) *nonprofit entities related to transpor-*
18 *tation, including relevant safety groups;*

19 (G) *experts in the field of transportation ac-*
20 *cess data; and*

21 (H) *any other stakeholders, as determined*
22 *by the Secretary.*

23 (3) *REPORT.*—

24 (A) *SUBMISSION.*—*Not later than 1 year*
25 *after the establishment of the working group pur-*

1 *suant to paragraph (1), the working group shall*
2 *submit to the Secretary a report of recommenda-*
3 *tions regarding the establishment of measures for*
4 *States and metropolitan planning organizations*
5 *to use to assess the level of transportation system*
6 *access, consistent with section 150(f) of title 23,*
7 *United States Code.*

8 *(B) PUBLICATION.—Not later than 30 days*
9 *after the date on which the Secretary receives the*
10 *report under subparagraph (A), the Secretary*
11 *shall publish the report on a publicly accessible*
12 *website of the Department of Transportation.*

13 *(4) RULEMAKING.—Not later than 2 years after*
14 *the date on which the Secretary receives the report*
15 *under paragraph (3), the Secretary shall issue such*
16 *regulations as are necessary to implement the require-*
17 *ments of section 150(f) of title 23, United States Code.*

18 *(5) TERMINATION.—The Secretary shall termi-*
19 *nate the working group established pursuant to para-*
20 *graph (1) on the date on which the regulation issued*
21 *pursuant to paragraph (4) takes effect.*

22 *(g) TRANSPORTATION SYSTEM ACCESS DATA.—*

23 *(1) IN GENERAL.—Not later than 90 days after*
24 *the date on which the Secretary of Transportation es-*
25 *tablishes the measure required under section 150(f) of*

1 *title 23, United States Code, the Secretary shall de-*
2 *velop or procure eligible transportation system access*
3 *data sets and analytical tools and make such data*
4 *sets and analytical tools available to State depart-*
5 *ments of transportation and metropolitan planning*
6 *areas that represent transportation management*
7 *areas.*

8 (2) *REQUIREMENTS.—An eligible transportation*
9 *system access data set and analytical tool shall have*
10 *the following characteristics:*

11 (A) *The ability to quantify the level of safe,*
12 *reliable, and convenient transportation system*
13 *access to—*

14 (i) *employment;*

15 (ii) *services; and*

16 (iii) *connections to other modes of*
17 *transportation.*

18 (B) *The ability to quantify transportation*
19 *system access for various modes of travel, includ-*
20 *ing—*

21 (i) *driving;*

22 (ii) *public transportation;*

23 (iii) *walking (including conveyance for*
24 *persons with disabilities); and*

25 (iv) *cycling (including micromobility).*

1 (C) *The ability to disaggregate the level of*
2 *transportation system access by various trans-*
3 *portation modes by a variety of population cat-*
4 *egories, including—*

5 (i) *low-income populations;*

6 (ii) *minority populations;*

7 (iii) *age;*

8 (iv) *disability; and*

9 (v) *geographical location.*

10 (D) *The ability to assess the change in the*
11 *level of transportation system access that would*
12 *result from new transportation investments.*

13 (3) *CONSIDERATION.—An eligible transportation*
14 *system access data set and analytical tool shall take*
15 *into consideration safe and connected networks for*
16 *walking, cycling, and persons with disabilities.*

17 (h) *DEFINITIONS.—In this section:*

18 (1) *TRANSPORTATION SYSTEM ACCESS.—The*
19 *term “transportation system access” has the meaning*
20 *given such term in section 101 of title 23, United*
21 *States Code.*

22 (2) *SERVICES.—The term “services” has the*
23 *meaning given such term in section 150(f) of title 23,*
24 *United States Code.*

1 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
2 **ELING STUDY.**

3 (a) *STUDY.*—

4 (1) *IN GENERAL.*—*The Secretary of Transpor-*
5 *tation shall conduct a study on transportation de-*
6 *mand data and modeling, including transportation*
7 *demand forecasting.*

8 (2) *CONTENTS.*—*In carrying out the study under*
9 *this section, the Secretary shall—*

10 (A) *collect observed transportation demand*
11 *data and transportation demand forecasts from*
12 *States and metropolitan planning organizations,*
13 *including data and forecasts on—*

14 (i) *traffic counts;*

15 (ii) *transportation mode share and*
16 *public transportation ridership; and*

17 (iii) *vehicle occupancy measures;*

18 (B) *compare the transportation demand*
19 *forecasts with the observed transportation de-*
20 *mand data gathered under subparagraph (A);*
21 *and*

22 (C) *use the information described in sub-*
23 *paragraphs (A) and (B) to—*

24 (i) *develop best practices and guidance*
25 *for States and metropolitan planning orga-*
26 *nizations to use in forecasting transpor-*

1 *tation demand for future investments in*
2 *transportation improvements;*

3 *(ii) evaluate the impact of transpor-*
4 *tation investments, including new roadway*
5 *capacity, on transportation behavior and*
6 *transportation demand, including public*
7 *transportation ridership, induced highway*
8 *transportation, and congestion;*

9 *(iii) support more accurate transpor-*
10 *tation demand forecasting by States and*
11 *metropolitan planning organizations;*

12 *(iv) enhance the capacity of States and*
13 *metropolitan planning organizations to—*

14 *(I) forecast transportation de-*
15 *mand; and*

16 *(II) track observed transportation*
17 *behavior responses, including induced*
18 *transportation, to changes in transpor-*
19 *tation capacity, pricing, and land use*
20 *patterns; and*

21 *(v) develop transportation demand*
22 *management strategies to maximize the effi-*
23 *ciency of the transportation system, im-*
24 *prove mobility, reduce congestion, and lower*
25 *vehicle emissions.*

1 (3) *COVERED ENTITIES.*—*In carrying out the*
 2 *study under this section, the Secretary shall ensure*
 3 *that data and forecasts described in paragraph (2)(A)*
 4 *are collected from—*

5 (A) *States;*

6 (B) *metropolitan planning organizations*
 7 *that serve an area with a population of 200,000*
 8 *people or fewer; and*

9 (C) *metropolitan planning organizations*
 10 *that serve an area with a population of over*
 11 *200,000 people.*

12 (4) *WORKING WITH THE PRIVATE SECTOR.*—*In*
 13 *carrying out this section, the Secretary may, and is*
 14 *encouraged to, procure additional data as necessary*
 15 *from university transportation centers, private sector*
 16 *providers, and other entities as is needed and may*
 17 *use funds authorized under section 503(b) of title 23,*
 18 *United States Code, for carrying out this paragraph.*

19 (b) *REPORT.*—*Not later than 2 years after the date*
 20 *of enactment of this Act, the Secretary shall submit to Con-*
 21 *gress a report containing the findings of the study con-*
 22 *ducted under subsection (a).*

23 (c) *SECRETARIAL SUPPORT.*—*The Secretary shall seek*
 24 *opportunities to support the transportation planning proc-*
 25 *esses under sections 134 and 135 of title 23, United States*

1 *Code, through the provision of data to States and metropoli-*
 2 *tan planning organizations to improve the quality of trans-*
 3 *portation plans, models, and demand forecasts.*

4 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
 5 **PORTATION PLANS.**

6 *Not later than 1 year after the date of enactment of*
 7 *this Act, the Secretary shall amend section*
 8 *450.324(f)(11)(v) of title 23, Code of Federal Regulations,*
 9 *to ensure that the outer years of a metropolitan transpor-*
 10 *tation plan are defined as “beyond the first 4 years”.*

11 ***Subtitle E—Federal Lands, Tribes,***
 12 ***and Territories***

13 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
 14 **GRAM.**

15 *Section 165 of title 23, United States Code, is amend-*
 16 *ed—*

17 *(1) in subsection (a)—*

18 *(A) in paragraph (1) by striking*
 19 *“\$158,000,000” and inserting “\$210,000,000”;*
 20 *and*

21 *(B) in paragraph (2) by striking*
 22 *“\$42,000,000” and inserting “\$100,000,000”;*

23 *(2) in subsection (c)(6)(A)(iii) by striking “in*
 24 *accordance with subsections (b) and (c) of section*
 25 *129” and inserting “including such boats, facilities,*

1 *and approaches that are privately or majority-pri-*
 2 *vately owned, provided that such boats, facilities, and*
 3 *approaches provide a substantial public benefit”; and*

4 *(3) by adding at the end the following:*

5 *“(d) PARTICIPATION OF TERRITORIES IN DISCRE-*
 6 *TIONARY PROGRAMS.—For any program in which the Sec-*
 7 *retary may allocate funds out of the Highway Trust Fund*
 8 *(other than the Mass Transit Account) to a State at the*
 9 *discretion of the Secretary, the Secretary may allocate funds*
 10 *to one or more territory for any project or activity that*
 11 *otherwise would be eligible under such program if such*
 12 *project or activity was being carried out in a State.”.*

13 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

14 *Section 202 of title 23, United States Code, is amend-*
 15 *ed—*

16 *(1) in subsection (d)—*

17 *(A) in paragraph (1) by striking “improv-*
 18 *ing deficient” and inserting “the construction*
 19 *and reconstruction of”;*

20 *(B) in paragraph (2)—*

21 *(i) in subparagraph (A) by inserting*
 22 *“construct,” after “project to”; and*

23 *(ii) in subparagraph (B)—*

24 *(I) by striking “deficient”; and*

1 (II) by inserting “in poor condi-
2 tion” after “facility bridges”; and

3 (C) in paragraph (3)—

4 (i) in the heading by striking “ELIGI-
5 BLE BRIDGES” and inserting “ELIGIBILITY
6 FOR EXISTING BRIDGES”;

7 (ii) by striking “a bridge” and insert-
8 ing “an existing bridge”; and

9 (iii) in subparagraph (C) by striking
10 “structurally deficient or functionally obso-
11 lete” and inserting “in poor condition”;
12 and

13 (2) in subsection (e) by striking “for eligible
14 projects described in section 148(a)(4).” and inserting
15 the following: “for—

16 “(A) eligible projects described in section
17 148(a)(4);

18 “(B) projects to promote public awareness
19 and education concerning highway safety mat-
20 ters (including bicycle, all-terrain, motorcyclist,
21 and pedestrian safety); or

22 “(C) projects to enforce highway safety
23 laws.”.

1 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

2 (a) *TRIBAL TRANSPORTATION PROGRAM.*—Section 202
3 of title 23, United States Code, is amended—

4 (1) by redesignating subsection (f) as subsection
5 (g); and

6 (2) by inserting after subsection (e) the following:

7 “(f) *TRIBAL HIGH PRIORITY PROJECTS PROGRAM.*—
8 Before making any distribution under subsection (b), the
9 Secretary shall set aside \$50,000,000 from the funds made
10 available under the tribal transportation program for each
11 fiscal year to carry out the Tribal High Priority Projects
12 program under section 1123 of MAP–21 (23 U.S.C. 202
13 note).”.

14 (b) *TRIBAL HIGH PRIORITY PROJECTS PROGRAM.*—
15 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
16 ed—

17 (1) in subsection (a)(1)(C) by striking “required
18 by that section” and inserting “required under such
19 program”;

20 (2) in subsection (b)(1) by striking “use amounts
21 made available under subsection (h) to”;

22 (3) in subsection (d)—

23 (A) in paragraph (2) by inserting “, in
24 consultation with the Secretary of the Interior,”
25 after “The Secretary”; and

1 (B) in paragraph (3) by striking “of the In-
2 terior” each place it appears;

3 (4) in subsection (f) by striking “\$1,000,000”
4 and inserting “\$5,000,000”;

5 (5) in subsection (g) by striking “and the Sec-
6 retary” and inserting “or the Secretary”; and

7 (6) by striking subsection (h) and inserting the
8 following:

9 “(h) ADMINISTRATION.—The funds made available to
10 carry out this section shall be administered in the same
11 manner as funds made available for the Tribal transpor-
12 tation program under section 202 of title 23, United States
13 Code.”.

14 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

15 (a) IN GENERAL.—Section 203(a) of title 23, United
16 States Code, is amended by adding at the end the following:

17 “(6) TRANSFER FOR HIGH-COMMUTER COR-
18 RIDORS.—

19 “(A) REQUEST.—If the head of a covered
20 agency determines that a high-commuter cor-
21 ridor requires additional investment, based on
22 the criteria described in subparagraph (D), the
23 head of a covered agency, with respect to such
24 corridor, shall submit to the State—

1 “(i) information on condition of pave-
2 ments and bridges;

3 “(ii) an estimate of the amounts need-
4 ed to bring such corridor into a state of
5 good repair, taking into consideration any
6 planned future investments; and

7 “(iii) at the discretion of the head of a
8 covered agency, a request that the State
9 transfer to the covered agency, under the
10 authority of section 132 or section 204, or
11 to the Federal Highway Administration,
12 under the authority of section 104, a por-
13 tion of such amounts necessary to address
14 the condition of the corridor.

15 “(B) STATE RESPONSE.—Not later than 45
16 days after the date of receipt of the request de-
17 scribed in subparagraph (A)(iii), the State
18 shall—

19 “(i) approve the request;

20 “(ii) deny the request and explain the
21 reasons for such denial; or

22 “(iii) request any additional informa-
23 tion necessary to take action on the request.

24 “(C) NOTIFICATION TO THE SECRETARY.—
25 The head of a covered agency shall provide to the

1 *Secretary a copy of any request described under*
 2 *subparagraph (A)(iii) and response described*
 3 *under subparagraph (B).*

4 *“(D) CRITERIA.—In making a determina-*
 5 *tion under subparagraph (A), the head of a cov-*
 6 *ered agency, with respect to the corridor, shall*
 7 *consider—*

8 *“(i) the condition of roads, bridges,*
 9 *and tunnels; and*

10 *“(ii) the average annual daily traffic.*

11 *“(E) DEFINITIONS.—In this paragraph:*

12 *“(i) COVERED AGENCY.—The term*
 13 *‘covered agency’ means a Federal agency el-*
 14 *igible to receive funds under this section or*
 15 *section, section 203, or section 204.*

16 *“(ii) HIGH-COMMUTER CORRIDOR.—*
 17 *The term ‘high-commuter corridor’ means a*
 18 *Federal lands transportation facility that*
 19 *has average annual daily traffic of not less*
 20 *than 20,000 vehicles.”.*

21 *(b) GAO STUDY REGARDING NPS MAINTENANCE.—*

22 *(1) STUDY.—The Comptroller General of the*
 23 *United States shall study the National Park Service*
 24 *maintenance prioritization of Federal lands transpor-*
 25 *tation facilities.*

1 (2) *CONTENTS.*—*At minimum, the study under*
2 *paragraph (1) shall examine—*

3 (A) *general administrative maintenance of*
4 *the National Park Service;*

5 (B) *how the National Park Service cur-*
6 *rently prioritizes maintenance of Federal facili-*
7 *ties covered under the Federal Lands Transpor-*
8 *tation Program;*

9 (C) *what kind of maintenance the National*
10 *Parkway Service is performing;*

11 (D) *to what degree does the National Park*
12 *Service prioritize high-commuter corridors; and*

13 (E) *how the National Park Service can bet-*
14 *ter service the needs of high commuter corridors.*

15 (3) *REPORT.*—*Not later than 1 year after the*
16 *date of enactment of this Act, the Comptroller General*
17 *shall submit to the Committee on Transportation and*
18 *Infrastructure of the House of Representatives and the*
19 *Committee on Environment and Public Works of the*
20 *Senate a report summarizing the study and the re-*
21 *sults of such study, including recommendations for*
22 *addressing the maintenance needs and prioritization*
23 *of high-commuter corridors.*

24 (4) *DEFINITION OF HIGH-COMMUTER COR-*
25 *RIDOR.*—*In this section, the term “high-commuter*

1 *corridor” means a Federal lands transportation facil-*
 2 *ity that has average annual daily traffic of not less*
 3 *than 20,000 vehicles.*

4 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
 5 **PROGRAM.**

6 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
 7 Code, is amended by inserting after section 207 the fol-
 8 lowing:

9 **“§208. Federal lands and Tribal major projects pro-**
 10 **gram**

11 “(a) *ESTABLISHMENT.*—The Secretary shall establish
 12 a Federal lands and Tribal major projects program (re-
 13 ferred to in this section as the ‘program’) to provide funding
 14 to construct, reconstruct, or rehabilitate critical Federal
 15 lands and Tribal transportation infrastructure.

16 “(b) *ELIGIBLE APPLICANTS.*—

17 “(1) *IN GENERAL.*—Except as provided in para-
 18 graph (2), entities eligible to receive funds under sec-
 19 tions 201, 202, 203, and 204 may apply for funding
 20 under the program.

21 “(2) *SPECIAL RULE.*—A State, county, or unit of
 22 local government may only apply for funding under
 23 the program if sponsored by an eligible Federal land
 24 management agency or Indian Tribe.

1 “(c) *ELIGIBLE PROJECTS.*—An eligible project under
2 the program shall be on a Federal lands transportation fa-
3 cility, a Federal lands access transportation facility, or a
4 tribal transportation facility, except that such facility is
5 not required to be included in an inventory described in
6 section 202 or 203, and for which—

7 “(1) the project—

8 “(A) has completed the activities required
9 under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) which has been
11 demonstrated through—

12 “(i) a record of decision with respect to
13 the project;

14 “(ii) a finding that the project has no
15 significant impact; or

16 “(iii) a determination that the project
17 is categorically excluded; or

18 “(B) is reasonably expected to begin con-
19 struction not later than 18 months after the date
20 of obligation of funds for the project; and

21 “(2) the project has an estimated cost equal to or
22 exceeding—

23 “(A) \$12,500,000 if it is on a Federal lands
24 transportation facility or a Federal lands access
25 transportation facility; and

1 “(B) \$5,000,000 if it is on a Tribal trans-
2 portation facility.

3 “(d) *ELIGIBLE ACTIVITIES.*—Grant amounts received
4 for a project under this section may be used for—

5 “(1) development phase activities, including
6 planning, feasibility analysis, revenue forecasting, en-
7 vironmental review, preliminary engineering and de-
8 sign work, and other preconstruction activities; and

9 “(2) construction, reconstruction, and rehabilita-
10 tion activities.

11 “(e) *APPLICATIONS.*—Eligible applicants shall submit
12 to the Secretary an application at such time, in such form,
13 and containing such information as the Secretary may re-
14 quire.

15 “(f) *PROJECT REQUIREMENTS.*—The Secretary may
16 select a project to receive funds under the program only if
17 the Secretary determines that the project—

18 “(1) improves the condition of critical transpor-
19 tation facilities, including multimodal facilities;

20 “(2) cannot be easily and efficiently completed
21 with amounts made available under section 202, 203,
22 or 204; and

23 “(3) is cost effective.

24 “(g) *MERIT CRITERIA.*—In making a grant under this
25 section, the Secretary shall consider whether the project—

1 “(1) will generate state of good repair, resilience,
2 economic competitiveness, quality of life, mobility, or
3 safety benefits;

4 “(2) in the case of a project on a Federal lands
5 transportation facility or a Federal lands access
6 transportation facility, has costs matched by funds
7 that are not provided under this section or this title;
8 and

9 “(3) generates benefits for land owned by mul-
10 tiple Federal land management agencies or Indian
11 Tribes, or which spans multiple States.

12 “(h) *EVALUATION AND RATING.*—To evaluate applica-
13 tions, the Secretary shall—

14 “(1) determine whether a project meets the re-
15 quirements under subsection (f);

16 “(2) evaluate, through a discernable and trans-
17 parent methodology, how each application addresses
18 one or more merit criteria established under sub-
19 section (g);

20 “(3) assign a rating for each merit criteria for
21 each application; and

22 “(4) consider applications only on the basis of
23 such quality ratings and which meet the minimally
24 acceptable level for each of the merit criteria.

25 “(i) *COST SHARE.*—

1 “(1) *FEDERAL LANDS PROJECTS.*—

2 “(A) *IN GENERAL.*—*Notwithstanding sec-*
 3 *tion 120, the Federal share of the cost of a*
 4 *project on a Federal lands transportation facil-*
 5 *ity or a Federal lands access transportation fa-*
 6 *cility shall be up to 90 percent.*

7 “(B) *NON-FEDERAL SHARE.*—*Notwith-*
 8 *standing any other provision of law, any Federal*
 9 *funds may be used to pay the non-Federal share*
 10 *of the cost of a project carried out under this sec-*
 11 *tion.*

12 “(2) *TRIBAL PROJECTS.*—*The Federal share of*
 13 *the cost of a project on a Tribal transportation facil-*
 14 *ity shall be 100 percent.*

15 “(j) *USE OF FUNDS.*—*For each fiscal year, of the*
 16 *amounts made available to carry out this section, not more*
 17 *than 50 percent shall be used for eligible projects on Federal*
 18 *lands transportation facilities or Federal lands access*
 19 *transportation facilities and Tribal transportation facili-*
 20 *ties, respectively.”.*

21 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 22 *2 of title 23, United States Code, is amended by inserting*
 23 *after the item relating to section 207 the following new item:*

 “208. *Federal lands and Tribal major projects program.*”.

24 “(c) *REPEAL.*—*Section 1123 of the FAST Act (23*
 25 *U.S.C. 201 note), and the item related to such section in*

1 *the table of contents under section 1(b) of such Act, are re-*
 2 *pealed.*

3 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

4 *Section 102 of title 49, United States Code, is amend-*
 5 *ed—*

6 *(1) in subsection (e)(1)—*

7 *(A) by striking “6 Assistant” and inserting*
 8 *“7 Assistant”;*

9 *(B) in subparagraph (C) by striking “;*
 10 *and” and inserting a semicolon;*

11 *(C) by redesignating subparagraph (D) as*
 12 *subparagraph (E); and*

13 *(D) by inserting after subparagraph (C) the*
 14 *following:*

15 *“(D) an Assistant Secretary for Tribal Gov-*
 16 *ernment Affairs, who shall be appointed by the*
 17 *President; and”;* and

18 *(2) in subsection (f)—*

19 *(A) in the heading by striking “DEPUTY*
 20 *ASSISTANT SECRETARY FOR TRIBAL GOVERN-*
 21 *MENT AFFAIRS” and inserting “OFFICE OF*
 22 *TRIBAL GOVERNMENT AFFAIRS”;* and

23 *(B) by striking paragraph (1) and inserting*
 24 *the following:*

1 “(1) *ESTABLISHMENT.*—*There is established in*
 2 *the Department an Office of Tribal Government Af-*
 3 *fairs, under the Assistant Secretary for Tribal Gov-*
 4 *ernment Affairs, to—*

5 “(A) *oversee the Tribal transportation self-*
 6 *governance program under section 207 of title*
 7 *23;*

8 “(B) *plan, coordinate, and implement poli-*
 9 *cies and programs serving Indian Tribes and*
 10 *Tribal organizations;*

11 “(C) *coordinate Tribal transportation pro-*
 12 *grams and activities in all offices and adminis-*
 13 *trations of the Department;*

14 “(D) *provide technical assistance to Indian*
 15 *Tribes and Tribal organizations; and*

16 “(E) *be a participant in any negotiated*
 17 *rulemakings relating to, or having an impact on,*
 18 *projects, programs, or funding associated with*
 19 *the tribal transportation program under section*
 20 *202 of title 23.”.*

21 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

22 (a) *LAND MANAGEMENT AGENCIES AND TRIBAL GOV-*
 23 *ERNMENTS.*—*Section 201 of title 23, United States Code,*
 24 *is amended by adding at the end the following:*

25 “(f) *ALTERNATIVE CONTRACTING METHODS.*—

1 “(1) *IN GENERAL.*—*Notwithstanding any other*
 2 *provision of law, the Secretary may use a contracting*
 3 *method available to a State under this title on behalf*
 4 *of—*

5 “(A) *a Federal land management agency,*
 6 *with respect to any funds available pursuant to*
 7 *section 203 or 204;*

8 “(B) *a Federal land management agency,*
 9 *with respect to any funds available pursuant to*
 10 *section 1535 of title 31 for any eligible use de-*
 11 *scribed in sections 203(a)(1) and 204(a)(1) of*
 12 *this title; or*

13 “(C) *a Tribal Government, with respect to*
 14 *any funds available pursuant to section*
 15 *202(b)(7)(D).*

16 “(2) *METHODS DESCRIBED.*—*The contracting*
 17 *methods referred to in paragraph (1) shall include, at*
 18 *a minimum—*

19 “(A) *project bundling;*

20 “(B) *bridge bundling;*

21 “(C) *design-build contracting;*

22 “(D) *2-phase contracting;*

23 “(E) *long-term concession agreements; and*

24 “(F) *any method tested, or that could be*
 25 *tested, under an experimental program relating*

1 *to contracting methods carried out by the Sec-*
2 *retary.*

3 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
4 *subsection—*

5 “(A) *affects the application of the Federal*
6 *share for a project carried out with a contracting*
7 *method under this subsection; or*

8 “(B) *modifies the point of obligation of Fed-*
9 *eral salaries and expenses.*”.

10 (b) *USE OF ALTERNATIVE CONTRACTING METHOD.*—
11 *In carrying out the amendments made by this section, the*
12 *Secretary shall—*

13 (1) *in consultation with the applicable Federal*
14 *land management agencies, establish procedures that*
15 *are—*

16 (A) *applicable to each alternative con-*
17 *tracting method; and*

18 (B) *to the maximum extent practicable,*
19 *consistent with requirements for Federal procure-*
20 *ment transactions;*

21 (2) *solicit input on the use of each alternative*
22 *contracting method from any affected industry prior*
23 *to using such method; and*

24 (3) *analyze and prepare an evaluation of the use*
25 *of each alternative contracting method.*

1 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

2 (a) *IN GENERAL.*—*The Commissioner of the Bureau*
3 *of Reclamation may transfer ownership of a bridge that is*
4 *owned by the Bureau of Reclamation if—*

5 (1) *the ownership of the bridge is transferred to*
6 *a State with the concurrence of such State;*

7 (2) *the State to which ownership is transferred*
8 *agrees to operate and maintain the bridge;*

9 (3) *the transfer of ownership complies with all*
10 *applicable Federal requirements, including—*

11 (A) *section 138 of title 23, United States*
12 *Code;*

13 (B) *section 306108 of title 54, United States*
14 *Code; and*

15 (C) *the National Environmental Policy Act*
16 *of 1969 (42 U.S.C. 4321 et seq.); and*

17 (4) *the Bureau of Reclamation and the State to*
18 *which ownership is being transferred jointly notify*
19 *the Secretary of Transportation of the intent to con-*
20 *duct a transfer prior to such transfer.*

21 (b) *ACCESS.*—*In a transfer of ownership of a bridge*
22 *under this section, the Commissioner of the Bureau of Rec-*
23 *lamation—*

24 (1) *shall not be required to transfer ownership of*
25 *the land on which the bridge is located or any adja-*
26 *cent lands; and*

1 (2) *shall make arrangements with the State to*
2 *which ownership is being transferred to allow for ade-*
3 *quate access to such bridge, including for the purposes*
4 *of construction, maintenance, and bridge inspections*
5 *pursuant to section 144 of title 23, United States*
6 *Code.*

7 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
8 **DIAN TRIBES.**

9 *Not later than January 31 of each year, the Secretary*
10 *of Transportation shall submit to the Committee on Trans-*
11 *portation and Infrastructure of the House of Representa-*
12 *tives and the Committee on Environment and Public Works*
13 *of the Senate a report that—*

14 (1) *identifies the number of Indian Tribes that*
15 *were direct recipients of funds under any discre-*
16 *tionary Federal highway, transit, or highway safety*
17 *program in the prior fiscal year;*

18 (2) *lists the total amount of such funds made*
19 *available directly to such Tribes;*

20 (3) *identifies the number and location of Indian*
21 *Tribes that were indirect recipients of funds under*
22 *any formula-based Federal highway, transit, or high-*
23 *way safety program in the prior fiscal year; and*

24 (4) *lists the total amount of such funds made*
25 *available indirectly to such tribes through states or*

1 *other direct recipients of Federal highway, transit or*
2 *highway safety funding.*

3 **SEC. 1510. GAO STUDY.**

4 *(a) IN GENERAL.—The Comptroller General of the*
5 *United States shall conduct a study on the deferred mainte-*
6 *nance of United States forest roads, including—*

7 *(1) the current backlog;*

8 *(2) the current actions on such maintenance and*
9 *backlog;*

10 *(3) the impacts of public safety due to such de-*
11 *ferred maintenance; and*

12 *(4) recommendations for Congress on ways to*
13 *address such backlog.*

14 *(b) REPORT.—Not later than 1 year after the date of*
15 *enactment of this Act, the Comptroller General of the United*
16 *States shall submit to the Committee on Transportation*
17 *and Infrastructure of the House of Representatives and the*
18 *Committee on Environment and Public Works of the Senate*
19 *a report containing the results of the study conducted under*
20 *subsection (a).*

21 **Subtitle F—Additional Provisions**

22 **SEC. 1601. VISION ZERO.**

23 *(a) IN GENERAL.—A local government, metropolitan*
24 *planning organization, or regional transportation planning*
25 *organization may develop and implement a vision zero*

1 *plan to significantly reduce or eliminate transportation-re-*
2 *lated fatalities and serious injuries within a specified time-*
3 *frame, not to exceed 20 years.*

4 *(b) USE OF FUNDS.—Amounts apportioned to a State*
5 *under paragraph (2) or (3) of section 104(b) of title 23,*
6 *United States Code, may be used to carry out a vision zero*
7 *plan under this section.*

8 *(c) CONTENTS OF PLAN.—A vision zero plan under*
9 *this section shall include—*

10 *(1) a description of programs, strategies, or poli-*
11 *cies intended to significantly reduce or eliminate*
12 *transportation-related fatalities and serious injuries*
13 *within a specified timeframe, not to exceed 20 years,*
14 *that is consistent with a State strategic highway safe-*
15 *ty plan and uses existing transportation data and*
16 *consideration of risk factors;*

17 *(2) plans for implementation of, education of the*
18 *public about, and enforcement of such programs,*
19 *strategies, or policies;*

20 *(3) a description of how such programs, strate-*
21 *gies, or policies, and the enforcement of such pro-*
22 *grams, strategies, or policies will—*

23 *(A) equitably invest in the safety needs of*
24 *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 transpor-
11 tation safety and demographic data.

12 (d) *INCLUSIONS*.—A vision zero plan may include a
13 complete streets prioritization plan that identifies a specific
14 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 sec-*
 4 *tion shall provide for coordination of various subdivisions*
 5 *of a unit of local government in the implementation of the*
 6 *plan, including subdivisions responsible for law enforce-*
 7 *ment, public health, data collection, and public works.*

8 (f) *SAFETY PERFORMANCE MANAGEMENT.*—*A vision*
 9 *zero plan under this section is not sufficient to demonstrate*
 10 *compliance with the safety performance or planning re-*
 11 *quirements of section 148 or 150 of title 23, United States*
 12 *Code.*

13 **SEC. 1602. SPEED LIMITS.**

14 (a) *SPEED LIMITS.*—*The Secretary of Transportation*
 15 *shall revise the Manual on Uniform Traffic Control Devices*
 16 *to provide for a safe system approach to setting speed lim-*
 17 *its, consistent with the safety recommendations issued by*
 18 *the National Transportation Safety Board on August 15,*
 19 *2017, numbered H–17–27 and H–17–028.*

20 (b) *CONSIDERATIONS.*—*In carrying out subparagraph*
 21 *(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 error;*
- 2 (6) *human injury tolerance;*
- 3 (7) *the prevalence of vulnerable road users; and*
- 4 (8) *any other consideration, consistent with a*
- 5 *safe system approach, as determined by the Secretary.*

6 (c) *REPORT ON SPEED MANAGEMENT PROGRAM*
 7 *PLAN.*—*Not later than 1 year after the date of enactment*
 8 *of this Act, the Secretary shall update and report on the*
 9 *implementation progress of the Speed Management Pro-*
 10 *gram Plan of the Department of Transportation, as de-*
 11 *scribed in the safety recommendation issued by the National*
 12 *Transportation Safety Board on August 15, 2017, num-*
 13 *bered H–17–018.*

14 (d) *DEFINITIONS.*—*In this section, the terms “safe sys-*
 15 *tem approach” and “vulnerable road user” have the mean-*
 16 *ings given such terms in section 148(a) of title 23, United*
 17 *States Code.*

18 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

19 (a) *DEFINITIONS.*—*In this section:*

20 (1) *APPROPRIATE STATE AGENCY.*—*The term*
 21 *“appropriate State agency” means a State govern-*
 22 *mental agency that is recognized by the executive*
 23 *branch of the State as having the experience necessary*
 24 *to evaluate and facilitate the installation and oper-*
 25 *ation of broadband infrastructure within the State.*

1 (2) *BROADBAND.*—*The term “broadband” has*
2 *the meaning given the term “advanced telecommuni-*
3 *cations capability” in section 706 of the Tele-*
4 *communications Act of 1996 (47 U.S.C. 1302).*

5 (3) *BROADBAND CONDUIT.*—*The term*
6 *“broadband conduit” means a conduit or innerduct*
7 *for fiber optic cables (or successor technology of great-*
8 *er quality and speed) that supports the provision of*
9 *broadband.*

10 (4) *BROADBAND INFRASTRUCTURE.*—*The term*
11 *“broadband infrastructure” means any buried or un-*
12 *derground facility and any wireless or wireline con-*
13 *nection that enables the provision of broadband.*

14 (5) *BROADBAND PROVIDER.*—*The term*
15 *“broadband provider” means an entity that provides*
16 *broadband to any person or facilitates provision of*
17 *broadband to any person, including, with respect to*
18 *such entity—*

19 (A) *a corporation, company, association,*
20 *firm, partnership, nonprofit organization, or*
21 *any other private entity;*

22 (B) *a State or local broadband provider;*

23 (C) *an Indian Tribe; and*

1 (D) a partnership between any of the enti-
 2 ties described in subparagraphs (A), (B), and
 3 (C).

4 (6) COVERED HIGHWAY CONSTRUCTION
 5 PROJECT.—

6 (A) IN GENERAL.—The term “covered high-
 7 way construction project” means, without regard
 8 to ownership of a highway, a project to construct
 9 a new highway or an additional lane for an ex-
 10 isting highway, to reconstruct an existing high-
 11 way, or new construction, including for a paved
 12 shoulder.

13 (B) EXCLUSIONS.—The term “covered high-
 14 way construction project” excludes any project—

15 (i) awarded before the date on which
 16 regulations required under subsection (b)
 17 take effect;

18 (ii) that does not include work beyond
 19 the edge of pavement or current paved
 20 shoulder; or

21 (iii) that does not require excavation.

22 (7) DIG ONCE REQUIREMENT.—The term “dig
 23 once requirement” means a requirement designed to
 24 reduce the cost and accelerate the deployment to
 25 broadband by minimizing the number and scale of re-

1 peated excavations for the installation and mainte-
2 nance of broadband conduit or broadband infrastruc-
3 ture in rights-of-way.

4 (8) *INDIAN TRIBE*.—The term “Indian Tribe”
5 has the meaning given such term in section 4(e) of the
6 *Indian Self-Determination and Education Assistance*
7 *Act* (25 U.S.C. 5304(e)).

8 (9) *NTIA ADMINISTRATOR*.—The term “NTIA
9 Administrator” means the Assistant Secretary of
10 Commerce for Communications and Information.

11 (10) *PROJECT*.—The term “project” has the
12 meaning given such term in section 101 of title 23,
13 *United States Code*.

14 (11) *SECRETARY*.—The term “Secretary” means
15 the Secretary of Transportation.

16 (12) *STATE*.—The term “State” has the meaning
17 given such term in section 401 of title 23, *United*
18 *States Code*.

19 (13) *STATE OR LOCAL BROADBAND PROVIDER*.—
20 The term “State or local broadband provider” means
21 a State or political subdivision thereof, or any agen-
22 cy, authority, or instrumentality of a State or polit-
23 ical subdivision thereof, that provides broadband to
24 any person or facilitates the provision of broadband
25 to any person in that State.

1 (14) *TRIBAL GOVERNMENT.*—*The term “Tribal*
2 *government” means the recognized governing body of*
3 *an Indian Tribe or any agency, authority, or instru-*
4 *mentality of such governing body or such Indian*
5 *Tribe.*

6 (b) *DIG ONCE REQUIREMENT.*—*To facilitate the in-*
7 *stallation of broadband infrastructure, the Secretary shall,*
8 *not later than 9 months after the date of enactment of this*
9 *Act, promulgate regulations to ensure that each State that*
10 *receives funds under chapter 1 of title 23, United States*
11 *Code, meets the following requirements:*

12 (1) *BROADBAND PLANNING.*—*The State depart-*
13 *ment of transportation, in consultation with appro-*
14 *priate State agencies, shall—*

15 (A) *identify a broadband coordinator, who*
16 *may have additional responsibilities in the State*
17 *department of transportation or in another State*
18 *agency, that is responsible for facilitating the*
19 *broadband infrastructure right-of-way efforts*
20 *within the State; and*

21 (B) *review existing State broadband plans,*
22 *including existing dig once requirements of the*
23 *State, municipal governments incorporated*
24 *under State law, and Tribal governments within*
25 *the State, to determine opportunities to coordi-*

1 *nate projects occurring within or across highway*
2 *rights-of-way with planned broadband infra-*
3 *structure projects.*

4 (2) *NOTICE OF PLANNED CONSTRUCTION FOR*
5 *BROADBAND PROVIDERS.—*

6 (A) *NOTICE.—The State department of*
7 *transportation, in consultation with appropriate*
8 *State agencies, shall establish a process—*

9 (i) *for the registration of broadband*
10 *providers that seek to be included in the ad-*
11 *vance notification of, and opportunity to*
12 *participate in, broadband infrastructure*
13 *right-of-way facilitation efforts within the*
14 *State; and*

15 (ii) *to electronically notify all*
16 *broadband providers registered under clause*
17 *(i)—*

18 (I) *of the State transportation im-*
19 *provement program on at least an an-*
20 *nual basis; and*

21 (II) *of projects within the high-*
22 *way right-of-way for which Federal*
23 *funding is expected to be obligated in*
24 *the subsequent fiscal year.*

1 (B) *WEBSITE.*—A State department of
2 *transportation shall be considered to meet the re-*
3 *quirements of subparagraph (A) if such State de-*
4 *partment of transportation publishes on a public*
5 *website—*

6 (i) *the State transportation improve-*
7 *ment program on at least an annual basis;*
8 *and*

9 (ii) *projects within the highway right-*
10 *of-way for which Federal funding is ex-*
11 *pected to be obligated in the subsequent fis-*
12 *cal year.*

13 (C) *COORDINATION.*—The State department
14 *of transportation, in consultation with appro-*
15 *priate State agencies, shall establish a process for*
16 *a broadband provider to commit to installing*
17 *broadband conduit or broadband infrastructure*
18 *as part of any project.*

19 (3) *REQUIRED INSTALLATION OF CONDUIT.*—

20 (A) *IN GENERAL.*—The State department of
21 *transportation shall install broadband conduit,*
22 *in accordance with this paragraph, except as de-*
23 *scribed in subparagraph (F), as part of any cov-*
24 *ered highway construction project, unless a*
25 *broadband provider has committed to install*

1 *broadband conduit or broadband infrastructure*
2 *as part of such project in a process described*
3 *under paragraph (2)(C).*

4 (B) *INSTALLATION REQUIREMENTS.—The*
5 *State department of transportation shall ensure*
6 *that—*

7 (i) *an appropriate number of*
8 *broadband conduits, as determined in con-*
9 *sultation with the appropriate State agen-*
10 *cies, are installed along the highway of a*
11 *covered highway construction project to ac-*
12 *commodate multiple broadband providers,*
13 *with consideration given to the availability*
14 *of existing conduits;*

15 (ii) *the size of each such conduit is*
16 *consistent with industry best practices and*
17 *is sufficient to accommodate potential de-*
18 *mand, as determined in consultation with*
19 *the appropriate State agencies;*

20 (iii) *hand holes and manholes nec-*
21 *essary for fiber access and pulling with re-*
22 *spect to such conduit are placed at intervals*
23 *consistent with standards determined in*
24 *consultation with the appropriate State*
25 *agencies (which may differ by type of road,*

1 topologies, and rurality) and consistent
2 with safety requirements;

3 (iv) each broadband conduit installed
4 pursuant to this paragraph includes a pull
5 tape and is capable of supporting fiber
6 optic cable placement techniques consistent
7 with best practices; and

8 (v) is placed at a depth consistent with
9 requirements of the covered highway con-
10 struction project and best practices and
11 that, in determining the depth of placement,
12 consideration is given to the location of ex-
13 isting utilities and cable separation require-
14 ments of State and local electrical codes.

15 (C) *GUIDANCE FOR THE INSTALLATION OF*
16 *BROADBAND CONDUIT.*—The Secretary, in con-
17 sultation with the NTIA Administrator, shall
18 issue guidance for best practices related to the
19 installation of broadband conduit as described in
20 this paragraph and of conduit and similar in-
21 frastructure for intelligent transportation sys-
22 tems (as such term is defined in section 501 of
23 title 23, United States Code) that may utilize
24 broadband conduit installed pursuant to this
25 paragraph.

1 (D) ACCESS.—

2 (i) IN GENERAL.—*The State depart-*
3 *ment of transportation shall ensure that*
4 *any requesting broadband provider has ac-*
5 *cess to each broadband conduit installed*
6 *pursuant to this paragraph, on a competi-*
7 *tively neutral and nondiscriminatory basis,*
8 *and in accordance with State permitting,*
9 *licensing, leasing, or other similar laws and*
10 *regulations.*

11 (ii) FEE SCHEDULE.—*The State de-*
12 *partment of transportation, in consultation*
13 *with appropriate State agencies, shall pub-*
14 *lish a fee schedule for a broadband provider*
15 *to access conduit installed pursuant to this*
16 *paragraph. Fees in such schedule—*

17 (I) *shall be consistent with the fees*
18 *established pursuant to section 224 of*
19 *the Communications Act of 1934 (47*
20 *U.S.C. 224);*

21 (II) *may vary by topography, lo-*
22 *cation, type of road, rurality, and*
23 *other factors in the determination of*
24 *the State; and*

1 (III) may be updated not more
2 frequently than annually.

3 (iii) *IN-KIND COMPENSATION.*—The
4 State department of transportation may ne-
5 gotiate in-kind compensation with any
6 broadband provider requesting access to
7 broadband conduit installed under the pro-
8 visions of this paragraph as a replacement
9 for part or all of, but not to exceed, the rel-
10 evant fee in the fee schedule described in
11 clause (ii).

12 (iv) *SAFETY CONSIDERATIONS.*—The
13 State department of transportation shall re-
14 quire of broadband providers a process for
15 safe access to the highway right-of-way dur-
16 ing installation and on-going maintenance
17 of the broadband fiber optic cables including
18 a traffic control safety plan.

19 (v) *COMMUNICATION.*—A broadband
20 provider with access to the conduit installed
21 pursuant to this subsection shall notify and
22 receive permission from the relevant agen-
23 cies of State responsible for the installation
24 of such broadband conduit prior to access-
25 ing any highway or highway right-of-way,

1 *in accordance with applicable Federal re-*
2 *quirements.*

3 *(E) TREATMENT OF PROJECTS.—Notwith-*
4 *standing any other provision of law, broadband*
5 *conduit and broadband infrastructure installa-*
6 *tion projects under this paragraph shall comply*
7 *with section 113(a) of title 23, United States*
8 *Code.*

9 *(F) WAIVER AUTHORITY.—*

10 *(i) IN GENERAL.—A State department*
11 *of transportation may waive the required*
12 *installation of broadband conduit for part*
13 *or all of any covered highway construction*
14 *project under this paragraph if, in the de-*
15 *termination of the State—*

16 *(I) broadband infrastructure, ter-*
17 *restrial broadband infrastructure, aer-*
18 *ial broadband fiber cables, or*
19 *broadband conduit is present near a*
20 *majority of the length of the covered*
21 *highway construction project;*

22 *(II) the installation of conduit in-*
23 *creases overall costs of a covered high-*
24 *way construction project by 1.5 percent*
25 *or greater;*

1 (III) the installation of broadband
2 conduit associated with covered high-
3 way construction project will not be
4 utilized or connected to future
5 broadband infrastructure in the next
6 20 years, in the determination of the
7 State department of transportation, in
8 consultation with appropriate State
9 agencies and potentially affected local
10 governments and Tribal governments;

11 (IV) the requirements of this
12 paragraph would require installation
13 of conduit redundant with a dig once
14 requirement of a local or Tribal gov-
15 ernment;

16 (V) there exists a circumstance in-
17 volving force majeure; or

18 (VI) other relevant factors, as de-
19 termined by the Secretary in consulta-
20 tion with the NTIA Administrator
21 through regulation, warrant a waiver.

22 (ii) CONTENTS OF WAIVER.—A waiver
23 authorized under this subparagraph shall—

24 (I) identify the covered highway
25 construction project; and

1 (II) include a brief description of
2 the determination of the State for
3 issuing such waiver.

4 (iii) AVAILABILITY OF WAIVER.—A
5 waiver authorized under this subparagraph
6 shall be included in the plans, specifica-
7 tions, and estimates for the associated
8 project, as long as such info is publicly
9 available.

10 (4) PRIORITY.—If a State provides for the in-
11 stallation of broadband infrastructure or broadband
12 conduit in the right-of-way of an applicable project
13 under this subsection, the State department of trans-
14 portation, along with appropriate State agencies,
15 shall carry out appropriate measures to ensure that
16 any existing broadband providers are afforded equal
17 opportunity access, as compared to other broadband
18 providers, with respect to the program under this sub-
19 section.

20 (5) CONSULTATION.—

21 (A) IN GENERAL.—In promulgating regula-
22 tions required by this subsection or to implement
23 any part of this section, the Secretary shall con-
24 sult—

25 (i) the NTIA Administrator;

1 (ii) the Federal Communications Com-
2 mission;

3 (iii) State departments of transpor-
4 tation;

5 (iv) appropriate State agencies;

6 (v) agencies of local governments re-
7 sponsible for transportation and rights-of-
8 way, utilities, and telecommunications and
9 broadband;

10 (vi) Tribal governments;

11 (vii) broadband providers; and

12 (viii) manufacturers of optical fiber,
13 conduit, pull tape, and related items.

14 (B) BROADBAND USERS.—The Secretary
15 shall ensure that the entities consulted under
16 clauses (iii) through (vi) of subparagraph (A) in-
17 clude rural areas and populations with limited
18 access to broadband infrastructure.

19 (C) BROADBAND PROVIDERS.—The Sec-
20 retary shall ensure that the entities consulted
21 under clause (vii) of subparagraph (A) include
22 entities who provide broadband to rural areas
23 and populations with limited access to
24 broadband infrastructure.

25 (6) PROHIBITION ON UNFUNDED MANDATE.—

1 (A) *IN GENERAL.*—*This subsection shall*
 2 *apply only to projects for which Federal obliga-*
 3 *tions or expenditures are initially approved on*
 4 *or after the date regulations required under this*
 5 *subsection take effect.*

6 (B) *NO MANDATE.*—*Absent an available*
 7 *and dedicated Federal source of funding—*

8 (i) *nothing in this subsection estab-*
 9 *lishes a mandate or requirement that a*
 10 *State install broadband conduit in a high-*
 11 *way right-of-way; and*

12 (ii) *nothing in paragraph (3) shall es-*
 13 *tablish any requirement for a State.*

14 (7) *RULES OF CONSTRUCTION.*—

15 (A) *STATE LAW.*—*Nothing in this sub-*
 16 *section shall be construed to require a State to*
 17 *install or allow the installation of broadband*
 18 *conduit or broadband infrastructure—*

19 (i) *that is otherwise inconsistent with*
 20 *what is allowable under State law; or*

21 (ii) *where the State lacks the authority*
 22 *or property easement necessary for such in-*
 23 *stallation.*

24 (B) *NO REQUIREMENT FOR INSTALLATION*
 25 *OF MOBILE SERVICES EQUIPMENT.*—*Nothing in*

1 *this section shall be construed to require a State,*
 2 *a municipal government incorporated under*
 3 *State law, or an Indian Tribe to install or allow*
 4 *for the installation of equipment essential for the*
 5 *provision of commercial mobile services (as de-*
 6 *finied in section 332(d) of the Communications*
 7 *Act of 1934 (47 U.S.C. 332(d))) or commercial*
 8 *mobile data service (as defined in section 6001*
 9 *of the Middle Class Tax Relief and Job Creation*
 10 *Act of 2012 (47 U.S.C. 1401)), other than*
 11 *broadband conduit and associated equipment de-*
 12 *scribed in paragraph (3)(B).*

13 *(c) RELATION TO STATE DIG ONCE REQUIREMENTS.—*
 14 *Nothing in subsection (b) or any regulations promulgated*
 15 *under subsection (b) shall be construed to alter or supersede*
 16 *any provision of a State law or regulation that provides*
 17 *for a dig once requirement that includes similar or more*
 18 *stringent requirements to the provisions of subsection (b)*
 19 *and any regulations promulgated under subsection (b).*

20 *(d) DIG ONCE FUNDING TASK FORCE.—*

21 *(1) ESTABLISHMENT.—There is established an*
 22 *independent task force on funding the nationwide dig*
 23 *once requirement described in this section to be known*
 24 *as the “Dig Once Funding Task Force” (hereinafter*
 25 *referred to as the “Task Force”).*

1 (2) *DUTIES.*—*The duties of the Task Force shall*
2 *be to—*

3 (A) *estimate the annual cost for imple-*
4 *menting and administering a nationwide dig*
5 *once requirement; and*

6 (B) *propose and evaluate options for fund-*
7 *ing a nationwide dig once requirement described*
8 *in this section that includes—*

9 (i) *a discussion of the role and poten-*
10 *tial share of costs of—*

11 (I) *the Federal Government;*

12 (II) *State, local, and Tribal gov-*
13 *ernments; and*

14 (III) *broadband providers; and*

15 (ii) *consideration of the role of existing*
16 *dig once requirements of State, local, and*
17 *Tribal governments and private broadband*
18 *investment, with a goal to not discourage or*
19 *disincentivize such dig once requirements or*
20 *such investment.*

21 (3) *REPORTS.*—

22 (A) *INTERIM REPORT AND BRIEFING.*—*Not*
23 *later than 9 months after the date of enactment*
24 *of this Act, the Task Force shall submit an in-*

1 *terim report to Congress and provide briefings*
2 *for Congress on the findings of the Task Force.*

3 (B) *FINAL REPORT.*—*Not later than 12*
4 *months after the date of enactment of this Act,*
5 *the Task Force shall submit a final report to*
6 *Congress on the findings of the Task Force.*

7 (4) *MEMBERS.*—

8 (A) *APPOINTMENTS.*—*The Task Force shall*
9 *consist of 14 members, consisting of—*

10 (i) *the 2 co-chairs described in sub-*
11 *paragraph (B);*

12 (ii) *6 members jointly appointed by*
13 *the Speaker and minority leader of the*
14 *House of Representatives, in consultation*
15 *with the respective Chairs and Ranking*
16 *Members of the—*

17 (I) *the Committee on Transpor-*
18 *tation and Infrastructure of the House*
19 *of Representatives;*

20 (II) *the Committee on Energy and*
21 *Commerce of the House of Representa-*
22 *tives; and*

23 (III) *the Committee on Appro-*
24 *priations of the House of Representa-*
25 *tives; and*

1 (iii) 6 members jointly appointed by
2 the majority leader and minority leader of
3 the Senate, in consultation with the respec-
4 tive Chairs and Ranking Members of the—

5 (I) the Committee on Environ-
6 ment and Public Works of the Senate;

7 (II) the Committee on Commerce,
8 Science, and Transportation of the
9 Senate; and

10 (III) the Committee on Appro-
11 priations of the Senate.

12 (B) CO-CHAIRS.—The Task Force shall be
13 co-chaired by the Secretary and the NTIA Ad-
14 ministrator, or their designees.

15 (C) COMPOSITION.—The Task Force shall
16 include at least—

17 (i) 1 representative from a State de-
18 partment of transportation;

19 (ii) 1 representative from a local gov-
20 ernment;

21 (iii) 1 representative from a Tribal
22 government;

23 (iv) 1 representative from a broadband
24 provider;

1 (v) 1 representative from a State or
2 local broadband provider;

3 (vi) 1 representative from a labor
4 union; and

5 (vii) 1 representative from a public in-
6 terest organization.

7 (D) *APPOINTMENT DEADLINE.*—Members
8 shall be appointed to the Task Force not later
9 than 60 days after the date of enactment of this
10 Act.

11 (E) *EFFECT OF LACK OF APPOINTMENT BY*
12 *APPOINTMENT DATE.*—If 1 or more appoint-
13 ments required under subparagraph (A) is not
14 made by the appointment date specified in sub-
15 paragraph (D), the authority to make such ap-
16 pointment or appointments shall expire and the
17 number of members of the Task Force shall be re-
18 duced by the number equal to the number of ap-
19 pointments so expired.

20 (F) *TERMS.*—Members shall be appointed
21 for the life of the Task Force. A vacancy in the
22 Task Force shall not affect its powers and shall
23 be filled in the same manner as the initial ap-
24 pointment was made.

1 (5) *CONSULTATIONS.*—*In carrying out the duties*
2 *required under this subsection, the Task Force shall*
3 *consult, at a minimum—*

4 (A) *the Federal Communications Commis-*
5 *sion;*

6 (B) *agencies of States including—*

7 (i) *State departments of transpor-*
8 *tation; and*

9 (ii) *appropriate State agencies;*

10 (C) *agencies of local governments respon-*
11 *sible for transportation and rights of way, utili-*
12 *ties, and telecommunications and broadband;*

13 (D) *Tribal governments;*

14 (E) *broadband providers and other tele-*
15 *communications providers;*

16 (F) *labor unions; and*

17 (G) *State or local broadband providers and*
18 *Tribal governments that act as broadband pro-*
19 *viders.*

20 (6) *ADDITIONAL PROVISIONS.*—

21 (A) *EXPENSES FOR NON-FEDERAL MEM-*
22 *BERS.*—*Non-Federal members of the Task Force*
23 *shall be allowed travel expenses, including per*
24 *diem in lieu of subsistence, at rates authorized*
25 *for employees under subchapter I of chapter 57*

1 *of title 5, United States Code, while away from*
 2 *their homes or regular places of business in the*
 3 *performance of services for the Task Force.*

4 (B) *STAFF.*—*Staff of the Task Force shall*
 5 *comprise detailees with relevant expertise from*
 6 *the Department of Transportation and the Na-*
 7 *tional Telecommunications and Information Ad-*
 8 *ministration, or another Federal agency the co-*
 9 *chairpersons consider appropriate, with the con-*
 10 *sent of the head of the Federal agency, and such*
 11 *detailee shall retain the rights, status, and privi-*
 12 *leges of his or her regular employment without*
 13 *interruption.*

14 (C) *ADMINISTRATIVE ASSISTANCE.*—*The*
 15 *Secretary and NTIA Administrator shall provide*
 16 *to the Task Force on a reimbursable basis ad-*
 17 *ministrative support and other services for the*
 18 *performance of the functions of the Task Force.*

19 (7) *TERMINATION.*—*The Task Force shall termi-*
 20 *nate not later than 90 days after issuance of the final*
 21 *report required under paragraph (3)(B).*

22 **SEC. 1604. BALANCE EXCHANGES FOR INFRASTRUCTURE**
 23 **PROGRAM.**

24 (a) *IN GENERAL.*—*Chapter 1 of title 23, United States*
 25 *Code, is further amended by adding at the end the following:*

1 **“§ 174. Balance Exchanges for Infrastructure Pro-**
 2 **gram**

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *ADMINISTRATIVELY ALLOCATED.—The term*
 5 *‘administratively allocated’ means the allocation by*
 6 *the Secretary of budget authority for a project under*
 7 *the TIFIA program that occurs when—*

8 “(A) *a potential applicant has been invited*
 9 *into the creditworthiness phase for a project*
 10 *under the TIFIA program; or*

11 “(B) *the project is subject to a master credit*
 12 *agreement (as defined in section 601(a)), in ac-*
 13 *cordance with section 602(b)(2).*

14 “(2) *APPALACHIAN STATE.—The term ‘Appa-*
 15 *lachian State’ means a State that contains 1 or more*
 16 *counties in the Appalachian region (as defined in sec-*
 17 *tion 14102(a) of title 40).*

18 “(3) *PROGRAM.—The term ‘program’ means the*
 19 *Balance Exchanges for Infrastructure Program estab-*
 20 *lished under subsection (b).*

21 “(4) *TIFIA CARRYOVER BALANCE.—*

22 “(A) *IN GENERAL.—The term ‘TIFIA car-*
 23 *ryover balance’ means the amounts made avail-*
 24 *able for the TIFIA program for previous fiscal*
 25 *years that are unobligated and have not been ad-*
 26 *ministratively allocated.*

1 “(B) *INCLUSION.*—*The term ‘TIFIA carry-*
2 *over balance’ includes—*

3 “*(i) the applicable amount of contract*
4 *authority for the amounts described in sub-*
5 *paragraph (A); and*

6 “*(ii) the equivalent amount of obliga-*
7 *tion limitation for the fiscal year in which*
8 *the Secretary makes a transfer under sub-*
9 *section (f)(2).*

10 “(5) *TIFIA PROGRAM.*—*The term ‘TIFIA pro-*
11 *gram’ has the meaning given the term in section*
12 *601(a).*

13 “(b) *ESTABLISHMENT.*—*The Secretary shall establish*
14 *a program, to be known as the ‘Balance Exchanges for In-*
15 *frastructure Program’, in accordance with this section to*
16 *provide flexibility for the Secretary and States to improve*
17 *highway infrastructure.*

18 “(c) *OFFER TO FUND PROJECTS OR EXCHANGE*
19 *FUNDS.*—

20 “(1) *SOLICITATION.*—*For each fiscal year for*
21 *which an amount is reserved under subsection (f)(1),*
22 *the Secretary shall—*

23 “*(A) not later than December 1 of that fis-*
24 *cal year—*

1 “(i) solicit requests from Appalachian
2 States to return amounts under subsection
3 (d)(1)(A); and

4 “(ii) solicit applications from Appa-
5 lachian States for grants under subsection
6 (e); and

7 “(B) require that, not later than 60 days
8 after the date of the solicitations under subpara-
9 graph (A), each Appalachian State that elects to
10 participate in the program shall submit to the
11 Secretary either—

12 “(i) a request that describes the
13 amount that the Appalachian State requests
14 to return under subsection (d)(1)(A); or

15 “(ii) an application for a grant under
16 subsection (e).

17 “(d) EXCHANGE AGREEMENTS.—

18 “(1) IN GENERAL.—The Secretary shall enter
19 into an agreement with each Appalachian State that
20 submits a request under subsection (c)(1)(A)(i) under
21 which—

22 “(A) the Appalachian State shall return to
23 the Secretary all, or at the discretion of the Ap-
24 palachian State, a portion of, the unobligated
25 amounts from the Highway Trust Fund (includ-

1 *ing the applicable amount of contract authority*
2 *and an equal amount of special no-year obliga-*
3 *tion limitation associated with that contract au-*
4 *thority) apportioned to the Appalachian State*
5 *for the Appalachian development highway sys-*
6 *tem under section 14501 of title 40 (but not in-*
7 *cluding any amounts made available by an ap-*
8 *propriations Act without an initial authoriza-*
9 *tion); and*

10 *“(B) the Secretary shall transfer to the Ap-*
11 *palachian State, from amounts transferred to the*
12 *program under subsection (f)(2) for that fiscal*
13 *year, an amount (including the applicable*
14 *amount of contract authority and an equal*
15 *amount of annual obligation limitation) equal to*
16 *the amount that the Appalachian State returned*
17 *under subparagraph (A) that shall be used to*
18 *carry out projects described in paragraph (3).*

19 *“(2) STATE LIMITATION.—The amount of con-*
20 *tract authority returned by an Appalachian State*
21 *under paragraph (1)(A) may not exceed the amount*
22 *of the special no-year obligation limitation available*
23 *to the Appalachian State prior to the return of the*
24 *special no-year obligation limitation under that para-*
25 *graph.*

1 “(3) *ELIGIBLE PROJECTS.*—

2 “(A) *IN GENERAL.*—A project eligible to be
3 *carried out using funds transferred to an Appa-*
4 *lachian State under paragraph (1)(B) is a*
5 *project described in subsections (b) and (c) of*
6 *section 133.*

7 “(B) *FEDERAL SHARE.*—The Federal share
8 *of the cost of a project carried out using funds*
9 *transferred to an Appalachian State under para-*
10 *graph (1)(B) shall be up to 100 percent, at the*
11 *discretion of the Appalachian State.*

12 “(C) *APPLICATION OF SECTION 133.*—Except
13 *as otherwise provided in this paragraph, section*
14 *133 shall not apply to a project carried out*
15 *using funds transferred to an Appalachian State*
16 *under paragraph (1)(B).*

17 “(4) *TOTAL LIMITATION.*—For each fiscal year,
18 *the total amount exchanged under paragraph (1)*
19 *shall not exceed the amount available to be trans-*
20 *ferred to the program under subsection (f).*

21 “(5) *AMOUNTS EXCHANGED.*—For each fiscal
22 *year, if the total amount requested by all Appa-*
23 *lachian States to return under paragraph (1)(A) is*
24 *greater than the amount described in paragraph (4),*

1 *the Secretary shall exchange amounts under para-*
2 *graph (1) based on the proportion that—*

3 “(A) *the amount requested to be returned*
4 *for the fiscal year by the Appalachian State;*
5 *bears to*

6 “(B) *the amount requested to be returned*
7 *for the fiscal year by all Appalachian States.*

8 “(e) *APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM*
9 *CORRIDOR GRANTS.—*

10 “(1) *IN GENERAL.—Using amounts returned to*
11 *the Secretary under subsection (d)(1)(A), the Sec-*
12 *retary shall provide grants of contract authority, to*
13 *remain available until expended, and subject to spe-*
14 *cial no-year obligation limitation, on a competitive*
15 *basis to Appalachian States for eligible projects de-*
16 *scribed in paragraph (2).*

17 “(2) *ELIGIBLE PROJECT.—A project eligible to be*
18 *carried out with a grant under this subsection is a*
19 *project that is—*

20 “(A) *eligible under section 14501 of title 40*
21 *as of the date of enactment of this section; and*

22 “(B) *reasonably expected to begin construc-*
23 *tion by not later than 2 years after the date of*
24 *obligation of funds provided under this sub-*
25 *section for the project.*

1 “(3) *APPLICATION.*—*To be eligible to receive a*
 2 *grant under this subsection, an Appalachian State*
 3 *shall submit to the Secretary an application at such*
 4 *time, in such manner, and containing such informa-*
 5 *tion as the Secretary may require.*

6 “(4) *FEDERAL SHARE.*—*The Federal share of the*
 7 *cost of a project carried out using a grant provided*
 8 *under this subsection shall be up to 100 percent, at*
 9 *the discretion of the Appalachian State.*

10 “(5) *LIMITATION.*—*An Appalachian State that*
 11 *enters into an agreement to exchange funds under*
 12 *subsection (d) for any fiscal year shall not be eligible*
 13 *to receive a grant under this subsection.*

14 “(f) *TRANSFER FROM TIFIA PROGRAM.*—

15 “(1) *IN GENERAL.*—*On October 1 of each fiscal*
 16 *year, the Secretary shall reserve, for the purpose of*
 17 *funding transfers under paragraph (2) until the*
 18 *transfers are completed, the amount of TIFIA carry-*
 19 *over balance that exceeds the amount available to*
 20 *carry out the TIFIA program for that fiscal year.*

21 “(2) *TRANSFERS.*—*For each fiscal year, not later*
 22 *than 60 days after the date on which the Secretary*
 23 *receives the responses to the solicitations under sub-*
 24 *section (c)(1), the Secretary shall transfer from the*
 25 *TIFIA program to the program an amount of con-*

1 *tract authority and equal amount of obligation limi-*
 2 *tation that is equal to the lesser of—*

3 *“(A) the total amount requested by all Ap-*
 4 *palachian States for the fiscal year under sub-*
 5 *section (c)(1)(B)(i);*

6 *“(B) the total amount requested by all Ap-*
 7 *palachian States for grants under subsection*
 8 *(c)(1)(B)(ii); and*

9 *“(C) the amount reserved under paragraph*
 10 *(1).”.*

11 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 12 *1 of title 23, United States Code, is further amended by*
 13 *adding at the end the following:*

“174. Balance Exchanges for Infrastructure Program.”.

14 **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

15 *(a) STUDY.—*

16 *(1) IN GENERAL.—Not later than 180 days after*
 17 *the date of enactment of this Act, the Secretary of*
 18 *Transportation and the Administrator shall seek to*
 19 *enter into an agreement with the Transportation Re-*
 20 *search Board of the National Academy of Sciences to*
 21 *under which the Transportation Research Board shall*
 22 *conduct a study—*

23 *(A) to estimate pollutant loads from*
 24 *stormwater runoff from highways and pedestrian*
 25 *facilities eligible for assistance under title 23,*

1 *United States Code, to inform the development of*
2 *appropriate total maximum daily load require-*
3 *ments;*

4 *(B) to provide recommendations (including*
5 *recommended revisions to existing laws and reg-*
6 *ulations) regarding the evaluation and selection*
7 *by State departments of transportation of poten-*
8 *tial stormwater management and total max-*
9 *imum daily load compliance strategies within a*
10 *watershed, including environmental restoration*
11 *and pollution abatement carried out under sec-*
12 *tion 328 of title 23, United States Code;*

13 *(C) to examine the potential for the Sec-*
14 *retary to assist State departments of transpor-*
15 *tation in carrying out and communicating*
16 *stormwater management practices for highways*
17 *and pedestrian facilities that are eligible for as-*
18 *sistance under title 23, United States Code,*
19 *through information-sharing agreements, data-*
20 *base assistance, or an administrative platform to*
21 *provide the information described in subpara-*
22 *graphs (A) and (B) to entities issued permits*
23 *under the Federal Water Pollution Control Act*
24 *(33 U.S.C. 1251 et seq.); and*

1 (D) to examine the benefit of concentrating
2 stormwater retrofits in impaired watersheds and
3 selecting such retrofits according to a process
4 that depends on a watershed management plan
5 developed in accordance with section 319 of the
6 Federal Water Pollution Control Act (33 U.S.C.
7 1329).

8 (2) *REQUIREMENTS.*—In conducting the study
9 under the agreement entered into pursuant to para-
10 graph (1), the Transportation Research Board shall—

11 (A) review and supplement, as appropriate,
12 the methodologies examined and recommended in
13 the 2019 report of the National Academies of
14 Sciences, Engineering, and Medicine titled “Ap-
15 proaches for Determining and Complying with
16 TMDL Requirements Related to Roadway
17 Stormwater Runoff”;

18 (B) consult with—

- 19 (i) the Secretary of Transportation;
20 (ii) the Secretary of Agriculture;
21 (iii) the Administrator;
22 (iv) the Secretary of the Army, acting
23 through the Chief of Engineers; and
24 (v) State departments of Transpor-
25 tation; and

1 (C) solicit input from—

2 (i) stakeholders with experience in im-
3 plementing stormwater management prac-
4 tices for projects; and

5 (ii) educational and technical
6 stormwater management groups.

7 (3) *REPORT.*—In carrying out the agreement en-
8 tered into pursuant to paragraph (1), not later than
9 18 months after the date of enactment of this Act, the
10 Transportation Research Board shall submit to the
11 Secretary of Transportation, the Administrator, the
12 Committee on Transportation and Infrastructure of
13 the House of Representatives, and the Committee on
14 Environment and Public Works of the Senate a report
15 describing the results of the study.

16 (b) *STORMWATER BEST MANAGEMENT PRACTICES RE-*
17 *PORTS.*—

18 (1) *REISSUANCE.*—Not later than 180 days after
19 the date of enactment of this Act, the Administrator
20 shall update and reissue the best management prac-
21 tices reports to reflect new information and advance-
22 ments in stormwater management.

23 (2) *UPDATES.*—Not less frequently than once
24 every 5 years after the date on which the Secretary
25 reissues the best management practices reports under

1 paragraph (1), the Secretary shall update and reissue
2 the best management practices reports, unless the con-
3 tents of the best management practices reports have
4 been incorporated (including by reference) into appli-
5 cable regulations of the Secretary.

6 (c) *DEFINITIONS.*—In this section:

7 (1) *ADMINISTRATOR.*—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) *BEST MANAGEMENT PRACTICES REPORTS.*—
11 The term “best management practices reports”
12 means—

13 (A) the 2014 report sponsored by the De-
14 partment of Transportation titled “Determining
15 the State of the Practice in Data Collection and
16 Performance Measurement of Stormwater Best
17 Management Practices” (FHWA–HEP–16–021);
18 and

19 (B) the 2000 report sponsored by the De-
20 partment of Transportation titled “Stormwater
21 Best Management Practices in an Ultra-Urban
22 Setting: Selection and Monitoring”.

23 (3) *TOTAL MAXIMUM DAILY LOAD.*—The term
24 “total maximum daily load” has the meaning given

1 *such term in section 130.2 of title 40, Code of Federal*
2 *Regulations (or successor regulations).*

3 **SEC. 1606. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
4 **OF-WAY.**

5 (a) *IN GENERAL.*—*Not later than 180 days after the*
6 *date of enactment of this Act, the Architectural and Trans-*
7 *portation Barriers Compliance Board established under sec-*
8 *tion 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C.*
9 *792), in consultation with the Secretary of Transportation,*
10 *shall establish accessibility guidelines setting forth min-*
11 *imum standards for pedestrian facilities in the public right-*
12 *of-way.*

13 (b) *CONTENT OF GUIDANCE.*—*The guidelines described*
14 *in subsection (a) shall be substantially similar to, and car-*
15 *ried out under the same statutory authority as—*

16 (1) *the notice of proposed rulemaking published*
17 *on July 26, 2011, titled “Accessibility Guidelines for*
18 *Pedestrian Facilities in the Public Right-of-Way” (76*
19 *Fed. Reg. 44664); and*

20 (2) *the supplemental notice of proposed rule-*
21 *making published on February 13, 2013, titled “Ac-*
22 *cessibility Guidelines for Pedestrian Facilities in the*
23 *Public Right-of-Way; Shared Use Paths” (78 Fed.*
24 *Reg. 10110).*

1 (c) *ADOPTION OF REGULATIONS.*—Not later than 180
 2 days after the establishment of the guidelines pursuant to
 3 subsection (a), the Secretary shall issue such regulations as
 4 are necessary to adopt such guidelines.

5 **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

6 (a) *HIGHWAY FORMULA MODERNIZATION STUDY.*—

7 (1) *IN GENERAL.*—The Secretary of Transpor-
 8 tation, in consultation with the State departments of
 9 transportation and representatives of local govern-
 10 ments (including metropolitan planning organiza-
 11 tions), shall conduct a highway formula moderniza-
 12 tion study to assess the method and data used to ap-
 13 portion Federal-aid highway funds under subsections
 14 (b) and (c) of section 104 of title 23, United States
 15 Code, and issue recommendations on such method and
 16 data.

17 (2) *ASSESSMENT.*—The highway formula mod-
 18 ernization study required under paragraph (1) shall
 19 include an assessment of, based on the latest available
 20 data, whether the apportionment method under such
 21 section results in—

22 (A) an equitable distribution of funds based
 23 on the estimated tax payments attributable to—

24 (i) highway users in the State that are
 25 paid into the Highway Trust Fund; and

1 (ii) individuals in the State that are
2 paid to the Treasury, based on contribu-
3 tions to the Highway Trust Fund from the
4 general fund of the Treasury; and

5 (B) the achievement of the goals described
6 in section 101(b)(3) of title 23, United States
7 Code.

8 (3) CONSIDERATIONS.—In carrying out the as-
9 sessment under paragraph (2), the Secretary shall
10 consider the following:

11 (A) The factors described in sections 104(b),
12 104(f)(2), 104(h)(2), 130(f), and 144(e) of title
13 23, United States Code, as in effect on the date
14 of enactment of SAFETEA-LU (Public Law
15 109–59).

16 (B) The availability and accuracy of data
17 necessary to calculate formula apportionments
18 under the factors described in subparagraph (A).

19 (C) The measures established under section
20 150 of title 23, United States Code, and whether
21 such measures are appropriate for consideration
22 as formula apportionment factors.

23 (D) The results of the CMAQ formula mod-
24 ernization study required under subsection (b).

1 (E) Any other factors that the Secretary de-
2 termines are appropriate.

3 (4) *RECOMMENDATIONS.*—The Secretary shall,
4 in consultation with the State departments of trans-
5 portation and representatives of local governments
6 (including metropolitan planning organizations), de-
7 velop recommendations on a new apportionment
8 method, including—

9 (A) the factors recommended to be included
10 in such apportionment method;

11 (B) the weighting recommended to be ap-
12 plied to the factors under subparagraph (A); and

13 (C) any other recommendations to ensure
14 that the apportionment method best achieves an
15 equitable distribution of funds described under
16 paragraph (2)(A) and the goals described in
17 paragraph (2)(B).

18 (b) *CMAQ FORMULA MODERNIZATION STUDY.*—

19 (1) *IN GENERAL.*—Not later than 1 year after
20 the date of enactment of this Act, the Secretary of
21 Transportation, in consultation with the Adminis-
22 trator of the Environmental Protection Agency, shall
23 conduct an CMAQ formula modernization study to
24 assess whether the apportionment method under sec-
25 tion 104(b)(4) of title 23, United States Code, results

1 *in a distribution of funds that best achieves the air*
2 *quality goals of section 149 of such title.*

3 (2) *CONSIDERATIONS.*—*In providing consulta-*
4 *tion under this subsection, the Administrator of the*
5 *Environmental Protection Agency shall provide to the*
6 *Secretary an analysis of—*

7 (A) *factors that contribute to the apportion-*
8 *ment, including population, types of pollutants,*
9 *and severity of pollutants, as such factors were*
10 *determined on the date prior to the date of enact-*
11 *ment of MAP-21;*

12 (B) *the weighting of the factors listed under*
13 *subparagraph (A); and*

14 (C) *the recency of the data used in making*
15 *the apportionment under section 104(b)(4) of*
16 *title 23, United States Code.*

17 (3) *RECOMMENDATIONS.*—*If, in conducting the*
18 *study under this subsection, the Secretary finds that*
19 *modifying the apportionment method under section*
20 *104(b)(4) of title 23, United States Code, would best*
21 *achieve the air quality goals of section 149 of title 23,*
22 *United States Code, the Secretary shall, in consulta-*
23 *tion with the Administrator, include in such study*
24 *recommendations for a new apportionment method,*
25 *including—*

1 (A) the factors recommended to be included
2 in such apportionment method;

3 (B) the weighting recommended to be ap-
4 plied to the factors under subparagraph (A); and

5 (C) any other recommendations to ensure
6 that the apportionment method best achieves the
7 air quality goals section 149 of such title.

8 (c) *REPORT*.—No later than 2 years after the date of
9 enactment of this Act, the Secretary shall submit to the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives and the Committee on Environ-
12 ment and Public Works of the Senate a report containing
13 the results of the highway formula modernization study and
14 the CMAQ formula modification study.

15 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

16 Section 1519 of MAP–21 (Public Law 112–141) is
17 amended—

18 (1) in subsection (a)—

19 (A) by striking “fiscal years 2016 through
20 2020” and inserting “fiscal years 2022 through
21 2025”; and

22 (B) by striking “\$3,500,000” and inserting
23 “\$4,000,000”;

24 (2) by redesignating subsections (b) and (c) as
25 subsections (c) and (d), respectively; and

1 (3) *by inserting after subsection (a) the fol-*
 2 *lowing:*

3 “(b) *FEDERAL SHARE.—The Federal share of the cost*
 4 *of a project or activity carried out under subsection (a)*
 5 *shall be 100 percent.”.*

6 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

7 (a) *REPORT.—Not later than 180 days after the date*
 8 *of enactment of this Act, the Secretary of Transportation*
 9 *shall submit to the Committee on Transportation and In-*
 10 *frastructure of the House of Representatives and the Com-*
 11 *mittee on Environment and Public Works of the Senate a*
 12 *report that describes the efforts of the Department of Trans-*
 13 *portation to encourage elementary, secondary, and post-sec-*
 14 *ondary students to pursue careers in the surface transpor-*
 15 *tation sector.*

16 (b) *CONTENTS.—The report required under subsection*
 17 *(a) shall include—*

18 (1) *a description of efforts to increase awareness*
 19 *of careers related to surface transportation among ele-*
 20 *mentary, secondary, and post-secondary students;*

21 (2) *a description of efforts to prepare and in-*
 22 *spire such students for surface transportation careers;*

23 (3) *a description of efforts to support the devel-*
 24 *opment of a diverse, well-qualified workforce for fu-*
 25 *ture surface transportation needs; and*

1 (4) the effectiveness of the efforts described in
2 paragraphs (1) through (3).

3 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**
4 **SURFACE TRANSPORTATION WORKFORCE.**

5 (a) *IN GENERAL.*—Not later than 90 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall establish a task force on developing a 21st cen-
8 tury surface transportation workforce (in this section re-
9 ferred to as the “Task Force”).

10 (b) *DUTIES.*—Not later than 12 months after the estab-
11 lishment of the Task Force under subsection (a), the Task
12 Force shall develop and submit to the Secretary rec-
13 ommendations and strategies for the Department of Trans-
14 portation to—

15 (1) evaluate the current and future state of the
16 surface transportation workforce, including projected
17 job needs in the surface transportation sector;

18 (2) identify factors influencing individuals pur-
19 suing careers in surface transportation, including
20 barriers to attracting individuals into the workforce;

21 (3) address barriers to retaining individuals in
22 surface transportation careers;

23 (4) identify and address potential impacts of
24 emerging technologies on the surface transportation
25 workforce;

1 (5) *increase access for vulnerable or underrep-*
2 *resented populations, especially women and minori-*
3 *ties, to high-skill, in-demand surface transportation*
4 *careers;*

5 (6) *facilitate and encourage elementary, sec-*
6 *ondary, and post-secondary students in the United*
7 *States to pursue careers in the surface transportation*
8 *sector; and*

9 (7) *identify and develop pathways for students*
10 *and individuals to secure pre-apprenticeships, reg-*
11 *istered apprenticeships, and other work-based learn-*
12 *ing opportunities in the surface transportation sector*
13 *of the United States.*

14 (c) *CONSIDERATIONS.—In developing recommenda-*
15 *tions and strategies under subsection (b), the Task Force*
16 *shall—*

17 (1) *identify factors that influence whether young*
18 *people pursue careers in surface transportation, espe-*
19 *cially traditionally underrepresented populations, in-*
20 *cluding women and minorities;*

21 (2) *consider how the Department, businesses, in-*
22 *dustry, labor, educators, and other stakeholders can*
23 *coordinate efforts to support qualified individuals in*
24 *pursuing careers in the surface transportation sector;*

1 (3) *identify methods of enhancing surface trans-*
 2 *portation pre-apprenticeships and registered appren-*
 3 *ticeships, job skills training, mentorship, education,*
 4 *and outreach programs that are exclusive to youth in*
 5 *the United States; and*

6 (4) *identify potential sources of funding, includ-*
 7 *ing grants and scholarships, that may be used to sup-*
 8 *port youth and other qualified individuals in pur-*
 9 *suing careers in the surface transportation sector.*

10 (d) *CONSULTATION.—In developing the recommenda-*
 11 *tions and strategies required under subsection (b), the Task*
 12 *Force may consult with—*

13 (1) *local educational agencies and institutes of*
 14 *higher education, including community colleges and*
 15 *vocational schools; and*

16 (2) *State workforce development boards.*

17 (e) *REPORT.—Not later than 60 days after the submis-*
 18 *sion of the recommendations and strategies under subsection*
 19 *(b), the Secretary shall submit to the Committee on Trans-*
 20 *portation and Infrastructure of the House of Representa-*
 21 *tives and the Committee on Environment and Public Works*
 22 *of the Senate a report containing such recommendations*
 23 *and strategies.*

24 (f) *COMPOSITION OF TASK FORCE.—The Secretary*
 25 *shall appoint members to the Task Force whose diverse*

1 *background and expertise allow such members to contribute*
2 *balanced points of view and ideas in carrying out this sec-*
3 *tion, comprised of equal representation from each of the fol-*
4 *lowing:*

5 (1) *Industries in the surface transportation sec-*
6 *tor.*

7 (2) *Surface transportation sector labor organiza-*
8 *tions.*

9 (3) *Such other surface transportation stake-*
10 *holders and experts as the Secretary considers appro-*
11 *priate.*

12 (g) *PERIOD OF APPOINTMENT.—Members shall be ap-*
13 *pointed to the Task Force for the duration of the existence*
14 *of the Task Force.*

15 (h) *COMPENSATION.—Task Force members shall serve*
16 *without compensation.*

17 (i) *SUNSET.—The Task Force shall terminate upon the*
18 *submission of the report required under subsection (e).*

19 (j) *DEFINITIONS.—In this section:*

20 (1) *PRE-APPRENTICESHIP.—The term “pre-ap-*
21 *prenticeship” means a training model or program*
22 *that prepares individuals for acceptance into a reg-*
23 *istered apprenticeship and has a demonstrated part-*
24 *nership with 1 or more registered apprenticeships.*

1 (2) *REGISTERED APPRENTICESHIP.*—*The term*
 2 *“registered apprenticeship” means an apprenticeship*
 3 *program registered under the Act of August 16, 1937*
 4 *(29 U.S.C. 50 et seq.; commonly known as the “Na-*
 5 *tional Apprenticeship Act”), that satisfies the require-*
 6 *ments of parts 29 and 30 of title 29, Code of Federal*
 7 *Regulations (as in effect on January 1, 2020).*

8 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
 9 **ICES.**

10 *Section 140(b) of title 23, United States Code, is*
 11 *amended to read as follows:*

12 “(b) *WORKFORCE TRAINING AND DEVELOPMENT.*—

13 “(1) *IN GENERAL.*—*The Secretary, in coopera-*
 14 *tion with the Secretary of Labor and any other de-*
 15 *partment or agency of the Government, State agency,*
 16 *authority, association, institution, Indian Tribal gov-*
 17 *ernment, corporation (profit or nonprofit), or any*
 18 *other organization or person, is authorized to develop,*
 19 *conduct, and administer surface transportation and*
 20 *technology training, including skill improvement pro-*
 21 *grams, and to develop and fund summer transpor-*
 22 *tation institutes.*

23 “(2) *STATE RESPONSIBILITIES.*—*A State depart-*
 24 *ment of transportation participating in the program*
 25 *under this subsection shall—*

1 “(A) develop an annual workforce plan that
2 identifies immediate and anticipated workforce
3 gaps and underrepresentation of women and mi-
4 norities and a detailed plan to fill such gaps and
5 address such underrepresentation;

6 “(B) establish an annual workforce develop-
7 ment compact with the State workforce develop-
8 ment board and appropriate agencies to provide
9 a coordinated approach to workforce training,
10 job placement, and identification of training and
11 skill development program needs, which shall be
12 coordinated to the extent practical with an insti-
13 tution or agency, such as a State workforce de-
14 velopment board under section 101 of the Work-
15 force Innovation and Opportunities Act (29
16 U.S.C. 3111), that has established skills training,
17 recruitment, and placement resources; and

18 “(C) demonstrate program outcomes, in-
19 cluding—

20 “(i) impact on areas with transpor-
21 tation workforce shortages;

22 “(ii) diversity of training participants;

23 “(iii) number and percentage of par-
24 ticipants obtaining certifications or creden-

1 *tials required for specific types of employ-*
2 *ment;*

3 “(iv) *employment outcome, including*
4 *job placement and job retention rates and*
5 *earnings, using performance metrics estab-*
6 *lished in consultation with the Secretary of*
7 *Labor and consistent with metrics used by*
8 *programs under the Workforce Innovation*
9 *and Opportunity Act (29 U.S.C. 3101 et*
10 *seq.); and*

11 “(v) *to the extent practical, evidence*
12 *that the program did not preclude workers*
13 *that participate in training or registered*
14 *apprenticeship activities under the program*
15 *from being referred to, or hired on, projects*
16 *funded under this chapter.*

17 “(3) *FUNDING.—From administrative funds*
18 *made available under section 104(a), the Secretary*
19 *shall deduct such sums as necessary, not to exceed*
20 *\$10,000,000 in each fiscal year, for the administra-*
21 *tion of this subsection. Such sums shall remain avail-*
22 *able until expended.*

23 “(4) *NONAPPLICABILITY OF TITLE 41.—Sub-*
24 *sections (b) through (d) of section 6101 of title 41*
25 *shall not apply to contracts and agreements made*

1 *under the authority granted to the Secretary under*
 2 *this subsection.*

3 “(5) *USE OF SURFACE TRANSPORTATION PRO-*
 4 *GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-*
 5 *GRAM FUNDS.*—*Notwithstanding any other provision*
 6 *of law, not to exceed 1/2 of 1 percent of funds appor-*
 7 *tioned to a State under paragraph (1) or (2) of sec-*
 8 *tion 104(b) may be available to carry out this sub-*
 9 *section upon request of the State transportation de-*
 10 *partment to the Secretary.”.*

11 **SEC. 1612. WORK ZONE SAFETY.**

12 *Section 504(e)(1) of title 23, United States Code, is*
 13 *amended—*

14 *(1) by redesignating subparagraphs (F) and (G)*
 15 *as subparagraphs (G) and (H), respectively; and*

16 *(2) by inserting after subparagraph (E) the fol-*
 17 *lowing:*

18 “(F) *tuition and direct educational expenses*
 19 *or other costs of instruction related to the work*
 20 *zone safety training and certification of employ-*
 21 *ees of State and local transportation agencies*
 22 *and surface transportation construction work-*
 23 *ers;”.*

1 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**
2 **PROGRAM.**

3 *Section 504 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (e)(1) by inserting “and (8)*
6 *through (9)” after “paragraphs (1) through (4)”;* and
7 *(2) in subsection (f) by adding at the end the fol-*
8 *lowing:*

9 *“(4) REPORTS.—The Secretary shall submit to*
10 *the Committee on Transportation and Infrastructure*
11 *of the House of Representatives and the Committee on*
12 *Commerce, Science, and Transportation of the Senate*
13 *an annual report that includes—*

14 *“(A) a list of all grant recipients under this*
15 *subsection;*

16 *“(B) an explanation of why each recipient*
17 *was chosen in accordance with the criteria under*
18 *paragraph (2);*

19 *“(C) a summary of each recipient’s objective*
20 *to carry out the purpose described in paragraph*
21 *(1) and an analysis of progress made toward*
22 *achieving each such objective;*

23 *“(D) an accounting for the use of Federal*
24 *funds obligated or expended in carrying out this*
25 *subsection; and*

1 “(E) an analysis of outcomes of the pro-
2 gram under this subsection.”.

3 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**
4 **SOURCES.**

5 (a) *ESTABLISHMENT.*—Not later than 120 days after
6 the date of enactment of this Act, the Secretary of Transpor-
7 tation shall establish a working group (in this section re-
8 ferred to as the “Working Group”) to conduct a study on
9 access to covered resources for infrastructure projects.

10 (b) *MEMBERSHIP.*—

11 (1) *APPOINTMENT.*—The Secretary shall appoint
12 to the Working Group individuals with knowledge
13 and expertise in the production and transportation of
14 covered resources.

15 (2) *REPRESENTATION.*—The Working Group
16 shall include at least 1 representative of each of the
17 following:

18 (A) State departments of transportation.

19 (B) State agencies associated with covered
20 resources protection.

21 (C) State planning and geologic survey and
22 mapping agencies.

23 (D) Commercial motor vehicle operators, in-
24 cluding small business operators and operators
25 who transport covered resources.

1 (E) Covered resources producers.

2 (F) Construction contractors.

3 (G) Metropolitan planning organizations
4 and regional planning organizations.

5 (H) Indian Tribes, including Tribal elected
6 leadership or Tribal transportation officials.

7 (I) Any other stakeholders that the Sec-
8 retary determines appropriate.

9 (3) *TERMINATION.*—The Working Group shall
10 terminate 6 months after the date on which the Sec-
11 retary receives the report under subsection (e)(1).

12 (c) *DUTIES.*—In carrying out the study required
13 under subsection (a), the Working Group shall analyze—

14 (1) the use of covered resources in transportation
15 projects funded with Federal dollars;

16 (2) how the proximity of covered resources to
17 such projects affects the cost and environmental im-
18 pact of such projects;

19 (3) whether and how State, Tribal, and local
20 transportation and planning agencies consider cov-
21 ered resources when developing transportation
22 projects; and

23 (4) any challenges for transportation project
24 sponsors regarding access and proximity to covered
25 resources.

1 (d) *CONSULTATION.*—*In carrying out the study re-*
2 *quired under subsection (a), the Working Group shall con-*
3 *sult with, as appropriate—*

4 (1) *chief executive officers of States;*

5 (2) *State, Tribal, and local transportation and*
6 *planning agencies;*

7 (3) *other relevant State, Tribal, and local agen-*
8 *cies, including State agencies associated with covered*
9 *resources protection;*

10 (4) *members of the public with industry experi-*
11 *ence with respect to covered resources;*

12 (5) *other Federal entities that provide funding*
13 *for transportation projects; and*

14 (6) *any other stakeholder the Working Group de-*
15 *termines appropriate.*

16 (e) *REPORTS.*—

17 (1) *WORKING GROUP REPORT.*—*Not later than 2*
18 *years after the date on which the Working Group is*
19 *established, the Working Group shall submit to the*
20 *Secretary a report that includes—*

21 (A) *the findings of the study required under*
22 *subsection (a), including a summary of com-*
23 *ments received during the consultation process*
24 *under subsection (d); and*

1 (B) any recommendations to preserve access
 2 to and reduce the costs and environmental im-
 3 pacts of covered resources for infrastructure
 4 projects.

5 (2) *DEPARTMENTAL REPORT.*—Not later than 3
 6 months after the date on which the Secretary receives
 7 the report under paragraph (1), the Secretary shall
 8 submit to the Committee on Transportation and In-
 9 frastructure of the House of Representatives and the
 10 Committee on Environment and Public Works of the
 11 Senate a summary of the findings under such report
 12 and any recommendations, as appropriate.

13 (f) *DEFINITIONS.*—In this section:

14 (1) *COVERED RESOURCES.*—The term “covered
 15 resources” means common variety materials used in
 16 transportation infrastructure construction and main-
 17 tenance, including stone, sand, and gravel.

18 (2) *STATE.*—The term “State” means each of the
 19 several States, the District of Columbia, and each ter-
 20 ritory or possession of the United States.

21 **SEC. 1615. NUMBERING SYSTEM OF HIGHWAY INTER-**
 22 **CHANGES.**

23 (a) *IN GENERAL.*—Notwithstanding section 315 of title
 24 23, United States Code, and section 1.36 of title 23, Code
 25 of Federal Regulations, the Secretary of Transportation

1 *may not impose a penalty on a State that does not comply*
2 *with section 2E.31 of the Manual on Uniform Traffic Con-*
3 *trol Devices (or a successor section) with respect to the num-*
4 *bering of highway interchanges.*

5 (b) *APPLICABILITY.—Subsection (a) shall only apply*
6 *to a method of numbering of a highway interchange in effect*
7 *on the date of enactment of this Act.*

8 **SEC. 1616. TOLL CREDITS.**

9 (a) *PURPOSES.—The Secretary of Transportation*
10 *shall—*

11 (1) *identify the extent of the demand to purchase*
12 *toll credits;*

13 (2) *identify the expected cash price of toll credits;*

14 (3) *analyze the impact of the exchange of toll*
15 *credits on transportation expenditures; and*

16 (4) *identify any other repercussions of estab-*
17 *lishing a toll credit exchange.*

18 (b) *SOLICITATION.—To carry out the requirements of*
19 *this section, the Secretary shall solicit information from*
20 *States eligible to use a credit under section 120(i) of title*
21 *23, United States Code, including—*

22 (1) *the amount of unused toll credits, includ-*
23 *ing—*

24 (A) *toll revenue generated and the sources of*
25 *that revenue;*

1 (B) toll revenue used by public, quasi-pub-
2 lic, and private agencies to build, improve, or
3 maintain highways, bridges, or tunnels that
4 serve the public purpose of interstate commerce;
5 and

6 (C) an accounting of any Federal funds
7 used by the public, quasi-public, or private agen-
8 cy to build, improve, or maintain the toll facil-
9 ity, to validate that the credit has been reduced
10 by a percentage equal to the percentage of the
11 total cost of building, improving, or maintaining
12 the facility that was derived from Federal funds;

13 (2) the documentation of maintenance of effort
14 for toll credits earned by the State; and

15 (3) the accuracy of the accounting system of the
16 State to earn and track toll credits.

17 (c) WEBSITE.—The Secretary shall make available a
18 publicly accessible website on which a State eligible to use
19 a credit under section 120(i) of title 23, United States Code
20 shall publish the information described under subsection
21 (b)(1).

22 (d) EVALUATION AND RECOMMENDATIONS TO CON-
23 GRESS.—Not later than 2 years after the date of enactment
24 of this Act, the Secretary shall provide to the Committee
25 on Transportation and Infrastructure of the House of Rep-

1 *representatives and the Committee on Environment and Public*
 2 *Works of the Senate, and make publicly available on the*
 3 *website of the Department of Transportation—*

4 *(1) an evaluation of the accuracy of the account-*
 5 *ing and documentation of toll credits earned under*
 6 *section 120(i);*

7 *(2) a determination whether a toll credit market-*
 8 *place is viable and cost effective;*

9 *(3) estimates, to the extent possible, of the aver-*
 10 *age sale price of toll credits; and*

11 *(4) recommendations on any modifications nec-*
 12 *essary, including legislative changes, to establish and*
 13 *implement a toll credit exchange program.*

14 *(e) DEFINITION.—In this section, the term “State” has*
 15 *the meaning given the term in section 101(a) of title 23,*
 16 *United States Code.*

17 **SEC. 1617. TRANSPORTATION CONSTRUCTION MATERIALS**
 18 **PROCUREMENT.**

19 *(a) ESTABLISHMENT.—Not later than 180 days after*
 20 *the date of enactment of this Act, the Secretary of Transpor-*
 21 *tation shall initiate a review of the procurement processes*
 22 *used by State departments of transportation to select con-*
 23 *struction materials on projects utilizing Federal-aid high-*
 24 *way funds.*

1 (b) *CONTENTS.*—*The review under subsection (a) shall*
2 *include—*

3 (1) *a review of competitive practices in the bid-*
4 *ding process for transportation construction mate-*
5 *rials;*

6 (2) *a list of States that currently issue bids that*
7 *include flexibility in the type of construction mate-*
8 *rials used to meet the project specifications;*

9 (3) *any information provided by States on con-*
10 *siderations that influence the decision to include com-*
11 *petition by type of material in transportation con-*
12 *struction projects;*

13 (4) *any data on whether issuing bids that in-*
14 *clude flexibility in the type of construction materials*
15 *used to meet the project specifications will affect*
16 *project costs over the lifecycle of an asset;*

17 (5) *any data on the degree to which competition*
18 *leads to greater use of sustainable, innovative, or re-*
19 *silient materials; and*

20 (6) *an evaluation of any barriers to more wide-*
21 *spread use of competitive bidding processes for trans-*
22 *portation construction materials.*

23 (c) *REPORT.*—*Not later than 18 months after the date*
24 *of enactment of this Act, the Secretary shall submit to the*
25 *Committee on Transportation and Infrastructure of the*

1 *House of Representatives and the Committee on Environ-*
 2 *ment and Public Works of the Senate, and make publicly*
 3 *available, a report on the review initiated by the Secretary*
 4 *pursuant to this section.*

5 **SEC. 1618. CONSTRUCTION OF CERTAIN ACCESS AND DE-**
 6 **VELOPMENT ROADS.**

7 *Section 118(d) of title 23, United States Code, is*
 8 *amended by striking “and the Commonwealth of Puerto*
 9 *Rico” and inserting “, the Commonwealth of Puerto Rico,*
 10 *and any other territory of the United States”.*

11 **SEC. 1619. NATIONWIDE ROAD SAFETY ASSESSMENT.**

12 *(a) IN GENERAL.—The Secretary of Transportation*
 13 *shall, every 2 years, conduct nationwide, on-the-ground*
 14 *road safety assessments focused on pedestrian and bicycle*
 15 *safety in each State.*

16 *(b) REQUIREMENTS.—The assessments required under*
 17 *subsection (a) shall be conducted—*

18 *(1) by Department of Transportation field offices*
 19 *from the Federal Highway Administration, the Na-*
 20 *tional Highway Transportation Safety Administra-*
 21 *tion, the Federal Transit Administration, and the*
 22 *Federal Motor Carrier Safety Administration; and*

23 *(2) in consultation with—*

24 *(A) State and local agencies with jurisdic-*
 25 *tion over pedestrian and bicycle safety;*

1 (B) pedestrian safety and bicycle safety ad-
2 vocacy organizations; and

3 (C) other relevant pedestrian and bicycle
4 safety stakeholders.

5 (c) *PURPOSES.*—*The purpose of the assessments under*
6 *this section is to—*

7 (1) identify and examine specific locations with
8 documented or perceived problems with pedestrian
9 and bicycle safety and access;

10 (2) examine barriers to providing safe pedestrian
11 and bicycle access to transportation infrastructure;
12 and

13 (3) develop and issue recommendations designed
14 to effectively address specific safety and access issues
15 and enhance pedestrian and bicycle safety in high
16 risk areas.

17 (d) *REPORT ON STATE ASSESSMENTS.*—*Upon comple-*
18 *tion of the assessment of a State, the Secretary shall issue,*
19 *and make available to the public, a report containing the*
20 *assessment that includes—*

21 (1) a list of locations that have been assessed as
22 presenting a danger to pedestrians or bicyclists; and

23 (2) recommendations to enhance pedestrian and
24 bicycle safety in those locations.

1 (e) *REPORT ON NATIONWIDE PROGRAM.*—Upon com-
 2 pletion of the biannual assessment nationwide required
 3 under this section, the Secretary shall issue, and make
 4 available to the public, that covers assessments for all juris-
 5 dictions and also present it to the congressional transpor-
 6 tation committees.

7 (f) *NATIONAL PEDESTRIAN AND BICYCLE SAFETY*
 8 *DATABASE.*—The Secretary, in order to enhance pedestrian
 9 and bicycle safety and improve information sharing on pe-
 10 destrian and bicycle safety challenges between the Federal
 11 Government and State and local governments, shall main-
 12 tain a national pedestrian and bicycle safety database that
 13 includes—

14 (1) *a list of high-risk intersections, roads, and*
 15 *highways with a documented history of pedestrian or*
 16 *bicycle accidents or fatalities and details regarding*
 17 *those incidents; and*

18 (2) *information on corrective measures that have*
 19 *been implemented at the State, local, or Federal level*
 20 *to enhance pedestrian and bicyclist safety at those*
 21 *high risk areas, including details on the nature and*
 22 *date of corrective action.*

23 (g) *STATE DEFINED.*—In this section, the term
 24 “State” means each of the States, the District of Columbia,
 25 and Puerto Rico.

1 **SEC. 1620. WILDLIFE CROSSINGS.**

2 (a) *IN GENERAL.*—

3 (1) *OBLIGATION REQUIREMENT.*—*For each of fis-*
4 *cal years 2022 through 2025, of the amounts appor-*
5 *tioned to a State under paragraph (1) of section*
6 *104(b) of title 23, United States Code, each State*
7 *shall obligate amounts distributed to such State under*
8 *subsection (b) for projects and strategies that reduce*
9 *vehicle-caused wildlife mortality related to, or to re-*
10 *store and maintain connectivity among terrestrial or*
11 *aquatic habitats affected by, a transportation facility*
12 *otherwise eligible for assistance under section 119 of*
13 *title 23, United States Code.*

14 (2) *TOTAL AMOUNT.*—*The total amount to be ob-*
15 *ligated by all States under paragraph (1) shall equal*
16 *\$75,000,000 for each of fiscal years 2022 through*
17 *2025.*

18 (b) *DISTRIBUTION.*—*Each State’s share of the amount*
19 *described under subsection (a)(2) shall be determined by*
20 *multiplying the amount described under such subsection by*
21 *the ratio that—*

22 (1) *the amount apportioned in the previous fis-*
23 *cal year to the State under section 104 of title 23,*
24 *United States Code; bears to*

25 (2) *the total amount of funds apportioned to all*
26 *States in the previous fiscal year.*

1 (c) *STATE FLEXIBILITY.*—

2 (1) *IN GENERAL.*—A State may opt out of the
3 obligation requirement described under this section if
4 the Governor of the State notifies the Secretary that
5 the State has inadequate needs to justify the expendi-
6 ture not later than 30 days prior to apportionments
7 being made for any fiscal year.

8 (2) *USE OF FUNDS.*—A State that exercises the
9 authority under paragraph (1) may use the funds de-
10 scribed under this section for any purpose described
11 under section 119 of title 23, United States Code.

12 **SEC. 1621. CLIMATE RESILIENT TRANSPORTATION INFRA-**
13 **STRUCTURE STUDY.**

14 (a) *CLIMATE RESILIENT TRANSPORTATION INFRA-*
15 *STRUCTURE STUDY.*—Not later than 180 days after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall enter into an agreement with the Transportation Re-
18 search Board of the National Academies to conduct a study
19 of the actions needed to ensure that Federal agencies are
20 taking into account current and future climate conditions
21 in planning, designing, building, operating, maintaining,
22 investing in, and upgrading any federally funded transpor-
23 tation infrastructure investments.

1 (b) *METHODOLOGIES.*—In conducting the study, the
2 *Transportation Research Board* shall build on the meth-
3 *odologies examined and recommended in—*

4 (1) *the 2018 report issued the American Society*
5 *of Civil Engineers, titled “Climate-Resilient Infra-*
6 *structure: Adaptive Design and Risk Management”;*
7 *and*

8 (2) *the report issued by the California Climate-*
9 *Safe Infrastructure Working Group, titled “Paying it*
10 *Forward: The Path Toward Climate-Safe Infrastruc-*
11 *ture in California”.*

12 (c) *CONTENTS OF STUDY.*—*The study shall include*
13 *specific recommendations regarding the following:*

14 (1) *Integrating scientific knowledge of projected*
15 *climate change impacts, and other relevant data and*
16 *information, into Federal infrastructure planning,*
17 *design, engineering, construction, operation and*
18 *maintenance.*

19 (2) *Addressing critical information gaps and*
20 *challenges.*

21 (3) *Financing options to help fund climate-resil-*
22 *ient infrastructure.*

23 (4) *A platform or process to facilitate commu-*
24 *nication between climate scientists and other experts*

1 *with infrastructure planners, engineers and other rel-*
2 *evant experts.*

3 (5) *A stakeholder process to engage with rep-*
4 *resentatives of State, local, tribal and community*
5 *groups.*

6 (6) *A platform for tracking Federal funding of*
7 *climate-resilient infrastructure.*

8 (d) *CONSIDERATIONS.—In carrying out the study, the*
9 *Transportation Research Board shall determine the need for*
10 *information related to climate resilient transportation in-*
11 *frastructure by considering—*

12 (1) *the current informational and institutional*
13 *barriers to integrating projected infrastructure risks*
14 *posed by climate change into federal infrastructure*
15 *planning, design, engineering, construction, operation*
16 *and maintenance;*

17 (2) *the critical information needed by engineers,*
18 *planners and those charged with infrastructure up-*
19 *grades and maintenance to better incorporate climate*
20 *change risks and impacts over the lifetime of projects;*

21 (3) *how to select an appropriate, adaptive engi-*
22 *neering design for a range of future climate scenarios*
23 *as related to infrastructure planning and investment;*

24 (4) *how to incentivize and incorporate systems*
25 *thinking into engineering design to maximize the ben-*

1 *efits of multiple natural functions and emissions re-*
2 *duction, as well as regional planning;*

3 *(5) how to take account of the risks of cascading*
4 *infrastructure failures and develop more holistic ap-*
5 *proaches to evaluating and mitigating climate risks;*

6 *(6) how to ensure that investments in infrastruc-*
7 *ture resilience benefit all communities, including com-*
8 *munities of color, low-income communities and tribal*
9 *communities that face a disproportionate risk from*
10 *climate change and in many cases have experienced*
11 *long-standing unmet needs and underinvestment in*
12 *critical infrastructure;*

13 *(7) how to incorporate capital assessment and*
14 *planning training and techniques, including a range*
15 *of financing options to help local and State govern-*
16 *ments plan for and provide matching funds; and*

17 *(8) how federal agencies can track and monitor*
18 *federally funded resilient infrastructure in a coordi-*
19 *nated fashion to help build the understanding of the*
20 *cost-benefit of resilient infrastructure and to build the*
21 *capacity for implementing resilient infrastructure.*

22 *(e) CONSULTATION.—In carrying out the study, the*
23 *Transportation Research Board—*

24 *(1) shall convene and consult with a panel of na-*
25 *tional experts, including operators and users of Fed-*

1 *eral transportation infrastructure and private sector*
2 *stakeholders; and*

3 *(2) is encouraged to consult with—*

4 *(A) representatives from the thirteen federal*
5 *agencies that comprise the United States Global*
6 *Change Research Program;*

7 *(B) representatives from the Department of*
8 *the Treasury;*

9 *(C) professional engineers with relevant ex-*
10 *pertise in infrastructure design;*

11 *(D) scientists from the National Academies*
12 *with relevant expertise;*

13 *(E) scientists, social scientists and experts*
14 *from academic and research institutions who*
15 *have expertise in climate change projections and*
16 *impacts; engineering; architecture; or other rel-*
17 *evant areas of expertise;*

18 *(F) licensed architects with relevant experi-*
19 *ence in infrastructure design;*

20 *(G) certified planners;*

21 *(H) representatives of State, local and Trib-*
22 *al governments; and*

23 *(I) representatives of environmental justice*
24 *groups.*

1 (f) *REPORT*.—Not later than 3 years after the date of
 2 enactment of this Act, the Transportation Research Board
 3 shall submit to the Secretary, the Committee on Transpor-
 4 tation and Infrastructure of the House of Representatives,
 5 and the Committee on Environment and Public Works of
 6 the Senate a report on the results of the study conducted
 7 under this section.

8 **SEC. 1622. ELIMINATION OF DUPLICATION OF ENVIRON-**
 9 **MENTAL REVIEWS AND APPROVALS.**

10 The Secretary of Transportation shall issue a final
 11 rule implementing the program under section 330 of title
 12 23, United States Code.

13 **SEC. 1623. AMBER ALERTS ALONG MAJOR TRANSPOR-**
 14 **TATION ROUTES.**

15 (a) *IN GENERAL*.—Section 303 of the *PROTECT Act*
 16 (34 U.S.C. 20503) is amended—

17 (1) in the section heading, by inserting “**AND**
 18 **MAJOR TRANSPORTATION ROUTES**” after
 19 “**ALONG HIGHWAYS**”;

20 (2) in subsection (a)—

21 (A) by inserting “(referred to in this section
 22 as the ‘Secretary’)” after “Secretary of Trans-
 23 portation”; and

24 (B) by inserting “and at airports, maritime
 25 ports, border crossing areas and checkpoints, and

ports of exit from the United States” after
“along highways”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “other motorist information systems to notify motorists” and inserting “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers”; and

(ii) by inserting “, aircraft passengers, ship passengers, and travelers” after “necessary to notify motorists”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “other motorist information systems to notify motorists” and inserting “other information systems to notify motorists, aircraft passengers, ship passengers, and travelers”;

(ii) in subparagraph (D), by inserting “, aircraft passengers, ship passengers, and travelers” after “support the notification of motorists”;

(iii) in subparagraph (E), by inserting “, aircraft passengers, ship passengers, and

1 *travelers” after “motorists”, each place it*
 2 *appears;*

3 *(iv) in subparagraph (F), by inserting*
 4 *“, aircraft passengers, ship passengers, and*
 5 *travelers” after “motorists”; and*

6 *(v) in subparagraph (G), by inserting*
 7 *“, aircraft passengers, ship passengers, and*
 8 *travelers” after “motorists”;*

9 *(4) in subsection (c), by striking “other motorist*
 10 *information systems to notify motorists”, each place*
 11 *it appears, and inserting “other information systems*
 12 *to notify motorists, aircraft passengers, ship pas-*
 13 *sengers, and travelers”;*

14 *(5) by amending subsection (d) to read as fol-*
 15 *lows:*

16 *“(d) FEDERAL SHARE.—*

17 *“(1) IN GENERAL.—Except as provided in para-*
 18 *graph (2), the Federal share of the cost of any activi-*
 19 *ties funded by a grant under this section may not ex-*
 20 *ceed 80 percent.*

21 *“(2) WAIVER.—If the Secretary determines that*
 22 *American Samoa, Guam, the Northern Mariana Is-*
 23 *lands, Puerto Rico, or the Virgin Islands of the*
 24 *United States is unable to comply with the require-*

1 *ment under paragraph (1), the Secretary shall waive*
 2 *such requirement.”;*

3 *(6) in subsection (g)—*

4 *(A) by striking “In this section” and insert-*
 5 *ing “In this subtitle”; and*

6 *(B) by striking “or Puerto Rico” and in-*
 7 *serting “American Samoa, Guam, Puerto Rico,*
 8 *the Northern Mariana Islands, the Virgin Is-*
 9 *lands of the United States, and any other terri-*
 10 *tory of the United States”.*

11 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*
 12 *table of contents in section 1(b) of the PROTECT Act (Pub-*
 13 *lic Law 108–21) is amended by striking the item relating*
 14 *to section 303 and inserting the following:*

*“Sec. 303. Grant program for notification and communications systems along
 highways and major transportation routes for recovery of ab-
 ducted children.”.*

15 **SEC. 1624. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
 16 **EMISSION VEHICLES.**

17 *Subsection (s) of section 127 of title 23, United States*
 18 *Code is amended to read as follows:*

19 *“(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO*
 20 *EMISSION VEHICLES.—A vehicle, if operated by an engine*
 21 *fueled primarily by natural gas powered primarily by*
 22 *means of electric battery power or fueled primarily by*
 23 *means of other zero emission fuel technologies, may exceed*
 24 *the weight limit on the power unit by up to 2,000 pounds*

1 *(up to a maximum gross vehicle weight of 82,000 pounds)*
2 *under this section.”.*

3 **SEC. 1625. GUIDANCE ON EVACUATION ROUTES.**

4 *(a) IN GENERAL.—*

5 *(1) GUIDANCE.—The Administrator of the Fed-*
6 *eral Highway Administration, in coordination with*
7 *the Administrator of the Federal Emergency Manage-*
8 *ment Agency, and consistent with guidance issued by*
9 *the Federal Emergency Management Agency pursuant*
10 *to section 1209 of the Disaster Recovery Reform Act*
11 *of 2018 (Public Law 115–254), shall revise existing*
12 *guidance or issue new guidance as appropriate for*
13 *State, local, and Indian Tribal governments regard-*
14 *ing the design, construction, maintenance, and repair*
15 *of evacuation routes.*

16 *(2) CONSIDERATIONS.—In revising or issuing*
17 *guidance under subsection (a)(1), the Administrator*
18 *of the Federal Highway Administration shall con-*
19 *sider—*

20 *(A) methods that assist evacuation routes*
21 *to—*

22 *(i) withstand likely risks to viability,*
23 *including flammability and hydrostatic*
24 *forces;*

1 (ii) improve durability, strength (in-
2 cluding the ability to withstand tensile
3 stresses and compressive stresses), and sus-
4 tainability; and

5 (iii) provide for long-term cost savings;

6 (B) the ability of evacuation routes to effec-
7 tively manage contraflow operations;

8 (C) for evacuation routes on public lands,
9 the viewpoints of the applicable Federal land
10 management agency regarding emergency oper-
11 ations, sustainability, and resource protection;
12 and

13 (D) such other items the Administrator of
14 the Federal Highway Administration considers
15 appropriate.

16 (3) *REPORT.*—In the case in which the Adminis-
17 trator of the Federal Highway Administration, in
18 consultation with the Administrator of the Federal
19 Emergency Management Agency, concludes existing
20 guidance addresses the considerations in paragraph
21 (2), The Administrator of the Federal Highway Ad-
22 ministration shall submit to the Committee on Trans-
23 portation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Environment and
25 Public Works of the Senate a detailed report describ-

1 *ing how existing guidance addresses such consider-*
2 *ations.*

3 *(b) STUDY.—The Administrator of the Federal High-*
4 *way Administration, in coordination with the Adminis-*
5 *trator of the Federal Emergency Management Agency and*
6 *State, local, territorial, and Indian Tribal governments,*
7 *shall—*

8 *(1) conduct a study of the adequacy of available*
9 *evacuation routes to accommodate the flow of evac-*
10 *uees; and*

11 *(2) submit recommendations to Congress on how*
12 *to help with anticipated evacuation route flow, based*
13 *on the study conducted under paragraph (1).*

14 **SEC. 1626. PROHIBITING USE OF FEDERAL FUNDS FOR PAY-**
15 **MENTS IN SUPPORT OF CONGRESSIONAL**
16 **CAMPAIGNS.**

17 *No amounts may be assessed on funds collected pursu-*
18 *ant to section 9553 of this Act for purposes of making pay-*
19 *ments in support of a campaign for election for the office*
20 *of Senator or Representative in, or Delegate or Resident*
21 *Commissioner to, Congress.*

1 **SEC. 1627. HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-**
 2 **WAY SYSTEM.**

3 *Section 1105(c) of the Intermodal Surface Transpor-*
 4 *tation Efficiency Act of 1991 is amended by adding at the*
 5 *end the following:*

6 “(92) *The Louisiana Capital Region High Pri-*
 7 *ority Corridor, which shall generally follow—*

8 “(A) *Interstate 10, between its intersections*
 9 *with Interstate 12 and Louisiana Highway 415;*

10 “(B) *Louisiana Highway 415, between its*
 11 *intersections with Interstate 10 and United*
 12 *States route 190;*

13 “(C) *United States route 190, between its*
 14 *intersections with Louisiana Highway 415 and*
 15 *intersection with Interstate 110;*

16 “(D) *Interstate 110, between its intersec-*
 17 *tions with United States route 190 and Inter-*
 18 *state 10;*

19 “(E) *Louisiana Highway 30, near St. Ga-*
 20 *briel, LA and its intersection with Interstate 10;*

21 “(F) *Louisiana Highway 1, near White*
 22 *Castle, LA and its intersection with Interstate*
 23 *10; and*

24 “(G) *A bridge connecting Louisiana High-*
 25 *way 1 with Louisiana Highway 30, south of the*
 26 *Interstate described in subparagraph (A).”.*

1 **SEC. 1628. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 *Upon issuance of guidance issued pursuant to section*
4 *1228 of the Disaster Recovery Reform Act of 2018 (Public*
5 *Law 115–254), the Administrator of the Federal Highway*
6 *Administration, in consultation with the Administrator of*
7 *the Federal Emergency Management Agency, shall review*
8 *such guidance and issue guidance regarding repair, restora-*
9 *tion, and replacement of inundated and submerged roads*
10 *damaged or destroyed by a major disaster declared pursu-*
11 *ant to the Robert T. Stafford Disaster Relief and Emer-*
12 *gency Assistance Act (42 U.S.C. 5121 et seq.) with respect*
13 *to roads eligible for assistance under Federal Highway Ad-*
14 *ministration programs.*

15 **SEC. 1629. AIRPORT INNOVATIVE FINANCING TECHNIQUES.**

16 *(a) IN GENERAL.—Section 47135 of title 49, United*
17 *States Code, is amended to read as follows:*

18 **“§47135. Innovative financing techniques**

19 *“(a) IN GENERAL.—The Secretary of Transportation*
20 *may approve an application by an airport sponsor to use*
21 *grants received under this subchapter for innovative financ-*
22 *ing techniques related to an airport development project.*
23 *Such projects shall be located at airports that are not large*
24 *hub airports. The Secretary may not approve more than*
25 *30 applications under this section in a fiscal year.*

1 “(b) *PURPOSES.*—*The purpose of grants made under*
2 *this section shall be—*

3 “(1) *to provide information on using innovative*
4 *financing techniques for airport development projects;*

5 “(2) *to lower the total cost of an airport develop-*
6 *ment project; or*

7 “(3) *to safely expedite the delivery or completion*
8 *of an airport development project.*

9 “(c) *LIMITATIONS.*—

10 “(1) *NO GUARANTEES.*—*In no case shall the im-*
11 *plementation of an innovative financing technique*
12 *under this section be used in a manner giving rise to*
13 *a direct or indirect guarantee of any airport debt in-*
14 *strument by the United States Government.*

15 “(2) *TYPES OF TECHNIQUES.*—*In this section,*
16 *innovative financing techniques are limited to—*

17 “(A) *payment of interest;*

18 “(B) *commercial bond insurance and other*
19 *credit enhancement associated with airport*
20 *bonds for eligible airport development;*

21 “(C) *flexible non-Federal matching require-*
22 *ments;*

23 “(D) *use of funds apportioned under section*
24 *47114 for the payment of principal and interest*

1 *of terminal development for costs incurred before*
 2 *the date of the enactment of this section; and*

3 *“(E) such other techniques that the Sec-*
 4 *retary approves as consistent with the purposes*
 5 *of this section.”.*

6 *(b) IMMEDIATE APPLICABILITY.—Section 1001 shall*
 7 *not apply to this section and the amendments made by this*
 8 *section.*

9 ***TITLE II—PUBLIC***
 10 ***TRANSPORTATION***
 11 ***Subtitle A—Federal Transit***
 12 ***Administration***

13 ***SEC. 2101. AUTHORIZATIONS.***

14 *(a) IN GENERAL.—Section 5338 of title 49, United*
 15 *States Code, is amended to read as follows:*

16 ***“§ 5338. Authorizations***

17 *“(a) GRANTS.—*

18 *“(1) IN GENERAL.—There shall be available from*
 19 *the Mass Transit Account of the Highway Trust Fund*
 20 *to carry out sections 5305, 5307, 5308, 5310, 5311,*
 21 *5312, 5314, 5318, 5320, 5328, 5335, 5337, 5339, and*
 22 *5340—*

23 *“(A) \$16,185,800,000 for fiscal year 2022;*

24 *“(B) \$16,437,600,000 for fiscal year 2023;*

1 “(C) \$16,700,600,000 for fiscal year 2024;
2 and

3 “(D) \$16,963,600,000 for fiscal year 2025.

4 “(2) *ALLOCATION OF FUNDS.—Of the amounts*
5 *made available under paragraph (1)—*

6 “(A) \$189,879,151 for fiscal year 2022,
7 \$192,841,266 for fiscal year 2023, \$195,926,726
8 for fiscal year 2024, and \$199,002,776 for fiscal
9 year 2025, shall be available to carry out section
10 5305;

11 “(B) \$7,505,830,848 for fiscal year 2022,
12 \$7,622,921,809 for fiscal year 2023,
13 \$7,744,888,558 for fiscal year 2024, and
14 \$7,866,483,309 for fiscal year 2025 shall be allo-
15 cated in accordance with section 5336 to provide
16 financial assistance for urbanized areas under
17 section 5307;

18 “(C) \$101,510,000 for fiscal year 2022,
19 \$103,093,556 for fiscal year 2023, \$104,743,053
20 for fiscal year 2024, and \$106,387,519 for fiscal
21 year 2025 shall be available for grants under sec-
22 tion 5308;

23 “(D) \$434,830,298 for fiscal year 2022,
24 \$441,613,651 for fiscal year 2023, \$448,679,469
25 for fiscal year 2024, and \$455,723,737 for fiscal

1 *year 2025 shall be available to carry out section*
2 *5310, of which not less than—*

3 “(i) \$5,075,500 for fiscal year 2022,
4 \$5,154,678 for fiscal year 2023, \$5,237,153
5 for fiscal year 2024, and \$5,319,376 for fis-
6 cal year 2025 shall be available to carry out
7 section 5310(j); and

8 “(ii) \$20,302,000 for fiscal year 2022,
9 \$20,618,711 for fiscal year 2023,
10 \$20,948,611 for fiscal year 2024, and
11 \$21,277,504 for fiscal year 2025 shall be
12 available to carry out section 5310(k);

13 “(E) \$1,025,199,724 for fiscal year 2022,
14 \$1,041,192,839 for fiscal year 2023,
15 \$1,057,851,925 for fiscal year 2024, and
16 \$1,074,460,200 for fiscal year 2025 shall be
17 available to carry out section 5311, of which not
18 less than—

19 “(i) \$55,679,500 for fiscal year 2022,
20 \$56,392,100 for fiscal year 2023,
21 \$57,134,374 for fiscal year 2024, and
22 \$57,874,383 for fiscal year 2025 shall be
23 available to carry out section 5311(c)(1);
24 and

1 “(ii) \$50,755,000 for fiscal year 2022,
2 \$51,546,778 for fiscal year 2023,
3 \$52,371,526 for fiscal year 2024, and
4 \$53,193,759 for fiscal year 2025 shall be
5 available to carry out section 5311(c)(2);

6 “(F) \$33,498,300 for fiscal year 2022,
7 \$34,020,873 for fiscal year 2023, \$34,565,207 for
8 fiscal year 2024, and \$35,107,881 for fiscal year
9 2025 shall be available to carry out section 5312,
10 of which not less than—

11 “(i) \$5,075,500 for fiscal year 2022,
12 \$5,154,678 for fiscal year 2023, \$5,237,153
13 for fiscal year 2024, and \$5,319,376 for fis-
14 cal year 2025 shall be available to carry out
15 each of sections 5312(d)(3), 5312(d)(4) and
16 5312(j);

17 “(ii) \$3,045,300 for fiscal year 2022,
18 \$3,092,807 for fiscal year 2023, \$3,142,292
19 for fiscal year 2024, and \$3,191,626 for fis-
20 cal year 2025 shall be available to carry out
21 section 5312(h); and

22 “(iii) \$10,151,000 for fiscal year 2022,
23 \$10,309,356 for fiscal year 2023,
24 \$10,474,305 for fiscal year 2024, and

1 \$10,638,752 for fiscal year 2025 shall be
2 available to carry out section 5312(i);

3 “(G) \$23,347,300 for fiscal year 2022,
4 \$23,711,518 for fiscal year 2023, \$24,090,902 for
5 fiscal year 2024, and \$24,469,129 for fiscal year
6 2025 shall be available to carry out section 5314,
7 of which not less than—

8 “(i) \$4,060,400 for fiscal year 2022,
9 \$4,123,742 for fiscal year 2023, \$4,189,722
10 for fiscal year 2024, and \$4,255,501 for fis-
11 cal year 2025 shall be available to carry out
12 section of 5314(a);

13 “(ii) \$5,075,500 for fiscal year 2022,
14 \$5,154,678 for fiscal year 2023, \$5,237,153
15 for fiscal year 2024, and \$5,319,376 for fis-
16 cal year 2025 shall be available to carry out
17 section 5314(c); and

18 “(iii) \$12,181,200 for fiscal year 2022,
19 \$12,371,227 for fiscal year 2023,
20 \$12,569,166 for fiscal year 2024, and
21 \$12,766,502 for fiscal year 2025 shall be
22 available to carry out section 5314(b)(2);

23 “(H) \$5,075,500 for fiscal year 2022,
24 \$5,154,678 for fiscal year 2023, \$5,237,153 for

1 *fiscal year 2024, and \$5,319,376 for fiscal year*
2 *2025 shall be available to carry out section 5318;*

3 *“(I) \$30,453,000 for fiscal year 2022,*
4 *\$30,928,067 for fiscal year 2023, \$31,422,916 for*
5 *fiscal year 2024, and \$31,916,256 for fiscal year*
6 *2025 shall be available to carry out section 5328,*
7 *of which not less than—*

8 *“(i) \$25,377,500 for fiscal year 2022,*
9 *\$25,773,389 for fiscal year 2023,*
10 *\$26,185,763 for fiscal year 2024, and*
11 *\$26,596,880 for fiscal year 2025 shall be*
12 *available to carry out section of 5328(b);*
13 *and*

14 *“(ii) \$2,537,750 for fiscal year 2022,*
15 *\$2,577,339 for fiscal year 2023, \$2,618,576*
16 *for fiscal year 2024, and \$2,659,688 for fis-*
17 *cal year 2025 shall be available to carry out*
18 *section 5328(c);*

19 *“(J) \$4,060,400 for fiscal year 2022,*
20 *\$4,123,742 for fiscal year 2023, \$4,189,722 for*
21 *fiscal year 2024, and \$4,255,501 for fiscal year*
22 *2025 shall be available to carry out section 5335;*

23 *“(K) \$4,192,573,361 for fiscal year 2022,*
24 *\$4,266,448,314 for fiscal year 2023,*
25 *\$4,344,093,870 for fiscal year 2024, and*

1 \$4,422,314,724 for fiscal year 2025 shall be
2 available to carry out section 5337;

3 “(L) to carry out the bus formula program
4 under section 5339(a)—

5 “(i) \$1,240,328,213 for fiscal year
6 2022, \$1,259,667,334 for fiscal year 2023,
7 \$1,279,832,171 for fiscal year 2024, and
8 \$1,299,925,536 for fiscal year 2025; except
9 that

10 “(ii) 15 percent of the amounts under
11 clause (i) shall be available to carry out
12 5339(d);

13 “(M) \$437,080,000 for fiscal year 2022,
14 \$424,748,448 for fiscal year 2023, \$387,944,423
15 for fiscal year 2024, and \$351,100,151 for fiscal
16 year 2025 shall be available to carry out section
17 5339(b);

18 “(N) \$375,000,000 for fiscal year 2022,
19 \$400,000,000 for fiscal year 2023, \$450,000,000
20 for fiscal year 2024, and \$500,000,000 for fiscal
21 year 2025 shall be available to carry out section
22 5339(c); and

23 “(O) \$587,133,905 for each of fiscal years
24 2022 through 2025 shall be available to carry
25 out section 5340 to provide financial assistance

1 *for urbanized areas under section 5307 and*
 2 *rural areas under section 5311, of which—*

3 “(i) \$309,688,908 for each of fiscal
 4 years 2022 through 2025 shall be for grow-
 5 ing States under section 5340(c); and

6 “(ii) \$277,444,997 for each of fiscal
 7 years 2022 through 2025 shall be for high
 8 density States under section 5340(d).

9 “(b) *CAPITAL INVESTMENT GRANTS.*—*There are au-*
 10 *thorized to be appropriated to carry out section 5309*
 11 *\$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for fis-*
 12 *cal year 2023, \$5,000,000,000 for fiscal year 2024, and*
 13 *5,500,000,000 for fiscal year 2025.*

14 “(c) *ADMINISTRATION.*—

15 “(1) *IN GENERAL.*—*There are authorized to be*
 16 *appropriated to carry out section 5334, \$142,060,785*
 17 *for fiscal year 2022, \$144,191,696 for fiscal year*
 18 *2023, \$146,412,248 for fiscal year 2024, and*
 19 *148,652,356 for fiscal year 2025.*

20 “(2) *SECTION 5329.*—*Of the amounts authorized*
 21 *to be appropriated under paragraph (1), not less than*
 22 *\$6,000,000 for each of fiscal years 2022 through 2025*
 23 *shall be available to carry out section 5329.*

24 “(3) *SECTION 5326.*—*Of the amounts made avail-*
 25 *able under paragraph (2), not less than \$2,500,000*

1 *for each of fiscal years 2022 through 2025 shall be*
2 *available to carry out section 5326.*

3 “(d) *OVERSIGHT.*—

4 “(1) *IN GENERAL.*—*Of the amounts made avail-*
5 *able to carry out this chapter for a fiscal year, the*
6 *Secretary may use not more than the following*
7 *amounts for the activities described in paragraph (2):*

8 “(A) *0.5 percent of amounts made available*
9 *to carry out section 5305.*

10 “(B) *0.75 percent of amounts made avail-*
11 *able to carry out section 5307.*

12 “(C) *1 percent of amounts made available*
13 *to carry out section 5309.*

14 “(D) *1 percent of amounts made available*
15 *to carry out section 601 of the Passenger Rail*
16 *Investment and Improvement Act of 2008 (Pub-*
17 *lic Law 110–432; 126 Stat. 4968).*

18 “(E) *0.5 percent of amounts made available*
19 *to carry out section 5310.*

20 “(F) *0.5 percent of amounts made available*
21 *to carry out section 5311.*

22 “(G) *1 percent of amounts made available*
23 *to carry out section 5337, of which not less than*
24 *25 percent of such amounts shall be available to*
25 *carry out section 5329 and of which not less*

1 *than 10 percent of such amounts shall be made*
2 *available to carry out section 5320.*

3 *“(H) 1 percent of amounts made available*
4 *to carry out section 5339 of which not less than*
5 *10 percent of such amounts shall be made avail-*
6 *able to carry out section 5320.*

7 *“(I) 1 percent of amounts made available to*
8 *carry out section 5308.*

9 *“(2) ACTIVITIES.—The activities described in*
10 *this paragraph are as follows:*

11 *“(A) Activities to oversee the construction of*
12 *a major capital project.*

13 *“(B) Activities to review and audit the safe-*
14 *ty and security, procurement, management, and*
15 *financial compliance of a recipient or sub-*
16 *recipient of funds under this chapter.*

17 *“(C) Activities to provide technical assist-*
18 *ance generally, and to provide technical assist-*
19 *ance to correct deficiencies identified in compli-*
20 *ance reviews and audits carried out under this*
21 *section.*

22 *“(3) GOVERNMENT SHARE OF COSTS.—The Gov-*
23 *ernment shall pay the entire cost of carrying out a*
24 *contract under this subsection/activities described in*
25 *paragraph (2).*

1 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
 2 *made available under paragraph (1)(C) shall be made*
 3 *available to the Secretary before allocating the funds*
 4 *appropriated to carry out any project under a full*
 5 *funding grant agreement.*

6 “(e) *GRANTS AS CONTRACTUAL OBLIGATIONS.—*

7 “(1) *GRANTS FINANCED FROM HIGHWAY TRUST*
 8 *FUND.—A grant or contract that is approved by the*
 9 *Secretary and financed with amounts made available*
 10 *from the Mass Transit Account of the Highway Trust*
 11 *Fund pursuant to this section is a contractual obliga-*
 12 *tion of the Government to pay the Government share*
 13 *of the cost of the project.*

14 “(2) *GRANTS FINANCED FROM GENERAL FUND.—*
 15 *A grant or contract that is approved by the Secretary*
 16 *and financed with amounts appropriated in advance*
 17 *from the general fund of the Treasury pursuant to*
 18 *this section is a contractual obligation of the Govern-*
 19 *ment to pay the Government share of the cost of the*
 20 *project only to the extent that amounts are appro-*
 21 *priated for such purpose by an Act of Congress.*

22 “(f) *AVAILABILITY OF AMOUNTS.—Amounts made*
 23 *available by or appropriated under this section shall re-*
 24 *main available until expended.”.*

25 “(b) *CONFORMING AMENDMENTS.—*

1 (1) *Section 5311 of title 49, United States Code,*
2 *is amended by striking “5338(a)(2)(F)” and inserting*
3 *“5338(a)(2)(E)”.*

4 (2) *Section 5312(i)(1) of title 49, United States*
5 *Code, is amended by striking “5338(a)(2)(G)(ii)” and*
6 *inserting “5338(a)(2)(F)(iii)”.*

7 (3) *Section 5333(b) of title 49, United States*
8 *Code, is amended by striking “5328, 5337, and*
9 *5338(b)” each place it appears and inserting “and*
10 *5337”.*

11 (4) *Section 5336 of title 49, United States Code,*
12 *is amended—*

13 (A) *in subsection (d)(1) by striking*
14 *“5338(a)(2)(C)” and inserting “5338(a)(2)(B)”;*
15 *and*

16 (B) *in subsection (h) by striking*
17 *“5338(a)(2)(C)” and inserting “5338(a)(2)(B)”.*

18 (5) *Subsections (c) and (d)(1) of section 5327 of*
19 *title 49, United States Code, are amended by striking*
20 *“5338(f)” and inserting “5338(d)”.*

21 (6) *Section 5340(b) of title 49, United States*
22 *Code, is amended by striking “5338(b)(2)(N)” and in-*
23 *serting “5338(a)(2)(O)”.*

1 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

2 *Section 5302 of title 49, United States Code, is amend-*
3 *ed—*

4 *(1) in paragraph (1)(E)—*

5 *(A) by striking “and the installation” and*
6 *inserting “, the installation”; and*

7 *(B) by inserting “, and bikeshare projects”*
8 *after “public transportation vehicles”;*

9 *(2) in paragraph (3)—*

10 *(A) in subparagraph (G) by striking clause*
11 *(iii) and inserting the following:*

12 *“(iii) provides a fair share of revenue*
13 *established by the Secretary that will be*
14 *used for public transportation, except for a*
15 *joint development that is a community serv-*
16 *ice (as defined by the Federal Transit Ad-*
17 *ministration), publicly operated facility, or*
18 *offers a minimum of 50 percent of units as*
19 *affordable housing, meaning legally binding*
20 *affordability restricted housing units avail-*
21 *able to tenants with incomes below 60 per-*
22 *cent of the area median income or owners*
23 *with incomes below the area median;”;*

24 *(B) in subparagraph (N)—*

25 *(i) by striking “no emission” and in-*
26 *serting “zero emission”; and*

1 (ii) by striking “(as defined in section
2 5339(c))”; and

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

4 “(25) *RESILIENCE*.—

5 “(A) *IN GENERAL*.—The term ‘resilience’
6 means, with respect to a facility, the ability to—

7 “(i) anticipate, prepare for, or adapt
8 to conditions; or

9 “(ii) withstand, respond to, or recover
10 rapidly from disruptions.

11 “(B) *INCLUSIONS*.—Such term includes,
12 with respect to a facility, the ability to—

13 “(i) resist hazards or withstand im-
14 pacts from disruptions;

15 “(ii) reduce the magnitude, duration,
16 or impact of a disruption; or

17 “(iii) have the absorptive capacity,
18 adaptive capacity, and recoverability to de-
19 crease vulnerability to a disruption.

20 “(26) *ASSAULT ON A TRANSIT WORKER*.—The
21 term ‘assault on a transit worker’ means any cir-
22 cumstance in which an individual knowingly, with-
23 out lawful authority or permission, and with intent
24 to endanger the safety of any individual, or with a
25 reckless disregard for the safety of human life, inter-

1 *feres with, disables, or incapacitates any transit*
 2 *worker while the transit worker is performing his or*
 3 *her duties.”.*

4 **SEC. 2103. GENERAL PROVISIONS.**

5 *Section 5323 of title 49, United States Code, is amend-*
 6 *ed—*

7 *(1) in subsection (d)—*

8 *(A) in paragraph (1) by striking “urban*
 9 *area” and inserting “urbanized area”;*

10 *(B) by adding at the end the following:*

11 *“(3) EXCEPTIONS.—This subsection shall not*
 12 *apply to financial assistance under this chapter—*

13 *“(A) in which the non-Federal share of*
 14 *project costs are provided from amounts received*
 15 *under a service agreement with a State or local*
 16 *social service agency or private social service or-*
 17 *ganization pursuant to section 5307(d)(3)(E) or*
 18 *section 5311(g)(3)(C);*

19 *“(B) provided to a recipient or subrecipient*
 20 *whose sole receipt of such assistance derives from*
 21 *section 5310; or*

22 *“(C) provided to a recipient operating a*
 23 *fixed route service that is—*

24 *“(i) for a period of less than 30 days;*

25 *“(ii) accessible to the public;*

1 “(iii) contracted by a local government
2 entity that provides local cost share to the
3 recipient; and

4 “(iv) not contracted for the purposes of
5 a convention or on behalf of a convention
6 and visitors bureau.

7 “(4) GUIDELINES.—The Secretary shall publish
8 guidelines for grant recipients and private bus opera-
9 tors that clarify when and how a transit agency may
10 step back and provide the service in the event a reg-
11 istered charter provider does not contact the customer,
12 provide a quote, or provide the service.”;

13 (2) in subsection (h)—

14 (A) in paragraph (1) by adding “or” at the
15 end; and

16 (B) by striking paragraph (2) and redesign-
17 ating paragraph (3) as paragraph (2);

18 (3) by striking subsection (j) and inserting the
19 following:

20 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

21 “(1) IN GENERAL.—The Secretary shall ensure
22 that an individual who believes that he or she, or a
23 specific class in which the individual belongs, has
24 been subjected to discrimination on the basis of dis-
25 ability by a State or local governmental entity, pri-

1 *vate nonprofit organization, or Tribe that operates a*
2 *public transportation service and is a recipient or*
3 *subrecipient of funds under this chapter, may, by the*
4 *individual or by an authorized representative, file a*
5 *complaint with the Department of Transportation.*

6 “(2) *PROCEDURES.*—Not later than 1 year after
7 *the date of enactment of the INVEST in America Act,*
8 *the Secretary shall implement procedures that allow*
9 *an individual to submit a complaint described in*
10 *paragraph (1) by phone, mail-in form, and online*
11 *through the website of the Office of Civil Rights of the*
12 *Federal Transit Administration.*

13 “(3) *NOTICE TO INDIVIDUALS WITH DISABIL-*
14 *ITIES.*—Not later than 12 months after the date of en-
15 *actment of the INVEST in America Act, the Secretary*
16 *shall require that each public transit provider and*
17 *contractor providing paratransit services shall in-*
18 *clude on a publicly available website of the service*
19 *provider, any related mobile device application, and*
20 *online service—*

21 “(A) *notice that an individual can file a*
22 *disability-related complaint with the local tran-*
23 *sit agency and the process and any timelines for*
24 *filing such a complaint;*

1 “(B) the telephone number, or a comparable
2 electronic means of communication, for the dis-
3 ability assistance hotline of the Office of Civil
4 Rights of the Federal Transit Administration;

5 “(C) notice that a consumer can file a dis-
6 ability related complaint with the Office of Civil
7 Rights of the Federal Transit Administration;
8 and

9 “(D) an active link to the website of the Of-
10 fice of Civil Rights of the Federal Transit Ad-
11 ministration for an individual to file a dis-
12 ability-related complaint.

13 “(4) INVESTIGATION OF COMPLAINTS.—Not later
14 than 60 days after the last day of each fiscal year,
15 the Secretary shall publish a report that lists the dis-
16 position of complaints described in paragraph (1), in-
17 cluding—

18 “(A) the number and type of complaints
19 filed with Department of Transportation;

20 “(B) the number of complaints investigated
21 by the Department;

22 “(C) the result of the complaints that were
23 investigated by the Department including wheth-
24 er the complaint was resolved—

25 “(i) informally;

1 “(ii) by issuing a violation through a
2 noncompliance Letter of Findings; or

3 “(iii) by other means, which shall be
4 described; and

5 “(D) if a violation was issued for a com-
6 plaint, whether the Department resolved the non-
7 compliance by—

8 “(i) reaching a voluntary compliance
9 agreement with the entity;

10 “(ii) referring the matter to the Attor-
11 ney General; or

12 “(iii) by other means, which shall be
13 described.

14 “(5) *REPORT.*—The Secretary shall, upon imple-
15 mentation of this section and annually thereafter,
16 submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives, the Com-
18 mittee on Banking, Housing, and Urban Affairs of
19 the Senate, and make publicly available a report con-
20 taining the information collected under this section.”;

21 (4) by striking subsection (m) and inserting the
22 following:

23 “(m) *PREAWARD AND POSTDELIVERY REVIEW OF*
24 *ROLLING STOCK PURCHASES.*—The Secretary shall pre-
25 scribe regulations requiring a preaward and postdelivery

1 review of a grant under this chapter to buy rolling stock
 2 to ensure compliance with bid specifications requirements
 3 of grant recipients under this chapter. Under this sub-
 4 section, grantee inspections and review are required, and
 5 a manufacturer certification is not sufficient.”; and

6 (5) in subsection (r)—

7 (A) by inserting “or beneficial” after “detrimental”;
 8

9 (B) by striking the period at the end and
 10 inserting “; and”;

11 (C) by striking “under this chapter may not
 12 deny” and inserting the following: “under this
 13 chapter—

14 “(1) may not deny”; and

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

16 “(2) shall respond to any request for reasonable
 17 access within 75 days of the receipt of the request.”.

18 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

19 (a) **STATE OF GOOD REPAIR GRANTS.**—Section
 20 5337(e) of title 49, United States Code, is amended by add-
 21 ing at the end the following:

22 “(3) **ACCESSIBILITY COSTS.**—Notwithstanding
 23 paragraph (1), the Federal share of the net project
 24 cost of a project to provide accessibility in compliance

1 *with the Americans with Disabilities Act of 1990 (42*
 2 *U.S.C. 12101 et seq.) shall be 90 percent.”.*

3 **(b) APPORTIONMENTS BASED ON GROWING STATES**
 4 **AND HIGH DENSITY STATES FORMULA FACTORS.**—Section
 5 5340(a) of title 49, United States Code, is amended by in-
 6 serting “and the District of Columbia” after “United
 7 States”.

8 **(c) TECHNICAL ASSISTANCE AND WORKFORCE DEVEL-**
 9 **OPMENT.**—Section 5314 of title 49, United States Code, is
 10 amended—

11 (1) in subsection (a)(1)(B)—

12 (A) in clause (i) by striking “; and” and
 13 inserting a semicolon;

14 (B) in clause (ii) by striking the period and
 15 inserting “; and”; and

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

17 “(iii) technical assistance to assist re-
 18 cipients with the impacts of a new census
 19 count.”; and

20 (2) in subsection (c)(4)(A) by inserting “, 5311”
 21 after “5307”.

22 **(d) NATIONAL TRANSIT DATABASE.**—Section 5335 of
 23 title 49, United States Code, is amended—

1 (1) in subsection (a) by inserting “, including
2 information on transit routes and ridership on those
3 routes” after “public sector investment decision”; and

4 (2) in subsection (c) by inserting “, any data on
5 each assault on a transit worker, and pedestrian inju-
6 ries and fatalities as a result of an impact with a
7 bus. Each of the data sets shall be publicly reported
8 without aggregating the data with other safety data”
9 after “by the recipient”.

10 (e) *URBANIZED AREA FORMULA GRANTS*.—Section
11 5307 of title 49, United States Code, is amended—

12 (1) in subsection (a)(2)(A)—

13 (A) in clause (i) by striking “or” at the
14 end; and

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

16 “(iii) operate a minimum of 101 buses
17 and a maximum of 125 buses in fixed route
18 service or demand response service, exclud-
19 ing ADA complementary paratransit serv-
20 ice, during peak service hours, in an
21 amount not to exceed 25 percent of the share
22 of the apportionment which is attributable
23 to such systems within the urbanized area,
24 as measured by vehicle revenue hours; or”;

25 (2) in subsection (a)(2)(B)—

1 (A) in clause (i) by striking “or” at the
2 end;

3 (B) in clause (ii) by striking the period at
4 the end and inserting “; or”; and

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

6 “(iii) operate a minimum of 101 buses
7 and a maximum of 125 buses in fixed route
8 service or demand response service, exclud-
9 ing ADA complementary paratransit serv-
10 ice, during peak service hours, in an
11 amount not to exceed 25 percent of the share
12 of the apportionment allocated to such sys-
13 tems within the urbanized area, as deter-
14 mined by the local planning process and in-
15 cluded in the designated recipient’s final
16 program of projects prepared under sub-
17 section (b).”; and

18 (3) in subsection (b)—

19 (A) in paragraph (6) by striking “and” at
20 the end;

21 (B) by redesignating paragraph (7) as
22 paragraph (8); and

23 (C) by inserting after paragraph (6) the fol-
24 lowing:

1 “(7) ensure that the proposed program of projects
2 provides improved access to transit for the individ-
3 uals described in section 5336(j); and”.

4 (f) **TECHNICAL CORRECTION.**—Section
5 5307(a)(2)(B)(ii) of title 49, United States Code, is amend-
6 ed by striking “service during peak” and inserting “service,
7 during peak”.

8 (g) **IMPOSITION OF DEADLINE.**—Section 5324 of title
9 49, United States Code, is amended by adding at the end
10 the following:

11 “(f) **IMPOSITION OF DEADLINE.**—

12 “(1) **IN GENERAL.**—Notwithstanding any other
13 provision of law, the Secretary may not require any
14 project funded under this section to advance to the
15 construction obligation stage before the date that is
16 the last day of the sixth fiscal year after the later of—

17 “(A) the date on which the Governor de-
18 clared the emergency, as described in subsection
19 (d)(1)(A); or

20 “(B) the date on which the President de-
21 clared the emergency to be a major disaster, as
22 described in such subsection.

23 “(2) **EXTENSION OF DEADLINE.**—If the Secretary
24 imposes a deadline for advancement to the construc-
25 tion obligation stage pursuant to paragraph (1), the

1 *Secretary may, upon the request of the Governor of*
 2 *the State, issue an extension of not more than 1 year*
 3 *to complete such advancement, and may issue addi-*
 4 *tional extensions after the expiration of any exten-*
 5 *sion, if the Secretary determines the Governor of the*
 6 *State has provided suitable justification to warrant*
 7 *such an extension.”.*

8 *(h) TRANSPORTATION DEVELOPMENT CREDITS AS*
 9 *LOCAL MATCH.—*

10 *(1) SECTION 5307.—Section 5307(d)(3) of title*
 11 *49, United States Code, is amended—*

12 *(A) in subparagraph (D) by striking “;*
 13 *and” and inserting a semicolon;*

14 *(B) in subparagraph (E) by striking the pe-*
 15 *riod and inserting “; and”; and*

16 *(C) by adding at the end the following:*

17 *“(F) transportation development credits.”.*

18 *(2) SECTION 5309.—Section 5309 of title 49,*
 19 *United States Code, is amended—*

20 *(A) in subsection (f) by adding at the end*
 21 *the following:*

22 *“(3) TRANSPORTATION DEVELOPMENT CRED-*
 23 *ITS.—For purposes of assessments and determinations*
 24 *under this subsection or subsection (h), transportation*
 25 *development credits that are included as a source of*

1 *local financing or match shall be treated the same as*
 2 *other sources of local financing.”; and*

3 *(B) in subsection (l)(4)—*

4 *(i) in subparagraph (B) by striking “;*
 5 *or” and inserting a semicolon;*

6 *(ii) in subparagraph (C) by striking*
 7 *the period and inserting “; or”; and*

8 *(iii) by adding at the end the fol-*
 9 *lowing:*

10 *“(D) transportation development credits.”.*

11 *(3) SECTION 5339.—Section 5339(a)(7)(B) of title*
 12 *49, United States Code, is amended—*

13 *(A) in clause (iv) by striking “; or” and in-*
 14 *serting a semicolon;*

15 *(B) in clause (v) by striking the period and*
 16 *inserting “; or”; and*

17 *(C) by adding at the end the following:*

18 *“(vi) transportation development cred-*
 19 *its.”.*

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 of
6 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 and
12 distribute formula funds provided for under chapter 53 of
13 title 49, United States Code, using data submitted to the
14 2019 National Transit Database.

15 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

16 Section 5303 of title 49, United States Code, is amend-
17 ed—

18 (1) by amending subsection (a)(1) to read as fol-
19 lows:

20 “(1) to encourage and promote the safe and effi-
21 cient management, operation, and development of sur-
22 face transportation systems that will serve the mobil-
23 ity needs of people and freight, foster economic growth
24 and development within and between States and ur-
25 banized areas, and take into consideration resiliency

1 *and climate change adaptation needs while reducing*
 2 *transportation-related fuel consumption, air pollu-*
 3 *tion, and greenhouse gas emissions through metropoli-*
 4 *tan and statewide transportation planning processes*
 5 *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 fol-*
 10 *lowing:*

11 *“(6) STIP.—The term ‘STIP’ means a statewide*
 12 *transportation improvement program developed by a*
 13 *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 later*
 25 *than 2 years after the date of enactment of the*

1 *Federal Public Transportation Act of 2012,*
2 *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 officials*
8 *or representatives under paragraph (2), the*
9 *metropolitan planning organization shall*
10 *consider the equitable and proportional rep-*
11 *resentation of the population of the metro-*
12 *politan 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 this*
20 *paragraph shall apply to any metropolitan*
21 *planning organization redesignated under*
22 *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 metropoli-*
 6 *tan 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, including*
3 *information used in forecasting travel demand.*

4 “(B) SAVINGS CLAUSE.—Nothing in this
5 *paragraph requires metropolitan planning orga-*
6 *nizations designated within a single urbanized*
7 *area to jointly develop planning documents, in-*
8 *cluding a unified long-range transportation plan*
9 *or unified TIP.”;*

10 *(6) in subsection (h)(1)—*

11 *(A) by striking subparagraph (E) and in-*
12 *serting the following:*

13 “(E) *protect and enhance the environment,*
14 *promote energy conservation, reduce greenhouse*
15 *gas emissions, improve the quality of life and*
16 *public health, and promote consistency between*
17 *transportation improvements and State and*
18 *local planned growth and economic development*
19 *patterns, including housing and land use pat-*
20 *terns;”;*

21 *(B) in subparagraph (H) by striking “and”*
22 *at the end;*

23 *(C) in subparagraph (I) by striking the pe-*
24 *riod at the end and inserting “and reduce or*
25 *mitigate stormwater, sea level rise, extreme*

1 *weather, and climate change impacts of surface*
2 *transportation;”;* and

3 *(D) by inserting after subparagraph (I) the*
4 *following:*

5 *“(J) facilitate emergency management, re-*
6 *sponse, and evacuation and hazard mitigation;*

7 *“(K) improve the level of transportation*
8 *system access; and*

9 *“(L) support inclusive zoning policies and*
10 *land use planning practices that incentivize af-*
11 *fordable, elastic, and diverse housing supply, fa-*
12 *cilitate long-term economic growth by improving*
13 *the accessibility of housing to jobs, and prevent*
14 *high housing costs from displacing economically*
15 *disadvantaged households.”;*

16 *(7) in subsection (h)(2) by striking subpara-*
17 *graph (A) and inserting the following:*

18 *“(A) IN GENERAL.—Through the use of a*
19 *performance-based approach, transportation in-*
20 *vestment decisions made as a part of the metro-*
21 *politan transportation planning process shall*
22 *support the national goals described in section*
23 *150(b), the achievement of metropolitan and*
24 *statewide targets established under section*
25 *150(d), the improvement of transportation sys-*

tem access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.”;

(8) in subsection (i)—

(A) in paragraph (1) by striking “(i) IN GENERAL” and all that follows through “every 5 years” and inserting “The metropolitan planning organization shall prepare and update such plan every 4 years”;

(B) in paragraph (2)(D)(i) by inserting “reduce greenhouse gas emissions and” before “restore and maintain”;

(C) in paragraph (2)(G) by inserting “and climate change” after “infrastructure to natural disasters”;

(D) in paragraph (2)(H) by inserting “greenhouse gas emissions,” after “pollution,”;

(E) in paragraph (5)—

(i) in subparagraph (A) by inserting “air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,” after “conservation,”; and

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

1 “(B) *ISSUES.*—*The consultation shall in-*
2 *volve, as appropriate, comparison of transpor-*
3 *tation plans to other relevant plans, including, if*
4 *available—*

5 “(i) *State conservation plans or maps;*
6 *and*

7 “(ii) *inventories of natural or historic*
8 *resources.”; and*

9 “(F) *by amending paragraph (6)(C) to read*
10 *as follows:*

11 “(C) *METHODS.*—

12 “(i) *IN GENERAL.*—*In carrying out*
13 *subparagraph (A), the metropolitan plan-*
14 *ning organization shall, to the maximum*
15 *extent practicable—*

16 “(I) *hold any public meetings at*
17 *convenient and accessible locations and*
18 *times;*

19 “(II) *employ visualization tech-*
20 *niques to describe plans; and*

21 “(III) *make public information*
22 *available in electronically accessible*
23 *format and means, such as the World*
24 *Wide Web, as appropriate to afford*
25 *reasonable opportunity for consider-*

1 *ation of public information under sub-*
 2 *paragraph (A).*

3 “(ii) *ADDITIONAL METHODS.—In addi-*
 4 *tion to the methods described in clause (i),*
 5 *in carrying out subparagraph (A), the met-*
 6 *ropolitan planning organization shall, to*
 7 *the maximum extent practicable—*

8 “(I) *use virtual public involve-*
 9 *ment, social media, and other web-*
 10 *based tools to encourage public partici-*
 11 *pation and solicit public feedback; and*

12 “(II) *use other methods, as appro-*
 13 *priate, to further encourage public par-*
 14 *ticipation of historically underrep-*
 15 *resented individuals in the transpor-*
 16 *tation planning process.”;*

17 (9) *in subsection (j)—*

18 (A) *by striking “transportation improve-*
 19 *ment program” and inserting “TIP” each place*
 20 *it appears; and*

21 (B) *in paragraph (2)(D)—*

22 (i) *by striking “PERFORMANCE TAR-*
 23 *GET ACHIEVEMENT” and inserting “PER-*
 24 *FORMANCE MANAGEMENT”;*

1 (ii) by striking “The TIP” and insert-
2 ing the following:

3 “(i) IN GENERAL.—The TIP”; and
4 (iii) by adding at the end the fol-
5 lowing:

6 “(ii) TRANSPORTATION MANAGEMENT
7 AREAS.—For metropolitan planning areas
8 that represent an urbanized area designated
9 as a transportation management area
10 under subsection (k), the TIP shall in-
11 clude—

12 “(I) a discussion of the antici-
13 pated effect of the TIP toward achiev-
14 ing the performance targets established
15 in the metropolitan transportation
16 plan, linking investment priorities to
17 such performance targets; and

18 “(II) a description of how the TIP
19 would improve the overall level of
20 transportation system access, consistent
21 with section 150(f) of title 23.”;

22 (10) in subsection (k)—

23 (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 with
14 section 150(f) of title 23, that is based on a
15 cooperatively developed and implemented
16 metropolitan-wide strategy, assessing both
17 new and existing transportation facilities
18 eligible for funding under this chapter and
19 title 23.”; 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 sys-
5 tem access, consistent with section 150(f) of
6 title 23.”;

7 (11) in subsection (l)(2)—

8 (A) by striking “5 years after the date of
9 enactment of the Federal Public Transportation
10 Act of 2012” and inserting “2 years after the
11 date of enactment of the INVEST in America
12 Act, and every 2 years thereafter,”;

13 (B) in subparagraph (C) by striking “and
14 whether metropolitan planning organizations are
15 developing meaningful performance targets; and”
16 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 es-
22 tablished by the metropolitan planning organiza-
23 tion are meaningful or regressive (as defined in
24 section 150(d)(3)(B) of title 23); and

1 “(E) the progress of implementing the meas-
 2 ure established under section 150(f) of title 23
 3 and related requirements under this section and
 4 section 135 of title 23.”; and
 5 (12) by striking “Federally” each place it ap-
 6 pears and inserting “federally”.

7 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
 8 **PORTATION PLANNING.**

9 Section 5304 of title 49, United States Code, is amend-
 10 ed—

11 (1) in subsection (a)—

12 (A) in paragraph (1) by striking “statewide
 13 transportation improvement program” and in-
 14 serting “STIP”;

15 (B) in paragraph (2)—

16 (i) by striking “The statewide trans-
 17 portation plan and the” and inserting the
 18 following:

19 “(A) *IN GENERAL.*—The statewide transpor-
 20 tation plan and the”;

21 (ii) by striking “transportation im-
 22 provement program” and inserting “STIP”;
 23 and

24 (iii) by adding at the end the fol-
 25 lowing:

1 “(B) *CONSIDERATION.*—*In developing the*
2 *statewide transportation plans and STIPs,*
3 *States shall consider direct and indirect emis-*
4 *sions of greenhouse gases.”; and*

5 (C) *in paragraph (3) by striking “transpor-*
6 *tation improvement program” and inserting*
7 *“STIP”;*

8 (2) *in subsection (d)—*

9 (A) *in paragraph (1)—*

10 (i) *in subparagraph (E)—*

11 (I) *by inserting “reduce green-*
12 *house gas emissions,” after “promote*
13 *energy conservation,”;*

14 (II) *by inserting “and public*
15 *health” after “improve the quality of*
16 *life”;* and

17 (III) *by inserting “, including*
18 *housing and land use patterns” after*
19 *“economic development patterns”;*

20 (ii) *in subparagraph (H) by striking*
21 *“and”;*

22 (iii) *in subparagraph (I) by striking*
23 *the period at the end and inserting “and re-*
24 *duce or mitigate stormwater, sea level rise,*

1 *extreme weather, and climate change im-*
2 *pacts of surface transportation;”;* and

3 *(iv) by adding at the end the following:*

4 *“(J) facilitate emergency management, re-*
5 *sponse, and evacuation and hazard mitigation;*

6 *“(K) improve the level of transportation*
7 *system access; and*

8 *“(L) support inclusive zoning policies and*
9 *land use planning practices that incentivize af-*
10 *fordable, elastic, and diverse housing supply, fa-*
11 *cilitate long-term economic growth by improving*
12 *the accessibility of housing to jobs, and prevent*
13 *high housing costs from displacing economically*
14 *disadvantaged households.”;*

15 *(B) in paragraph (2)—*

16 *(i) by striking subparagraph (A) and*
17 *inserting the following:*

18 *“(A) IN GENERAL.—Through the use of a*
19 *performance-based approach, transportation in-*
20 *vestment decisions made as a part of the state-*
21 *wide transportation planning process shall sup-*
22 *port—*

23 *“(i) the national goals described in sec-*
24 *tion 150(b);*

1 “(ii) the consideration of transpor-
 2 tation system access (consistent with section
 3 150(f));

4 “(iii) the achievement of statewide tar-
 5 gets established under section 150(c); and

6 “(iv) the general purposes described in
 7 section 5301 of title 49.”; and

8 (ii) in subparagraph (D) by striking
 9 “statewide transportation improvement pro-
 10 gram” and inserting “STIP”; and

11 (C) in paragraph (3) by striking “statewide
 12 transportation improvement program” and in-
 13 serting “STIP”;

14 (3) in subsection (e)(3) by striking “transpor-
 15 tation improvement program” and inserting “STIP”;

16 (4) in subsection (f)—

17 (A) in paragraph (2)(D)—

18 (i) in clause (i) by inserting “air qual-
 19 ity, public health, housing, transportation,
 20 resilience, hazard mitigation, emergency
 21 management,” after “conservation,”; and

22 (ii) by amending clause (ii) to read as
 23 follows:

24 “(ii) COMPARISON AND CONSIDER-
 25 ATION.—Consultation under clause (i) shall

1 *involve the comparison of transportation*
2 *plans to other relevant plans and inven-*
3 *tories, including, if available—*

4 *“(I) State and tribal conservation*
5 *plans or maps; and*

6 *“(II) inventories of natural or*
7 *historic resources.”;*

8 *(B) in paragraph (3)(B)—*

9 *(i) by striking “In carrying out” and*
10 *inserting the following:*

11 *“(i) IN GENERAL.—in carrying out”;*

12 *(ii) by redesignating clauses (i)*
13 *through (iv) as subclauses (I) through (IV),*
14 *respectively; and*

15 *(iii) by adding at the end the fol-*
16 *lowing:*

17 *“(ii) ADDITIONAL METHODS.—In addi-*
18 *tion to the methods described in clause (i),*
19 *in carrying out subparagraph (A), the State*
20 *shall, to the maximum extent practicable—*

21 *“(I) use virtual public involve-*
22 *ment, social media, and other web-*
23 *based tools to encourage public partici-*
24 *pation and solicit public feedback; and*

1 “(II) use other methods, as appro-
2 priate, to further encourage public par-
3 ticipation of historically underrep-
4 resented individuals in the transpor-
5 tation planning process.”;

6 (C) in paragraph (4)(A) by inserting “re-
7 duce greenhouse gas emissions and” after “poten-
8 tial to”; and

9 (D) in paragraph (8) by inserting “includ-
10 ing consideration of the role that intercity buses
11 may play in reducing congestion, pollution,
12 greenhouse gas emissions, and energy consump-
13 tion in a cost-effective manner and strategies
14 and investments that preserve and enhance inter-
15 city bus systems, including systems that are pri-
16 vately owned and operated” after “transpor-
17 tation system”;

18 (5) in subsection (g)—

19 (A) in paragraph (1)(A) by striking “state-
20 wide transportation improvement program” and
21 inserting “STIP”;

22 (B) in paragraph (4)—

23 (i) by striking “PERFORMANCE TAR-
24 GET ACHIEVEMENT” and inserting “PER-
25 FORMANCE MANAGEMENT”;

1 (ii) by striking “shall include, to the
2 maximum extent practicable, a discussion”
3 and inserting the following: “shall include
4 “(A) a discussion”;

5 (iii) by striking the period at the end
6 and inserting “; and”;

7 (iv) by striking “statewide transpor-
8 tation improvement program” and insert-
9 ing “STIP” each place it appears; and

10 (v) by adding at the end the following:
11 “(B) a consideration of how the STIP im-
12 pacts the overall level of transportation system
13 access, consistent with section 150(f) of title 23.”;

14 (C) in paragraph (5)—

15 (i) in subparagraph (A) by striking
16 “transportation improvement program”
17 and inserting “STIP”;

18 (ii) in subparagraph (B)(ii) by strik-
19 ing “metropolitan transportation improve-
20 ment program” and inserting “TIP”;

21 (iii) in subparagraph (C) by striking
22 “transportation improvement program”
23 and inserting “STIP” each place it ap-
24 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 (D) 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 car-
20 ried out under the bridge program or
21 the Interstate maintenance program
22 under title 23”; and

23 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate main-
3 tenance program”;

4 (II) by striking “statewide trans-
5 portation improvement program” and
6 inserting “STIP”;

7 (E) in paragraph (7)—

8 (i) in the heading by striking “TRANS-
9 PORTATION IMPROVEMENT PROGRAM” and
10 inserting “STIP”; and

11 (ii) by striking “transportation im-
12 provement program” and inserting “STIP”;

13 (F) in paragraph (8) by striking “statewide
14 transportation plans and programs” and insert-
15 ing “statewide transportation plans and STIPs”;
16 and

17 (G) in paragraph (9) by striking “transpor-
18 tation improvement program” and inserting
19 “STIP”;

20 (6) in subsection (h)(2)(A) by striking “Not later
21 than 5 years after the date of enactment of the Fed-
22 eral Public Transportation Act of 2012,” and insert-
23 ing “Not less frequently than once every 4 years,”;

1 (7) in subsection (j) by striking “transportation
2 improvement program” and inserting “STIP” each
3 place it appears;

4 (8) in subsection (l) by striking “transportation
5 improvement programs” and inserting “STIPs”.

6 **SEC. 2109. OBLIGATION LIMITATION.**

7 Notwithstanding any other provision of law, the total
8 of all obligations from amounts made available from the
9 Mass Transit Account of the Highway Trust Fund by sub-
10 section (a) of section 5338 of title 49, United States Code,
11 shall not exceed—

12 (1) \$16,185,800,000 in fiscal year 2022;

13 (2) \$16,437,600,000 in fiscal year 2023;

14 (3) \$16,700,600,000 in fiscal year 2024; and

15 (4) \$16,963,600,000 in fiscal year 2025.

16 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
17 **FUNDS.**

18 Section 5324 of title 49, United States Code, is further
19 amended by adding at the end the following:

20 “(g) *IMPOSITION OF DEADLINE.*—

21 “(1) *IN GENERAL.*—Notwithstanding any other
22 provision of law, the Secretary may not require any
23 project funded pursuant to this section to advance to
24 the construction obligation stage before the date that

1 *is the last day of the sixth fiscal year after the later*
 2 *of—*

3 *“(A) the date on which the Governor de-*
 4 *clared the emergency, as described in subsection*
 5 *(a)(2); or*

6 *“(B) the date on which the President de-*
 7 *clared a major disaster, as described in such sub-*
 8 *section.*

9 *“(2) EXTENSION OF DEADLINE.—If the Secretary*
 10 *imposes a deadline for advancement to the construc-*
 11 *tion obligation stage pursuant to paragraph (1), the*
 12 *Secretary may, upon the request of the Governor of*
 13 *the State, issue an extension of not more than 1 year*
 14 *to complete such advancement, and may issue addi-*
 15 *tional extensions after the expiration of any exten-*
 16 *sion, if the Secretary determines the Governor of the*
 17 *State has provided suitable justification to warrant*
 18 *an extension.”.*

19 **SEC. 2111. GENERAL PROVISIONS.**

20 *(a) REASONABLE ACCESS TO PUBLIC TRANSPOR-*
 21 *TATION FACILITIES.—Section 5323(r) of title 49, United*
 22 *States Code, is amended to read as follows:*

23 *“(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-*
 24 *TATION FACILITIES.—*

1 “(1) *IN GENERAL.*—A recipient of assistance
2 under this chapter may not deny reasonable access for
3 a private or charter transportation operator to feder-
4 ally funded public transportation facilities, including
5 intermodal facilities, park and ride lots, and bus-only
6 highway lanes. In determining reasonable access, ca-
7 pacity requirements of the recipient of assistance and
8 the extent to which access would be detrimental or
9 beneficial to existing public transportation services
10 must be considered. A recipient shall respond to any
11 request for reasonable access within 90 days of the re-
12 ceipt of the request.

13 “(2) *RESPONSE TO REQUEST.*—

14 “(A) *IN GENERAL.*—If a recipient of assist-
15 ance under this chapter fails to respond to a re-
16 quest within the 90-day period described in
17 paragraph (1), the operator may seek assistance
18 from the Secretary to obtain a response.

19 “(B) *DENIAL OF ACCESS.*—If a recipient of
20 assistance under this chapter denies access to a
21 private intercity or charter transportation oper-
22 ator based on the reasonable access standards
23 provided in paragraph (1), the recipient shall
24 provide, in writing, the reasons for the denial.”.

1 (b) *WAIVERS AND DEFERRALS; ADMINISTRATIVE OP-*
2 *TION.—Section 5323 of title 49, United States Code, is*
3 *amended by striking subsection (t) and inserting the fol-*
4 *lowing:*

5 “(t) *WAIVERS AND DEFERRALS; ADMINISTRATIVE OP-*
6 *TION.—*

7 “(1) *IN GENERAL.—Notwithstanding any other*
8 *provision of law, the Secretary shall have the author-*
9 *ity to waive, exempt, defer, or establish a simplified*
10 *level of compliance for recipients of assistance under*
11 *this chapter that operate 10 or fewer vehicles in serv-*
12 *ice, or that receive financial assistance under both*
13 *sections 5307 and 5311 of this chapter.*

14 “(2) *GUIDANCE REQUIRED.—Not later than 180*
15 *days of enactment of the INVEST in America Act, the*
16 *Secretary shall publish guidance for recipients of as-*
17 *sistance under this chapter that operate 10 or fewer*
18 *buses in service or that receive financial assistance*
19 *under both of sections 5307 and 5311 concerning—*

20 “(A) *which specific requirements may be*
21 *considered for waivers, exemptions, deferrals, or*
22 *simplified levels of compliance by recipients of*
23 *assistance described in paragraph (1);*

24 “(B) *the process by which recipients of as-*
25 *sistance described in paragraph (1) may request*

1 *such waivers, exemptions, deferrals, or simplified*
2 *levels of compliance;*

3 *“(C) the criteria by which the Secretary*
4 *shall evaluate and act upon such requests;*

5 *“(D) the terms and conditions the Secretary*
6 *shall attach to any waiver, exemption, deferral*
7 *or simplified level of compliance that is awarded*
8 *under paragraph (1);*

9 *“(E) actions the Secretary may take if a re-*
10 *cipient fails to comply the terms and conditions*
11 *attached to a waiver, exemption, deferral, or*
12 *simplified level of compliance that has been*
13 *awarded under paragraph (1); and*

14 *“(F) the circumstances under which the Sec-*
15 *retary may use this paragraph to award a waiv-*
16 *er, exemption, deferral or simplified level of com-*
17 *pliance to a recipient of assistance under this*
18 *chapter and described in this paragraph.*

19 *“(3) MAINTAIN SAFETY.—The Secretary shall not*
20 *to take any action under this subsection that would*
21 *degrade safety to lives or property.*

22 *“(4) REPORT.—The Secretary shall submit to the*
23 *Committee of Banking, Housing, and Urban Affairs*
24 *of the Senate and the Committee of Transportation*
25 *and Infrastructure of the House of Representatives an*

1 *annual report detailing the requests and actions that*
 2 *have been taken under this subsection in the preceding*
 3 *12 months.”.*

4 *(c) THRESHOLD FOR THE SALE OF TRANSIT VEHI-*
 5 *CLES AFTER SERVICE LIFE.—Section 5323 of title 49,*
 6 *United States Code, is amended by adding at the end the*
 7 *following:*

8 *“(w) THRESHOLD FOR THE SALE OF TRANSIT VEHI-*
 9 *CLES AFTER SERVICE LIFE.—Notwithstanding any other*
 10 *provision of law or regulation, for programs under this*
 11 *chapter the threshold amount for transit vehicles after the*
 12 *service life is reached shall be 20 percent of the original*
 13 *acquisition cost of the purchased equipment. For transit ve-*
 14 *hicles sold for an amount above such amount, the threshold*
 15 *amount shall be retained by the transit agency upon sale*
 16 *of the asset for use by the transit agency for the purpose*
 17 *or operating or capital expenditures, and the remainder*
 18 *shall be remitted to the Secretary and shall be deposited*
 19 *into the Mass Transit Account of the Highway Trust Fund.*
 20 *If such a vehicle is sold for an amount below or equal to*
 21 *the threshold amount, the transit agency shall retain all*
 22 *funds from the sale.”.*

23 **SEC. 2112. CERTIFICATION REQUIREMENTS.**

24 *The certification requirements described in section*
 25 *661.12 of title 49, Code of Federal Regulations, shall, after*

1 *the date of enactment of this Act, include a certification*
 2 *that buses or other rolling stock (including train control,*
 3 *communication and traction power equipment) being pro-*
 4 *cured do not contain or use any covered telecommunications*
 5 *equipment or services, as such term is defined by section*
 6 *889 of the John S. McCain National Defense Authorization*
 7 *Act for Fiscal Year 2019 (Public Law 115–232);*

8 ***Subtitle B—Improving Frequency***
 9 ***and Ridership***

10 ***SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND***
 11 ***RIDERSHIP COMPETITIVE GRANTS.***

12 *(a) IN GENERAL.—Chapter 53 of title 49, United*
 13 *States Code, is amended by inserting after section 5307 the*
 14 *following new section:*

15 ***“§ 5308. Multi-jurisdictional bus frequency and rider-***
 16 ***ship competitive grants***

17 ***“(a) IN GENERAL.—The Secretary shall make grants***
 18 *under this section, on a competitive basis, to eligible recipi-*
 19 *ents to increase the frequency and ridership of public tran-*
 20 *sit buses.*

21 ***“(b) APPLICATIONS.—To be eligible for a grant under***
 22 *this section, an eligible recipient shall submit to the Sec-*
 23 *retary an application at such time, in such manner, and*
 24 *containing such information as the Secretary may require.*

1 “(c) *APPLICATION TIMING.*—Not later than 90 days
 2 after amounts are made available to carry out this section,
 3 the Secretary shall solicit grant applications from eligible
 4 recipients for projects described in subsection (d).

5 “(d) *USES OF FUNDS.*—An eligible recipient of a
 6 grant under this section shall use such grant for capital
 7 projects that—

8 “(1) increase—

9 “(A) the frequency of bus service;

10 “(B) bus ridership; and

11 “(C) total person throughput; and

12 “(2) are consistent with, and as described in, the
 13 design guidance issued by the National Association of
 14 City Transportation Officials and titled ‘Transit
 15 Street Design Guide’.

16 “(e) *GRANT CRITERIA.*—In making grants under this
 17 section, the Secretary shall consider the following:

18 “(1) Each eligible recipient’s projected increase
 19 in bus frequency.

20 “(2) Each eligible recipient’s projected increase
 21 in bus ridership.

22 “(3) Each eligible recipient’s projected increase
 23 in total person throughput.

1 “(4) *The degree of regional collaboration de-*
2 *scribed in each eligible recipient’s application, includ-*
3 *ing collaboration with—*

4 “(A) *a local government entity that operates*
5 *a public transportation service;*

6 “(B) *local government agencies that control*
7 *street design;*

8 “(C) *metropolitan planning organizations*
9 *(as such term is defined in section 5303); and*

10 “(D) *State departments of transportation.*

11 “(f) *GRANT TIMING.—The Secretary shall award*
12 *grants under this section not later than 120 days after the*
13 *date on which the Secretary completes the solicitation de-*
14 *scribed in subsection (c).*

15 “(g) *REQUIREMENTS OF THE SECRETARY.—In car-*
16 *rying out the program under this section, the Secretary*
17 *shall—*

18 “(1) *not later than the date described in sub-*
19 *section (c), publish in the Federal Register a list of*
20 *all metrics and evaluation procedures to be used in*
21 *making grants under this section; and*

22 “(2) *publish in the Federal Register—*

23 “(A) *a summary of the final metrics and*
24 *evaluations used in making grants under this*
25 *section; and*

1 “(B) a list of the ratings of eligible recipi-
 2 ents receiving a grant under this section based
 3 on such metrics and evaluations.

4 “(h) *FEDERAL SHARE*.—

5 “(1) *IN GENERAL*.—*The Federal share of the cost*
 6 *of a project carried out under this section shall not*
 7 *exceed 80 percent.*

8 “(2) *RESTRICTION ON GRANT AMOUNTS*.—*The*
 9 *Secretary may make a grant for a project under this*
 10 *section in an amount up to 150 percent of the*
 11 *amount—*

12 “(A) *provided for such project under title*
 13 *23; and*

14 “(B) *provided for such project from non-*
 15 *Federal funds budgeted for roadways.*

16 “(i) *REQUIREMENTS OF SECTION 5307*.—*Except as*
 17 *otherwise provided in this section, a grant under this sec-*
 18 *tion shall be subject to the requirements of section 5307.*

19 “(j) *AVAILABILITY OF FUNDS*.—

20 “(1) *IN GENERAL*.—*Amounts made available to*
 21 *carry out this section shall remain available for 4 fis-*
 22 *cal years after the fiscal year for which the amount*
 23 *was made available.*

24 “(2) *UNOBLIGATED AMOUNTS*.—*After the expira-*
 25 *tion of the period described in paragraph (1) for an*

1 amount made available to carry out this section, any
2 unobligated amounts made available to carry out this
3 section shall be added to the amounts made available
4 for the following fiscal year.

5 “(k) *ELIGIBLE RECIPIENTS.*—In this section, the term
6 ‘eligible recipient’ means a recipient of a grant under sec-
7 tion 5307 in an urbanized area with a population greater
8 than 500,000.”.

9 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
10 *53 of title 49, United States Code, is amended by inserting*
11 *after the item relating to section 5307 the following new*
12 *item:*

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

13 *SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-*
14 *MULA.*

15 *Section 5336 of title 49, United States Code, is amend-*
16 *ed—*

17 (1) in subsection (b)—

18 (A) in paragraph (2)—

19 *(i) in subparagraph (A)—*

20 *(I) in the matter preceding clause*

21 (i) by striking “95.61 percent” and in-
22 scribing “95 percent”;

23 (II) in clause (i) by striking
24 “95.61 percent” and inserting “95 per-
25 cent”; and

1 (III) in clause (ii) by striking
2 “95.61 percent” and inserting “95 per-
3 cent”; and

4 (ii) in subparagraph (B)—

5 (I) in the matter preceding clause
6 (i) by striking “4.39 percent” and in-
7 serting “5 percent”;

8 (II) in clause (i)—

9 (aa) by inserting “in the
10 highest 25 percent of routes by
11 ridership” before “multiplied by”;
12 and

13 (bb) by striking “vehicle pas-
14 senger miles traveled for each dol-
15 lar of operating cost in an area”
16 and inserting “vehicles operating
17 in peak revenue service per hour
18 in the highest 25 percent of routes
19 by ridership”; and

20 (III) in clause (ii)—

21 (aa) by inserting “in the
22 highest 25 percent of routes by
23 ridership” before “multiplied by”;
24 and

1 (bb) by striking “vehicle pas-
 2 senger miles traveled for each dol-
 3 lar of operating cost in all areas”
 4 and inserting “vehicles operating
 5 in peak revenue service per hour
 6 in the highest 25 percent of routes
 7 by ridership”; and

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

9 “(3) *SPECIAL RULE.*—For fiscal year 2022, the
 10 percentage—

11 “(A) in paragraph (2)(A) in the matter
 12 preceding clause (i) shall be treated as 100 per-
 13 cent; and

14 “(B) in paragraph (2)(B) in the matter
 15 preceding clause (i) shall be treated as 0 per-
 16 cent.”;

17 (2) in subsection (c)—

18 (A) in paragraph (1) by striking “90.8 per-
 19 cent” and inserting “90 percent” each place it
 20 appears;

21 (B) in paragraph (2)—

22 (i) by striking “9.2 percent” and in-
 23 serting “8 percent”;

24 (ii) by striking “200,000” and insert-
 25 ing “500,000”;

1 (iii) by striking subparagraph (A) and
2 inserting the following:

3 “(A) the number of bus passenger miles
4 traveled on the highest 25 percent of routes by
5 ridership multiplied by the number of buses op-
6 erating in peak revenue service per hour on the
7 highest 25 percent of routes by ridership; divided
8 by”; and

9 (iv) by striking subparagraph (B) and
10 inserting the following:

11 “(B) the total number of bus passenger
12 miles traveled on the highest 25 percent of routes
13 by ridership multiplied by the total number of
14 buses operating in peak revenue service per hour
15 on the highest 25 percent of routes by ridership
16 in all areas.”; and

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

18 “(3) 2 percent of the total amount apportioned
19 under this subsection shall be apportioned so that
20 each urbanized area with a population of at least
21 200,000 and less than 500,000 is entitled to receive
22 an amount using the formula in paragraph (1).

23 “(4) For fiscal year 2022, the percentage—

1 “(A) in paragraph (1) in the matter pre-
 2 ceding subparagraph (A) shall be treated as 100
 3 percent;

4 “(B) in paragraph (2) in the matter pre-
 5 ceding subparagraph (A) shall be treated as 0
 6 percent; and

7 “(C) in paragraph (3) shall be treated as 0
 8 percent.”; and

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

10 “(k) *PEAK REVENUE SERVICE DEFINED.*—In this sec-
 11 tion, the term ‘peak revenue service’ means the time period
 12 between the time in the morning that an agency first ex-
 13 ceeds the number of midday vehicles in revenue service and
 14 the time in the evening that an agency falls below the num-
 15 ber of midday vehicles in revenue service.”.

16 **SEC. 2203. MOBILITY INNOVATION.**

17 (a) *IN GENERAL.*—Chapter 53 of title 49, United
 18 States Code, is amended by inserting after section 5315 the
 19 following new section:

20 **“§ 5316. Mobility innovation**

21 “(a) *IN GENERAL.*—Amounts made available to a cov-
 22 ered recipient to carry out sections 5307, 5310, and 5311
 23 may be used by such covered recipient under this section
 24 to assist in the financing of—

25 “(1) mobility as a service; and

1 “(2) *mobility on demand services.*

2 “(b) *FEDERAL SHARE.—*

3 “(1) *IN GENERAL.—Except as provided in para-*
4 *graphs (2) and (3), the Federal share of the net cost*
5 *of a project carried out under this section shall not*
6 *exceed 80 percent.*

7 “(2) *INSOURCING INCENTIVE.—Notwithstanding*
8 *paragraph (1), the Federal share of the net cost of a*
9 *project described in paragraph (1) shall be reduced by*
10 *25 percent if the recipient uses a third-party contract*
11 *for a mobility on demand service.*

12 “(3) *ZERO EMISSION INCENTIVE.—Notwith-*
13 *standing paragraph (1), the Federal share of the net*
14 *cost of a project described in paragraph (1) shall be*
15 *reduced by 25 percent if such project involves an eli-*
16 *gible use that uses a vehicle that produces carbon di-*
17 *oxide or particulate matter.*

18 “(c) *ELIGIBLE USES.—*

19 “(1) *IN GENERAL.—The Secretary shall publish*
20 *guidance describing eligible activities that are dem-*
21 *onstrated to—*

22 “(A) *increase transit ridership;*

23 “(B) *be complementary to fixed route tran-*
24 *sit service;*

1 “(C) *demonstrate substantial improvements*
2 *in—*

3 “(i) *environmental metrics, including*
4 *standards established pursuant to the Clean*
5 *Air Act (42 U.S.C. 7401 et seq.) and green-*
6 *house gas performance targets established*
7 *pursuant to section 150(d) of title 23;*

8 “(ii) *traffic congestion;*

9 “(iii) *compliance with the require-*
10 *ments under the Americans with Disabil-*
11 *ities Act of 1990 (42 U.S.C. 12101 et seq.);*

12 “(iv) *low-income service to increase ac-*
13 *cess to employment, healthcare, and other*
14 *essential services;*

15 “(v) *service outside of transit agency*
16 *operating hours, provided that the transit*
17 *agency operating hours are not reduced;*

18 “(vi) *new low density service relative*
19 *to the higher density urban areas of the*
20 *agency’s service area; and*

21 “(vii) *rural service.*

22 “(D) *FARE COLLECTION MODERNIZATION.—*
23 *In developing guidance referred to in this sec-*
24 *tion, the Secretary shall ensure that—*

1 “(i) all costs associated with installing,
2 modernizing, and managing fare collection,
3 including touchless payment systems, shall
4 be considered eligible expenses under this
5 title and subject to the applicable Federal
6 share; and

7 “(ii) such guidance includes guidance
8 on how agencies shall provide unbanked and
9 underbanked users with an opportunity to
10 benefit from mobility as a service platforms.

11 “(2) *PROHIBITION ON USE OF FUNDS.*—Amounts
12 used by a covered recipient for projects eligible under
13 this section may not be used for—

14 “(A) single passenger vehicle miles (in a
15 passenger motor vehicle, as such term is defined
16 in section 32101, that carries less than 9 pas-
17 sengers), unless the trip—

18 “(i) meets the definition of public
19 transportation; and

20 “(ii) begins or completes a fixed route
21 public transportation trip;

22 “(B) deadhead vehicle miles; or

23 “(C) any service considered a taxi service
24 for purposes of section 5331.

1 “(d) *FEDERAL REQUIREMENTS*.—A project carried out
 2 under this section shall be treated as if such project were
 3 carried out under the section from which the funds were
 4 provided to carry out such project, including the applica-
 5 tion of any additional requirements provided for by law
 6 that apply to section 5307, 5310, or 5311, as applicable.

7 “(e) *WAIVER*.—

8 “(1) *INDIVIDUAL WAIVER*.—Except as provided
 9 in paragraph (2), the Secretary may waive any re-
 10 quirement applied to a project carried out under this
 11 section pursuant to subsection (d) if the Secretary de-
 12 termines that the project would—

13 “(A) not undermine labor standards;

14 “(B) increase employment opportunities of
 15 the recipient; and

16 “(C) be consistent with the public interest.

17 “(2) *WAIVER UNDER OTHER SECTIONS*.—The
 18 Secretary may not waive any requirement under
 19 paragraph (1) for which a waiver is otherwise avail-
 20 able.

21 “(3) *PROHIBITION OF WAIVER*.—Notwith-
 22 standing paragraph (1), the Secretary may not waive
 23 any requirement of—

24 “(A) section 5333;

25 “(B) section 5331;

1 “(C) *section 5302(14); and*

2 “(D) *chapter 53 that establishes a max-*
3 *imum Federal share for operating costs.*

4 “(4) *APPLICATION OF SECTION 5320.—Notwith-*
5 *standing paragraphs (1) and (2), the Secretary may*
6 *only waive the requirements of section 5320 with re-*
7 *spect to—*

8 “(A) *a passenger vehicle owned by an indi-*
9 *vidual; and*

10 “(B) *subsection (q) of such section for any*
11 *passenger vehicle not owned by an individual for*
12 *the period beginning on the date of enactment of*
13 *this section and ending 3 years after such date.*

14 “(f) *OPEN DATA STANDARDS.—*

15 “(1) *IN GENERAL.—Not later than 90 days after*
16 *the date of enactment of this section, the Secretary*
17 *shall initiate procedures under subchapter III of*
18 *chapter 5 of title 5 to develop an open data standard*
19 *and an application programming interface necessary*
20 *to carry out this section.*

21 “(2) *REGULATIONS.—The regulations required*
22 *under paragraph (1) shall require public transpor-*
23 *tation agencies, mobility on demand providers, mobil-*
24 *ity as a service technology providers, other non-gov-*

ernment actors, and local governments the efficient means to transfer data to—

“(A) foster the efficient use of transportation capacity;

“(B) enhance the management of new modes of mobility;

“(C) enable the use of innovative planning tools;

“(D) enable single payment systems for all mobility on demand services;

“(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, real time operations data, and rules;

“(F) safeguard personally identifiable information;

“(G) protect confidential business information; and

“(H) enhance cybersecurity protections.

“(3) PROHIBITION ON FOR PROFIT ACTIVITY.—

Any data received by an entity under this subsection may not be sold, leased, or otherwise used to generate profit, except for the direct provision of the related mobility on demand services and mobility as a service.

1 “(4) *COMMITTEE.*—A negotiated rulemaking
2 committee established pursuant to section 565 of title
3 5 to carry out this subsection shall have a maximum
4 of 17 members limited to representatives of the De-
5 partment of Transportation, State and local govern-
6 ments, metropolitan planning organizations, urban
7 and rural covered recipients, associations that rep-
8 resent public transit agencies, representatives from at
9 least 3 different organizations engaged in collective
10 bargaining on behalf of transit workers in not fewer
11 than 3 States, mobility on demand providers, and
12 mobility as a service technology providers.

13 “(5) *PUBLICATION OF PROPOSED REGULA-*
14 *TIONS.*—Proposed regulations to implement this sec-
15 tion shall be published in the Federal Register by the
16 Secretary not later than 18 months after such date of
17 enactment.

18 “(6) *EXTENSION OF DEADLINES.*—A deadline set
19 forth in paragraph (4) may be extended up to 180
20 days if the negotiated rulemaking committee referred
21 to in paragraph (5) concludes that the committee can-
22 not meet the deadline and the Secretary so notifies the
23 Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on
25 Banking, Housing, and Urban Affairs of the Senate.

1 “(g) *APPLICATION OF RECIPIENT REVENUE VEHICLE*
 2 *MILES.*—With respect to revenue vehicle miles with one pas-
 3 senger of a covered recipient using amounts under this sec-
 4 tion, such miles—

5 “(1) shall be included in the National Transit
 6 Database under section 5335; and

7 “(2) shall be excluded from vehicle revenue miles
 8 data used in the calculation described in section 5336.

9 “(h) *SAVINGS CLAUSE.*—Subsection (c)(2) and sub-
 10 section (g) shall not apply to any eligible activities under
 11 this section if such activities are being carried out in com-
 12 pliance with the Americans with Disabilities Act of 1990
 13 (42 U.S.C. 12101 et seq.).

14 “(i) *DEFINITIONS.*—In this section:

15 “(1) *DEADHEAD VEHICLE MILES.*—The term
 16 ‘deadhead vehicle miles’ means the miles that a vehi-
 17 cle travels when out of revenue service, including leav-
 18 ing or returning to the garage or yard facility, chang-
 19 ing routes, when there is no expectation of carrying
 20 revenue passengers, and any miles traveled by a pri-
 21 vate operator without a passenger.

22 “(2) *MOBILITY AS A SERVICE.*—The term ‘mobil-
 23 ity as a service’ means services that constitute the in-
 24 tegration of mobility on demand services and public
 25 transportation that are available and accessible to all

1 *travelers, provide multimodal trip planning, and a*
 2 *unified payment system.*

3 *“(3) MOBILITY ON DEMAND.—The term ‘mobility*
 4 *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 chapter*
 15 *53 of title 49, United States Code, is amended by inserting*
 16 *after the item relating to section 5315 the following new*
 17 *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 on*
 20 *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 amend-*
3 *ed—*

4 *(1) in subsection (b)—*

5 *(A) in paragraph (2) by adding at the end*
6 *the following:*

7 *“(D) CENSUS DESIGNATION.—The Secretary*
8 *may approve a State program that allocates not*
9 *more than 5 percent of such State’s apportion-*
10 *ment to assist rural areas that were redesignated*
11 *as urban areas not more than 2 fiscal years after*
12 *the last census designation of urbanized area*
13 *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 “\$10,000,000”;*
25 *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) is
 5 distributed”;

6 (B) in paragraph (2)(C) by striking “sec-
 7 tion 5338(a)(2)(F)” and inserting “section
 8 5338(a)(2)(E)”; and

9 (C) in paragraph (3)—

10 (i) in subparagraph (A) by striking
 11 “section 5338(a)(2)(F)” and inserting “sec-
 12 tion 5338(a)(2)(E)”; and

13 (ii) by striking subparagraphs (B) and
 14 (C) and inserting the following:

15 “(B) LAND AREA.—

16 “(i) IN GENERAL.—Subject to clause
 17 (ii), each State shall receive an amount that
 18 is equal to 15 percent of the amount appor-
 19 tioned under this paragraph, multiplied by
 20 the ratio of the land area in rural areas in
 21 that State and divided by the land area in
 22 all rural areas in the United States, as
 23 shown by the most recent decennial census
 24 of population.

1 “(ii) *MAXIMUM APPORTIONMENT.*—No
2 *State shall receive more than 5 percent of*
3 *the amount apportioned under clause (i).*

4 “(C) *POPULATION.*—Each State shall re-
5 *ceive an amount equal to 50 percent of the*
6 *amount apportioned under this paragraph, mul-*
7 *tiplied by the ratio of the population of rural*
8 *areas in that State and divided by the popu-*
9 *lation of all rural areas in the United States, as*
10 *shown by the most recent decennial census of*
11 *population.*

12 “(D) *VEHICLE REVENUE MILES.*—

13 “(i) *IN GENERAL.*—Subject to clause
14 *(ii), each State shall receive an amount that*
15 *is equal to 25 percent of the amount appor-*
16 *tioned under this paragraph, multiplied by*
17 *the ratio of vehicle revenue miles in rural*
18 *areas in that State and divided by the vehi-*
19 *cle revenue miles in all rural areas in the*
20 *United States, as determined by national*
21 *transit database reporting.*

22 “(ii) *MAXIMUM APPORTIONMENT.*—No
23 *State shall receive more than 5 percent of*
24 *the amount apportioned under clause (i).*

1 “(E) *LOW-INCOME INDIVIDUALS.*—*Each*
 2 *State shall receive an amount that is equal to 10*
 3 *percent of the amount apportioned under this*
 4 *paragraph, multiplied by the ratio of low-income*
 5 *individuals in rural areas in that State and di-*
 6 *vided by the number of low-income individuals*
 7 *in all rural areas in the United States, as shown*
 8 *by the Bureau of the Census.”;*

9 (3) *in subsection (f)—*

10 (A) *in paragraph (1) by inserting “A State*
 11 *may expend funds to continue service into an-*
 12 *other State to extend a route.” before “Eligible*
 13 *activities under”;* and

14 (B) *in paragraph (2) by inserting “and*
 15 *makes the certification and supporting docu-*
 16 *ments publicly available” before the period at the*
 17 *end; and*

18 (4) *in subsection (g) by adding at the end the*
 19 *following:*

20 “(6) *ALLOWANCE FOR VOLUNTEER HOURS.*—

21 “(A) *APPLICABLE REGULATIONS.*—*For any*
 22 *funds provided by a department or agency of the*
 23 *Government under paragraph (3)(D) or by a*
 24 *service agreement under paragraph (3)(C), and*
 25 *such department or agency has regulations in*

place that provide for the valuation of volunteer hours as allowable in-kind contributions toward the non-Federal share of project costs, such regulations shall be used to determine the allowable valuation of volunteer hours as an in-kind contribution toward the non-Federal remainder of net project costs for a transit project funded under this section.

“(B) *LIMITATIONS.*—Subparagraph (A) shall not apply to the provision of fixed-route bus services funded under this section.”.

SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.

Section 5310 of title 49, United States Code, is amended by adding at the end the following:

“(j) *ONE-STOP PARATRANSIT PROGRAM.*—

“(1) *IN GENERAL.*—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish a one-stop paratransit competitive grant program to encourage an extra stop in non-fixed route Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) service for a paratransit rider to complete essential tasks.

“(2) *PREFERENCE.*—The Secretary shall give preference to eligible recipients that—

1 “(A) have comparable data for the year
2 prior to implementation of the grant program
3 and made available to the Secretary, academic
4 and nonprofit organizations for research pur-
5 poses; and

6 “(B) plan to use agency personnel to imple-
7 ment the pilot program.

8 “(3) APPLICATION CRITERIA.—To be eligible to
9 participate in the grant program, an eligible recipi-
10 ent shall submit to the Secretary an application con-
11 taining such information as the Secretary may re-
12 quire, including information on—

13 “(A) locations the eligible entity intends to
14 allow a stop at, if stops are limited, including—

15 “(i) childcare or education facilities;

16 “(ii) pharmacies;

17 “(iii) grocery stores; and

18 “(iv) bank or ATM locations;

19 “(B) methodology for informing the public
20 of the grant program;

21 “(C) vehicles, personnel, and other resources
22 that will be used to implement the grant pro-
23 gram;

24 “(D) if the applicant does not intend the
25 grant program to apply to the full area under

1 *the jurisdiction of the applicant, a description of*
2 *the geographic area in which the applicant in-*
3 *tends the grant program to apply; and*

4 *“(E) the anticipated amount of increased*
5 *operating costs.*

6 *“(4) SELECTION.—The Secretary shall seek to*
7 *achieve diversity of participants in the grant pro-*
8 *gram by selecting a range of eligible entities that in-*
9 *cludes at least—*

10 *“(A) 5 eligible recipients that serve an area*
11 *with a population of 50,000 to 200,000;*

12 *“(B) 10 eligible recipients that serve an*
13 *area with a population of over 200,000; and*

14 *“(C) 5 eligible recipients that provide trans-*
15 *portation for rural communities.*

16 *“(5) DATA-SHARING CRITERIA.—An eligible re-*
17 *cipient in this subsection shall provide data as the*
18 *Secretary requires, including—*

19 *“(A) number of ADA paratransit trips con-*
20 *ducted each year;*

21 *“(B) requested time of each paratransit*
22 *trip;*

23 *“(C) scheduled time of each paratransit*
24 *trip;*

1 “(D) *actual pickup time for each para-*
2 *transit trip;*

3 “(E) *average length of a stop in the middle*
4 *of a ride as allowed by this subsection;*

5 “(F) *any complaints received by a para-*
6 *transit rider;*

7 “(G) *rider satisfaction with paratransit*
8 *services; and*

9 “(H) *after the completion of the grant, an*
10 *assessment by the eligible recipient of its capac-*
11 *ity to continue a one-stop program independ-*
12 *ently.*

13 “(6) *REPORT.—*

14 “(A) *IN GENERAL.—The Secretary shall*
15 *make publicly available an annual report on the*
16 *program carried out under this subsection for*
17 *each fiscal year, not later than December 31 of*
18 *the calendar year in which such fiscal year ends.*

19 “(B) *CONTENTS.—The report required*
20 *under subparagraph (A) shall include a detailed*
21 *description of the activities carried out under the*
22 *program, and an evaluation of the program, in-*
23 *cluding an evaluation of the data shared by eli-*
24 *gible recipients under paragraph (5).”.*

1 ***Subtitle C—Buy America and Other***
2 ***Procurement Reforms***

3 ***SEC. 2301. BUY AMERICA.***

4 *(a) BUY AMERICA.—*

5 *(1) IN GENERAL.—Chapter 53 of title 49, United*
6 *States Code, is amended by inserting before section*
7 *5321 the following:*

8 ***“§ 5320. Buy America***

9 *“(a) IN GENERAL.—The Secretary may obligate an*
10 *amount that may be appropriated to carry out this chapter*
11 *for a project only if the steel, iron, and manufactured goods*
12 *used in the project are produced in the United States.*

13 *“(b) WAIVER.—The Secretary may waive subsection*
14 *(a) if the Secretary finds that—*

15 *“(1) applying subsection (a) would be incon-*
16 *sistent with the public interest;*

17 *“(2) the steel, iron, and goods produced in the*
18 *United States are not produced in a sufficient and*
19 *reasonably available amount or are not of a satisfac-*
20 *tory quality;*

21 *“(3) when procuring rolling stock (including*
22 *train control, communication, traction power equip-*
23 *ment, and rolling stock prototypes) under this chap-*
24 *ter—*

1 “(A) *the cost of components and subcompo-*
 2 *nents produced in the United States is more*
 3 *than 70 percent of the cost of all components of*
 4 *the rolling stock; and*

5 “(B) *final assembly of the rolling stock has*
 6 *occurred in the United States; or*

7 “(4) *including domestic material will increase*
 8 *the cost of the overall project by more than 25 percent.*

9 “(c) *WRITTEN WAIVER DETERMINATION AND ANNUAL*
 10 *REPORT.—*

11 “(1) *WAIVER PROCEDURE.—Not later than 120*
 12 *days after the submission of a request for a waiver,*
 13 *the Secretary shall make a determination under sub-*
 14 *section (b)(1), (b)(2), or (b)(4) as to whether to waive*
 15 *subsection (a).*

16 “(2) *PUBLIC NOTIFICATION AND COMMENT.—*

17 “(A) *IN GENERAL.—Not later than 30 days*
 18 *before making a determination regarding a*
 19 *waiver described in paragraph (1), the Secretary*
 20 *shall provide notification and an opportunity for*
 21 *public comment on the request for such waiver.*

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

1 “(i) describe whether the application is
2 being made for a waiver described in sub-
3 section (b)(1), (b)(2) or (b)(4); and

4 “(ii) be provided to the public by elec-
5 tronic means, including on the public
6 website of the Department of Transpor-
7 tation.

8 “(3) *DETERMINATION.*—Before a determination
9 described in paragraph (1) takes effect, the Secretary
10 shall publish a detailed justification for such deter-
11 mination that addresses all public comments received
12 under paragraph (2)—

13 “(A) on the public website of the Depart-
14 ment of Transportation; and

15 “(B) if the Secretary issues a waiver with
16 respect to such determination, in the Federal
17 Register.

18 “(4) *ANNUAL REPORT.*—Annually, the Secretary
19 shall submit to the Committee on Banking, Housing,
20 and Urban Affairs of the Senate and the Committee
21 on Transportation and Infrastructure of the House of
22 Representatives a report listing any waiver issued
23 under paragraph (1) during the preceding year.

24 “(d) *ROLLING STOCK WAIVER CONDITIONS.*—

1 “(1) *LABOR COSTS FOR FINAL ASSEMBLY.*—In
2 *this section, highly skilled labor costs involved in final*
3 *assembly shall be included as a separate component*
4 *in the cost of components and subcomponents under*
5 *subsection (b)(3)(A).*

6 “(2) *HIGH DOMESTIC CONTENT COMPONENT*
7 *BONUS.*—In this section, in calculating the domestic
8 *content of the rolling stock under subsection (b)(3),*
9 *the percent, rounded to the nearest whole number, of*
10 *the domestic content in components of such rolling*
11 *stock, weighted by cost, shall be used in calculating*
12 *the domestic content of the rolling stock, except—*

13 “(A) *with respect to components that ex-*
14 *ceed—*

15 “(i) *70 percent domestic content, the*
16 *Secretary shall add 10 additional percent to*
17 *the component’s domestic content when cal-*
18 *culating the domestic content of the rolling*
19 *stock; and*

20 “(ii) *75 percent domestic content, the*
21 *Secretary shall add 15 additional percent to*
22 *the component’s domestic content when cal-*
23 *culating the domestic content of the rolling*
24 *stock; and*

1 “(B) *in no case may a component exceed*
2 *100 domestic content when calculating the do-*
3 *mestic content of the rolling stock.*

4 “(3) *ROLLING STOCK FRAMES OR CAR SHELLS.—*

5 “(A) *INCLUSION OF COSTS.—Subject to the*
6 *substantiation requirement of subparagraph (B),*
7 *in carrying out, in calculating the cost of the do-*
8 *mestic content of the rolling stock under sub-*
9 *section (b)(3), in the case of a rolling stock pro-*
10 *curement receiving assistance under this chapter*
11 *in which the average cost of a rolling stock vehi-*
12 *cle in the procurement is more than \$300,000, if*
13 *rolling stock frames or car shells are not pro-*
14 *duced in the United States, the Secretary shall*
15 *include in the calculation of the domestic content*
16 *of the rolling stock the cost of the steel or iron*
17 *that is produced in the United States and used*
18 *in the rolling stock frames or car shells.*

19 “(B) *SUBSTANTIATION.—If a rolling stock*
20 *vehicle manufacturer wishes to include in the*
21 *calculation of the vehicle’s domestic content the*
22 *cost of steel or iron produced in the United*
23 *States and used in the rolling stock frames and*
24 *car shells that are not produced in the United*
25 *States, the manufacturer shall maintain and*

1 *provide upon request a mill certification that*
2 *substantiates the origin of the steel or iron.*

3 “(4) *TREATMENT OF WAIVED COMPONENTS AND*
4 *SUBCOMPONENTS.—In this section, a component or*
5 *subcomponent waived under subsection (b) shall be ex-*
6 *cluded from any part of the calculation required*
7 *under subsection (b)(3)(A).*

8 “(5) *ZERO-EMISSION VEHICLE DOMESTIC BAT-*
9 *TERY CELL INCENTIVE.—The Secretary shall provide*
10 *an additional 2.5 percent of domestic content to the*
11 *total rolling stock domestic content percentage cal-*
12 *culated under this section for any zero-emission vehi-*
13 *cle that uses only battery cells for propulsion that are*
14 *manufactured domestically.*

15 “(6) *PROHIBITION ON DOUBLE COUNTING.—*

16 “(A) *IN GENERAL.—No labor costs included*
17 *in the cost of a component or subcomponent by*
18 *the manufacturer of rolling stock may be treated*
19 *as rolling stock assembly costs for purposes of*
20 *calculating domestic content.*

21 “(B) *VIOLATION.—A violation of this para-*
22 *graph shall be treated as a false claim under*
23 *subchapter III of chapter 37 of title 31.*

1 “(7) *DEFINITION OF HIGHLY SKILLED LABOR*
2 *COSTS.—In this subsection, the term ‘highly skilled*
3 *labor costs’—*

4 “(A) *means the apportioned value of direct*
5 *wage compensation associated with final assem-*
6 *bly activities of workers directly employed by a*
7 *rolling stock original equipment manufacturer*
8 *and directly associated with the final assembly*
9 *activities of a rolling stock vehicle that advance*
10 *the value or improve the condition of the end*
11 *product;*

12 “(B) *does not include any temporary or in-*
13 *direct activities or those hired via a third-party*
14 *contractor or subcontractor;*

15 “(C) *are limited to metalworking, fabrica-*
16 *tion, welding, electrical, engineering, and other*
17 *technical activities requiring training;*

18 “(D) *are not otherwise associated with ac-*
19 *tivities required under section 661.11 of title 49,*
20 *Code of Federal Regulations; and*

21 “(E) *includes only activities performed in*
22 *the United States and does not include that of*
23 *foreign nationals providing assistance at a*
24 *United States manufacturing facility.*

1 “(e) *CERTIFICATION OF DOMESTIC SUPPLY AND DIS-*
2 *CLOSURE.*—

3 “(1) *CERTIFICATION OF DOMESTIC SUPPLY.*—*If*
4 *the Secretary denies an application for a waiver*
5 *under subsection (b), the Secretary shall provide to*
6 *the applicant a written certification that—*

7 “(A) *the steel, iron, or manufactured goods,*
8 *as applicable, (referred to in this paragraph as*
9 *the ‘item’) is produced in the United States in*
10 *a sufficient and reasonably available amount;*

11 “(B) *the item produced in the United States*
12 *is of a satisfactory quality; and*

13 “(C) *includes a list of known manufacturers*
14 *in the United States from which the item can be*
15 *obtained.*

16 “(2) *DISCLOSURE.*—*The Secretary shall disclose*
17 *the waiver denial and the written certification to the*
18 *public in an easily identifiable location on the website*
19 *of the Department of Transportation.*

20 “(f) *WAIVER PROHIBITED.*—*The Secretary may not*
21 *make a waiver under subsection (b) for goods produced in*
22 *a foreign country if the Secretary, in consultation with the*
23 *United States Trade Representative, decides that the gov-*
24 *ernment of that foreign country—*

1 “(1) has an agreement with the United States
2 Government under which the Secretary has waived
3 the requirement of this section; and

4 “(2) has violated the agreement by discrimi-
5 nating against goods to which this section applies
6 that are produced in the United States and to which
7 the agreement applies.

8 “(g) *PENALTY FOR MISLABELING AND MISREPRESENTATION.*—A person is ineligible under subpart 9.4 of the
9 Federal Acquisition Regulation, or any successor thereto, to
10 receive a contract or subcontract made with amounts au-
11 thorized under title II of the INVEST in America Act if
12 a court or department, agency, or instrumentality of the
13 Government decides the person intentionally—
14 Government decides the person intentionally—

15 “(1) affixed a ‘Made in America’ label, or a label
16 with an inscription having the same meaning, to
17 goods sold in or shipped to the United States that are
18 used in a project to which this section applies but not
19 produced in the United States; or

20 “(2) represented that goods described in para-
21 graph (1) were produced in the United States.

22 “(h) *STATE REQUIREMENTS.*—The Secretary may not
23 impose any limitation on assistance provided under this
24 chapter that restricts a State from imposing more stringent
25 requirements than this subsection on the use of articles, ma-

1 *terials, and supplies mined, produced, or manufactured in*
 2 *foreign countries in projects carried out with that assistance*
 3 *or restricts a recipient of that assistance from complying*
 4 *with those State-imposed requirements.*

5 “(i) *OPPORTUNITY TO CORRECT INADVERTENT*
 6 *ERROR.—The Secretary may allow a manufacturer or sup-*
 7 *plier of steel, iron, or manufactured goods to correct after*
 8 *bid opening any certification of noncompliance or failure*
 9 *to properly complete the certification (but not including*
 10 *failure to sign the certification) under this subsection if*
 11 *such manufacturer or supplier attests under penalty of per-*
 12 *jury that such manufacturer or supplier submitted an in-*
 13 *correct certification as a result of an inadvertent or clerical*
 14 *error. The burden of establishing inadvertent or clerical*
 15 *error is on the manufacturer or supplier.*

16 “(j) *ADMINISTRATIVE REVIEW.—A party adversely af-*
 17 *ected by an agency action under this subsection shall have*
 18 *the right to seek review under section 702 of title 5.*

19 “(k) *STEEL AND IRON.—For purposes of this section,*
 20 *steel and iron meeting the requirements of section 661.5(b)*
 21 *of title 49, Code of Federal Regulations, may be considered*
 22 *produced in the United States.*

23 “(l) *DEFINITION OF SMALL PURCHASE.—For purposes*
 24 *of determining whether a purchase qualifies for a general*
 25 *public interest waiver under subsection (b)(1), including*

1 *under any regulation promulgated under such subsection,*
 2 *the term ‘small purchase’ means a purchase of not more*
 3 *than \$150,000.*

4 “(m) *PREAWARD AND POSTDELIVERY REVIEW OF*
 5 *ROLLING STOCK PURCHASES.*—

6 “(1) *IN GENERAL.*—*The Secretary shall prescribe*
 7 *regulations requiring a preaward and postdelivery*
 8 *certification of a rolling stock vehicle that meets the*
 9 *requirements of this section and Government motor*
 10 *vehicle safety requirements to be eligible for a grant*
 11 *under this chapter. For compliance with this sec-*
 12 *tion—*

13 “(A) *Federal inspections and review are re-*
 14 *quired;*

15 “(B) *a manufacturer certification is not*
 16 *sufficient; and*

17 “(C) *a rolling stock vehicle that has been*
 18 *certified by the Secretary remains certified until*
 19 *the manufacturer makes a material change to the*
 20 *vehicle, or adjusts the cost of all components of*
 21 *the rolling stock, that reduces, by more than half,*
 22 *the percentage of domestic content above 70 per-*
 23 *cent.*

24 “(2) *CERTIFICATION OF PERCENTAGE.*—*The Sec-*
 25 *retary may, at the request of a component or sub-*

1 *component manufacturer, certify the percentage of do-*
2 *mestic content and place of manufacturing for a com-*
3 *ponent or subcomponent.*

4 “(3) *FREEDOM OF INFORMATION ACT.*—*In car-*
5 *rying out this subsection, the Secretary shall consist-*
6 *ently apply the provisions of section 552 of title 5, in-*
7 *cluding subsection (b)(4) of such section.*

8 “(4) *NONCOMPLIANCE.*—*The Secretary shall pro-*
9 *hibit recipients from procuring rolling stock, compo-*
10 *nents, or subcomponents from a supplier that inten-*
11 *tionally provides false information to comply with*
12 *this subsection.*

13 “(n) *SCOPE.*—*The requirements of this section apply*
14 *to all contracts for a public transportation project carried*
15 *out within the scope of the applicable finding, determina-*
16 *tion, or decision under the National Environmental Policy*
17 *Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the fund-*
18 *ing source of such contracts, if at least one contract for the*
19 *public transportation project is funded with amounts made*
20 *available to carry out this chapter.*

21 “(o) *BUY AMERICA CONFORMITY.*—*The Secretary shall*
22 *ensure that all Federal funds for new commuter rail projects*
23 *shall comply with this section and shall not be subject to*
24 *section 22905(a).*

1 “(p) *AUDITS AND REPORTING OF WASTE, FRAUD, AND*
2 *ABUSE.*—

3 “(1) *IN GENERAL.*—*The Inspector General of the*
4 *Department of Transportation shall conduct an an-*
5 *nuual audit on certifications under subsection (m) re-*
6 *garding compliance with Buy America.*

7 “(2) *REPORT FRAUD, WASTE, AND ABUSE.*—*The*
8 *Secretary shall display a ‘Report Fraud, Waste, and*
9 *Abuse’ button and link to Department of Transpor-*
10 *tation’s Office of Inspector General Hotline on the*
11 *Federal Transit Administration’s Buy America land-*
12 *ing page.*

13 “(3) *CONTRACT REQUIREMENT.*—*The Secretary*
14 *shall require all recipients who enter into contracts to*
15 *purchase rolling stock with funds provided under this*
16 *chapter to include in such contract information on*
17 *how to contact the Department of Transportation’s*
18 *Office of Inspector General Hotline to report sus-*
19 *picious of fraud, waste, and abuse.*

20 “(q) *PASSENGER MOTOR VEHICLES.*—

21 “(1) *IN GENERAL.*—*Any domestically manufac-*
22 *tured passenger motor vehicle shall be considered to be*
23 *produced in the United States under this section.*

24 “(2) *DOMESTICALLY MANUFACTURED PASSENGER*
25 *MOTOR VEHICLE.*—*In this subsection, the term ‘do-*

1 *mestically manufactured passenger motor vehicle’*
 2 *means any passenger motor vehicle, as such term is*
 3 *defined in section 32304(a) that—*

4 *“(A) has under section 32304(b)(1)(B) its*
 5 *final assembly place in the United States; and*

6 *“(B) the percentage (by value) of passenger*
 7 *motor equipment under section 32304(b)(1)(A)*
 8 *equals or exceeds 60 percent value added.*

9 *“(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-*
 10 *NENTS.—No component or subcomponent of rolling stock*
 11 *shall be treated as produced in the United States for pur-*
 12 *poses of subsection (b)(3) or determined to be of domestic*
 13 *origin under section 661.11 of title 49, Code of Federal Reg-*
 14 *ulations, if the material inputs of such component or sub-*
 15 *component were imported into the United States and the*
 16 *operations performed in the United States on the imported*
 17 *articles would not result in a change in the article’s classi-*
 18 *fication to chapter 86 or 87 of the Harmonized Tariff*
 19 *Schedule of the United States from another chapter or a*
 20 *new heading of any chapter from the heading under which*
 21 *the article was classified upon entry.*

22 *“(s) TREATMENT OF STEEL AND IRON COMPONENTS*
 23 *AS PRODUCED IN THE UNITED STATES.—Notwithstanding*
 24 *any other provision of any law or any rule, regulation, or*
 25 *policy of the Federal Transit Administration, steel and iron*

1 *components of a system, as defined in section 661.3 of title*
 2 *49, Code of Federal Regulations, and of manufactured end*
 3 *products referred to in Appendix A of such section, may*
 4 *not be considered to be produced in the United States unless*
 5 *such components meet the requirements of section 661.5(b)*
 6 *of title 49, Code of Federal Regulations.*

7 “(t) *REQUIREMENT FOR TRANSIT AGENCIES.—Not-*
 8 *withstanding the provisions of this section, if a transit*
 9 *agency accepts Federal funds, such agency shall adhere to*
 10 *the Buy America provisions set forth in this section when*
 11 *procuring rolling stock.”.*

12 (2) *CLERICAL AMENDMENT.—The analysis for*
 13 *chapter 53 of title 49, United States Code, is amended*
 14 *by inserting before the item relating to section 5321*
 15 *the following:*

“5320. Buy America.”.

16 (3) *CONFORMING AMENDMENTS.—*

17 (A) *TECHNICAL ASSISTANCE AND WORK-*
 18 *FORCE DEVELOPMENT.—Section 5314(a)(2)(G) of*
 19 *title 49, United States Code, is amended by*
 20 *striking “sections 5323(j) and 5323(m)” and in-*
 21 *serting “section 5320”.*

22 (B) *URBANIZED AREA FORMULA GRANTS.—*
 23 *Section 5307(c)(1)(E) of title 49, United States*
 24 *Code, is amended by inserting “, 5320,” after*
 25 *“5323”.*

1 (C) *INNOVATIVE PROCUREMENT.*—Section
 2 3019(c)(2)(E)(ii) of the *FAST Act* (49 U.S.C.
 3 5325 note) is amended by striking “5232(j)” and
 4 inserting “5320”.

5 (b) *BUS ROLLING STOCK.*—Not later than 18 months
 6 after the date of enactment of this Act, the Secretary of
 7 Transportation shall issue such regulations as are necessary
 8 to revise Appendix B and Appendix D of section 661.11
 9 of title 49, Code of Federal Regulations, with respect to bus
 10 rolling stock to maximize job creation and align such sec-
 11 tion with modern manufacturing techniques.

12 (c) *RAIL ROLLING STOCK.*—Not later than 30 months
 13 after the date of enactment of this Act, the Secretary shall
 14 issue such regulations as are necessary to revise subsections
 15 (t), (u), and (v) of section 661.11 of title 49, Code of Federal
 16 Regulations, with respect to rail rolling stock to maximize
 17 job creation and align such section with modern manufac-
 18 turing techniques.

19 (d) *RULE OF APPLICABILITY.*—

20 (1) *IN GENERAL.*—Except as otherwise provided
 21 in this subsection, the amendments made by this sec-
 22 tion shall apply to any contract entered into on or
 23 after the date of enactment of this Act.

24 (2) *DELAYED APPLICABILITY OF CERTAIN PROVI-*
 25 *SIONS.*—Contracts described in paragraph (1) shall be

1 *subject to the following delayed applicability require-*
2 *ments:*

3 *(A) Section 5320(m)(2) shall apply to con-*
4 *tracts entered into on or after the date that is 30*
5 *days after the date of enactment of this Act.*

6 *(B) Notwithstanding subparagraph (A), sec-*
7 *tion 5320(m) shall apply to contracts for the*
8 *procurement of bus rolling stock beginning on the*
9 *earlier of—*

10 *(i) 180 days after the date on which*
11 *final regulations are issued pursuant to*
12 *subsection (b); or*

13 *(ii) the date that is 1 year after the*
14 *date of enactment of this Act.*

15 *(C) Notwithstanding subparagraph (A), sec-*
16 *tion 5320(m) shall apply to contracts for the*
17 *procurement of rail rolling stock beginning on*
18 *the earlier of—*

19 *(i) 180 days after the date on which*
20 *final regulations are issued pursuant to*
21 *subsection (c); or*

22 *(ii) the date that is 2 years after the*
23 *date of enactment of this Act.*

24 *(D) Section 5320(p)(1) shall apply on the*
25 *date that is 1 year after the latest of the applica-*

1 *tion dates described in subparagraphs (A)*
2 *through (C).*

3 *(3) SPECIAL RULE FOR CERTAIN CONTRACTS.—*

4 *For any contract described in paragraph (1) for*
5 *which the delivery for the first production vehicle oc-*
6 *curs before October 1, 2024, paragraphs (1) and (4)*
7 *of section 5320(d) shall not apply.*

8 *(4) SPECIAL RULE FOR BATTERY CELL INCEN-*

9 *TIVES.—For any contract described in paragraph (1)*
10 *for which the delivery for the first production vehicle*
11 *occurs before October 1, 2022, section 5320(d)(5) shall*
12 *not apply.*

13 *(e) SPECIAL RULE FOR DOMESTIC CONTENT.—For the*
14 *calculation of the percent of domestic content calculated*
15 *under section 5320(d)(2) for a contract for rolling stock en-*
16 *tered into on or after October 1, 2020—*

17 *(1) if the delivery of the first production vehicle*
18 *occurs in fiscal year 2022 or fiscal year 2023, for*
19 *components that exceed 70 percent domestic content,*
20 *the Secretary shall add 20 additional percent to the*
21 *component's domestic content; and*

22 *(2) if the delivery of the first production vehicle*
23 *occurs in fiscal year 2024 or fiscal year 2025—*

24 *(A) for components that exceed 70 percent*
25 *but do not exceed 75 percent domestic content,*

1 *the Secretary shall add 15 additional percent to*
 2 *the component's domestic content; or*

3 *(B) for components that exceed 75 percent*
 4 *domestic content, the Secretary shall add 20 ad-*
 5 *ditional percent to the component's domestic con-*
 6 *tent.*

7 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

8 *Section 5323 of title 49, United States Code, as is*
 9 *amended by adding at the end the following:*

10 “(x) *BUS PROCUREMENT STREAMLINING.*—

11 “(1) *IN GENERAL.*—*The Secretary may only ob-*
 12 *ligate amounts for acquisition of buses under this*
 13 *chapter to a recipient that issues a request for pro-*
 14 *posals for an open market procurement that meets the*
 15 *following criteria:*

16 “(A) *Such request for proposals is limited*
 17 *to performance specifications, except for compo-*
 18 *nents or subcomponents identified in the nego-*
 19 *tiated rulemaking carried out pursuant to this*
 20 *subsection.*

21 “(B) *Such request for proposals does not*
 22 *seek any alternative design or manufacture spec-*
 23 *ification of a bus offered by a manufacturer, ex-*
 24 *cept to require a component or subcomponent*

1 *identified in the negotiated rulemaking carried*
2 *out pursuant to this subsection.*

3 “(2) *SPECIFIC BUS COMPONENT NEGOTIATED*
4 *RULEMAKING.—*

5 “(A) *INITIATION.—Not later than 120 days*
6 *after the date of enactment of the INVEST in*
7 *America Act, the Secretary shall initiate proce-*
8 *dures under subchapter III of chapter 5 of title*
9 *5 to negotiate and issue such regulations as are*
10 *necessary to establish as limited a list as is prac-*
11 *ticable of bus components and subcomponents de-*
12 *scribed in subparagraph (B).*

13 “(B) *LIST OF COMPONENTS.—The regula-*
14 *tions required under subparagraph (A) shall es-*
15 *tablish a list of bus components and subcompo-*
16 *nents that may be specified in a request for pro-*
17 *posals described in paragraph (1) by a recipient.*
18 *The Secretary shall ensure the list is limited in*
19 *scope and limited to only components and sub-*
20 *components that cannot be selected with perform-*
21 *ance specifications to ensure interoperability.*

22 “(C) *PUBLICATION OF PROPOSED REGULA-*
23 *TIONS.—Proposed regulations to implement this*
24 *section shall be published in the Federal Register*

1 *by the Secretary not later than 18 months after*
2 *such date of enactment.*

3 “(D) COMMITTEE.—A negotiated rule-
4 making committee established pursuant to sec-
5 tion 565 of title 5 to carry out this paragraph
6 shall have a maximum of 11 members limited to
7 representatives of the Department of Transpor-
8 tation, urban and rural recipients (including
9 State government recipients), and transit vehicle
10 manufacturers.

11 “(E) EXTENSION OF DEADLINES.—A dead-
12 line set forth in subparagraph (C) may be ex-
13 tended up to 180 days if the negotiated rule-
14 making committee referred to in subparagraph
15 (D) concludes that the committee cannot meet the
16 deadline and the Secretary so notifies the Com-
17 mittee on Transportation and Infrastructure of
18 the House of Representatives and the Committee
19 on Banking, Housing, and Urban Affairs of the
20 Senate.

21 “(3) SAVINGS CLAUSE.—Nothing in this section
22 shall be construed to provide additional authority for
23 the Secretary to restrict what a bus manufacturer of-
24 fers to sell to a public transportation agency.”.

1 **SEC. 2303. BUS TESTING FACILITY.**

2 Section 5318 of title 49, United States Code, is amend-
3 ed by adding at the end the following:

4 “(f) *TESTING SCHEDULE.*—The Secretary shall—

5 “(1) determine eligibility of a bus manufactur-
6 er’s request for testing within 10 business days;

7 “(2) make publicly available the current backlog
8 (in months) to begin testing a new bus at the bus test-
9 ing facility; and

10 “(3) designate The Ohio State University as the
11 autonomous and advanced driver-assistance systems
12 test development facility for all bus testing with au-
13 tonomous or advanced driver-assistance systems tech-
14 nology and The Ohio State University will also serve
15 as the over-flow new model bus testing facility to Al-
16 toona.”.

17 **SEC. 2304. REPAYMENT REQUIREMENT.**

18 (a) *IN GENERAL.*—A transit agency shall repay into
19 the general fund of the Treasury all funds received from
20 the Federal Transit Administration under the heading
21 “Federal Transit Administration, Transit Infrastructure
22 Grants” under the CARES Act (Public Law 116–136) if
23 any portion of the funding was used to award a contract
24 or subcontract to an entity for the procurement of rolling
25 stock for use in public transportation if the manufacturer
26 of the rolling stock—

1 (1) *is incorporated in or has manufacturing fa-*
2 *cilities in the United States; and*

3 (2) *is owned or controlled by, is a subsidiary of,*
4 *or is otherwise related legally or financially to a cor-*
5 *poration based in a country that—*

6 (A) *is identified as a nonmarket economy*
7 *country (as defined in section 771(18) of the*
8 *Tariff Act of 1930 (19 U.S.C. 1677(18))) as of*
9 *the date of enactment of this subsection;*

10 (B) *was identified by the United States*
11 *Trade Representative in the most recent report*
12 *required by section 182 of the Trade Act of 1974*
13 *(19 U.S.C. 2242) as a priority foreign country*
14 *under subsection (a)(2) of that section; and*

15 (C) *is subject to monitoring by the Trade*
16 *Representative under section 306 of the Trade*
17 *Act of 1974 (19 U.S.C. 2416).*

18 (b) *CERTIFICATION.—Not later than 60 days after the*
19 *date of enactment of this section, a transit agency that re-*
20 *ceived funds pursuant to the CARES Act (Public Law 116–*
21 *136) shall certify that the agency has not and shall not use*
22 *such funds to purchase rolling stock described in subsection*
23 *(a). Repayment shall also be required for any such agency*
24 *that fails to certify in accordance with the preceding sen-*
25 *tence.*

1 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
2 **A MAJOR DISASTER.**

3 (a) *IN GENERAL.*—Section 5323 of title 49, United
4 States Code, is amended by adding at the end the following:

5 “(y) *URBANIZED AREAS FOLLOWING A MAJOR DIS-*
6 *ASTER.*—

7 “(1) *DEFINED TERM.*—In this subsection, the
8 term ‘decennial census date’ has the meaning given
9 the term in section 141(a) of title 13.

10 “(2) *URBANIZED AREA MAJOR DISASTER POPU-*
11 *LATION CRITERIA.*—Notwithstanding section 5302, for
12 purposes of this chapter, the Secretary shall treat an
13 area as an urbanized area for the period described in
14 paragraph (3) if—

15 “(A) a major disaster was declared by the
16 President under section 401 of the Robert T.
17 Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5170) for the area during
19 the 3-year period preceding the decennial census
20 date for the 2010 decennial census or for any
21 subsequent decennial census;

22 “(B) the area was defined and designated
23 as an ‘urbanized area’ by the Secretary of Com-
24 merce in the decennial census immediately pre-
25 ceding the major disaster described in subpara-
26 graph (A); and

1 “(C) the population of the area fell below
2 50,000 as a result of the major disaster described
3 in subparagraph (A).

4 “(3) COVERED PERIOD.—The Secretary shall
5 treat an area as an urbanized area under paragraph
6 (2) during the period—

7 “(A) beginning on—

8 “(i) in the case of a major disaster de-
9 scribed in paragraph (2)(A) that occurred
10 during the 3-year period preceding the de-
11 cennial census date for the 2010 decennial
12 census, October 1 of the first fiscal year that
13 begins after the date of enactment of this
14 subsection; or

15 “(ii) in the case of any other major
16 disaster described in paragraph (2)(A), Oc-
17 tober 1 of the first fiscal year—

18 “(I) that begins after the decen-
19 nial census date for the first decennial
20 census conducted after the major dis-
21 aster; and

22 “(II) for which the Secretary has
23 sufficient data from that census to de-
24 termine that the area qualifies for

1 *treatment as an urbanized area under*
 2 *paragraph (2); and*

3 “(B) *ending on the day before the first fiscal*
 4 *year—*

5 “(i) *that begins after the decennial cen-*
 6 *sus date for the second decennial census con-*
 7 *ducted after the major disaster described in*
 8 *paragraph (2)(A); and*

9 “(ii) *for which the Secretary has suffi-*
 10 *cient data from that census to determine*
 11 *which areas are urbanized areas for pur-*
 12 *poses of this chapter.*

13 “(4) *POPULATION CALCULATION.—An area treat-*
 14 *ed as an urbanized area under this subsection shall*
 15 *be assigned the population and square miles of the ur-*
 16 *banized area designated by the Secretary of Commerce*
 17 *in the most recent decennial census conducted before*
 18 *the major disaster described in paragraph (2)(A).*

19 “(5) *SAVINGS PROVISION.—Nothing in this sub-*
 20 *section may be construed to affect apportionments*
 21 *made under this chapter before the date of enactment*
 22 *of this subsection.”.*

23 “(b) *AMENDMENT TAKES EFFECT ON ENACTMENT.—*
 24 *Notwithstanding section 1001, the amendment made by sub-*

1 *section (a) shall take effect on the date of enactment of this*
2 *Act.*

3 **SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK**
4 **PROCUREMENTS.**

5 *Section 5323(u)(5)(A) of title 49, United States Code,*
6 *(as redesignated by this Act) is amended by striking “made*
7 *by a public transportation agency with a rail rolling stock*
8 *manufacturer described in paragraph (1)” and inserting*
9 *“as of December 20, 2019, including options and other re-*
10 *quirements tied to these contracts or subcontracts, made by*
11 *a public transportation agency with a restricted rail rolling*
12 *stock manufacturer”.*

13 **SEC. 2307. CERTIFICATION REQUIREMENTS.**

14 *(a) LIMITATION OF TREATMENT OF DOMESTIC OR U.S.*
15 *ORIGIN.—Notwithstanding any other provision of any law*
16 *or any rule, regulation, or policy of the Administration,*
17 *including part 661 of title 49, Code of Federal Regulations,*
18 *no article, material, or supply, shall be treated as a compo-*
19 *nent of “U.S. origin” for purposes of section 661.5 of title*
20 *49, Code of Federal Regulations, or a component or sub-*
21 *component of domestic origin for purposes of section 661.11*
22 *of title 49, Code of Federal Regulations, if—*

23 *(1) it contains any material inputs manufac-*
24 *tured or supplied by entities that—*

1 (A) are subject to relief authorized under the
2 *fair trade laws of the United States, including*
3 *subtitle B of title VII of the Tariff Act of 1930*
4 *(19 U.S.C. 1673 et seq.) and subtitle A of title*
5 *VII of the Tariff Act of 1930 (19 U.S.C. 1671 et*
6 *seq.);*

7 (B) are owned or controlled by entities sub-
8 *ject to United States sanctions; or*

9 (C) are entities owned by a foreign govern-
10 *ment, closely linked to or in partnership with a*
11 *foreign government or whose directors or organi-*
12 *zational and board leadership include any per-*
13 *son serving in any capacity in the defense appa-*
14 *ratus of another nation;*

15 (2) *it contains or uses covered telecommuni-*
16 *cations equipment or services as that term is defined*
17 *by section 889 of the John S. McCain National De-*
18 *fense Authorization Act for Fiscal Year 2019 (Public*
19 *Law 115–232); or*

20 (3) *it is of a class or category of products and*
21 *was produced by a manufacturer or an affiliate of*
22 *such a manufacturer found to have violated United*
23 *States intellectual property laws, including trade se-*
24 *cret theft under section 1832(a)(5) of title 18, United*
25 *States Code, found to have committed economic espio-*

1 *nage under section 183J(a)(5) of such title, or deemed*
 2 *to have infringed the intellectual property rights of*
 3 *any person in the United States.*

4 *(b) CERTIFICATION.—If buses or other rolling stock are*
 5 *being procured, the Administrator of the Federal Transit*
 6 *Administration shall require as a condition of responsive-*
 7 *ness that each bidder certify that no component, subcompo-*
 8 *nent, article, material, or supply described in subpara-*
 9 *graphs (A) through (C) of subsection (a)(1) of this section*
 10 *is incorporated in or used by the rolling stock that is offered*
 11 *by the bidder.*

12 ***Subtitle D—Bus Grant Reforms***

13 ***SEC. 2401. FORMULA GRANTS FOR BUSES.***

14 *Section 5339(a) of title 49, United States Code, is*
 15 *amended—*

16 *(1) in paragraph (1)—*

17 *(A) by inserting “and subsection (d)” after*
 18 *“In this subsection”;*

19 *(B) in subparagraph (A) by striking “term*
 20 *‘low or no emission vehicle’ has” and inserting*
 21 *“term ‘zero emission vehicle’ has”;*

22 *(C) in subparagraph (B) by inserting “and*
 23 *the District of Columbia” after “United States”;*
 24 *and*

1 (D) in subparagraph (C) by striking “the
2 District of Columbia,”;

3 (2) in paragraph (2)(A) by striking “low or no
4 emission vehicles” and inserting “zero emission vehi-
5 cles”;

6 (3) in paragraph (4)—

7 (A) in subparagraph (A) by inserting “and
8 subsection (d)” after “this subsection”; and

9 (B) in subparagraph (B) by inserting “and
10 subsection (d)” after “this subsection”;

11 (4) in paragraph (5)(A)—

12 (A) by striking “\$90,500,000” and inserting
13 “\$156,750,000”;

14 (B) by striking “2016 through 2020” and
15 inserting “2022 through 2025”;

16 (C) by striking “\$1,750,000” and inserting
17 “\$3,000,000”; and

18 (D) by striking “\$500,000” and inserting
19 “\$750,000”;

20 (5) in paragraph (7) by adding at the end the
21 following:

22 “(C) SPECIAL RULE FOR BUSES AND RE-
23 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
24 CLES.—Notwithstanding subparagraph (A), a
25 grant for a capital project for buses and related

1 *equipment for zero emission vehicles under this*
 2 *subsection shall be for 90 percent of the net cap-*
 3 *ital costs of the project. A recipient of a grant*
 4 *under this subsection may provide additional*
 5 *local matching amounts.”;*

6 *(6) in paragraph (8) by striking “3 fiscal years”*
 7 *and inserting “4 fiscal years” each place such term*
 8 *appears; and*

9 *(7) by striking paragraph (9).*

10 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
 11 **PETITIVE GRANTS.**

12 *Section 5339(b) of title 49, United States Code, is*
 13 *amended—*

14 *(1) in the heading by striking “BUSES AND BUS*
 15 *FACILITIES COMPETITIVE GRANTS” and inserting*
 16 *“BUS FACILITIES AND FLEET EXPANSION COMPETI-*
 17 *TIVE GRANTS”;*

18 *(2) in paragraph (1)—*

19 *(A) by striking “buses and”;*

20 *(B) by inserting “and certain buses” after*
 21 *“capital projects”;*

22 *(C) in subparagraph (A) by striking “buses*
 23 *or related equipment” and inserting “bus-related*
 24 *facilities”; and*

1 (D) by striking subparagraph (B) and in-
2 serting the following:

3 “(B) purchasing or leasing buses that will
4 not replace buses in the applicant’s fleet at the
5 time of application and will be used to—

6 “(i) increase the frequency of bus serv-
7 ice; or

8 “(ii) increase the service area of the
9 applicant.”;

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

12 “(2) GRANT CONSIDERATIONS.—In making
13 grants—

14 “(A) under subparagraph (1)(A), the Sec-
15 retary shall only consider—

16 “(i) the age and condition of bus-re-
17 lated facilities of the applicant compared to
18 all applicants and proposed improvements
19 to the resilience (as such term is defined in
20 section 5302) of such facilities;

21 “(ii) for a facility within or partially
22 within the 100-year floodplain, whether
23 such facility will be at least 2 feet above the
24 base flood elevation; and

1 “(iii) for a bus station, the degree of
 2 multi-modal connections at such station;
 3 and

4 “(B) under paragraph (1)(B), the Secretary
 5 shall consider the improvements to headway and
 6 projected new ridership.”; and

7 (4) in paragraph (6) by striking subparagraph
 8 (B) and inserting the following:

9 “(B) GOVERNMENT SHARE OF COSTS.—

10 “(i) IN GENERAL.—The Government
 11 share of the cost of an eligible project car-
 12 ried out under this subsection shall not ex-
 13 ceed 80 percent.

14 “(ii) SPECIAL RULE FOR BUSES AND
 15 RELATED EQUIPMENT FOR ZERO EMISSION
 16 VEHICLES.—Notwithstanding clause (i), the
 17 Government share of the cost of an eligible
 18 project for the financing of buses and re-
 19 lated equipment for zero emission vehicles
 20 shall not exceed 90 percent.”.

21 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

22 (a) IN GENERAL.—Section 5339(c) of title 49, United
 23 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 emission”;*

10 *(iii) in clause (iii) by striking “low or*
11 *no emission” and inserting “zero emission”;*

12 *(iv) in clause (iv) by striking “facili-*
13 *ties and related equipment for low or no*
14 *emission” and inserting “related equipment*
15 *for zero emission”;*

16 *(v) in clause (v) by striking “facilities*
17 *and related equipment for low or no emis-*
18 *sion vehicles;” and inserting “related equip-*
19 *ment for zero emission vehicles; or”;*

20 *(vi) in clause (vii) by striking “low or*
21 *no emission” and inserting “zero emission”;*

22 *(vii) by striking clause (vi); and*

23 *(viii) by redesignating clause (vii) as*
24 *clause (vi);*

1 (B) by striking subparagraph (D) and in-
2 serting the following:

3 “(D) the term ‘zero emission bus’ means a
4 bus that is a zero emission vehicle;”;

5 (C) by striking subparagraph (E) and in-
6 serting the following:

7 “(E) the term ‘zero emission vehicle’ means
8 a vehicle used to provide public transportation
9 that produces no carbon dioxide or particulate
10 matter;”;

11 (D) in subparagraph (F) by striking “and”
12 at the end;

13 (E) 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));

21 “(ii) a maintenance area, as such term
22 is defined in section 5303, for ozone or par-
23 ticulate matter; or

24 “(iii) in a State that has enacted a
25 statewide zero emission bus transition re-

1 *quirement, as determined by the Secretary;*
 2 *and”;* and

3 *(F) by adding at the end the following:*

4 *“(H) the term ‘low-income community’*
 5 *means any population census tract if—*

6 *“(i) the poverty rate for such tract is*
 7 *at least 20 percent; or*

8 *“(ii) in the case of a tract—*

9 *“(I) not located within a metro-*
 10 *politan area, the median family in-*
 11 *come for such tract does not exceed 80*
 12 *percent of statewide median family in-*
 13 *come; or*

14 *“(II) located within a metropoli-*
 15 *tan area, the median family income*
 16 *for such tract does not exceed 80 per-*
 17 *cent of the greater statewide median*
 18 *family income or the metropolitan area*
 19 *median family income.”;*

20 *(3) by striking paragraph (5) and inserting the*
 21 *following:*

22 *“(5) GRANT ELIGIBILITY.—In awarding grants*
 23 *under this subsection, the Secretary shall make grants*
 24 *to eligible projects relating to the acquisition or leas-*

1 *ing of zero emission buses or bus facility improve-*
2 *ments—*

3 *“(A) that procure—*

4 *“(i) at least 10 zero emission buses;*

5 *“(ii) if the recipient operates less than*
6 *50 buses in peak service, at least 5 zero*
7 *emission buses; or*

8 *“(iii) hydrogen buses;*

9 *“(B) for which the recipient’s board of di-*
10 *rectors has approved a long-term integrated fleet*
11 *management plan that—*

12 *“(i) establishes a goal by a set date to*
13 *convert the entire bus fleet to zero emission*
14 *buses; or*

15 *“(ii) establishes a goal that within 10*
16 *years from the date of approval of such plan*
17 *the recipient will convert a set percentage of*
18 *the total bus fleet of such recipient to zero*
19 *emission buses; and*

20 *“(C) for which the recipient has performed*
21 *a fleet transition study that includes optimal*
22 *route planning and an analysis of how utility*
23 *rates may impact the recipient’s operations and*
24 *maintenance budget.*

1 “(6) *LOW AND MODERATE COMMUNITY*
 2 *GRANTS.*—*Not less than 10 percent of the amounts*
 3 *made available under this subsection in a fiscal year*
 4 *shall be distributed to projects serving predominantly*
 5 *low-income communities.”; and*

6 (4) *by adding at the end the following:*

7 “(8) *CERTIFICATION.*—*The Secretary of Com-*
 8 *merce shall certify that no projects carried out under*
 9 *this subsection use minerals sourced or processed with*
 10 *child labor, as such term is defined in Article 3 of the*
 11 *International Labor Organization Convention con-*
 12 *cerning the prohibition and immediate action for the*
 13 *elimination of the worst forms of child labor (Decem-*
 14 *ber 2, 2000), or in violation of human rights.”.*

15 (b) *METROPOLITAN TRANSPORTATION PLANNING.*—
 16 *Section 5303(b) of title 49, United States Code, is amended*
 17 *by adding at the end the following:*

18 “(8) *MAINTENANCE AREA.*—*The term ‘mainte-*
 19 *nance area’ has the meaning given the term in sec-*
 20 *tions 171(2) and 175A of the Clean Air Act (42*
 21 *U.S.C. 7501(2); 7505a).”.*

22 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
 23 **MULA SUBGRANT.**

24 *Section 5339 of title 49, United States Code, is amend-*
 25 *ed by adding at the end the following:*

1 “(d) *RESTORATION TO STATE OF GOOD REPAIR FOR-*
2 *MULA SUBGRANT.*—

3 “(1) *GENERAL AUTHORITY.*—*The Secretary may*
4 *make grants under this subsection to assist eligible re-*
5 *cipients and subrecipients described in paragraph (2)*
6 *in financing capital projects to replace, rehabilitate,*
7 *and purchase buses and related equipment.*

8 “(2) *ELIGIBLE RECIPIENTS AND SUBRECIPI-*
9 *ENTS.*—*Not later than September 1 annually, the Sec-*
10 *retary shall make public a list of eligible recipients*
11 *and subrecipients based on the most recent data*
12 *available in the National Transit Database to cal-*
13 *culate the 20 percent of eligible recipients and sub-*
14 *recipients with the highest percentage of asset vehicle*
15 *miles for buses beyond the useful life benchmark estab-*
16 *lished by the Federal Transit Administration.*

17 “(3) *URBAN APPORTIONMENTS.*—*Funds allocated*
18 *under section 5338(a)(2)(L)(ii) shall be—*

19 “(A) *distributed to—*

20 “(i) *designated recipients in an urban-*
21 *ized area with a population of more than*
22 *200,000 made eligible by paragraph (1);*
23 *and*

1 “(ii) States based on subrecipients
2 made eligible by paragraph (1) in an ur-
3 banized area under 200,000; and

4 “(B) allocated pursuant to the formula set
5 forth in section 5336 other than subsection (b),
6 using the data from the 20 percent of eligible re-
7 cipients and subrecipients.

8 “(4) RURAL ALLOCATION.—The Secretary
9 shall—

10 “(A) calculate the percentage of funds under
11 section 5338(a)(2)(L)(ii) to allocate to rural sub-
12 recipients by dividing—

13 “(i) the asset vehicle miles for buses be-
14 yond the useful life benchmark (established
15 by the Federal Transit Administration) of
16 the rural subrecipients described in para-
17 graph (2); by

18 “(ii) the total asset vehicle miles for
19 buses beyond such benchmark of all eligible
20 recipients and subrecipients described in
21 paragraph (2); and

22 “(B) prior to the allocation described in
23 paragraph (3)(B), apportion to each State the
24 amount of the total rural allocation calculated

1 under subparagraph (A) attributable to such
2 State based the proportion that—

3 “(i) the asset vehicle miles for buses be-
4 yond the useful life benchmark (established
5 by the Federal Transit Administration) for
6 rural subrecipients described in paragraph
7 (2) in such State; bears to

8 “(ii) the total asset vehicle miles de-
9 scribed in subparagraph (A)(i).

10 “(5) *APPLICATION OF OTHER PROVISIONS.*—
11 Paragraphs (3), (7), and (8) of subsection (a) shall
12 apply to eligible recipients and subrecipients de-
13 scribed in paragraph (2) of a grant under this sub-
14 section.

15 “(6) *PROHIBITION.*—No eligible recipient or sub-
16 recipient outside the top 5 percent of asset vehicle
17 miles for buses beyond the useful life benchmark estab-
18 lished by the Federal Transit Administration may re-
19 ceive a grant in both fiscal year 2022 and fiscal year
20 2023.

21 “(7) *REQUIREMENT.*—The Secretary shall re-
22 quire—

23 “(A) States to expend, to the benefit of the
24 subrecipients eligible under paragraph (2), the

1 *apportioned funds attributed to such subrecipi-*
 2 *ents; and*

3 *“(B) designated recipients to provide the al-*
 4 *located funds to the recipients eligible under*
 5 *paragraph (2) the apportioned funds attributed*
 6 *to such recipients.”.*

7 ***Subtitle E—Supporting All Riders***

8 ***SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.***

9 *Section 5336(j) of title 49, United States Code, is*
 10 *amended*

11 *(1) in paragraph (1) by striking “75 percent”*
 12 *and inserting “50 percent”;*

13 *(2) in paragraph (2) by striking “25 percent”*
 14 *and inserting “12.5 percent”; and*

15 *(3) by adding at the end the following:*

16 *“(3) 30 percent of the funds shall be apportioned*
 17 *among designated recipients for urbanized areas with*
 18 *a population of 200,000 or more in the ratio that—*

19 *“(A) the number of individuals in each such*
 20 *urbanized area residing in an urban census tract*
 21 *with a poverty rate of at least 20 percent during*
 22 *the 5 years most recently ending; bears to*

23 *“(B) the number of individuals in all such*
 24 *urbanized areas residing in an urban census*

1 tract with a poverty rate of at least 20 percent
 2 during the 5 years most recently ending; and

3 “(4) 7.5 percent of the funds shall be apportioned
 4 among designated recipients for urbanized areas with
 5 a population less than 200,000 in the ratio that—

6 “(A) the number of individuals in each such
 7 urbanized area residing in an urban census tract
 8 with a poverty rate of at least 20 percent during
 9 the 5 years most recently ending; bears to

10 “(B) the number of individuals in all such
 11 areas residing in an urban census tract with a
 12 poverty rate of at least 20 percent during the 5
 13 years most recently ending.”.

14 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

15 Section 5311 of title 49, United States Code, as amend-
 16 ed in section 2204, is further amended—

17 (1) in subsection (a) by adding at the end the
 18 following:

19 “(3) *PERSISTENT POVERTY COUNTY*.—The term
 20 ‘persistent poverty county’ means any county with a
 21 poverty rate of at least 20 percent—

22 “(A) as determined in each of the 1990 and
 23 2000 decennial censuses;

24 “(B) in the *Small Area Income and Poverty*
 25 *Estimates of the Bureau of the Census for the*

1 *most recent year for which the estimates are*
 2 *available; and*

3 “(C) *has at least 25 percent of its popu-*
 4 *lation in rural areas.*”;

5 (2) *in subsection (b)(2)(C)(i) by inserting “and*
 6 *persistent poverty counties” before the semicolon; and*

7 (3) *in subsection (c) by striking paragraph (2)*
 8 *and inserting the following:*

9 “(2) *PERSISTENT POVERTY PUBLIC TRANSPOR-*
 10 *TATION ASSISTANCE PROGRAM.—*

11 “(A) *IN GENERAL.—The Secretary shall*
 12 *carry out a public transportation assistance pro-*
 13 *gram for areas of persistent poverty.*

14 “(B) *APPORTIONMENT.—Of amounts made*
 15 *available or appropriated for each fiscal year*
 16 *under section 5338(a)(2)(E)(ii) to carry out this*
 17 *paragraph, the Secretary shall apportion funds*
 18 *to recipients for service in, or directly benefit-*
 19 *ting, persistent poverty counties for any eligible*
 20 *purpose under this section in the ratio that—*

21 “(i) *the number of individuals in each*
 22 *such rural area residing in a persistent*
 23 *poverty county; bears to*

1 “(ii) the number of individuals in all
 2 such rural areas residing in a persistent
 3 poverty county.”.

4 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
 5 **DUCED FARE TRANSIT.**

6 Section 5312 of title 49, United States Code, is amend-
 7 ed by adding at the end the following:

8 “(j) *DEMONSTRATION GRANTS TO SUPPORT REDUCED*
 9 *FARE TRANSIT.*—

10 “(1) *IN GENERAL.*—Not later than 300 days
 11 after the date of enactment of the *INVEST in Amer-*
 12 *ica Act*, the Secretary shall award grants (which shall
 13 be known as ‘Access to Jobs Grants’) to eligible enti-
 14 ties, on a competitive basis, to implement reduced
 15 fare transit service.

16 “(2) *NOTICE.*—Not later than 180 days after the
 17 date of enactment of the *INVEST in America Act*, the
 18 Secretary shall provide notice to eligible entities of the
 19 availability of grants under paragraph (1).

20 “(3) *APPLICATION.*—To be eligible to receive a
 21 grant under this subsection, an eligible recipient shall
 22 submit to the Secretary an application containing
 23 such information as the Secretary may require, in-
 24 cluding, at a minimum, the following:

1 “(A) A description of how the eligible entity
2 plans to implement reduced fare transit access
3 with respect to low-income individuals, includ-
4 ing any eligibility requirements for such transit
5 access.

6 “(B) A description of how the eligible entity
7 will consult with local community stakeholders,
8 labor unions, local education agencies and insti-
9 tutions of higher education, public housing agen-
10 cies, and workforce development boards in the
11 implementation of reduced fares.

12 “(C) A description of the eligible entity’s
13 current fare evasion enforcement policies, includ-
14 ing how the eligible entity plans to use the re-
15 duced fare program to reduce fare evasion.

16 “(D) An estimate of additional costs to such
17 eligible entity as a result of reduced transit fares.

18 “(4) GRANT DURATION.—Grants awarded under
19 this subsection shall be for a 2-year period.

20 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
21 carrying out the program under this subsection, the
22 Secretary shall award not more than 20 percent of
23 grants to eligible entities located in rural areas.

24 “(6) USES OF FUNDS.—An eligible entity receiv-
25 ing a grant under this subsection shall use such grant

1 to implement a reduced fare transit program and off-
2 set lost fare revenue.

3 “(7) *DEFINITIONS.*—*In this subsection:*

4 “(A) *ELIGIBLE ENTITY.*—*The term ‘eligible*
5 *entity’ means a State, local, or Tribal govern-*
6 *mental entity that operates a public transpor-*
7 *tation service and is a recipient or subrecipient*
8 *of funds under this chapter.*

9 “(B) *LOW-INCOME INDIVIDUAL.*—*The term*
10 *‘low-income individual’ means an individual—*

11 “(i) *that has qualified for—*

12 “(I) *any program of medical as-*
13 *istance under a State plan or under a*
14 *waiver of the plan under title XIX of*
15 *the Social Security Act (42 U.S.C.*
16 *1396 et seq.);*

17 “(II) *supplemental nutrition as-*
18 *istance program (SNAP) under the*
19 *Food and Nutrition Act of 2008 (7*
20 *U.S.C. 2011 et seq.);*

21 “(III) *the program of block grants*
22 *for States for temporary assistance for*
23 *needy families (TANF) established*
24 *under part A of title IV of the Social*
25 *Security Act (42 U.S.C. 601 et seq.);*

1 “(IV) *the free and reduced price*
2 *school lunch program established under*
3 *the Richard B. Russell National School*
4 *Lunch Act (42 U.S.C. 1751 et seq.);*

5 “(V) *a housing voucher through*
6 *section 8(o) of the United States Hous-*
7 *ing Act of 1937 (42 U.S.C. 1437f(o));*

8 “(VI) *benefits under the Low-In-*
9 *come Home Energy Assistance Act of*
10 *1981; or*

11 “(VII) *special supplemental food*
12 *program for women, infants and chil-*
13 *dren (WIC) under section 17 of the*
14 *Child Nutrition Act of 1966 (42 U.S.C.*
15 *1786); or*

16 “(ii) *whose family income is at or*
17 *below a set percent (as determined by the el-*
18 *igible recipient) of the poverty line (as that*
19 *term is defined in section 673(2) of the*
20 *Community Service Block Grant Act (42*
21 *U.S.C. 9902(2)), including any revision re-*
22 *quired by that section) for a family of the*
23 *size involved.*

24 “(8) *REPORT.—The Secretary shall designate a*
25 *university transportation center under section 5505 to*

1 *collaborate with the eligible entities receiving a grant*
 2 *under this subsection to collect necessary data to*
 3 *evaluate the effectiveness of meeting the targets de-*
 4 *scribed in the application of such recipient, including*
 5 *increased ridership and progress towards signifi-*
 6 *cantly closing transit equity gaps.”.*

7 ***Subtitle F—Supporting Frontline***
 8 ***Workers and Passenger Safety***

9 ***SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE***
 10 ***TRAINING CENTER.***

11 *Section 5314(b) of title 49, United States Code, is*
 12 *amended—*

13 *(1) by striking paragraph (2) and inserting the*
 14 *following:*

15 *“(2) NATIONAL TRANSIT FRONTLINE WORKFORCE*
 16 *TRAINING CENTER.—*

17 *“(A) ESTABLISHMENT.—The Secretary shall*
 18 *establish a national transit frontline workforce*
 19 *training center (hereinafter referred to as the*
 20 *‘Center’) and award grants to a nonprofit orga-*
 21 *nization with a demonstrated capacity to develop*
 22 *and provide transit career ladder programs*
 23 *through labor-management partnerships and ap-*
 24 *prenticeships on a nationwide basis, in order to*
 25 *carry out the duties under subparagraph (B).*

1 *The Center shall be dedicated to the needs of the*
2 *frontline transit workforce in both rural and*
3 *urban transit systems by providing standards-*
4 *based training in the maintenance and oper-*
5 *ations occupations.*

6 “(B) DUTIES.—

7 “(i) IN GENERAL.—*In cooperation*
8 *with the Administrator of the Federal Tran-*
9 *sit Administration, public transportation*
10 *authorities, and national entities, the Cen-*
11 *ter shall develop and conduct training and*
12 *educational programs for frontline local*
13 *transportation employees of recipients eligi-*
14 *ble for funds under this chapter.*

15 “(ii) TRAINING AND EDUCATIONAL
16 PROGRAMS.—*The training and educational*
17 *programs developed under clause (i) may*
18 *include courses in recent developments, tech-*
19 *niques, and procedures related to—*

20 “(I) *developing consensus national*
21 *training standards in partnership with*
22 *industry stakeholders for key frontline*
23 *transit occupations with demonstrated*
24 *skill gaps;*

1 “(II) developing national systems
2 of qualification and apprenticeship for
3 transit maintenance and operations oc-
4 cupations;

5 “(III) building local, regional,
6 and statewide transit training part-
7 nerships to identify and address work-
8 force skill gaps and develop skills need-
9 ed for delivering quality transit service
10 and supporting employee career ad-
11 vancement;

12 “(IV) developing programs for
13 training of transit frontline workers,
14 instructors, mentors, and labor-man-
15 agement partnership representatives,
16 in the form of classroom, hands-on, on-
17 the-job, and web-based training, deliv-
18 ered at a national center, regionally,
19 or at individual transit agencies;

20 “(V) developing training pro-
21 grams for skills related to existing and
22 emerging transit technologies, includ-
23 ing zero emission buses;

24 “(VI) developing improved capac-
25 ity for safety, security, and emergency

1 *preparedness in local transit systems*
2 *and in the industry as a whole*
3 *through—*

4 *“(aa) developing the role of*
5 *the transit frontline workforce in*
6 *building and sustaining safety*
7 *culture and safety systems in the*
8 *industry and in individual public*
9 *transportation systems; and*

10 *“(bb) training to address*
11 *transit frontline worker roles in*
12 *promoting health and safety for*
13 *transit workers and the riding*
14 *public;*

15 *“(VII) developing local transit ca-*
16 *capacity for career pathways partner-*
17 *ships with schools and other commu-*
18 *nity organizations for recruiting and*
19 *training under-represented populations*
20 *as successful transit employees who can*
21 *develop careers in the transit industry;*
22 *and*

23 *“(VIII) in collaboration with the*
24 *Administrator of the Federal Transit*
25 *Administration and organizations rep-*

1 resenting public transit agencies, con-
2 ducting and disseminating research
3 to—

4 “(aa) provide transit work-
5 force job projections and identify
6 training needs and gaps;

7 “(bb) determine the most
8 cost-effective methods for transit
9 workforce training and develop-
10 ment, including return on invest-
11 ment analysis;

12 “(cc) identify the most effec-
13 tive methods for implementing
14 successful safety systems and a
15 positive safety culture; and

16 “(dd) promote transit work-
17 force best practices for achieving
18 cost-effective, quality, safe, and re-
19 liable public transportation serv-
20 ices.

21 “(C) COORDINATION.—The Secretary shall
22 coordinate activities under this section, to the
23 maximum extent practicable, with the National
24 Office of Apprenticeship of the Department of
25 Labor and the Office of Career, Technical, and

Adult Education of the Department of Education.

“(D) *AVAILABILITY OF AMOUNTS.*—

“(i) *IN GENERAL.*—Not more than 1 percent of amounts made available to a recipient under sections 5307, 5311, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

“(ii) *EXISTING PROGRAMS.*—A recipient may use amounts made available under clause (i) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.”;

(2) in paragraph (3) by striking “or (2)”; and
(3) by striking paragraph (4).

SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C)(ii)—

1 (A) in subclause (I) by striking “and” at
2 the end;

3 (B) in subclause (II) by striking the semi-
4 colon and inserting “; and”; and

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

6 “(III) innovations in driver as-
7 sistance technologies and driver protec-
8 tion infrastructure where appropriate,
9 and a reduction in visibility impair-
10 ments that contribute to pedestrian fa-
11 talities.”;

12 (2) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A) by inserting
15 “the safety committee established under
16 paragraph (4), and subsequently,” before
17 “the board of directors”;

18 (ii) in subparagraph (C) by striking
19 “public, personnel, and property” and in-
20 serting “public and personnel to injuries,
21 assaults, and fatalities, and strategies to
22 minimize the exposure of property”;

23 (iii) by striking subparagraph (G) and
24 inserting the following:

1 “(G) a comprehensive staff training pro-
2 gram for the operations and maintenance per-
3 sonnel and personnel directly responsible for
4 safety of the recipient that includes—

5 “(i) the completion of a safety training
6 program;

7 “(ii) continuing safety education and
8 training; and

9 “(iii) de-escalation training;

10 “(H) a requirement that the safety com-
11 mittee only approve a safety plan under sub-
12 paragraph (A) if such plan stays within such re-
13 cipient’s fiscal budget; and

14 “(I) a risk reduction program for transit
15 operations to improve safety by reducing the
16 number and rates of accidents, injuries, and as-
17 saults on transit workers using data submitted to
18 the National Transit Database, including—

19 “(i) a reduction of vehicular and pe-
20 destrian accidents involving buses that in-
21 cludes measures to reduce visibility impair-
22 ments for bus operators that contribute to
23 accidents, including retrofits to buses in
24 revenue service and specifications for future

1 *procurements that reduce visibility impair-*
2 *ments; and*

3 “(ii) *transit worker assault mitigation,*
4 *including the deployment of assault mitiga-*
5 *tion infrastructure and technology on buses,*
6 *including barriers to restrict the unwanted*
7 *entry of individuals and objects into bus op-*
8 *erators’ workstations when a recipient’s risk*
9 *analysis performed by the safety committee*
10 *established in paragraph (4) determines*
11 *that such barriers or other measures would*
12 *reduce assaults on and injuries to transit*
13 *workers; and”;* and

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

15 “(4) *SAFETY COMMITTEE.—For purposes of the*
16 *approval process of an agency safety plan under*
17 *paragraph (1), the safety committee shall be convened*
18 *by a joint labor-management process and consist of*
19 *an equal number of—*

20 “(A) *frontline employee representatives, se-*
21 *lected by the labor organization representing the*
22 *plurality of the frontline workforce employed by*
23 *the recipient or if applicable a contractor to the*
24 *recipient; and*

1 “(B) employer or State representatives.”;

2 and

3 (3) in subsection (e)(4)(A)(v) by inserting “, in-

4 spection,” after “has investigative”.

5 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

6 (a) *PROHIBITION ON USE OF FUNDS.*—No financial

7 assistance under chapter 53 of title 49, United States Code,

8 may be used for—

9 (1) an automated vehicle providing public trans-
10 portation unless—

11 (A) the recipient of such assistance that
12 proposes to deploy an automated vehicle pro-
13 viding public transportation certifies to the Sec-
14 retary of Transportation that the deployment
15 does not duplicate, eliminate, or reduce the fre-
16 quency of existing public transportation service;
17 and

18 (B) the Secretary receives, approves, and
19 publishes the workforce development plan under
20 subsection (b) submitted by the eligible entity
21 when required by subsection (b)(1); and

22 (2) a mobility on demand service unless—

23 (A) the recipient of such assistance that
24 proposes to deploy a mobility on demand service
25 certifies to the Secretary that the service meets

1 *the criteria under section 5316 of title 49,*
2 *United States Code; and*

3 *(B) the Secretary receives, approves, and*
4 *publishes the workforce development plan under*
5 *subsection (b) submitted by the eligible entity*
6 *when required by subsection (b)(1).*

7 *(b) WORKFORCE DEVELOPMENT PLAN.—*

8 *(1) IN GENERAL.—A recipient of financial as-*
9 *sistance under chapter 53 of title 49, United States*
10 *Code, proposing to deploy an automated vehicle pro-*
11 *viding public transportation or mobility on demand*
12 *service shall submit to the Secretary, prior to imple-*
13 *mentation of such service, a workforce development*
14 *plan if such service, combined with any other auto-*
15 *mated vehicle providing public transportation or mo-*
16 *bility on demand service offered by such recipient,*
17 *would exceed by more than 0.5 percent of the recipi-*
18 *ent's total transit passenger miles traveled.*

19 *(2) CONTENTS.—The workforce development plan*
20 *under subsection (a) shall include the following:*

21 *(A) A description of services offered by ex-*
22 *isting modes of public transportation in the area*
23 *served by the recipient that could be affected by*
24 *the proposed automated vehicle providing public*

1 *transportation or mobility on demand service,*
2 *including jobs and functions of such jobs.*

3 *(B) A forecast of the number of jobs pro-*
4 *vided by existing modes of public transportation*
5 *that would be eliminated or that would be sub-*
6 *stantially changed and the number of jobs ex-*
7 *pected to be created by the proposed automated*
8 *vehicle providing public transportation or mobil-*
9 *ity on demand service over a 5-year period from*
10 *the date of the publication of the workforce devel-*
11 *opment plan.*

12 *(C) Identified gaps in skills needed to oper-*
13 *ate and maintain the proposed automated vehi-*
14 *cle providing public transportation or mobility*
15 *on demand service.*

16 *(D) A comprehensive plan to transition,*
17 *train, or retrain employees that could be affected*
18 *by the proposed automated vehicle providing*
19 *public transportation or mobility on demand*
20 *service.*

21 *(E) An estimated budget to transition,*
22 *train, or retrain employees impacted by the pro-*
23 *posed automated vehicle providing public trans-*
24 *portation or mobility on demand service over a*

1 5-year period from the date of the publication of
2 the workforce development plan.

3 (c) *NOTICE REQUIRED.*—

4 (1) *IN GENERAL.*—A recipient of financial as-
5 sistance under chapter 53 of title 49, United States
6 Code, shall issue a notice to employees who, due to the
7 use of an automated vehicle providing public trans-
8 portation or mobility on demand service, may be sub-
9 jected to a loss of employment or a change in respon-
10 sibilities not later than 60 days before issuing a re-
11 quest for proposals to procure or contract for such a
12 vehicle.

13 (2) *CONTENT.*—The notice required in para-
14 graph (1) shall include the following:

15 (A) A description of the automated vehicle
16 providing public transportation or mobility on
17 demand service.

18 (B) The impact of the automated vehicle
19 providing public transportation or mobility on
20 demand service on employment positions, includ-
21 ing a description of which employment positions
22 will be affected and whether any new positions
23 will be created.

24 (d) *DEFINITIONS.*—In this section:

1 (1) *AUTOMATED VEHICLE.*—The term “auto-
2 mated vehicle” means a motor vehicle that—

3 (A) is capable of performing the entire task
4 of driving (including steering, accelerating and
5 decelerating, and reacting to external stimulus)
6 without human intervention; and

7 (B) is designed to be operated exclusively by
8 a Level 4 or Level 5 automated driving system
9 for all trips according to the recommended prac-
10 tice standards published on June 15, 2018, by
11 the Society of Automotive Engineers Inter-
12 national (J3016__201806) or equivalent stand-
13 ards adopted by the Secretary with respect to
14 automated motor vehicles.

15 (2) *MOBILITY ON DEMAND.*—The term “mobility
16 on demand” has the meaning given such term in sec-
17 tion 5316 of title 49, United States Code.

18 (3) *PUBLIC TRANSPORTATION.*—The term “pub-
19 lic transportation” has the meaning given such term
20 in section 5302 of title 49, United States Code.

21 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**

22 **ASIDES.**

23 Section 5329(d)(2) of title 49, United States Code, is
24 amended to read as follows:

1 “(2) *SAFETY COMMITTEE PERFORMANCE MEAS-*
2 *URES.*—

3 “(A) *IN GENERAL.*—*The safety committee*
4 *described in paragraph (4) shall establish per-*
5 *formance measures for the risk reduction pro-*
6 *gram in paragraph (1)(I) using a 3-year rolling*
7 *average of the data submitted by the recipient to*
8 *the National Transit Database.*

9 “(B) *SAFETY SET ASIDE.*—*With respect to a*
10 *recipient serving an urbanized area that receives*
11 *funds under section 5307, such recipient shall al-*
12 *locate not less than 0.75 percent of such funds to*
13 *projects eligible under 5307.*

14 “(C) *FAILURE TO MEET PERFORMANCE*
15 *MEASURES.*—*Any recipient that receives funds*
16 *under section 5307 that does not meet the per-*
17 *formance measures established in subparagraph*
18 *(A) shall allocate the amount made available in*
19 *subparagraph (B) in the following fiscal year to*
20 *projects described in subparagraph (D).*

21 “(D) *ELIGIBLE PROJECTS.*—*Funds set aside*
22 *under this paragraph shall be used for projects*
23 *that are reasonably likely to meet the perform-*
24 *ance measures established in subparagraph (A),*

1 *including modifications to rolling stock and de-*
 2 *escalation training.”.*

3 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

4 *(a) IN GENERAL.—Chapter 53 of title 49, United*
 5 *States Code, is amended by adding at the end the following:*

6 **“§ 5341. U.S. Employment Plan**

7 *“(a) DEFINITIONS.—In this section:*

8 *“(1) COMMITMENT TO HIGH-QUALITY CAREER*
 9 *AND BUSINESS OPPORTUNITIES.—The term ‘commit-*
 10 *ment to high-quality career and business opportuni-*
 11 *ties’ means participation in a registered apprentice-*
 12 *ship program.*

13 *“(2) COVERED INFRASTRUCTURE PROGRAM.—*
 14 *The term ‘covered infrastructure program’ means any*
 15 *activity under program or project under this chapter*
 16 *for the purchase or acquisition of rolling stock.*

17 *“(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.*
 18 *Employment Plan’ means a plan under which an en-*
 19 *tity receiving Federal assistance for a project under*
 20 *a covered infrastructure program shall—*

21 *“(A) include in a request for proposal an*
 22 *encouragement for bidders to include, with re-*
 23 *spect to the project—*

24 *“(i) high-quality wage, benefit, and*
 25 *training commitments by the bidder and the*

1 *supply chain of the bidder for the project;*
2 *and*

3 “(ii) *a commitment to recruit and hire*
4 *individuals described in subsection (e) if the*
5 *project results in the hiring of employees*
6 *not currently or previously employed by the*
7 *bidder and the supply chain of the bidder*
8 *for the project;*

9 “(B) *give preference for the award of the*
10 *contract to a bidder that includes the commit-*
11 *ments described in clauses (i) and (ii) of sub-*
12 *paragraph (A); and*

13 “(C) *ensure that each bidder that includes*
14 *the commitments described in clauses (i) and (ii)*
15 *of subparagraph (A) that is awarded a contract*
16 *complies with those commitments.*

17 “(4) *REGISTERED APPRENTICESHIP PROGRAM.—*
18 *The term ‘registered apprenticeship program’ means*
19 *an apprenticeship program registered with the De-*
20 *partment of Labor or a Federally-recognized State*
21 *Apprenticeship Agency and that complies with the re-*
22 *quirements under parts 29 and 30 of title 29, Code*
23 *of Federal Regulations, as in effect on January 1,*
24 *2019.*

1 “(b) *BEST-VALUE FRAMEWORK.*—*To the maximum ex-*
2 *tent practicable, a recipient of assistance under a covered*
3 *infrastructure program is encouraged—*

4 “(1) *to ensure that each dollar invested in infra-*
5 *structure uses a best-value contracting framework to*
6 *maximize the local value of federally funded contracts*
7 *by evaluating bids on price and other technical cri-*
8 *teria prioritized in the bid, such as—*

9 “(A) *equity;*

10 “(B) *environmental and climate justice;*

11 “(C) *impact on greenhouse gas emissions;*

12 “(D) *resilience;*

13 “(E) *the results of a 40-year life-cycle anal-*
14 *ysis;*

15 “(F) *safety;*

16 “(G) *commitment to creating or sustaining*
17 *high-quality job opportunities affiliated with*
18 *registered apprenticeship programs (as defined*
19 *in subsection (a)(3)) for disadvantaged or under-*
20 *represented individuals in infrastructure indus-*
21 *tries in the United States; and*

22 “(H) *access to jobs and essential services by*
23 *all modes of travel for all users, including dis-*
24 *abled individuals; and*

1 “(2) to ensure community engagement, trans-
2 parency, and accountability in carrying out each
3 stage of the project.

4 “(c) *PREFERENCE FOR REGISTERED APPRENTICESHIP*
5 *PROGRAMS.*—To the maximum extent practicable, a recipi-
6 ent of assistance under a covered infrastructure program,
7 with respect to the project for which the assistance is re-
8 ceived, shall give preference to a bidder that demonstrates
9 a commitment to high-quality job opportunities affiliated
10 with registered apprenticeship programs.

11 “(d) *USE OF U.S. EMPLOYMENT PLAN.*—Notwith-
12 standing any other provision of law, in carrying out a
13 project under a covered infrastructure program, each entity
14 that receives Federal assistance shall use a U.S. Employ-
15 ment Plan for each contract of \$10,000,000 or more for the
16 purchase of manufactured goods or of services, based on an
17 independent cost estimate.

18 “(e) *PRIORITY.*—The head of the relevant Federal
19 agency shall ensure that the entity carrying out a project
20 under the covered infrastructure program gives priority
21 to—

22 “(1) individuals with a barrier to employment
23 (as defined in section 3 of the Workforce Innovation
24 and Opportunity Act (29 U.S.C. 3102)), including
25 ex-offenders and disabled individuals;

1 “(2) *veterans; and*

2 “(3) *individuals that represent populations that*
3 *are traditionally underrepresented in the infrastruc-*
4 *ture workforce, such as women and racial and ethnic*
5 *minorities.*

6 “(f) *REPORT.—Not less frequently than once each fis-*
7 *cal year, the heads of the relevant Federal agencies shall*
8 *jointly submit to Congress a report describing the imple-*
9 *mentation of this section.*

10 “(g) *INTENT OF CONGRESS.—*

11 “(1) *IN GENERAL.—It is the intent of Congress—*

12 “(A) *to encourage recipients of Federal as-*
13 *istance under covered infrastructure programs*
14 *to use a best-value contracting framework de-*
15 *scribed in subsection (b) for the purchase of*
16 *goods and services;*

17 “(B) *to encourage recipients of Federal as-*
18 *istance under covered infrastructure programs*
19 *to use preferences for registered apprenticeship*
20 *programs as described in subsection (c) when*
21 *evaluating bids for projects using that assistance;*

22 “(C) *to require that recipients of Federal*
23 *assistance under covered infrastructure programs*
24 *use the U.S. Employment Plan in carrying out*

1 *the project for which the assistance was provided;*
2 *and*

3 *“(D) that full and open competition under*
4 *covered infrastructure programs means a proce-*
5 *dural competition that prevents corruption, fa-*
6 *voritism, and unfair treatment by recipient*
7 *agencies.*

8 *“(2) INCLUSION.—A best-value contracting*
9 *framework described in subsection (b) is a framework*
10 *that authorizes a recipient of Federal assistance*
11 *under a covered infrastructure program, in awarding*
12 *contracts, to evaluate a range of factors, including*
13 *price, the quality of products, the quality of services,*
14 *and commitments to the creation of good jobs for all*
15 *people in the United States.*

16 *“(h) AWARD BASIS.—*

17 *“(1) PRIORITY FOR TARGETED HIRING OR U.S.*
18 *EMPLOYMENT PLAN PROJECTS.—In awarding grants*
19 *under this section, the Secretary shall give priority to*
20 *eligible entities that—*

21 *“(A) ensure that not less than 50 percent of*
22 *the workers hired to participate in the job train-*
23 *ing program are hired through local hiring in*
24 *accordance with subsection (e), including by*
25 *prioritizing individuals with a barrier to em-*

ployment (including ex-offenders), disabled individuals (meaning an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), veterans, and individuals that represent populations that are traditionally underrepresented in the infrastructure workforce; or

“(B) ensure the commitments described in clauses (i) and (ii) of subsection (a)(2)(A) with respect to carrying out the job training program.”.

(b) *CLERICAL AMENDMENT.*—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

“5341. U.S. Employment Plan.”.

SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) *IN GENERAL.*—Section 5314(a) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (H) by striking “and” at the end;

(B) by redesignating subparagraph (I) as subparagraph (J); and

(C) by inserting after subparagraph (H) the following:

1 “(I) provide innovation and capacity-build-
 2 ing to rural and tribal public transportation re-
 3 cipients but that not to duplicate the activities
 4 of sections 5311(b) or 5312; and”; and
 5 (2) by adding at the end the following:

6 “(4) AVAILABILITY OF AMOUNTS.—Of the
 7 amounts made available to carry out this section
 8 under section 5338(c), \$1,500,000 shall be available to
 9 carry out activities described in paragraph (2)(I).”.
 10 (b) AVAILABILITY OF AMOUNTS.—Section
 11 5314(c)(4)(A) of title 49, United States Code, is amended
 12 by inserting “5311,” after “5307,”.

13 ***Subtitle G—Transit-Supportive*** 14 ***Communities***

15 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

16 (a) IN GENERAL.—Chapter 53 of title 49, United
 17 States Code, is amended by inserting after section 5327 the
 18 following:

19 **“§ 5328. Transit-supportive communities**

20 “(a) ESTABLISHMENT.—The Secretary shall establish
 21 within the Federal Transit Administration, an Office of
 22 Transit-Supportive Communities to make grants, provide
 23 technical assistance, and assist in the coordination of tran-
 24 sit and housing policies within the Federal Transit Admin-

1 *istration, the Department of Transportation, and across the*
 2 *Federal Government.*

3 “(b) *TRANSIT ORIENTED DEVELOPMENT PLANNING*
 4 *GRANT PROGRAM.*—

5 “(1) *DEFINITION.*—*In this subsection the term*
 6 *‘eligible project’ means—*

7 “(A) *a new fixed guideway capital project*
 8 *or a core capacity improvement project as de-*
 9 *finied in section 5309;*

10 “(B) *an existing fixed guideway system, or*
 11 *an existing station that is served by a fixed*
 12 *guideway system; or*

13 “(C) *the immediate corridor along the high-*
 14 *est 25 percent of routes by ridership as dem-*
 15 *onstrated in section 5336(b)(2)(B).*

16 “(2) *GENERAL AUTHORITY.*—*The Secretary may*
 17 *make grants under this subsection to a State , local*
 18 *governmental authority, or metropolitan planning or-*
 19 *ganization to assist in financing comprehensive plan-*
 20 *ning associated with an eligible project that seeks*
 21 *to—*

22 “(A) *enhance economic development, rider-*
 23 *ship, and other goals established during the*
 24 *project development and engineering processes or*
 25 *the grant application;*

1 “(B) facilitate multimodal connectivity and
2 accessibility;

3 “(C) increase access to transit hubs for pe-
4 destrian and bicycle traffic;

5 “(D) enable mixed-use development;

6 “(E) identify infrastructure needs associ-
7 ated with the eligible project; and

8 “(F) include private sector participation.

9 “(3) *ELIGIBILITY*.—A State , local governmental
10 authority, or metropolitan planning organization
11 that desires to participate in the program under this
12 subsection shall submit to the Secretary an applica-
13 tion that contains at a minimum—

14 “(A) an identification of an eligible project;

15 “(B) a schedule and process for the develop-
16 ment of a comprehensive plan;

17 “(C) a description of how the eligible project
18 and the proposed comprehensive plan advance
19 the metropolitan transportation plan of the met-
20 ropolitan planning organization;

21 “(D) proposed performance criteria for the
22 development and implementation of the com-
23 prehensive plan;

24 “(E) a description of how the project will
25 reduce and mitigate social and economic impacts

1 *on existing residents and businesses vulnerable to*
2 *displacement; and*

3 “(F) *identification of—*

4 “(i) *partners;*

5 “(ii) *availability of and authority for*
6 *funding; and*

7 “(iii) *potential State, local or other*
8 *impediments to the implementation of the*
9 *comprehensive plan.*

10 “(4) *COST SHARE.—A grant under this sub-*
11 *section shall not exceed an amount in excess of 80*
12 *percent of total project costs, except that a grant that*
13 *includes an affordable housing component shall not*
14 *exceed an amount in excess of 90 percent of total*
15 *project costs.*

16 “(c) *TECHNICAL ASSISTANCE.—The Secretary shall*
17 *provide technical assistance to States, local governmental*
18 *authorities, and metropolitan planning organizations in*
19 *the planning and development of transit-oriented develop-*
20 *ment projects and transit supportive corridor policies, in-*
21 *cluding—*

22 “(1) *the siting, planning, financing, and inte-*
23 *gration of transit-oriented development projects;*

24 “(2) *the integration of transit-oriented develop-*
25 *ment and transit-supportive corridor policies in the*

1 *preparation for and development of an application*
 2 *for funding under section 602 of title 23;*

3 *“(3) the siting, planning, financing, and inte-*
 4 *gration of transit-oriented development and transit*
 5 *supportive corridor policies associated with projects*
 6 *under section 5309;*

7 *“(4) the development of housing feasibility as-*
 8 *sessments as allowed under section 5309(g)(3)(B);*

9 *“(5) the development of transit-supportive cor-*
 10 *ridor policies that promote transit ridership and*
 11 *transit-oriented development;*

12 *“(6) the development, implementation, and man-*
 13 *agement of land value capture programs; and*

14 *“(7) the development of model contracts, model*
 15 *codes, and best practices for the implementation of*
 16 *transit-oriented development projects and transit-sup-*
 17 *portive corridor policies.*

18 *“(d) VALUE CAPTURE POLICY REQUIREMENTS.—*

19 *“(1) VALUE CAPTURE POLICY.—Not later than*
 20 *October 1 of the fiscal year that begins 2 years after*
 21 *the date of enactment of this section, the Secretary, in*
 22 *collaboration with State departments of transpor-*
 23 *tation, metropolitan planning organizations, and re-*
 24 *gional council of governments, shall establish vol-*
 25 *untary and consensus-based value capture standards,*

1 *policies, and best practices for State and local value*
2 *capture mechanisms that promote greater investments*
3 *in public transportation and affordable transit-ori-*
4 *ented development.*

5 *“(2) REPORT.—Not later than 15 months after*
6 *the date of enactment of this section, the Secretary*
7 *shall make available to the public a report cataloging*
8 *examples of State and local laws and policies that*
9 *provide for value capture and value sharing that pro-*
10 *mote greater investment in public transportation and*
11 *affordable transit-oriented development.*

12 *“(d) EQUITY.—In providing technical assistance*
13 *under subsection (c), the Secretary shall incorporate strate-*
14 *gies to promote equity for underrepresented and under-*
15 *served communities, including—*

16 *“(1) preventing displacement of existing resi-*
17 *dents and businesses;*

18 *“(2) mitigating rent and housing price increases;*

19 *“(3) incorporating affordable rental and owner-*
20 *ship housing in transit-oriented development;*

21 *“(4) engaging under-served, limited English pro-*
22 *ficiency, low income, and minority communities in*
23 *the planning process;*

24 *“(5) fostering economic development opportuni-*
25 *ties for existing residents and businesses; and*

1 “(6) targeting affordable housing that help lessen
2 homelessness.

3 “(d) *AUTHORITY TO REQUEST STAFFING ASSIST-*
4 *ANCE.—In fulfilling the duties of this section, the Secretary*
5 *shall, as needed, request staffing and technical assistance*
6 *from other Federal agencies, programs, administrations,*
7 *boards, or commissions.*

8 “(e) *REVIEW EXISTING POLICIES AND PROGRAMS.—*
9 *Not later than 24 months after the date of enactment of*
10 *this section, the Secretary shall review and evaluate all ex-*
11 *isting policies and programs within the Federal Transit*
12 *Administration that support or promote transit-oriented*
13 *development to ensure their coordination and effectiveness*
14 *relative to the goals of this section.*

15 “(f) *REPORTING.—Not later than February 1 of each*
16 *year beginning the year after the date of enactment of this*
17 *section, the Secretary shall prepare a report detailing the*
18 *grants and technical assistance provided under this section,*
19 *the number of affordable housing units constructed or*
20 *planned as a result of projects funded in this section, and*
21 *the number of affordable housing units constructed or*
22 *planned as a result of a property transfer under section*
23 *5334(h)(1). The report shall be provided to the Committee*
24 *on Transportation and Infrastructure of the House of Rep-*

1 *representatives and the Committee on Banking, Housing, and*
 2 *Urban Affairs of the Senate.*

3 “(g) *SAVINGS CLAUSE.*—*Nothing in this section au-*
 4 *thorizes the Secretary to provide any financial assistance*
 5 *for the construction of housing.*”.

6 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 7 *53 of title 49, United States Code, is amended by inserting*
 8 *after the item relating to section 5327 the following:*

“5328. Transit-supportive communities.”.

9 (c) *TECHNICAL AND CONFORMING AMENDMENT.*—*Sec-*
 10 *tion 20005 of the MAP-21 (Public Law 112-141) is amend-*
 11 *ed—*

12 (1) *by striking “(a) AMENDMENT.—”; and*

13 (2) *by striking subsection (b).*

14 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
 15 **HOUSING.**

16 *Section 5334(h)(1) of title 49, United States Code, is*
 17 *amended to read as follows:*

18 “(1) *IN GENERAL.*—*If a recipient of assistance*
 19 *under this chapter decides an asset acquired under*
 20 *this chapter at least in part with that assistance is*
 21 *no longer needed for the purpose for which such asset*
 22 *was acquired, the Secretary may authorize the recipi-*
 23 *ent to transfer such asset to—*

24 “(A) *a local governmental authority to be*
 25 *used for a public purpose with no further obliga-*

1 *tion to the Government if the Secretary de-*
2 *cides—*

3 *“(i) the asset will remain in public use*
4 *for at least 5 years after the date the asset*
5 *is transferred;*

6 *“(ii) there is no purpose eligible for as-*
7 *sistance under this chapter for which the*
8 *asset should be used;*

9 *“(iii) the overall benefit of allowing the*
10 *transfer is greater than the interest of the*
11 *Government in liquidation and return of*
12 *the financial interest of the Government in*
13 *the asset, after considering fair market*
14 *value and other factors; and*

15 *“(iv) through an appropriate screening*
16 *or survey process, that there is no interest*
17 *in acquiring the asset for Government use if*
18 *the asset is a facility or land; or*

19 *“(B) a local governmental authority, non-*
20 *profit organization, or other third party entity*
21 *to be used for the purpose of transit-oriented de-*
22 *velopment with no further obligation to the Gov-*
23 *ernment if the Secretary decides—*

1 “(i) the asset is a necessary component
2 of a proposed transit-oriented development
3 project;

4 “(ii) the transit-oriented development
5 project will increase transit ridership;

6 “(iii) at least 40 percent of the housing
7 units offered in the transit-oriented develop-
8 ment , including housing units owned by
9 nongovernmental entities, are legally bind-
10 ing affordability restricted to tenants with
11 incomes at or below 60 percent of the area
12 median income and/or owners with incomes
13 at or below 60 percent the area median in-
14 come;

15 “(iv) the asset will remain in use as
16 described in this section for at least 30
17 years after the date the asset is transferred;
18 and

19 “(v) with respect to a transfer to a
20 third party entity—

21 “(I) a local government authority
22 or nonprofit organization is unable to
23 receive the property; and

24 “(II) the overall benefit of allow-
25 ing the transfer is greater than the in-

terest of the Government in liquidation
and return of the financial interest of
the Government in the asset, after con-
sidering fair market value and other
factors.

“(III) the third party has dem-
onstrated a satisfactory history of con-
struction or operating an affordable
housing development.”.

**SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL
INVESTMENT GRANTS.**

Section 5309 of title 49, United States Code, is amend-
ed—

(1) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i) by striking “; and”
and inserting a semicolon;

(ii) in clause (ii) by striking the pe-
riod and inserting “; and”; and

(iii) by adding at the end the fol-
lowing:

“(iii) in the case of a new fixed guide-
way capital project or a core capacity im-
provement project, allow a weighting five
points greater to the economic development

1 *subfactor and five points lesser to the lowest*
2 *scoring subfactor if the applicant dem-*
3 *onstrates substantial efforts to preserve or*
4 *encourage affordable housing near the*
5 *project by providing documentation of poli-*
6 *cies that allow by-right multi-family hous-*
7 *ing, single room occupancy units, or acces-*
8 *sory dwelling units, providing local capital*
9 *sources for transit-oriented development, or*
10 *demonstrate other methods as determined by*
11 *the Secretary.”; and*

12 *(B) in paragraph (3), as amended by this*
13 *Act, by adding at the end the following:*

14 *“(B) establish a warrant that applies to the*
15 *economic development project justification cri-*
16 *teria, provided that the applicant that requests a*
17 *warrant under this process has completed and*
18 *submitted a housing feasibility assessment.”; and*
19 *(2) in subsection (l)(4)—*

20 *(A) in subparagraph (B) by striking “; or”*
21 *and inserting a semicolon;*

22 *(B) in subparagraph (C) by striking the pe-*
23 *riod and inserting “; or”; and*

24 *(C) by adding at the end the following:*

“(D) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) provided that—

“(i) such funds are used in conjunction with the planning or development of affordable housing; and

“(ii) such affordable housing is located within one-half of a mile of a new station.”.

Subtitle H—Innovation

SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.

Section 5312(d) of title 49, United States Code, is amended by adding at the end the following:

“(3) **MOBILITY INNOVATION SANDBOX PROGRAM.**—The Secretary may make funding available under this subsection to carry out research on mobility on demand and mobility as a service activities eligible under section 5316.”.

SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.

Section 5312(d) of title 49, United States Code, is further amended by adding at the end the following:

1 “(4) *TRANSIT BUS OPERATOR COMPARTMENT RE-*
2 *DESIGN PROGRAM.*—

3 “(A) *IN GENERAL.*—*The Secretary may*
4 *make funding available under this subsection to*
5 *carry out research on redesigning transit bus op-*
6 *erator compartments to improve safety, oper-*
7 *ational efficiency, and passenger accessibility.*

8 “(B) *OBJECTIVES.*—*Research objectives*
9 *under this paragraph shall include—*

10 “(i) *increasing bus operator safety*
11 *from assaults;*

12 “(ii) *optimizing operator visibility and*
13 *reducing operator distractions to improve*
14 *safety of bus passengers, pedestrians,*
15 *bicyclists, and other roadway users;*

16 “(iii) *expanding passenger accessibility*
17 *for positive interactions between operators*
18 *and passengers, including assisting pas-*
19 *sengers in need of special assistance;*

20 “(iv) *accommodating compliance for*
21 *passenger boarding, alighting, and secure-*
22 *ment with the Americans with Disabilities*
23 *Act of 1990 (42 U.S.C. 12101 et seq.); and*

24 “(v) *improving ergonomics to reduce*
25 *bus operator work-related health issues and*

1 *injuries, as well as locate key instrument*
2 *and control interfaces to improve oper-*
3 *ational efficiency and convenience.*

4 “(C) *ACTIVITIES.—Eligible activities under*
5 *this paragraph shall include—*

6 “(i) *measures to reduce visibility im-*
7 *pairments and distractions for bus opera-*
8 *tors that contribute to accidents, including*
9 *retrofits to buses in revenue service and*
10 *specifications for future procurements that*
11 *reduce visibility impairments and distrac-*
12 *tions;*

13 “(ii) *the deployment of assault mitiga-*
14 *tion infrastructure and technology on buses,*
15 *including barriers to restrict the unwanted*
16 *entry of individuals and objects into bus op-*
17 *erators’ workstations;*

18 “(iii) *technologies to improve passenger*
19 *accessibility, including boarding, alighting,*
20 *and securement in compliance with the*
21 *Americans with Disabilities Act of 1990 (42*
22 *U.S.C. 12101 et seq.);*

23 “(iv) *installation of seating and modi-*
24 *fication to design specifications of bus oper-*

1 *ator workstations that reduce or prevent in-*
 2 *juries from ergonomic risks; or*

3 *“(v) other measures that align with the*
 4 *objectives under subparagraph (B).*

5 *“(D) ELIGIBLE ENTITIES.—Entities eligible*
 6 *to receive funding under this paragraph shall in-*
 7 *clude consortia consisting of, at a minimum:*

8 *“(i) recipients of funds under this*
 9 *chapter that provide public transportation*
 10 *services;*

11 *“(ii) transit vehicle manufacturers;*

12 *“(iii) representatives from organiza-*
 13 *tions engaged in collective bargaining on be-*
 14 *half of transit workers in not fewer than 3*
 15 *States; and*

16 *“(iv) any nonprofit institution of high-*
 17 *er education, as defined in section 101 of*
 18 *the Higher Education Act of 1965 (20*
 19 *U.S.C. 1001).”.*

20 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
 21 **COUNTS INITIATIVE.**

22 *Section 5312 of title 49, United States Code, as amend-*
 23 *ed by section 2503, is further amended by adding at the*
 24 *end the following:*

25 *“(k) EVERY DAY COUNTS INITIATIVE.—*

1 “(1) *IN GENERAL.—It is in the national interest*
2 *for the Department of Transportation and recipients*
3 *of Federal public transportation funds—*

4 “(A) *to identify, accelerate, and deploy in-*
5 *novation aimed at expediting project delivery,*
6 *enhancing the safety of transit systems of the*
7 *United States, and protecting the environment;*

8 “(B) *to ensure that the planning, design,*
9 *engineering, construction, and financing of*
10 *transportation projects is done in an efficient*
11 *and effective manner;*

12 “(C) *to promote the rapid deployment of*
13 *proven solutions that provide greater account-*
14 *ability for public investments; and*

15 “(D) *to create a culture of innovation with-*
16 *in the transit community.*

17 “(2) *FTA EVERY DAY COUNTS INITIATIVE.—To*
18 *advance the policies described in paragraph (1), the*
19 *Administrator of the Federal Transit Administration*
20 *shall adopt the Every Day Counts initiative to work*
21 *with recipients to identify and deploy the proven in-*
22 *novation practices and products that—*

23 “(A) *accelerate innovation deployment;*

24 “(B) *expedite the project delivery process;*

25 “(C) *improve environmental sustainability;*

1 “(D) enhance transit safety;

2 “(E) expand mobility; and

3 “(F) reduce greenhouse gas emissions.

4 “(3) *CONSIDERATION.*—In accordance with the
5 *Every Day Counts* goals described in paragraphs (1)
6 and (2), the Administrator shall consider research
7 conducted through the university transportation cen-
8 ters program in section 5505.

9 “(4) *INNOVATION DEPLOYMENT.*—

10 “(A) *IN GENERAL.*—At least every 2 years,
11 the Administrator shall work collaboratively
12 with recipients to identify a new collection of in-
13 novations, best practices, and data to be deployed
14 to recipients through case studies, webinars, and
15 demonstration projects.

16 “(B) *REQUIREMENTS.*—In identifying a
17 collection described in subparagraph (A), the
18 Secretary shall take into account market readi-
19 ness, impacts, benefits, and ease of adoption of
20 the innovation or practice.

21 “(5) *PUBLICATION.*—Each collection identified
22 under paragraph (4) shall be published by the Ad-
23 ministrator on a publicly available website.”.

1 **SEC. 2804. TECHNICAL CORRECTIONS.**

2 *Section 5312 of title 49, United States Code, as amend-*
3 *ed in section 2503 and 2803, is further amended—*

4 *(1) in subsection (e)—*

5 *(A) in paragraph (3)(C) by striking “low or*
6 *no emission vehicles, zero emission vehicles,” and*
7 *inserting “zero emission vehicles”; and*

8 *(B) by striking paragraph (6) and inserting*
9 *the following:*

10 *“(6) ZERO EMISSION VEHICLE DEFINED.—In*
11 *this subsection, the term ‘zero emission vehicle’ means*
12 *a passenger vehicle used to provide public transpor-*
13 *tation that produces no carbon or particulate mat-*
14 *ter.”;*

15 *(2) by redesignating the first subsection (g) as*
16 *subsection (f); and*

17 *(3) in subsection (h)—*

18 *(A) in the header by striking “LOW OR NO*
19 *EMISSION” and inserting “ZERO EMISSION”;*

20 *(B) in paragraph (1)—*

21 *(i) by striking subparagraph (B) and*
22 *inserting the following:*

23 *“(B) the term ‘zero emission vehicle’ has the*
24 *meaning given such term in subsection (e)(6);”;*
25 *and*

1 (ii) in subparagraph (D) by striking
 2 “low or no emission vehicle” and inserting
 3 “zero emission vehicle” each place such term
 4 appears;

5 (C) in paragraph (2)—

6 (i) in the heading by striking “LOW OR
 7 NO EMISSION” and inserting “ZERO EMIS-
 8 SION”; and

9 (ii) by striking “low or no emission”
 10 and inserting “zero emission” each place
 11 such term appears;

12 (D) in paragraph (3) by striking “low or
 13 no emission” and inserting “zero emission” each
 14 place such term appears; and

15 (E) in paragraph (5)(A) by striking “low
 16 or no emission” and inserting “zero emission”.

17 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
 18 **BUS DEVELOPMENT PROGRAM.**

19 (a) *ESTABLISHMENT.*—The Secretary shall establish a
 20 *national advanced technology transit bus development pro-*
 21 *gram to facilitate the development and testing of commer-*
 22 *cially viable advanced technology transit buses that do not*
 23 *exceed a Level 3 automated driving system and related in-*
 24 *frastructure.*

1 (b) *AUTHORIZATION.—There shall be available*
2 \$20,000,000 for each of fiscal years 2021 through 2025.

3 (c) *GRANTS.—The Secretary may enter into grants,*
4 *contracts, and cooperative agreements with no more than*
5 *3 geographically diverse nonprofit organizations and re-*
6 *cipients under chapter 53 of title 49, United States Code,*
7 *to facilitate the development and testing of commercially*
8 *viable advance technology transit buses and related infra-*
9 *structure.*

10 (d) *CONSIDERATIONS.—The Secretary shall consider*
11 *the applicant's—*

12 (1) *ability to contribute significantly to fur-*
13 *thering advanced technologies as it relates to transit*
14 *bus operations, including advanced driver assistance*
15 *systems, automatic emergency braking, accessibility,*
16 *and energy efficiency;*

17 (2) *financing plan and cost share potential;*

18 (3) *technical experience developing or testing ad-*
19 *vanced technologies in transit buses;*

20 (4) *commitment to frontline worker involvement;*
21 *and*

22 (5) *other criteria that the Secretary determines*
23 *are necessary to carry out the program.*

24 *The Secretary shall not consider applicants working on au-*
25 *tonomous vehicles.*

1 (e) *COMPETITIVE GRANT SELECTION.*—*The Secretary*
2 *shall conduct a national solicitation for applications for*
3 *grants under the program. Grant recipients shall be selected*
4 *on a competitive basis. The Secretary shall give priority*
5 *consideration to applicants that have successfully managed*
6 *advanced transportation technology projects, including*
7 *projects related to public transportation operations for a*
8 *period of not less than 5 years.*

9 (f) *CONSORTIA.*—*As a condition of receiving an award*
10 *in (c), the Secretary shall ensure—*

11 (1) *that the selected non-profit recipients subse-*
12 *quently establish a consortia for each proposal sub-*
13 *mitted, including representatives from a labor union,*
14 *transit agency, an FTA-designated university bus*
15 *and component testing center, a Buy America compli-*
16 *ant transit bus manufacturer, and others as deter-*
17 *mined by the Secretary;*

18 (2) *that no proposal selected would decrease*
19 *workplace or passenger safety; and*

20 (3) *that no proposal selected would undermine*
21 *the creation of high-quality jobs or workforce support*
22 *and development programs.*

23 (g) *FEDERAL SHARE.*—*The Federal share of costs of*
24 *the program shall be provided from funds made available*
25 *to carry out this section. The Federal share of the cost of*

1 *a project carried out under the program shall not exceed*
 2 *80 percent of such cost.*

3 ***Subtitle I—Other Program*** 4 ***Reauthorizations***

5 ***SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-***
 6 ***TIVE MAINTENANCE PROJECTS FOR WASH-***
 7 ***INGTON METROPOLITAN AREA TRANSIT AU-***
 8 ***THORITY.***

9 *Section 601 of the Passenger Rail Investment and Im-*
 10 *provement Act of 2008 (Public Law 110–432) is amended—*

11 *(1) in subsection (b) by striking “The Federal”*
 12 *and inserting “Except as provided in subsection*
 13 *(f)(2), the Federal”;*

14 *(2) by striking subsections (d) through (f) and*
 15 *inserting the following:*

16 ***“(d) REQUIRED BOARD APPROVAL.—No amounts may***
 17 *be provided to the Transit Authority under this section*
 18 *until the Transit Authority certifies to the Secretary of*
 19 *Transportation that—*

20 ***“(1) a board resolution has passed on or before***
 21 *July 1, 2021, and is in effect for the period of July*
 22 *1, 2022 through June 30, 2031, that—*

23 ***“(A) establishes an independent budget au-***
 24 *thority for the Office of Inspector General of the*
 25 *Transit Authority;*

1 “(B) establishes an independent procure-
2 ment authority for the Office of Inspector Gen-
3 eral of the Transit Authority;

4 “(C) establishes an independent hiring au-
5 thority for the Office of Inspector General of the
6 Transit Authority;

7 “(D) ensures the Inspector General of the
8 Transit Authority can obtain legal advice from
9 a counsel reporting directly to the Inspector Gen-
10 eral;

11 “(E) requires the Inspector General of the
12 Transit Authority to submit recommendations
13 for corrective action to the General Manager and
14 the Board of Directors of the Transit Authority;

15 “(F) requires the Inspector General of the
16 Transit Authority to publish any recommenda-
17 tion described in subparagraph (E) on the
18 website of the Office of Inspector General of the
19 Transit Authority, except that the Inspector Gen-
20 eral may redact personally identifiable informa-
21 tion and information that, in the determination
22 of the Inspector General, would pose a security
23 risk to the systems of the Transit Authority;

24 “(G) requires the Board of Directors of the
25 Transit Authority to provide written notice to

1 *the Committee on Transportation and Infra-*
2 *structure of the House of Representatives and the*
3 *Committee on Banking, Housing, and Urban Af-*
4 *fairs of the Senate not less than 30 days before*
5 *the Board of Directors removes the Inspector*
6 *General of the Transit Authority, which shall in-*
7 *clude the reasons for removal and supporting*
8 *documentation; and*

9 *“(H) prohibits the Board of Directors from*
10 *removing the Inspector General of the Transit*
11 *Authority unless the Board of Directors has pro-*
12 *vided a 30 day written notification as described*
13 *in subparagraph (G) that documents—*

14 *“(i) a permanent incapacity;*

15 *“(ii) a neglect of duty;*

16 *“(iii) malfeasance;*

17 *“(iv) a conviction of a felony or con-*
18 *duct involving moral turpitude;*

19 *“(v) a knowing violation of a law or*
20 *regulation;*

21 *“(vi) gross mismanagement;*

22 *“(vii) a gross waste of funds;*

23 *“(viii) an abuse of authority; or*

24 *“(ix) inefficiency; and*

1 “(2) *the Code of Ethics for Members of the*
 2 *WMATA Board of Directors passed on September 26,*
 3 *2019, remains in effect, or the Inspector General of*
 4 *the Transit Authority has concurred with any modi-*
 5 *fications to the Code of Ethics by the Board.*

6 “(e) *AUTHORIZATIONS.—*

7 “(1) *IN GENERAL.—There are authorized to be*
 8 *appropriated to the Secretary of Transportation for*
 9 *grants under this section—*

10 “(A) *for fiscal year 2021, \$150,000,000;*

11 “(B) *for fiscal year 2022, \$155,000,000;*

12 “(C) *for fiscal year 2023, \$160,000,000;*

13 “(D) *for fiscal year 2024, \$165,000,000;*

14 “(E) *for fiscal year 2025, \$170,000,000;*

15 “(F) *for fiscal year 2026, \$175,000,000;*

16 “(G) *for fiscal year 2027, \$180,000,000;*

17 “(H) *for fiscal year 2028, \$185,000,000;*

18 “(I) *for fiscal year 2029, \$190,000,000; and*

19 “(J) *for fiscal year 2030, \$200,000,000.*

20 “(2) *SET ASIDE FOR OFFICE OF INSPECTOR GEN-*
 21 *ERAL OF TRANSIT AUTHORITY.—From the amounts in*
 22 *paragraph (1), the Transit Authority shall provide at*
 23 *least 7 percent for each fiscal year to the Office of In-*
 24 *spector General of the Transit Authority to carry out*
 25 *independent and objective audits, investigations, and*

1 *reviews of Transit Authority programs and oper-*
 2 *ations to promote economy, efficiency, and effective-*
 3 *ness, and to prevent and detect fraud, waste, and*
 4 *abuse in such programs and operations.”; and*

5 *(3) by redesignating subsection (g) as subsection*
 6 *(f).*

7 **SEC. 2902. OTHER APPORTIONMENTS.**

8 *Section 5336 of title 49, United States Code, is amend-*
 9 *ed—*

10 *(1) in subsection (h)—*

11 *(A) in the matter preceding paragraph (1)*
 12 *by striking “section 5336(a)(2)(C)” and insert-*
 13 *ing “section 5336(a)(2)(B)”;*

14 *(B) by amending paragraph (1) to read as*
 15 *follows:*

16 *“(1) to carry out section 5307(h)—*

17 *“(A) \$60,906,000 shall be set aside in fiscal*
 18 *year 2022;*

19 *“(B) \$61,856,134 shall be set aside in fiscal*
 20 *year 2023;*

21 *“(C) \$62,845,832 shall be set aside in fiscal*
 22 *year 2024; and*

23 *“(D) \$63,832,511 shall be set aside in fiscal*
 24 *year 2025;”;*

1 (C) in paragraph (2) by striking “3.07 per-
2 cent” and inserting “6 percent”; and

3 (D) by amending paragraph (3) to read as
4 follows:

5 “(3) of amounts not apportioned under para-
6 graphs (1) and (2), 3 percent shall be apportioned to
7 urbanized areas with populations of less than 200,000
8 in accordance with subsection (i);” and

9 (2) in subsection (i) by adding at the end the fol-
10 lowing:

11 “(3) CENSUS PHASE-OUT.—Before apportioning
12 funds under subsection (h)(3), for any urbanized area
13 that is no longer an eligible area due to a change in
14 population in the most recent decennial census, the
15 Secretary shall apportion to such urbanized area, for
16 3 fiscal years, an amount equal to half of the funds
17 apportioned to such urbanized area pursuant to this
18 subsection for the previous fiscal year.”.

19 **Subtitle J—Streamlining**

20 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 21 **GRANTS.**

22 Section 5309 of title 49, United States Code, as amend-
23 ed by section 2703 of this Act, is further amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (6);

1 (B) by redesignating paragraph (7) as
2 paragraph (6); and

3 (C) in paragraph (6), as so redesignated;

4 (i) in subparagraph (A) by striking
5 “\$100,000,000” and inserting
6 “\$320,000,000”; and

7 (ii) in subparagraph (B) by striking
8 “\$300,000,000” and inserting
9 “\$400,000,000”;

10 (2) in subsection (b)(2) by inserting “expanding
11 station capacity,” after “construction of infill sta-
12 tions,”;

13 (3) in subsection (d)(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 AC-*
18 *TIVITIES.—An applicant may perform cost and*
19 *schedule risk assessments with technical assist-*
20 *ance provided by the Secretary.*

21 “(E) *STATUTORY CONSTRUCTION.—Nothing*
22 *in this section shall be construed as authorizing*
23 *the Secretary to require cost and schedule risk*
24 *assessments in the project development phase.”;*

25 (4) in subsection (e)(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 AC-*
5 *TIVITIES.—An applicant may perform cost and*
6 *schedule risk assessments with technical assist-*
7 *ance provided by the Secretary.*

8 “(E) *STATUTORY CONSTRUCTION.—Nothing*
9 *in this section shall be construed as authorizing*
10 *the Secretary to require cost and schedule risk*
11 *assessments in the project development phase.”;*

12 (5) in subsection (e)(2)(A)(iii)(II) by striking “5
13 years” and inserting “10 years”;

14 (6) in subsection (f)—

15 (A) in paragraph (1) by striking “sub-
16 section (d)(2)(A)(v)” and inserting “subsection
17 (d)(2)(A)(iv)”;

18 (B) in paragraph (2)—

19 (i) by striking “subsection
20 (d)(2)(A)(v)” and inserting “subsection
21 (d)(2)(A)(iv)”;

22 (ii) in subparagraph (D) by adding
23 “and” at the end;

24 (iii) by striking subparagraph (E);
25 and

1 (iv) by redesignating subparagraph (F)
2 as subparagraph (E); and
3 (C) by adding at the end the following:

4 “(3) *COST-SHARE INCENTIVES.*—For a project
5 for which a lower CIG cost share is elected by the ap-
6 plicant under subsection (l)(1)(C), the Secretary shall
7 apply the following requirements and considerations
8 in lieu of paragraphs (1) and (2):

9 “(A) *REQUIREMENTS.*—In determining
10 whether a project is supported by local financial
11 commitment and shows evidence of stable and
12 dependable financing sources for purposes of sub-
13 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
14 retary shall require that—

15 “(i) the proposed project plan provides
16 for the availability of contingency amounts
17 that the applicant determines to be reason-
18 able to cover unanticipated cost increases or
19 funding shortfalls;

20 “(ii) each proposed local source of cap-
21 ital and operating financing is stable, reli-
22 able, and available within the proposed
23 project timetable; and

24 “(iii) an applicant certifies that local
25 resources are available to recapitalize,

1 *maintain, and operate the overall existing*
2 *and proposed public transportation system,*
3 *including essential feeder bus and other*
4 *services necessary to achieve the projected*
5 *ridership levels without requiring a reduc-*
6 *tion in existing public transportation serv-*
7 *ices or level of service to operate the project.*

8 “(B) *CONSIDERATIONS.—In assessing the*
9 *stability, reliability, and availability of proposed*
10 *sources of local financing for purposes of sub-*
11 *section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-*
12 *retary shall consider—*

13 “(i) *the reliability of the forecasting*
14 *methods used to estimate costs and revenues*
15 *made by the recipient and the contractors to*
16 *the recipient;*

17 “(ii) *existing grant commitments;*

18 “(iii) *any debt obligation that exists,*
19 *or is proposed by the recipient, for the pro-*
20 *posed project or other public transportation*
21 *purpose; and*

22 “(iv) *private contributions to the*
23 *project, including cost-effective project deliv-*
24 *ery, management or transfer of project*
25 *risks, expedited project schedule, financial*

1 *partnering, and other public-private part-*
 2 *nership strategies.”*

3 *(7) in subsection (g)—*

4 *(A) in paragraph (2)(A) by striking “degree*
 5 *of local financial commitment” and inserting*
 6 *“criteria in subsection (f)” each place it appears;*

7 *(B) in paragraph (3) by striking “The Sec-*
 8 *retary shall” and all that follows through the end*
 9 *and inserting the following: “The Secretary*
 10 *shall—*

11 *“(A) to the maximum extent practicable, de-*
 12 *velop and use special warrants for making a*
 13 *project justification determination under sub-*
 14 *section (d)(2) or (e)(2), as applicable, for a*
 15 *project proposed to be funded using a grant*
 16 *under this section if—*

17 *“(i) the share of the cost of the project*
 18 *to be provided under this section—*

19 *“(I) does not exceed \$500,000,000*
 20 *and the total project cost does not ex-*
 21 *ceed \$1,000,000,000; or*

22 *“(II) complies with subsection*
 23 *(l)(1)(C);*

24 *“(ii) the applicant requests the use of*
 25 *the warrants;*

1 “(iii) the applicant certifies that its
2 existing public transportation system is in
3 a state of good repair; and

4 “(iv) the applicant meets any other re-
5 quirements that the Secretary considers ap-
6 propriate to carry out this subsection; and”;

7 (C) by striking paragraph (5) and inserting
8 the following:

9 “(5) *POLICY GUIDANCE.*—The Secretary shall
10 issue policy guidance on the review and evaluation
11 process and criteria not later than 180 days after the
12 date of enactment of the *INVEST in America Act.*”;

13 (D) by striking paragraph (6) and insert-
14 ing the following:

15 “(6) *TRANSPARENCY.*—Not later than 30 days
16 after the Secretary receives a written request from an
17 applicant for all remaining information necessary to
18 obtain 1 or more of the following, the Secretary shall
19 provide such information to the applicant:

20 “(A) *Project advancement.*

21 “(B) *Medium or higher rating.*

22 “(C) *Warrant.*

23 “(D) *Letter of intent.*

24 “(E) *Early systems work agreement.*”; and

(E) in paragraph (7) by striking “the Federal Public Transportation Act of 2012” and inserting “the INVEST in America Act”;

(8) in subsection (h)—

(A) in paragraph (5) by inserting “, except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls” before the period at the end; and

(B) in paragraph (7)(C) by striking “10 days” and inserting “3 days”;

(9) by striking subsection (i) and inserting the following:

“(i) *INTERRELATED PROJECTS*.—

“(1) *RATINGS IMPROVEMENT*.—The Secretary shall grant a rating increase of 1 level in mobility improvements to any project being rated under subsection (d), (e), or (h), if the Secretary certifies that the project has a qualifying interrelated project that meets the requirements of paragraph (2).

1 “(2) *INTERRELATED PROJECT.*—A qualifying
2 *interrelated project is a transit project that—*

3 “(A) *is adopted into the metropolitan trans-*
4 *portation plan required under section 5303;*

5 “(B) *has received a class of action designa-*
6 *tion under the National Environmental Policy*
7 *Act of 1969 (42 U.S.C. 4321 et seq.);*

8 “(C) *will likely increase ridership on the*
9 *project being rated in subsection (d), (e), or (h),*
10 *respectively, as determined by the Secretary; and*

11 “(D) *meets 1 of the following criteria:*

12 “(i) *Extends the corridor of the project*
13 *being rated in subsection (d), (e), or (h), re-*
14 *spectively.*

15 “(ii) *Provides a direct passenger trans-*
16 *fer to the project being rated in subsection*
17 *(d), (e), or (h), respectively.”;*

18 (10) *in subsection (k)—*

19 (A) *in paragraph (2)(D) by adding at the*
20 *end the following:*

21 “(v) *LOCAL FUNDING COMMITMENT.*—
22 *For a project for which a lower CIG cost*
23 *share is elected by the applicant under sub-*
24 *section (l)(1)(C), the Secretary shall enter*
25 *into a full funding grant agreement that*

1 *has at least 75 percent of local financial*
2 *commitment committed and the remaining*
3 *percentage budgeted for the proposed pur-*
4 *poses.”; and*

5 *(B) in paragraph (5) by striking “30 days”*
6 *and inserting “3 days”;*
7 *(11) in subsection (l)—*

8 *(A) in paragraph (1) by striking subpara-*
9 *graph (B) and inserting the following:*

10 *“(B) CAP.—Except as provided in subpara-*
11 *graph (C), a grant for a project under this sec-*
12 *tion shall not exceed 80 percent of the net capital*
13 *project cost, except that a grant for a core capac-*
14 *ity improvement project shall not exceed 80 per-*
15 *cent of the net capital project cost of the incre-*
16 *mental cost to increase the capacity in the cor-*
17 *ridor.*

18 *“(C) APPLICANT ELECTION OF LOWER*
19 *LOCAL CIG COST SHARE.—An applicant may*
20 *elect a lower local CIG cost share for a project*
21 *under this section for purposes of application of*
22 *the cost-share incentives under subsection (f)(3).*
23 *Such cost share shall not exceed 60 percent of the*
24 *net capital project cost, except that for a grant*
25 *for a core capacity improvement project such*

1 *cost share shall not exceed 60 percent of the net*
2 *capital project cost of the incremental cost to in-*
3 *crease the capacity in the corridor.”;*

4 *(B) by striking paragraph (5) and inserting*
5 *the following:*

6 “(5) *LIMITATION ON STATUTORY CONSTRUC-*
7 *TION.—Nothing in this section shall be construed as*
8 *authorizing the Secretary to require, incentivize (in*
9 *any manner not specified in this section), or place*
10 *additional conditions upon a non-Federal financial*
11 *commitment for a project that is more than 20 per-*
12 *cent of the net capital project cost or, for a core ca-*
13 *capacity improvement project, 20 percent of the net*
14 *capital project cost of the incremental cost to increase*
15 *the capacity in the corridor.”; and*

16 *(C) by striking paragraph (8) and inserting*
17 *the following:*

18 “(8) *CONTINGENCY SHARE.—The Secretary shall*
19 *provide funding for the contingency amount equal to*
20 *the proportion of the CIG cost share. If the Secretary*
21 *increases the contingency amount after a project has*
22 *received a letter of no prejudice or been allocated ap-*
23 *propriated funds, the federal share of the additional*
24 *contingency amount shall be 25 percent higher than*
25 *the original proportion the CIG cost share and in ad-*

1 *dition to the grant amount set in subsection*
 2 *(k)(2)(C)(ii).”;*

3 *(12) in subsection (o) by adding at the end the*
 4 *following:*

5 *“(4) CIG PROGRAM DASHBOARD.—Not later than*
 6 *the fifth day of each month, the Secretary shall make*
 7 *publicly available on a website data on, including the*
 8 *status of, each project under this section that is in the*
 9 *project development phase, in the engineering phase,*
 10 *or has received a grant agreement and remains under*
 11 *construction. Such data shall include, for each*
 12 *project—*

13 *“(A) the amount and fiscal year of any*
 14 *funding appropriated, allocated, or obligated for*
 15 *the project;*

16 *“(B) the date on which the project—*

17 *“(i) entered the project development*
 18 *phase;*

19 *“(ii) entered the engineering phase, if*
 20 *applicable; and*

21 *“(iii) received a grant agreement, if*
 22 *applicable; and*

23 *“(C) the status of review by the Federal*
 24 *Transit Administration and the Secretary, in-*
 25 *cluding dates of request, dates of acceptance of*

1 *request, and dates of a decision for each of the*
 2 *following, if applicable:*

3 “(i) *A letter of no prejudice.*

4 “(ii) *An environmental impact state-*
 5 *ment notice of intent.*

6 “(iii) *A finding of no significant envi-*
 7 *ronmental impact.*

8 “(iv) *A draft environmental impact*
 9 *statement.*

10 “(v) *A final environmental impact*
 11 *statement.*

12 “(vi) *A record of decision on the final*
 13 *environmental impact statement; and*

14 “(vii) *The status of the applicant in*
 15 *securing the non-Federal match, based on*
 16 *information provided by the applicant, in-*
 17 *cluding the amount committed, budgeted,*
 18 *planned, and undetermined.”*

19 (13) *by striking “an acceptable degree of” and*
 20 *inserting “a” each place it appears; and*

21 (14) *by adding at the end the following:*

22 “(r) *PUBLICATION .—*

23 “(1) *PUBLICATION.—The Secretary shall publish*
 24 *a record of decision on all projects in the New Starts*
 25 *tranche of the program within 2 years of receiving a*

1 *project’s draft environmental impact statement or up-*
 2 *date or change to such statement.*

3 “(2) *FAILURE TO ISSUE RECORD OF DECISION.—*
 4 *For each calendar month beginning on or after the*
 5 *date that is 12 months after the date of enactment of*
 6 *the INVEST in America Act in which the Secretary*
 7 *has not published a record of decision for the final en-*
 8 *vironmental impact statement on projects in the New*
 9 *Starts tranche for at least 1 year, the Secretary shall*
 10 *reduce the full-time equivalent employees within the*
 11 *immediate office of the Secretary by 1.”.*

12 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
 13 **DEADLINE.**

14 *Section 5336(d) of title 49, United States Code, is*
 15 *amended—*

16 (1) *by redesignating paragraph (2) as para-*
 17 *graph (3); and*

18 (2) *by inserting after paragraph (1) the fol-*
 19 *lowing:*

20 “(2) *notwithstanding paragraph (1), apportion*
 21 *amounts to the States appropriated under section*
 22 *5338(a)(2) to carry out sections 5307, 5310, and 5311*
 23 *not later than December 15 for which any amounts*
 24 *are appropriated; and”.*

1 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

2 *Section 5334 of title 49, United States Code, is further*
3 *amended by adding at the end the following:*

4 *“(l) DISPOSITION OF ASSETS BEYOND USEFUL*
5 *LIFE.—*

6 *“(1) IN GENERAL.—If a recipient, or sub-*
7 *recipient, for assistance under this chapter disposes of*
8 *an asset with a current market value, or proceed from*
9 *the sale of such asset, acquired under this chapter at*
10 *least in part with such assistance, after such asset has*
11 *reached the useful life of such asset, the Secretary*
12 *shall allow the recipient, or subrecipient, to use the*
13 *proceeds attributable to the Federal share of such asset*
14 *calculated under paragraph (3) for capital projects*
15 *under section 5307, 5310, or 5311.*

16 *“(2) MINIMUM VALUE.—This subsection shall*
17 *only apply to assets with a current market value, or*
18 *proceeds from sale, of at least \$5,000.*

19 *“(3) CALCULATION OF FEDERAL SHARE ATTRIB-*
20 *UTABLE.—The proceeds attributable to the Federal*
21 *share of an asset described in paragraph (1) shall be*
22 *calculated by multiplying—*

23 *“(A) the current market value of, or the*
24 *proceeds from the disposition of, such asset; by*

1 “(B) the Federal share percentage for the
2 acquisition of such asset at the time of acquisi-
3 tion of such asset.”.

4 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
5 **ITY.**

6 Section 5310 of title 49, United States Code, as amend-
7 ed by section 2205, is further amended by adding at the
8 end the following:

9 “(k) INNOVATIVE COORDINATED ACCESS AND MOBIL-
10 ITY.—

11 “(1) START UP GRANTS.—

12 “(A) IN GENERAL.—The Secretary may
13 make grants under this paragraph to eligible re-
14 cipients to assist in financing innovative projects
15 for the transportation disadvantaged that im-
16 prove the coordination of transportation services
17 and non-emergency medical transportation serv-
18 ices.

19 “(B) APPLICATION.—An eligible recipient
20 shall submit to the Secretary an application
21 that, at a minimum, contains—

22 “(i) a detailed description of the eligi-
23 ble project;

24 “(ii) an identification of all eligible
25 project partners and the specific role of each

1 *eligible project partner in the eligible*
2 *project, including—*

3 “(I) *private entities engaged in*
4 *the coordination of nonemergency med-*
5 *ical transportation services for the*
6 *transportation disadvantaged;*

7 “(II) *nonprofit entities engaged in*
8 *the coordination of nonemergency med-*
9 *ical transportation services for the*
10 *transportation disadvantaged; or*

11 “(III) *Federal entities engaged in*
12 *the coordination of nonemergency med-*
13 *ical transportation services for the*
14 *transportation disadvantaged; and*

15 “(iii) *a description of how the eligible*
16 *project shall—*

17 “(I) *improve local coordination or*
18 *access to coordinated transportation*
19 *services;*

20 “(II) *reduce duplication of serv-*
21 *ice, if applicable; and*

22 “(III) *provide innovative solu-*
23 *tions in the State or community.*

24 “(C) *PERFORMANCE MEASURES.—An eligi-*
25 *ble recipient shall specify, in an application for*

1 *a grant under this paragraph, the performance*
2 *measures the eligible project will use to quantify*
3 *actual outcomes against expected outcomes, in-*
4 *cluding—*

5 *“(i) reduced transportation expendi-*
6 *tures as a result of improved coordination;*
7 *and*

8 *“(ii) reduced healthcare expenditures*
9 *as a result of improved coordination.*

10 *“(D) ELIGIBLE USES.—Eligible recipients*
11 *receiving a grant under this section may use*
12 *such funds for—*

13 *“(i) the deployment of coordination*
14 *technology;*

15 *“(ii) projects that create or increase*
16 *access to community One-Call/One-Click*
17 *Centers;*

18 *“(iii) projects that integrate transpor-*
19 *tation for 3 or more of—*

20 *“(I) public transportation pro-*
21 *vided under this section;*

22 *“(II) a State plan approved*
23 *under title XIX of the Social Security*
24 *Act (42 U.S.C. 1396 et seq.);*

1 “(III) *title XVIII of the Social Se-*
2 *curity Act (42 U.S.C. 1395 et seq.);*

3 “(IV) *Veterans Health Adminis-*
4 *tration; or*

5 “(V) *private health care facilities;*
6 *and*

7 “(iv) *such other projects as determined*
8 *appropriate by the Secretary.*

9 “(2) *INCENTIVE GRANTS.—*

10 “(A) *IN GENERAL.—The Secretary may*
11 *make grants under this paragraph to eligible re-*
12 *cipients to incentivize innovative projects for the*
13 *transportation disadvantaged that improve the*
14 *coordination of transportation services and non-*
15 *emergency medical transportation services.*

16 “(B) *SELECTION OF GRANT RECIPIENTS.—*
17 *The Secretary shall distribute grant funds made*
18 *available to carry out this paragraph as de-*
19 *scribed in subparagraph (E) to eligible recipients*
20 *that apply and propose to demonstrate improve-*
21 *ment in the metrics described in subparagraph*
22 *(F).*

23 “(C) *ELIGIBILITY.—An eligible recipient*
24 *shall not be required to have received a grant*

1 *under paragraph (1) to be eligible to receive a*
2 *grant under this paragraph.*

3 “(D) *APPLICATIONS.—Eligible recipients*
4 *shall submit to the Secretary an application that*
5 *includes—*

6 “(i) *which metrics under subparagraph*
7 *(F) the eligible recipient intends to improve;*

8 “(ii) *the performance data eligible re-*
9 *cipients and the Federal, State, nonprofit,*
10 *and private partners of the eligible recipient*
11 *will make available; and*

12 “(iii) *a proposed incentive formula*
13 *that makes payments to the eligible recipi-*
14 *ent based on the proposed data and metrics.*

15 “(E) *DISTRIBUTION.—The Secretary shall*
16 *distribute funds made available to carry out this*
17 *paragraph based upon the number of grant ap-*
18 *plications approved by the Secretary, number of*
19 *individuals served by each grant, and the incen-*
20 *tive formulas approved by the Secretary using*
21 *the following metrics:*

22 “(i) *The reduced transportation ex-*
23 *penditures as a result of improved coordina-*
24 *tion.*

1 “(ii) *The reduced Federal healthcare*
2 *expenditures using the metrics described in*
3 *subparagraph (F).*

4 “(iii) *The reduced private healthcare*
5 *expenditures using the metrics described in*
6 *subparagraph (F).*

7 “(F) *HEALTHCARE METRICS.—Healthcare*
8 *metrics described in this subparagraph shall*
9 *be—*

10 “(i) *reducing missed medical appoint-*
11 *ments;*

12 “(ii) *the timely discharge of patients*
13 *from hospitals;*

14 “(iii) *reducing readmissions of pa-*
15 *tients into hospitals; and*

16 “(iv) *other measureable healthcare*
17 *metrics, as determined appropriate by the*
18 *Secretary.*

19 “(G) *ELIGIBLE EXPENDITURES.—The Sec-*
20 *retary shall allow the funds distributed by this*
21 *grant program to be expended on eligible activi-*
22 *ties described in paragraph (1)(D) and any eli-*
23 *gible activity under this section that is likely to*
24 *improve the metrics described in subparagraph*
25 *(F).*

1 “(H) *RECIPIENT CAP.*—*The Secretary—*

2 “(i) *may not provide more than 20*
3 *grants under this paragraph; and*

4 “(ii) *shall reduce the maximum num-*
5 *ber of grants under this paragraph to en-*
6 *sure projects are fully funded, if necessary.*

7 “(3) *REPORT.*—*The Secretary shall make pub-*
8 *licly available an annual report on the program car-*
9 *ried out under this subsection for each fiscal year, not*
10 *later than December 31 of the calendar year in which*
11 *that fiscal year ends. The report shall include a de-*
12 *tailed description of the activities carried out under*
13 *the program, and an evaluation of the program, in-*
14 *cluding an evaluation of the performance measures*
15 *used by eligible recipients.*

16 “(4) *FEDERAL SHARE.*—

17 “(A) *IN GENERAL.*—*The Federal share of*
18 *the costs of a project carried out under this sub-*
19 *section shall not exceed 80 percent.*

20 “(B) *NON-FEDERAL SHARE.*—*The non-Fed-*
21 *eral share of the costs of a project carried out*
22 *under this subsection may be derived from in-*
23 *kind contributions.*

24 “(5) *RULE OF CONSTRUCTION.*—*For purposes of*
25 *this subsection, nonemergency medical transportation*

1 *services shall be limited to services eligible under Fed-*
 2 *eral programs other than programs authorized under*
 3 *this chapter.”.*

4 **SEC. 2915. PASSENGER FERRY GRANTS.**

5 *Section 5307(h) of title 49, United States Code, is*
 6 *amended by adding at the end the following paragraph:*

7 *“(4) ZERO-EMISSION OR REDUCED-EMISSION*
 8 *GRANTS.—*

9 *“(A) DEFINITIONS.—In this paragraph—*

10 *“(i) the term ‘eligible project’ means a*
 11 *project or program of projects in an area el-*
 12 *igible for a grant under subsection (a) for—*

13 *“(I) acquiring zero- or reduced-*
 14 *emission passenger ferries;*

15 *“(II) leasing zero- or reduced-*
 16 *emission passenger ferries;*

17 *“(III) constructing facilities and*
 18 *related equipment for zero- or reduced-*
 19 *emission passenger ferries;*

20 *“(IV) leasing facilities and related*
 21 *equipment for zero- or reduced-emis-*
 22 *sion passenger ferries;*

23 *“(V) constructing new public*
 24 *transportation facilities to accommo-*

1 *date zero- or reduced-emission pas-*
2 *senger ferries;*

3 *“(VI) constructing shoreside ferry*
4 *charging infrastructure for zero- or re-*
5 *duced-emission passenger ferries; or*

6 *“(VII) rehabilitating or improv-*
7 *ing existing public transportation fa-*
8 *cilities to accommodate zero- or re-*
9 *duced-emission passenger ferries;*

10 *“(ii) the term ‘zero- or reduced-emis-*
11 *sion passenger ferry’ means a passenger*
12 *ferry used to provide public transportation*
13 *that reduces emissions by utilizing onboard*
14 *energy storage systems for hybrid-electric or*
15 *100 percent electric propulsion, related*
16 *charging infrastructure, and other tech-*
17 *nologies deployed to reduce emissions or*
18 *produce zero onboard emissions under nor-*
19 *mal operation; and*

20 *“(iii) the term ‘recipient’ means a des-*
21 *ignated recipient, a local government au-*
22 *thority, or a State that receives a grant*
23 *under subsection (a).*

1 “(B) *GENERAL AUTHORITY.*—*The Secretary*
 2 *may make grants to recipients to finance eligible*
 3 *projects under this paragraph.*

4 “(C) *GRANT REQUIREMENTS.*—*A grant*
 5 *under this paragraph shall be subject to the same*
 6 *terms and conditions as a grant under sub-*
 7 *section (a).*

8 “(D) *COMPETITIVE PROCESS.*—*The Sec-*
 9 *retary shall solicit grant applications and make*
 10 *grants for eligible projects under this paragraph*
 11 *on a competitive basis.*

12 “(E) *GOVERNMENT SHARE OF COSTS.*—

13 “(i) *IN GENERAL.*—*The Federal share*
 14 *of the cost of an eligible project carried out*
 15 *under this paragraph shall not exceed 80*
 16 *percent.*

17 “(ii) *NON-FEDERAL SHARE.*—*The non-*
 18 *Federal share of the cost of an eligible*
 19 *project carried out under this subsection*
 20 *may be derived from in-kind contribu-*
 21 *tions.”.*

22 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
 23 **VESTMENT.**

24 *Section 5309(h)(4) of title 49, United States Code, is*
 25 *amended by inserting “, the extent to which the project im-*

1 *proves transportation options to economically distressed*
 2 *areas,” after “public transportation”.*

3 ***TITLE III—HIGHWAY TRAFFIC***
 4 ***SAFETY***

5 ***SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.***

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

9 *(1) HIGHWAY SAFETY PROGRAMS.—For carrying*
 10 *out section 402 of title 23, United States Code—*

11 *(A) \$378,400,000 for fiscal year 2022;*

12 *(B) \$382,400,000 for fiscal year 2023;*

13 *(C) \$386,500,000 for fiscal year 2024; and*

14 *(D) \$390,400,000 for fiscal year 2025.*

15 *(2) HIGHWAY SAFETY RESEARCH AND DEVELOP-*
 16 *MENT.—For carrying out section 403 of title 23,*
 17 *United States Code—*

18 *(A) \$182,495,000 for fiscal year 2022;*

19 *(B) \$184,795,000 for fiscal year 2023;*

20 *(C) \$187,795,000 for fiscal year 2024; and*

21 *(D) \$190,695,000 for fiscal year 2025.*

22 *(3) NATIONAL PRIORITY SAFETY PROGRAMS.—*
 23 *For carrying out section 405 of title 23, United States*
 24 *Code—*

25 *(A) \$384,119,000 for fiscal year 2022;*

1 (B) \$393,205,000 for fiscal year 2023;

2 (C) \$402,205,000 for fiscal year 2024; and

3 (D) \$411,388,000 for fiscal year 2025.

4 (4) *NATIONAL DRIVER REGISTER.—For the Na-*
 5 *tional Highway Traffic Safety Administration to*
 6 *carry out chapter 303 of title 49, United States*
 7 *Code—*

8 (A) \$5,700,000 for fiscal year 2022;

9 (B) \$5,800,000 for fiscal year 2023;

10 (C) \$5,900,000 for fiscal year 2024; and

11 (D) \$6,000,000 for fiscal year 2025.

12 (5) *HIGH-VISIBILITY ENFORCEMENT PROGRAM.—*
 13 *For carrying out section 404 of title 23, United States*
 14 *Code—*

15 (A) \$60,200,000 for fiscal year 2022;

16 (B) \$60,600,000 for fiscal year 2023;

17 (C) \$60,800,000 for fiscal year 2024; and

18 (D) \$61,200,000 for fiscal year 2025.

19 (6) *ADMINISTRATIVE EXPENSES.—For adminis-*
 20 *trative and related operating expenses of the National*
 21 *Highway Traffic Safety Administration in carrying*
 22 *out chapter 4 of title 23, United States Code—*

23 (A) \$30,586,000 for fiscal year 2022;

24 (B) \$31,000,000 for fiscal year 2023;

25 (C) \$31,500,000 for fiscal year 2024; and

1 (D) \$31,917,000 for fiscal year 2025.

2 (b) *PROHIBITION ON OTHER USES.—Except as other-*
3 *wise provided in chapter 4 of title 23, United States Code,*
4 *and chapter 303 of title 49, United States Code, the*
5 *amounts made available from the Highway Trust Fund*
6 *(other than the Mass Transit Account) for a program under*
7 *such chapters—*

8 (1) *shall only be used to carry out such program;*
9 *and*

10 (2) *may not be used by States or local govern-*
11 *ments for construction purposes.*

12 (c) *APPLICABILITY OF TITLE 23.—Except as otherwise*
13 *provided in chapter 4 of title 23, United States Code, and*
14 *chapter 303 of title 49, United States Code, amounts made*
15 *available under subsection (a) for fiscal years 2022 through*
16 *2025 shall be available for obligation in the same manner*
17 *as if such funds were apportioned under chapter 1 of title*
18 *23, United States Code.*

19 (d) *REGULATORY AUTHORITY.—Grants awarded*
20 *under chapter 4 of title 23, United States Code, including*
21 *any amendments made by this title, shall be carried out*
22 *in accordance with regulations issued by the Secretary of*
23 *Transportation.*

24 (e) *STATE MATCHING REQUIREMENTS.—If a grant*
25 *awarded under chapter 4 of title 23, United States Code,*

1 *requires a State to share in the cost, the aggregate of all*
 2 *expenditures for highway safety activities made during a*
 3 *fiscal year by the State and its political subdivisions (exclu-*
 4 *sive of Federal funds) for carrying out the grant (other than*
 5 *planning and administration) shall be available for the*
 6 *purpose of crediting the State during such fiscal year for*
 7 *the non-Federal share of the cost of any other project carried*
 8 *out under chapter 4 of title 23, United States Code (other*
 9 *than planning or administration), without regard to wheth-*
 10 *er such expenditures were made in connection with such*
 11 *project.*

12 (f) *GRANT APPLICATION AND DEADLINE.—To receive*
 13 *a grant under chapter 4 of title 23, United States Code,*
 14 *a State shall submit an application, and the Secretary of*
 15 *Transportation shall establish a single deadline for such ap-*
 16 *plications to enable the award of grants early in the next*
 17 *fiscal year.*

18 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

19 *Section 402 of title 23, United States Code, is amend-*
 20 *ed—*

21 (1) *in subsection (a)—*

22 (A) *in paragraph (2)(A)—*

23 (i) *in clause (ii) by striking “occupant*
 24 *protection devices (including the use of safe-*

1 *ty belts and child restraint systems)” and*
2 *inserting “seatbelts”;*

3 *(ii) in clause (vii) by striking “; and”*
4 *and inserting a semicolon; and*

5 *(iii) by inserting after clause (viii) the*
6 *following:*

7 *“(ix) to encourage more widespread*
8 *and proper use of child safety seats (includ-*
9 *ing booster seats) with an emphasis on un-*
10 *derserved populations;*

11 *“(x) to reduce injuries and deaths re-*
12 *sulting from drivers of motor vehicles not*
13 *moving to another traffic lane or reducing*
14 *the speed of such driver’s vehicle when law*
15 *enforcement, fire service, emergency medical*
16 *services, and other emergency vehicles are*
17 *stopped or parked on or next to a roadway*
18 *with emergency lights activated; and*

19 *“(xi) to increase driver awareness of*
20 *the dangers of pediatric vehicular*
21 *hyperthermia;”; and*

22 *(B) by adding at the end the following:*

23 *“(3) ADDITIONAL CONSIDERATIONS.—States*
24 *which have legalized medicinal or recreational mari-*
25 *juana shall consider programs in addition to the pro-*

grams described in paragraph (2)(A) to educate drivers on the risks associated with marijuana-impaired driving and to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.”;

(2) in subsection (c)(4)—

(A) by striking subparagraph (C);

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following:

“(B) *SPECIAL RULE FOR SCHOOL AND WORK ZONES.*—Notwithstanding subparagraph (A), a State may expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic system in a work zone or school zone.

“(C) *AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.*—Any automated traffic enforcement system installed pursuant to subparagraph (B) shall comply with speed enforcement camera systems and red light camera systems guidelines established by the Secretary.”; and

1 (3) *in subsection (n)—*

2 (A) *by striking “PUBLIC TRANSPARENCY”*
3 *and all that follows through “The Secretary”*
4 *and inserting the following: “PUBLIC TRANS-*
5 *PARENCY.—*

6 “(1) *IN GENERAL.—The Secretary*”; and

7 (B) *by adding at the end the following:*

8 “(2) *STATE HIGHWAY SAFETY PLAN WEBSITE.—*

9 “(A) *IN GENERAL.—In carrying out the re-*
10 *quirements of paragraph (1), the Secretary shall*
11 *establish a public website that is easily acces-*
12 *sible, navigable, and searchable for the informa-*
13 *tion required under paragraph (1), in order to*
14 *foster greater transparency in approved State*
15 *highway safety programs.*

16 “(B) *CONTENTS.—The website established*
17 *under subparagraph (A) shall—*

18 “(i) *include each State highway safety*
19 *plan and annual report submitted and ap-*
20 *proved by the Secretary under subsection*
21 *(k);*

22 “(ii) *provide a means for the public to*
23 *search such website for State highway safety*
24 *program content required in subsection (k),*
25 *including—*

1 “(I) performance measures re-
 2 quired by the Secretary under para-
 3 graph (3)(A);

4 “(II) progress made toward meet-
 5 ing the State’s performance targets for
 6 the previous year;

7 “(III) program areas and expend-
 8 itures; and

9 “(IV) a description of any sources
 10 of funds other than funds provided
 11 under this section that the State pro-
 12 poses to use to carry out the State
 13 highway safety plan of such State.”.

14 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

15 Section 402 of title 23, United States Code, as amend-
 16 ed by section 3002 of this Act, is further amended by insert-
 17 ing after subsection (k) the following:

18 “(l) **TRAFFIC SAFETY ENFORCEMENT GRANTS.**—

19 “(1) **GENERAL AUTHORITY.**—Subject to the re-
 20 quirements under this subsection, the Secretary shall
 21 award grants to States for the purpose of carrying
 22 out top-rated traffic safety enforcement counter-
 23 measures to reduce traffic-related injuries and fatali-
 24 ties.

1 “(2) *EFFECTIVE COUNTERMEASURE DEFINED.*—

2 *In this subsection, the term ‘effective countermeasure’*
3 *means a countermeasure rated 3, 4, or 5 stars in the*
4 *most recent edition of the National Highway Traffic*
5 *Safety Administration’s Countermeasures That Work*
6 *highway safety guide.*

7 “(3) *FUNDING.*—*Notwithstanding the apportion-*
8 *ment formula set forth in section 402(c)(2), the Sec-*
9 *retary shall set aside \$35,000,000 of the funds made*
10 *available under this section for each fiscal year to be*
11 *allocated among up to 10 States.*

12 “(4) *SELECTION CRITERIA.*—*The Secretary shall*
13 *select up to 10 applicants based on the following cri-*
14 *teria:*

15 “(A) *A preference for applicants who are*
16 *geographically diverse.*

17 “(B) *A preference for applicants with a*
18 *higher average number of traffic fatalities per ve-*
19 *hicle mile traveled.*

20 “(C) *A preference for applicants whose ac-*
21 *tivities under subparagraphs (A) and (B) of*
22 *paragraph (6) are expected to have the greatest*
23 *impact on reducing traffic-related fatalities and*
24 *injuries, as determined by the Secretary.*

1 “(5) *ELIGIBILITY.*—*A State may receive a grant*
2 *under this subsection in a fiscal year if the State*
3 *demonstrates, to the satisfaction of the Secretary, that*
4 *the State is able to meet the requirements in para-*
5 *graph (6).*

6 “(6) *REQUIREMENTS.*—*In order to receive funds,*
7 *a State must establish an agreement with the Sec-*
8 *retary to—*

9 “(A) *identify areas with the highest risk of*
10 *traffic fatalities and injuries;*

11 “(B) *determine the most effective counter-*
12 *measures to implement in those areas, with pri-*
13 *ority given to countermeasures rated above 3*
14 *stars; and*

15 “(C) *report annual data under uniform re-*
16 *porting requirements established by the Sec-*
17 *retary, including—*

18 “(i) *traffic citations, arrests, and other*
19 *interventions made by law enforcement, in-*
20 *cluding such interventions that did not re-*
21 *sult in arrest or citation;*

22 “(ii) *the increase in traffic safety en-*
23 *forcement activity supported by these funds;*
24 *and*

1 “(iii) any other metrics the Secretary
2 determines appropriate to determine the
3 success of the grant.

4 “(7) *USE OF FUNDS.*—

5 “(A) *IN GENERAL.*—Grant funds received
6 by a State under this subsection may be used
7 for—

8 “(i) implementing effective counter-
9 measures determined under paragraph (6);
10 and

11 “(ii) law enforcement-related expenses,
12 such as officer training, overtime, tech-
13 nology, and equipment, if the Secretary de-
14 termines effective countermeasures have been
15 implemented successfully and the Secretary
16 provides approval.

17 “(B) *BROADCAST AND PRINT MEDIA.*—Up
18 to 5 percent of grant funds received by a State
19 under this subsection may be used for the devel-
20 opment, production, and use of broadcast and
21 print media advertising in carrying out traffic
22 safety law enforcement efforts under this sub-
23 section.

24 “(8) *ALLOCATION.*—Grant funds allocated to a
25 State under this subsection for a fiscal year shall be

1 *in proportion to the State's apportionment under sub-*
 2 *section (c)(2) for the fiscal year.*

3 “(9) *MAINTENANCE OF EFFORT.*—No grant may
 4 *be made to a State in any fiscal year under this sub-*
 5 *section unless the State enters into such an agreement*
 6 *with the Secretary, as the Secretary may require, to*
 7 *ensure that the State will maintain its aggregate ex-*
 8 *penditures from all State and local sources for activi-*
 9 *ties carried out in accordance with this subsection at*
 10 *or above the average level of expenditures in the 2 fis-*
 11 *cal years preceding the date of enactment of this sub-*
 12 *section.*

13 “(10) *ANNUAL EVALUATION AND REPORT TO*
 14 *CONGRESS.*—The Secretary shall conduct an annual
 15 *evaluation of the effectiveness of grants awarded*
 16 *under this subsection and shall submit to the Com-*
 17 *mittee on Transportation and Infrastructure of the*
 18 *House of Representatives and the Committee on Com-*
 19 *merce, Science, and Transportation of the Senate an*
 20 *annual report on the effectiveness of the grants.”.*

21 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
 22 **MENT.**

23 *Section 403 of title 23, United States Code, is amend-*
 24 *ed—*

1 (1) *in subsection (b) by inserting “, training,”*
 2 *after “demonstration projects”;*

3 (2) *in subsection (f)(1)—*

4 (A) *by striking “\$2,500,000” and inserting*
 5 *“\$3,500,000”; and*

6 (B) *by striking “subsection 402(c) in each*
 7 *fiscal year ending before October 1, 2015, and*
 8 *\$443,989 of the total amount available for ap-*
 9 *portionment to the States for highway safety*
 10 *programs under section 402(c) in the period be-*
 11 *ginning on October 1, 2015, and ending on De-*
 12 *cember 4, 2015,” and inserting “section*
 13 *402(c)(2) in each fiscal year”; and*

14 (3) *by striking subsection (h) and redesignating*
 15 *subsections (i) and (j) as subsections (h) and (i), re-*
 16 *spectively.*

17 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
 18 **PROFILING.**

19 *Section 403 of title 23, United States Code, as amend-*
 20 *ed by section 3004 of this Act, is further amended by adding*
 21 *at the end the following:*

22 “(j) **GRANT PROGRAM TO PROHIBIT RACIAL**
 23 **PROFILING.—**

1 “(1) *GENERAL AUTHORITY.*—Subject to the re-
2 quirements of this subsection, the Secretary shall
3 make grants to a State that—

4 “(A) *is maintaining and allows public in-*
5 *spection of statistical information for each motor*
6 *vehicle stop made by a law enforcement officer*
7 *on a Federal-aid highway in the State regarding*
8 *the race and ethnicity of the driver; or*

9 “(B) *provides assurances satisfactory to the*
10 *Secretary that the State is undertaking activities*
11 *to comply with the requirements of subparagraph*
12 *(A).*

13 “(2) *USE OF GRANT FUNDS.*—A grant received
14 by a State under paragraph (1) shall be used by the
15 State for the costs of—

16 “(A) *collecting and maintaining data on*
17 *traffic stops; and*

18 “(B) *evaluating the results of such data.*

19 “(3) *LIMITATIONS.*—

20 “(A) *MAXIMUM AMOUNT OF GRANTS.*—The
21 total amount of grants made to a State under
22 this section in a fiscal year may not exceed 5
23 percent of the amount made available to carry
24 out this section in the fiscal year.

1 “(B) *ELIGIBILITY.*—On or after October 1,
2 2022, a State may not receive a grant under
3 paragraph (1)(B) in more than 2 fiscal years.

4 “(4) *FUNDING.*—

5 “(A) *IN GENERAL.*—From funds made
6 available under this section, the Secretary shall
7 set aside \$7,500,000 for each fiscal year to carry
8 out this subsection.

9 “(B) *OTHER USES.*—The Secretary may re-
10 allocate, before the last day of any fiscal year,
11 amounts remaining available under subpara-
12 graph (A) to increase the amounts made avail-
13 able to carry out any other activities authorized
14 under this section in order to ensure, to the max-
15 imum extent possible, that all such amounts are
16 obligated during such fiscal year.”.

17 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

18 Section 404 of title 23, United States Code, is amend-
19 ed—

20 (1) in subsection (a) by striking “3 campaigns
21 will be carried out in each of fiscal years 2016
22 through 2020” and inserting “6 campaigns will be
23 carried out in each of fiscal years 2022 through
24 2025”;

25 (2) in subsection (b)—

1 (A) in paragraph (1) by striking “or drug-
2 impaired”;

3 (B) in paragraph (2) by striking “Increase
4 use of seatbelts” and inserting “Increase proper
5 use of seatbelts and child restraints”;

6 (C) by redesignating paragraph (2) as
7 paragraph (3);

8 (D) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) Reduce drug-impaired operation of motor
11 vehicles.”; and

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

13 “(4) Reduce texting through a personal wireless
14 communications device by drivers while operating a
15 motor vehicle.

16 “(5) Reduce violations of move over laws of a
17 State that require motorists to change lanes or slow
18 down when law enforcement, fire service, emergency
19 medical services and other emergency vehicles are
20 stopped or parked on or next to a roadway with
21 emergency lights activated.”;

22 (3) by redesignating subsections (e) and (f) as
23 subsections (g) and (h), respectively;

24 (4) by inserting after subsection (d) the fol-
25 lowing:

1 “(e) *FREQUENCY.—Each campaign administered*
 2 *under this section shall occur not less than once in each*
 3 *of fiscal years 2022 through 2025 with the exception of cam-*
 4 *paigns to reduce alcohol-impaired operation of motor vehi-*
 5 *cles which shall occur not less than twice in each of fiscal*
 6 *years 2022 through 2025.*

7 “(f) *COORDINATION OF DYNAMIC HIGHWAY MESSAGE*
 8 *SIGNS.—During the time a State is carrying out a cam-*
 9 *paign, the Secretary shall coordinate with States carrying*
 10 *out the campaigns under this section on the use of dynamic*
 11 *highway message signs to support national high-visibility*
 12 *advertising and education efforts associated with the cam-*
 13 *paigns.”; and*

14 (5) *in subsection (g), as so redesignated—*

15 (A) *by redesignating paragraph (2) as*
 16 *paragraph (3);*

17 (B) *by inserting after paragraph (1) the fol-*
 18 *lowing:*

19 “(2) *DYNAMIC HIGHWAY MESSAGE SIGN.—The*
 20 *term ‘dynamic highway message sign’ means a traffic*
 21 *control device that is capable of displaying one or*
 22 *more alternative messages which convey information*
 23 *to occupants of motor vehicles.”; and*

24 (C) *by adding at the end the following:*

1 “(4) *TEXTING*.—The term ‘texting’ has the mean-
2 ing given such term in section 405(e).”.

3 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

4 (a) *IN GENERAL*.—Section 405 of title 23, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1) by striking “13 per-
8 cent” and inserting “12.85 percent”;

9 (B) in paragraph (2) by striking “14.5 per-
10 cent” and inserting “14.3 percent”;

11 (C) in paragraph (3) by striking “52.5 per-
12 cent” and inserting “51.75 percent”;

13 (D) in paragraph (4) by striking “8.5 per-
14 cent” and inserting “8.3 percent”;

15 (E) in paragraph (6) by striking “5 per-
16 cent” and inserting “4.9 percent”;

17 (F) in paragraph (7) by striking “5 per-
18 cent” and inserting “4.9 percent”;

19 (G) in paragraph (8)—

20 (i) by striking “paragraphs (1)
21 through (7)” and inserting “paragraphs (1)
22 through (8)”;

23 (ii) by striking “subsection (b) through
24 (h)” and inserting “subsections (b) through
25 (i)”; and

1 (iii) by inserting “to carry out any of
2 the other activities described in such sub-
3 sections, or the amount made available” be-
4 fore “under section 402(c)(2)”;

5 (H) in paragraph (9)(A) by striking “date
6 of enactment of the FAST Act” and inserting
7 “date of enactment of the INVEST in America
8 Act”;

9 (I) by redesignating paragraphs (8) and (9)
10 as paragraphs (9) and (10), respectively; and

11 (J) by inserting after paragraph (7) the fol-
12 lowing:

13 “(8) DRIVER AND OFFICER SAFETY EDU-
14 CATION.—In each fiscal year, 1.5 percent of the funds
15 provided under this section shall be allocated among
16 States that meet the requirements with respect to
17 driver and officer safety education (as described in
18 subsection (i)).”;

19 (2) in subsection (c)(3)(E) by striking “5” and
20 inserting “10”;

21 (3) in subsection (b)(4)—

22 (A) in subparagraph (A) by striking clause
23 (v) and inserting the following:

24 “(v) implement programs in low-in-
25 come and underserved populations to—

1 “(I) recruit and train occupant
2 protection safety professionals, nation-
3 ally certified child passenger safety
4 technicians, police officers, fire and
5 emergency medical personnel, and edu-
6 cators serving low-income and under-
7 served populations;

8 “(II) educate parents and care-
9 givers in low-income and underserved
10 populations about the proper use and
11 installation of child safety seats; and

12 “(III) purchase and distribute
13 child safety seats to low-income and
14 underserved populations; and”; and

15 (B) in subparagraph (B)—

16 (i) by striking “100 percent” and in-
17 serting “90 percent”; and

18 (ii) by adding at the end the following:

19 “The remaining 10 percent of such funds
20 shall be used to carry out subsection
21 (A)(v).”;

22 (4) by striking subsection (c)(4) and inserting
23 the following:

1 “(4) *USE OF GRANT AMOUNTS.*—Grant funds re-
2 ceived by a State under this subsection shall be used
3 for—

4 “(A) *making data program improvements*
5 *to core highway safety databases related to quan-*
6 *tifiable, measurable progress in any of the 6 sig-*
7 *nificant data program attributes set forth in*
8 *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 surveillance*
14 *system, roadway, and vehicle, into the core high-*
15 *way 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 or*
22 *with other data systems within the State, includ-*
23 *ing systems that contain medical, roadway, and*
24 *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, State,
7 and national trends in crash occurrences, rates,
8 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, in-
14 cluding a Fatality Analysis Reporting System
15 liaison for a State; and

16 “(I) conducting research on State traffic
17 safety information systems, including developing
18 and evaluating programs to improve core high-
19 way safety databases of such State and processes
20 by which data is identified, collected, reported to
21 State and local government agencies, and entered
22 into such core safety databases.”;

23 (5) by striking subsection (d)(6)(A) and insert-
24 ing the following:

1 “(A) *GRANTS TO STATES WITH ALCOHOL-IG-*
2 *NITION INTERLOCK LAWS.—The Secretary shall*
3 *make a separate grant under this subsection to*
4 *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 or*
23 *concentration of any intoxicating sub-*
24 *stance to install an ignition interlock*

1 *for a minimum 6-month interlock pe-*
2 *riod; and*

3 *“(II) a compliance-based removal*
4 *program in which an individual ar-*
5 *rested or convicted of driving under the*
6 *influence of alcohol or driving while*
7 *intoxicated shall install an ignition*
8 *interlock for a minimum 6-month*
9 *interlock period and have completed a*
10 *minimum consecutive period of not less*
11 *than 40 percent of the required inter-*
12 *lock period immediately preceding the*
13 *date of release, without a confirmed*
14 *violation of driving under the influence*
15 *of alcohol or driving while intoxi-*
16 *cated.”;*

17 *(6) in subsection (e)—*

18 *(A) in paragraph (1) by striking “para-*
19 *graphs (2) and (3)” and inserting “paragraph*
20 *(2)”;*

21 *(B) in paragraph (4)—*

22 *(i) by striking “paragraph (2) or (3)”*
23 *and inserting “paragraph (3) or (4)”;*

24 *(ii) in subparagraph (A) by striking*
25 *“communications device to contact emer-*

1 *gency services” and inserting “communica-*
 2 *tions device during an emergency to contact*
 3 *emergency services or to prevent injury to*
 4 *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 insert-*
 15 *ing “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 the*
 19 *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 para-
3 graph (8)(A), a device through which per-
4 sonal services (as such term is defined in
5 section 332(c)(7)(C)(i) of the Communica-
6 tions Act of 1934 (47 U.S.C.
7 332(c)(7)(C)(i)) are transmitted, but not in-
8 cluding the use of such a device as a global
9 navigation system receiver used for posi-
10 tioning, emergency notification, or naviga-
11 tion 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 para-
22 graph (8)(A), reading from or manually en-
23 tering data into a personal wireless commu-
24 nications device, including doing so for the
25 purpose of SMS texting, emailing, instant

1 *messaging, or engaging in any other form of*
2 *electronic data retrieval or electronic data*
3 *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 funds*
17 *to a State under this subsection for a fiscal year*
18 *shall be in proportion to the State’s apportion-*
19 *ment under section 402 for fiscal year 2009.*

20 “(B) *PRIMARY OFFENSE LAWS.—A State*
21 *that has enacted and is enforcing a law that*
22 *meets the requirements set forth in paragraphs*
23 *(3) and (4) as a primary offense shall be allo-*
24 *cated 100 percent of the amount calculated under*
25 *subparagraph (A).*

1 “(C) *SECONDARY OFFENSE LAWS.*—A State
2 that has enacted and is enforcing a law that
3 meets the requirements set forth in paragraphs
4 (3) and (4) as a secondary offense shall be allo-
5 cated 50 percent of the amount calculated under
6 subparagraph (A).

7 “(3) *PROHIBITION ON HANDHELD PERSONAL*
8 *WIRELESS COMMUNICATION DEVICE USE WHILE DRIV-*
9 *ING.*—A State law meets the requirements set forth in
10 this paragraph if the law—

11 “(A) prohibits a driver from holding or
12 using, including texting, a personal wireless
13 communications device while driving, except for
14 the use of a personal wireless communications
15 device—

16 “(i) in a hands-free manner or with a
17 hands-free accessory, or

18 “(ii) to activate or deactivate a feature
19 or function of the personal wireless commu-
20 nications device;

21 “(B) establishes a fine for a violation of the
22 law; and

23 “(C) does not provide for an exemption that
24 specifically allows a driver to hold or use a per-

1 sonal wireless communication device while
2 stopped in traffic.

3 “(4) *PROHIBITION ON PERSONAL WIRELESS COM-*
4 *MUNICATION DEVICE USE WHILE DRIVING OR*
5 *STOPPED IN TRAFFIC.*—A State law meets the require-
6 ments set forth in this paragraph if the law—

7 “(A) prohibits a driver from holding or
8 using a personal wireless communications device
9 while driving if the driver is—

10 “(i) younger than 18 years of age; or

11 “(ii) in the learner’s permit or inter-
12 mediate license stage described in subpara-
13 graph (A) or (B) of subsection (g)(2);

14 “(B) establishes a fine for a violation of the
15 law; and

16 “(C) does not provide for an exemption that
17 specifically allows a driver to use a personal
18 wireless communication device while stopped in
19 traffic.”; and

20 (I) by inserting after paragraph (7) the fol-
21 lowing:

22 “(8) *RULEMAKING.*—Not later than 1 year after
23 the date of enactment of this paragraph, the Secretary
24 shall issue such regulations as are necessary to ac-

1 *count for diverse State approaches to combating dis-*
2 *tracted driving that—*

3 *“(A) defines the terms personal wireless*
4 *communications device and texting for the pur-*
5 *poses of this subsection; and*

6 *“(B) determines additional permitted excep-*
7 *tions that are appropriate for a State law that*
8 *meets the requirements under paragraph (3) or*
9 *(4).”;*

10 *(7) in subsection (g)—*

11 *(A) in paragraph (1) by inserting “sub-*
12 *paragraphs (A) and (B) of” before “paragraph*
13 *(2)”;*

14 *(B) by striking paragraph (2) and inserting*
15 *the following:*

16 *“(2) MINIMUM REQUIREMENTS.—*

17 *“(A) TIER 1 STATE.—A State shall be eligi-*
18 *ble for a grant under this subsection as a Tier*
19 *1 State if such State requires novice drivers*
20 *younger than 18 years of age to comply with a*
21 *2-stage graduated driver licensing process before*
22 *receiving an unrestricted driver’s license that in-*
23 *cludes—*

24 *“(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 after
12 the expiration of the learner’s permit
13 stage;

14 “(II) is at least 180 days in dura-
15 tion; and

16 “(III) for the first 180 days of the
17 intermediate stage, restricts the driver
18 from—

19 “(aa) driving at night be-
20 tween the hours of 11:00 p.m. and
21 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 the
2 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 vehi-
11 cle with more than 1 nonfamilial
12 passenger younger than 18 years
13 of 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 “(B) TIER 2 STATE.—A State shall be eligi-
19 ble 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 before
23 receiving an unrestricted driver’s license that in-
24 cludes—

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 after
13 the expiration of the learner’s permit
14 stage;

15 “(II) is at least 180 days in dura-
16 tion; and

17 “(III) for the first 180 days of the
18 intermediate stage, restricts the driver
19 from—

20 “(aa) driving at night be-
21 tween the hours of 10:00 p.m. and
22 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 the*
2 *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 vehi-*
11 *cle with any nonfamilial pas-*
12 *senger younger than 18 years of*
13 *age, except when a parent, guard-*
14 *ian, driving instructor, or li-*
15 *censed 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 inserting
4 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 proc-
10 ess that complies with paragraph (2);

11 “(ii) training for law enforcement per-
12 sonnel and other relevant State agency per-
13 sonnel relating to the enforcement described
14 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 sub-
 3 section—

4 “(i) 25 percent shall be used for any
 5 activity described in subparagraph (A); and

6 “(ii) 75 percent may be used for any
 7 project or activity eligible under section
 8 402.”; and

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

10 “(i) *DRIVER AND OFFICER SAFETY EDUCATION*.—

11 “(1) *GENERAL AUTHORITY*.—Subject to the re-
 12 quirements under this subsection, the Secretary shall
 13 award grants to—

14 “(A) States that enact a commuter safety
 15 education program; and

16 “(B) States qualifying under paragraph
 17 (5)(A).

18 “(2) *FEDERAL SHARE*.—The Federal share of the
 19 costs of activities carried out using amounts from a
 20 grant awarded under this subsection may not exceed
 21 80 percent.

22 “(3) *ELIGIBILITY*.—To be eligible for a grant
 23 under this subsection, a State shall enact a law or
 24 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 agen-*
5 *cies of the State, of instruction and testing con-*
6 *cerning law enforcement practices during traffic*
7 *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 complaint*
19 *against or a compliment on behalf of a*
20 *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 who*

1 *have received training in a civilian course de-*
 2 *scribed in subparagraph (A)) with respect to*
 3 *proper interaction with civilians during traffic*
 4 *stops.*

5 “(4) *GRANT AMOUNT.*—*The allocation of grant*
 6 *funds to a State under this subsection for a fiscal*
 7 *year shall be in proportion to the State’s apporportion-*
 8 *ment under section 402 for fiscal year 2009.*

9 “(5) *SPECIAL RULE FOR CERTAIN STATES.*—

10 “(A) *QUALIFYING STATE.*—*A State qualifies*
 11 *pursuant to this subparagraph if—*

12 “(i) *the Secretary determines such*
 13 *State has taken meaningful steps toward the*
 14 *full implementation of a law or program*
 15 *described in paragraph (3);*

16 “(ii) *the Secretary determines such*
 17 *State has established a timetable for the im-*
 18 *plementation of such a law or program; and*

19 “(iii) *such State has received a grant*
 20 *pursuant to this subsection for a period of*
 21 *not more than 5 years.*

22 “(B) *WITHHOLDING.*—*With respect to a*
 23 *State that qualifies pursuant to subparagraph*
 24 *(A), the Secretary shall—*

1 “(i) withhold 50 percent of the amount
2 that such State would otherwise receive if
3 such State were a State described in para-
4 graph (1)(A); and

5 “(ii) direct any such amounts for dis-
6 tribution among the States that are enforc-
7 ing and carrying out a law or program de-
8 scribed in paragraph (3).

9 “(6) *USE OF GRANT AMOUNTS.*—A State receiv-
10 ing a grant under this subsection may use such
11 grant—

12 “(A) for the production of educational mate-
13 rials 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 “crash-
21 es” each place it appears; and

22 (2) by striking “accident” and inserting “crash”
23 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-im-*
7 *paired” and inserting “alcohol or polysubstance-im-*
8 *paired”; 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 note)*
20 *is amended by striking “deficiencies” and inserting “all de-*
21 *ficiencies”.*

22 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**
23 **GRANTS.**

24 *(a) IN GENERAL.—The Secretary of Transportation*
25 *shall make grants to institutions of higher education (as*
26 *such term is defined in section 101 of the Higher Education*

1 *Act of 1965 (20 U.S.C. 1001) for research and training in*
2 *the operation or establishment of an implicit bias training*
3 *program as it relates to racial profiling at traffic stops.*

4 *(b) QUALIFICATIONS.—To be eligible for a grant under*
5 *this section, an institution of higher education shall—*

6 *(1) have an active research program or dem-*
7 *onstrate, to the satisfaction of the Secretary, that the*
8 *applicant is beginning a research program to study*
9 *implicit bias as it relates to racial profiling before*
10 *and during traffic stops; and*

11 *(2) partner with State and local police depart-*
12 *ments to conduct the research described in paragraph*
13 *(1) and carry out the implementation of implicit bias*
14 *training with State and local police departments.*

15 *(c) REPORT.—No later than 1 year after a grant has*
16 *been awarded under this section, the institution of higher*
17 *education awarded the grant shall submit to the Committee*
18 *on Transportation and Infrastructure of the House of Rep-*
19 *resentatives and the Committee on Commerce, Science, and*
20 *Transportation of the Senate a report summarizing the re-*
21 *search on implicit bias as it relates to racial profiling before*
22 *and during traffic stops, and recommendations on effective*
23 *interventions and trainings.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated \$10,000,000 for each fiscal*
 3 *year to carry out this section.*

4 (e) *DEFINITIONS.*—*In this section, the term “implicit*
 5 *bias training program” means a program that looks at the*
 6 *attitudes, stereotypes, and lenses human beings develop*
 7 *through various experiences in life that can unconsciously*
 8 *affect how they interact with one another.*

9 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

10 *Section 4007 of the FAST Act (23 U.S.C. 153 note)*
 11 *is amended—*

12 (1) *in paragraph (1) by striking “or” at the end;*

13 (2) *in paragraph (2) by striking the period at*
 14 *the end and inserting “; or”; and*

15 (3) *by adding at the end the following:*

16 “(3) *otherwise profile and stop motorcycle opera-*
 17 *tors or motorcycle passengers using as a factor the*
 18 *clothing or mode of transportation of such operators*
 19 *or passengers.”.*

20 **SEC. 3012. ELECTRONIC DRIVER’S LICENSE.**

21 (a) *REAL ID ACT.*—*Section 202(a)(1) of the REAL*
 22 *ID Act of 2005 (49 U.S.C. 30301 note) is amended by strik-*
 23 *ing “a driver’s license or identification card” and inserting*
 24 *“a physical or electronic driver’s license or identification*
 25 *card”.*

1 (b) *TITLE 18.*—Section 1028(d)(7)(A) of title 18,
 2 *United States Code*, is amended by striking “government
 3 *issued driver’s license*” and inserting “government issued
 4 *physical or electronic driver’s license*”.

5 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

6 (a) *SHORT TITLE.*—This section may be cited as the
 7 “*Motorcyclist Advisory Council Reauthorization Act*”.

8 (b) *ESTABLISHMENT.*—Not later than 90 days after
 9 the date of enactment of this Act, the Secretary of Transpor-
 10 tation shall establish a Motorcyclist Advisory Council (in
 11 this section referred to as the “Council”).

12 (c) *DUTIES.*—

13 (1) *ADVISING.*—The Council shall advise the Sec-
 14 retary, the Administrator of the National Highway
 15 Traffic Safety Administration, and the Administrator
 16 of the Federal Highway Administration on transpor-
 17 tation issues of concern to motorcyclists, including—

18 (A) barrier design;

19 (B) road design, construction, and mainte-
 20 nance practices; and

21 (C) the architecture and implementation of
 22 intelligent transportation system technologies.

23 (2) *BIENNIAL COUNCIL REPORT.*—

24 (A) *IN GENERAL.*—The Council shall submit
 25 a report to the Secretary containing the Coun-

1 *cil's recommendations regarding the issues de-*
2 *scribed in paragraph (1) on which the Council*
3 *provides advice pursuant to such paragraph.*

4 *(B) TIMING.—Not later than October 31 of*
5 *the calendar year following the calendar year in*
6 *which the Council is established, and by every*
7 *2nd October 31 thereafter, the Council shall sub-*
8 *mit the report required under this paragraph.*

9 *(d) MEMBERSHIP.—*

10 *(1) IN GENERAL.—The Council shall be com-*
11 *prised of 12 members appointed by the Secretary as*
12 *follows:*

13 *(A) Five experts from State or local govern-*
14 *ment on highway engineering issues, including—*

15 *(i) barrier design;*

16 *(ii) road design, construction, and*
17 *maintenance; or*

18 *(iii) intelligent transportation systems.*

19 *(B) One State or local traffic and safety en-*
20 *gineer, design engineer, or other transportation*
21 *department official who is a motorcyclist.*

22 *(C) One representative from a national as-*
23 *sociation of State transportation officials.*

24 *(D) One representative from a national mo-*
25 *torcyclist association.*

1 (E) *One representative from a national mo-*
2 *torcyclist foundation.*

3 (F) *One representative from a national mo-*
4 *torcycle manufacturing association.*

5 (G) *One roadway safety data expert on*
6 *crash testing and analysis.*

7 (H) *One member of a national safety orga-*
8 *nization that represents the traffic safety systems*
9 *industry.*

10 (2) *DURATION.—*

11 (A) *TERM.—Subject to subparagraphs (B)*
12 *and (C), each member shall serve one term of 2*
13 *years.*

14 (B) *ADDITIONAL TERMS.—If a successor is*
15 *not designated for a member before the expira-*
16 *tion of the term the member is serving, the mem-*
17 *ber may serve another term.*

18 (C) *APPOINTMENT OF REPLACEMENTS.—If*
19 *a member resigns before serving a full 2-year*
20 *term, the Secretary may appoint a replacement*
21 *for such member to serve the remaining portion*
22 *such term. A member may continue to serve after*
23 *resignation until a successor has been appointed.*
24 *A vacancy in the Council shall be filled in the*

1 *manner in which the original appointment was*
2 *made.*

3 (3) *COMPENSATION.—Members shall serve with-*
4 *out compensation.*

5 (e) *TERMINATION.—The Council shall terminate 6*
6 *years after the date of its establishment.*

7 (f) *DUTIES OF THE SECRETARY.—*

8 (1) *ACCEPT OR REJECT RECOMMENDATION.—*

9 (A) *SECRETARY DETERMINES.—The Sec-*
10 *retary shall determine whether to accept or reject*
11 *a recommendation contained in a Council re-*
12 *port.*

13 (B) *TIMING.—*

14 (i) *MUST ACCEPT OR REJECT.—The*
15 *Secretary must indicate in each report sub-*
16 *mitted under this section the Secretary's ac-*
17 *ceptance or rejection of each recommenda-*
18 *tion listed in such report.*

19 (ii) *EXCEPTION.—The Secretary may*
20 *indicate in a report submitted under this*
21 *section that a recommendation is under*
22 *consideration. If the Secretary does so, the*
23 *Secretary must accept or reject the rec-*
24 *ommendation in the next report submitted*
25 *under this section.*

1 (2) *REPORT.*—

2 (A) *IN GENERAL.*—Not later than 60 days
3 after the Secretary receives a Council report, the
4 Secretary shall submit a report to the following
5 committees and subcommittees:

6 (i) *The Committee on Transportation*
7 and *Infrastructure of the House of Rep-*
8 resentatives.

9 (ii) *The Committee on Environment*
10 and *Public Works of the Senate.*

11 (iii) *The Committee on Commerce,*
12 *Science, and Transportation of the Senate.*

13 (iv) *The Subcommittee on Transpor-*
14 *tation, and Housing and Urban Develop-*
15 *ment, and Related Agencies of the Com-*
16 *mittee on Appropriations of the House of*
17 *Representatives.*

18 (v) *The Subcommittee on Transpor-*
19 *tation, and Housing and Urban Develop-*
20 *ment, and Related Agencies of the Com-*
21 *mittee on Appropriations of the Senate.*

22 (B) *CONTENTS.*—A report submitted under
23 this subsection shall include—

24 (i) a list containing—

1 (I) each recommendation con-
2 tained in the Council report described
3 in paragraph (1); and

4 (II) each recommendation indi-
5 cated as under consideration in the
6 previous report submitted under this
7 subsection; and

8 (ii) for each such recommendation,
9 whether it is accepted, rejected, or under
10 consideration by the Secretary.

11 (3) ADMINISTRATIVE AND TECHNICAL SUP-
12 PORT.—The Secretary shall provide such administra-
13 tive support, staff, and technical assistance to the
14 Council as the Secretary determines to be necessary
15 for the Council to carry out its duties.

16 (g) DEFINITIONS.—In this section:

17 (1) COUNCIL REPORT.—The term “Council re-
18 port” means the report described in subsection (f)(2).

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Transportation.

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 (a) *IN GENERAL.*—Section 31104 of title 49, United
 7 States Code, is 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; and

20 “(D) \$418,425,000 for fiscal year 2025.

21 “(2) *HIGH-PRIORITY ACTIVITIES PROGRAM.*—
 22 Subject to subsection (c), to carry out section
 23 31102(l)—

24 “(A) \$72,604,000 for fiscal year 2022;

25 “(B) \$74,424,000 for fiscal year 2023;

1 “(C) \$76,328,000 for fiscal year 2024; and

2 “(D) \$78,106,000 for fiscal year 2025.

3 “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*

4 *GRANT PROGRAM.—To carry out section 31103—*

5 “(A) \$1,037,200 for fiscal year 2022;

6 “(B) \$1,063,200 for fiscal year 2023;

7 “(C) \$1,090,400 for fiscal year 2024; and

8 “(D) \$1,115,800 for fiscal year 2025.

9 “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*

10 *IMPLEMENTATION PROGRAM.—Subject to subsection*

11 *(c), to carry out section 31313—*

12 “(A) \$56,008,800 for fiscal year 2022;

13 “(B) \$57,412,800 for fiscal year 2023;

14 “(C) \$58,881,600 for fiscal year 2024; and

15 “(D) \$60,253,200 for fiscal year 2025.”;

16 (2) *by striking subsection (c) and inserting the*
 17 *following:*

18 “(c) *PARTNER TRAINING AND PROGRAM SUPPORT.—*

19 “(1) *IN GENERAL.—On October 1 of each fiscal*

20 *year, or as soon after that date as practicable, the*

21 *Secretary may deduct from amounts made available*

22 *under paragraphs (1), (2), and (4) of subsection (a)*

23 *for that fiscal year not more than 1.50 percent of*

24 *those amounts for partner training and program sup-*

25 *port in that fiscal year.*

1 “(2) *USE OF FUNDS.*—*The Secretary shall use at*
 2 *least 75 percent of the amounts deducted under para-*
 3 *graph (1) on training and related training materials*
 4 *for non-Federal Government employees.*

5 “(3) *PARTNERSHIP.*—*The Secretary shall carry*
 6 *out the training and development of materials pursu-*
 7 *ant to paragraph (2) in partnership with one or more*
 8 *nonprofit organizations, selected on a competitive*
 9 *basis, that have—*

10 “(A) *expertise in conducting a training*
 11 *program for non-Federal Government employees;*
 12 *and*

13 “(B) *a demonstrated ability to involve in a*
 14 *training program the target population of com-*
 15 *mercial motor vehicle safety enforcement employ-*
 16 *ees.”;*

17 (3) *in subsection (f)—*

18 (A) *in paragraph (1) by striking “the next*
 19 *fiscal year” and inserting “the following 2 fiscal*
 20 *years”;*

21 (B) *in paragraph (2)—*

22 (i) *by striking “section 31102(l)(2)”*
 23 *and inserting “paragraphs (2) and (4) of*
 24 *section 31102(l)”;*

1 (ii) by striking “the next 2 fiscal
2 years” and inserting “the following 3 fiscal
3 years”; and

4 (C) in paragraph (3) by striking “the next
5 4 fiscal years” and inserting “the following 5 fis-
6 cal years”; and

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

8 “(j) *TREATMENT OF REALLOCATIONS.*—Amounts that
9 are obligated and subsequently, after the date of enactment
10 of this subsection, released back to the Secretary under sub-
11 section (i) shall not be subject to limitations on obligations
12 provided under any other provision of law.”.

13 (b) *COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLE-*
14 *MENTATION FINANCIAL ASSISTANCE PROGRAM.*—Section
15 31313(b) of title 49, United States Code, is amended—

16 (1) by striking the period at the end and insert-
17 ing “; and”

18 (2) by striking “A recipient” and inserting the
19 following: “In participating in financial assistance
20 program under this section

21 “(1) a recipient”; and

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

23 “(2) a State may not receive more than \$250,000
24 in grants under subsection (a)(2) in any fiscal year—

1 “(A) in which the State prohibits both pri-
 2 vate commercial driving schools and independent
 3 commercial driver’s license testing facilities from
 4 offering a commercial driver’s license skills test
 5 as a third-party tester; and

6 “(B) if, during the preceding fiscal year, the
 7 State had delays of more than 7 calendar days
 8 for the initial commercial driver’s license skills
 9 test or retest at 4 or more testing locations with-
 10 in the State, as reported by the Administrator of
 11 the Federal Motor Carrier Safety Administration
 12 in accordance with section 5506 of the FAST Act
 13 (49 U.S.C. 31305 note).”.

14 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND PRO-**
 15 **GRAMS.**

16 (a) *IN GENERAL.*—Section 31110 of title 49, United
 17 States Code, is amended by striking subsection (a) and in-
 18 serting the following:

19 “(a) *ADMINISTRATIVE EXPENSES.*—There is author-
 20 ized to be appropriated from the Highway Trust Fund
 21 (other than the Mass Transit Account) for the Secretary of
 22 Transportation to pay administrative expenses of the Fed-
 23 eral Motor Carrier Safety Administration—

24 “(1) \$380,500,000 for fiscal year 2022;

25 “(2) \$381,500,000 for fiscal year 2023;

1 “(3) \$382,500,000 for fiscal year 2024; and

2 “(4) \$384,500,000 for fiscal year 2025.”.

3 (b) *ADMINISTRATIVE EXPENSES.*—

4 (1) *USE OF FUNDS.*—*The Administrator of the*
 5 *Federal Motor Carrier Safety Administration shall*
 6 *use funds made available in subsection (a) for—*

7 (A) *acceleration of planned investments to*
 8 *modernize the Administration’s information*
 9 *technology and information management sys-*
 10 *tems;*

11 (B) *completing outstanding mandates;*

12 (C) *carrying out a Large Truck Crash*
 13 *Causal Factors Study of the Administration;*

14 (D) *construction and maintenance of border*
 15 *facilities; and*

16 (E) *other activities authorized under section*
 17 *31110(b) of title 49, United States Code.*

18 (2) *DEFINITION OF OUTSTANDING MANDATE.*—*In*
 19 *this subsection, the term “outstanding mandate”*
 20 *means a requirement for the Federal Motor Carrier*
 21 *Safety Administration to issue regulations, undertake*
 22 *a comprehensive review or study, conduct a safety as-*
 23 *essment, or collect data—*

24 (A) *under this Act;*

1 (B) under MAP-21 (Public Law 112-141),
 2 that has not been published in the Federal Reg-
 3 ister, if required, or otherwise completed as of the
 4 date of enactment of this Act;

5 (C) under the FAST Act (Public Law 114-
 6 94), that has not been published in the Federal
 7 Register, if required, or otherwise completed as of
 8 the date of enactment of this Act; and

9 (D) under any other Act enacted before the
 10 date of enactment of this Act that has not been
 11 published in the Federal Register by the date re-
 12 quired in such Act.

13 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

14 Section 31102(l) of title 49, United States Code, is
 15 amended—

16 (1) in paragraph (1) by striking “and (3)” and
 17 inserting “; (3), and (4)”; and

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

19 “(4) IMMOBILIZATION GRANT PROGRAM.—

20 “(A) IN GENERAL.—The Secretary shall es-
 21 tablish an immobilization grant program to
 22 make discretionary grants to States for the im-
 23 mobilization or impoundment of passenger-car-
 24 rying commercial motor vehicles if such vehicles
 25 are found to be unsafe or fail inspection.

1 “(B) *CRITERIA FOR IMMOBILIZATION.*—The
2 *Secretary, in consultation with State commercial*
3 *motor vehicle entities, shall develop a list of com-*
4 *mercial motor vehicle safety violations and de-*
5 *fects that the Secretary determines warrant the*
6 *immediate immobilization of a passenger-car-*
7 *rying commercial motor vehicle.*

8 “(C) *ELIGIBILITY.*—A State is only eligible
9 *to receive a grant under this paragraph if such*
10 *State has the authority to require the immo-*
11 *bilization or impoundment of a passenger-car-*
12 *rying commercial motor vehicle if such vehicle is*
13 *found to have a violation or defect included in*
14 *the list developed under subparagraph (B).*

15 “(D) *USE OF FUNDS.*— Grant funds pro-
16 *vided under this paragraph may be used for—*

17 “(i) *the immobilization or impound-*
18 *ment of passenger-carrying commercial*
19 *motor vehicles found to have a violation or*
20 *defect included in the list developed under*
21 *subparagraph (B);*

22 “(ii) *safety inspections of such vehicles;*
23 *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 an
 7 immobilization program with funds made avail-
 8 able under section 31104(a)(2).

9 “(F) DEFINITION OF PASSENGER-CARRYING
 10 COMMERCIAL MOTOR VEHICLE.—In this para-
 11 graph, the term ‘passenger-carrying commercial
 12 motor vehicle’ has the meaning given the term
 13 commercial motor vehicle in section 31301.”.

14 **SEC. 4104. DRY BULK WEIGHT TOLERANCE.**

15 Section 127 of title 23, United States Code, is amended
 16 by adding at the end the following:

17 “(v) DRY BULK WEIGHT TOLERANCE.—

18 “(1) DEFINITION OF DRY BULK GOODS.—In this
 19 subsection, the term ‘dry bulk goods’ means any ho-
 20 mogeneous unmarked nonliquid cargo being trans-
 21 ported in a trailer specifically designed for that pur-
 22 pose.

23 “(2) WEIGHT TOLERANCE.—Notwithstanding
 24 any other provision of this section, except for the
 25 maximum gross vehicle weight limitation, a commer-

1 *cial motor vehicle transporting dry bulk goods may*
 2 *not exceed 110 percent of the maximum weight on*
 3 *any axle or axle group described in subsection (a), in-*
 4 *cluding any enforcement tolerance.”.*

5 ***Subtitle B—Motor Carrier Safety***
 6 ***Oversight***

7 ***SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.***

8 *Section 4144 of SAFETEA-LU (49 U.S.C. 31100*
 9 *note) is amended—*

10 *(1) in subsection (b)(1) by inserting “, including*
 11 *small business motor carriers” after “industry”; and*
 12 *(2) in subsection (d) by striking “September 30,*
 13 *2013” and inserting “September 30, 2025”.*

14 ***SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.***

15 *(a) IN GENERAL.—Not later than 1 year after the date*
 16 *of enactment of this Act, the Secretary of Transportation*
 17 *shall implement a revised methodology to be used in the*
 18 *Compliance, Safety, Accountability program of the Federal*
 19 *Motor Carrier Safety Administration to identify and*
 20 *prioritize motor carriers for intervention, using the rec-*
 21 *ommendations of the study required by section 5221(a) of*
 22 *the FAST Act (49 U.S.C. 31100 note).*

23 *(b) DATA AVAILABILITY.—The Secretary shall, in*
 24 *working toward implementation of the revised methodology*

1 *described in subsection (a) prioritize revisions necessary*
2 *to—*

3 *(1) restore the public availability of all relevant*
4 *safety data under a revised methodology; and*

5 *(2) make such safety data publicly available that*
6 *was made publicly available on the day before the*
7 *date of enactment of the FAST Act, and make pub-*
8 *licly available any safety data that was required to*
9 *be made available by section 5223 of the FAST Act*
10 *(49 U.S.C. 31100 note).*

11 *(c) IMPLEMENTATION.—*

12 *(1) PROGRESS REPORTS.—Not later than 30*
13 *days after the date of enactment of this Act, and every*
14 *90 days thereafter until the date on which the Sec-*
15 *retary implements the revised methodology described*
16 *in subsection (a), the Secretary shall submit to the*
17 *Committee on Transportation and Infrastructure of*
18 *the House of Representatives and the Committee on*
19 *Commerce, Science, and Transportation of the Senate,*
20 *and make publicly available on a website of the De-*
21 *partment of Transportation, a progress report on—*

22 *(A) the status of the revision of the method-*
23 *ology and related data modifications under sub-*
24 *section (a), a timeline for completion of such re-*

1 *vision, and an estimated date for implementa-*
2 *tion of such revised methodology;*

3 *(B) an explanation for any delays in devel-*
4 *opment or implementation of the revised method-*
5 *ology over the reporting period; and*

6 *(C) if the Secretary has not resumed mak-*
7 *ing publicly available the data described in sub-*
8 *section (b), an updated timeline for the restora-*
9 *tion of the public availability of data and a de-*
10 *tailed explanation for why such restoration has*
11 *not occurred.*

12 *(2) PUBLICATION AND NOTIFICATION.—Prior to*
13 *commencing the use of the revised methodology de-*
14 *scribed in subsection (a) to identify and prioritize*
15 *motor carriers for intervention (other than in a test-*
16 *ing capacity), the Secretary shall—*

17 *(A) publish a detailed summary of the*
18 *methodology in the Federal Register and provide*
19 *a period for public comment; and*

20 *(B) notify the Committee on Transportation*
21 *and Infrastructure of the House of Representa-*
22 *tives and the Committee on Commerce, Science,*
23 *and Transportation of the Senate, in writing.*

24 *(d) SAFETY FITNESS RULE.—*

1 (1) *RULEMAKING.*—Not later than 1 year after
 2 the date on which the Secretary notifies Congress
 3 under subsection (c)(2), the Secretary shall issue final
 4 regulations pursuant to section 31144(b) of title 49,
 5 United States Code, to revise the methodology for
 6 issuance of motor carrier safety fitness determina-
 7 tions.

8 (2) *CONSIDERATIONS.*—In issuing the regula-
 9 tions under paragraph (1), the Secretary shall con-
 10 sider the use of all available data to determine the fit-
 11 ness of a motor carrier.

12 (e) *REPEAL.*—Section 5223 of the FAST Act (49
 13 U.S.C. 31100 note), and the item related to such section
 14 in the table of contents in section 1(b) of such Act, are re-
 15 pealed.

16 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

17 Section 31315 of title 49, United States Code, is
 18 amended—

19 (1) in subsection (b)—

20 (A) in paragraph (4)(A) by inserting “, in-
 21 cluding data submission requirements,” after
 22 “terms and conditions”; and

23 (B) by striking paragraph (8) and inserting
 24 the following:

25 “(8) *TERMS AND CONDITIONS.*—

1 “(A) *IN GENERAL.*—*The Secretary shall es-*
2 *tablish terms and conditions for each exemption*
3 *to ensure that the exemption will not likely de-*
4 *grade the level of safety achieved by the person*
5 *or class of persons granted the exemption, and*
6 *allow the Secretary to evaluate whether an equiv-*
7 *alent level of safety is maintained while the per-*
8 *son or class of persons is operating under such*
9 *exemption, including—*

10 “(i) *requiring the regular submission*
11 *of accident and incident data to the Sec-*
12 *retary;*

13 “(ii) *requiring immediate notification*
14 *to the Secretary in the event of a crash that*
15 *results in a fatality or serious bodily in-*
16 *jury;*

17 “(iii) *for exemptions granted by the*
18 *Secretary related to hours of service rules*
19 *under part 395 of title 49, Code of Federal*
20 *Regulations, requiring that the exempt per-*
21 *son or class of persons submit to the Sec-*
22 *retary evidence of participation in a recog-*
23 *nized fatigue management plan; and*

24 “(iv) *providing documentation of the*
25 *authority to operate under the exemption to*

each exempt person, to be used to demonstrate compliance if requested by a motor carrier safety enforcement officer during a roadside inspection.

“(B) *IMPLEMENTATION.*—The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.”; and

(2) in subsection (e) by inserting “, based on an analysis of data collected by the Secretary and submitted to the Secretary under subsection (b)(8)” after “safety”.

SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PASSENGERS.

Section 31144(i) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “who the Secretary registers under section 13902 or 31134”; and

(B) in subparagraph (B) by inserting “to motor carriers of passengers and” after “apply”; and

(2) by adding at the end the following:

1 “(5) *MOTOR CARRIER OF PASSENGERS DE-*
 2 *FINED.—In this subsection, the term ‘motor carrier of*
 3 *passengers’ includes an offeror of motorcoach services*
 4 *that sells scheduled transportation of passengers for*
 5 *compensation at fares and on schedules and routes de-*
 6 *termined by such offeror, regardless of ownership or*
 7 *control of the vehicles or drivers used to provide the*
 8 *transportation by motorcoach.”.*

9 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

10 *Section 13506(b) of title 49, United States Code, is*
 11 *amended—*

12 (1) *in paragraph (2) by striking “or” at the end;*

13 (2) *in paragraph (3) by striking the period at*
 14 *the end and inserting “; or”; and*

15 (3) *by adding at the end the following:*

16 “(4) *transportation by a motor vehicle designed*
 17 *or used to transport between 9 and 15 passengers (in-*
 18 *cluding the driver), whether operated alone or with a*
 19 *trailer attached for the transport of recreational*
 20 *equipment, that is operated by a person that provides*
 21 *recreational activities if—*

22 “(A) *the transportation is provided within*
 23 *a 150 air-mile radius of the location where pas-*
 24 *sengers are boarded; and*

1 “(B) the person operating the motor vehicle,
 2 if transporting passengers over a route between
 3 a place in a State and a place in another State,
 4 is otherwise lawfully providing transportation of
 5 passengers over the entire route in accordance
 6 with applicable State law.”.

7 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
 8 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
 9 **INTERSTATE COMMERCE.**

10 (a) *DEFINITIONS.*—In this section:

11 (1) *ADMINISTRATION.*—The term “Administra-
 12 tion” means the Federal Motor Carrier Safety Ad-
 13 ministration.

14 (2) *COVERED CARRIER.*—The term “covered car-
 15 rier” means a motor carrier that is—

16 (A) engaged in the interstate transportation
 17 of household goods; and

18 (B) subject to the requirements of part 375
 19 of title 49, Code of Federal Regulations (as in ef-
 20 fect on the effective date of the amendments re-
 21 quired by subsection (b)).

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

24 (b) *AMENDMENTS TO REGULATIONS.*—Not later than
 25 1 year after the date of enactment of this Act, the Secretary

1 *shall issue a notice of proposed rulemaking to amend regu-*
2 *lations related to the interstate transportation of household*
3 *goods.*

4 *(c) CONSIDERATIONS.—In issuing the notice of pro-*
5 *posed rulemaking under subsection (b), the Secretary shall*
6 *consider the following recommended amendments to provi-*
7 *sions of title 49, Code of Federal Regulations:*

8 *(1) Section 375.207(b) to require each covered*
9 *carrier to include on the website of the covered carrier*
10 *a link—*

11 *(A) to the publication of the Administration*
12 *titled “Ready to Move—Tips for a Successful*
13 *Interstate Move” (ESA 03005) on the website of*
14 *the Administration; or*

15 *(B) to a copy of the publication referred to*
16 *in subparagraph (A) on the website of the cov-*
17 *ered carrier.*

18 *(2) Subsections (a) and (b)(1) of section 375.213*
19 *to require each covered carrier to provide to each in-*
20 *dividual shipper, with any written estimate provided*
21 *to the shipper, a copy of the publication described in*
22 *appendix A of part 375 of such title, entitled “Your*
23 *Rights and Responsibilities When You Move” (ESA–*
24 *03–006 (or a successor publication)), in the form of*
25 *a written copy or a hyperlink on the website of the*

1 *covered carrier to the location on the website of the*
2 *Administration containing such publication.*

3 (3) *Subsection (e) of section 375.213, to repeal*
4 *such subsection.*

5 (4) *Section 375.401(a), to require each covered*
6 *carrier—*

7 (A) *to conduct a visual survey of the house-*
8 *hold goods to be transported by the covered car-*
9 *rier—*

10 (i) *in person; or*

11 (ii) *virtually, using—*

12 (I) *a remote camera; or*

13 (II) *another appropriate tech-*
14 *nology;*

15 (B) *to offer a visual survey described in*
16 *subparagraph (A) for all household goods ship-*
17 *ments, regardless of the distance between—*

18 (i) *the location of the household goods;*

19 *and*

20 (ii) *the location of the agent of the cov-*
21 *ered carrier preparing the estimate; and*

22 (C) *to provide to each shipper a copy of*
23 *publication of the Administration titled “Ready*
24 *to Move—Tips for a Successful Interstate Move”*
25 *(ESA 03005) on receipt from the shipper of a re-*

1 *quest to schedule, or a waiver of, a visual survey*
2 *offered under subparagraph (B).*

3 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
4 and 375.405(b)(7)(ii), and subpart D of appendix A
5 of part 375, to require that, in any case in which a
6 shipper tenders any additional item or requests any
7 additional service prior to loading a shipment, the af-
8 fected covered carrier shall—

9 (A) prepare a new estimate; and

10 (B) maintain a record of the date, time,
11 and manner in which the new estimate was ac-
12 cepted by the shipper.

13 (6) Section 375.501(a), to establish that a cov-
14 ered carrier is not required to provide to a shipper
15 an order for service if the covered carrier elects to pro-
16 vide the information described in paragraphs (1)
17 through (15) of such section in a bill of lading that
18 is presented to the shipper before the covered carrier
19 receives the shipment.

20 (7) Subpart H of part 375, to replace the replace
21 the terms “freight bill” and “expense bill” with the
22 term “invoice”.

1 ***Subtitle C—Commercial Motor***
 2 ***Vehicle Driver Safety***

3 ***SEC. 4301. COMMERCIAL DRIVER’S LICENSE FOR PAS-***
 4 ***SENGER CARRIERS.***

5 *Section 31301(4)(B) of title 49, United States Code,*
 6 *is amended to read as follows:*

7 “(B) *is designed or used to transport—*
 8 “(i) *more than 8 passengers (including*
 9 *the driver) for compensation; or*
 10 “(ii) *more than 15 passengers (includ-*
 11 *ing the driver), whether or not the transpor-*
 12 *tation is provided for compensation; or”.*

13 ***SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-***
 14 ***ING.***

15 *Section 31306(c)(2) of title 49, United States Code, is*
 16 *amended by striking “, for urine testing,”.*

17 ***SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.***

18 *Not later than January 1, 2021, and every 90 days*
 19 *thereafter until the compliance date for the final rule pub-*
 20 *lished on December 8, 2016, titled “Minimum Training Re-*
 21 *quirements for Entry-Level Commercial Motor Vehicle Op-*
 22 *erators” (81 Fed. Reg. 88732), the Secretary shall submit*
 23 *to the Committee on Transportation and Infrastructure of*
 24 *the House of Representatives and the Committee on Com-*

1 merce, Science, and Transportation of the Senate a report
 2 on—

3 (1) a schedule, including benchmarks, to com-
 4 plete implementation of the requirements under such
 5 final rule;

6 (2) any anticipated delays, if applicable, in
 7 meeting the benchmarks described in paragraph (1);

8 (3) the progress that the Secretary has made in
 9 updating the Department of Transportation’s infor-
 10 mation technology infrastructure to support the train-
 11 ing provider registry;

12 (4) a list of States that have adopted laws or
 13 regulations to implement such final rule; and

14 (5) a list of States, if applicable, that are imple-
 15 menting the rule and confirming that an applicant
 16 for a commercial driver’s license has complied with
 17 the requirements.

18 **SEC. 4304. DRIVER DETENTION TIME.**

19 (a) *DATA COLLECTION.*—Not later than 30 days after
 20 the date of enactment of this Act, the Secretary shall—

21 (1) begin to collect data on delays experienced by
 22 operators of commercial motor vehicles, as required
 23 under section 5501 of the FAST Act (49 U.S.C. 14103
 24 note) and as referenced in the request for information
 25 published on June 10, 2019, titled “Request for Infor-

1 *mation Concerning Commercial Motor Vehicle Driver*
2 *Detention Times During Loading and Unloading”*
3 *(84 Fed. Reg. 26932); and*

4 *(2) make such data available on a publicly ac-*
5 *cessible website of the Department of Transportation.*

6 *(b) DETENTION TIME LIMITS.—*

7 *(1) RULEMAKING.—Not later than 1 year after*
8 *the date of enactment of this Act, the Secretary shall*
9 *initiate a rulemaking to establish limits on the*
10 *amount of time that an operator of a commercial*
11 *motor vehicle may be reasonably detained by a ship-*
12 *per or receiver before the loading or unloading of the*
13 *vehicle, if the operator is not compensated for such*
14 *time detained.*

15 *(2) CONTENTS.—As part of the rulemaking con-*
16 *ducted pursuant to subsection (a), the Secretary*
17 *shall—*

18 *(A) consider the diverse nature of operations*
19 *in the movement of goods by commercial motor*
20 *vehicle;*

21 *(B) examine any correlation between time*
22 *detained and violations of the hours-of-service*
23 *rules under part 395 of title 49, Code of Federal*
24 *Regulations;*

1 (C) *determine whether the effect of detention*
2 *time on safety differs based on—*

3 (i) *how an operator is compensated;*
4 *and*

5 (ii) *the contractual relationship be-*
6 *tween the operator and the motor carrier,*
7 *including whether an operator is an em-*
8 *ployee, a leased owner-operator, or an*
9 *owner-operator with independent authority;*
10 *and*

11 (D) *establish a process for a motor carrier,*
12 *shipper, receiver, broker, or commercial motor*
13 *vehicle operator to report instances of time de-*
14 *tained beyond the Secretary's established limits.*

15 (3) *INCORPORATION OF INFORMATION.—The Sec-*
16 *retary shall incorporate information received under*
17 *paragraph (2)(D) into the process established pursu-*
18 *ant to subsection (a) once a final rule takes effect.*

19 (c) *DATA PROTECTION.—Data made available pursu-*
20 *ant to this section shall be made available in a manner*
21 *that—*

22 (1) *precludes the connection of the data to any*
23 *individual motor carrier or commercial motor vehicle*
24 *operator; and*

1 (2) *protects privacy and confidentiality of indi-*
2 *viduals, operators, and motor carriers submitting the*
3 *data.*

4 (d) *COMMERCIAL MOTOR VEHICLE DEFINED.—In this*
5 *section, the term “commercial motor vehicle” has the mean-*
6 *ing given such term in section 31101 of title 49, United*
7 *States Code.*

8 **SEC. 4305. TRUCK LEASING TASK FORCE.**

9 (a) *ESTABLISHMENT.—Not later than 6 months after*
10 *the date of enactment of this Act, the Secretary of Transpor-*
11 *tation, in consultation with the Secretary of Labor, shall*
12 *establish a Truck Leasing Task Force (hereinafter referred*
13 *to as the “Task Force”).*

14 (b) *MEMBERSHIP.—The Secretary of Transportation*
15 *shall select not more than 15 individuals to serve as mem-*
16 *bers of the Task Force, including equal representation from*
17 *each of the following:*

18 (1) *Labor organizations.*

19 (2) *The motor carrier industry, including inde-*
20 *pendent owner-operators.*

21 (3) *Consumer protection groups.*

22 (4) *Safety groups.*

23 (5) *Members of the legal profession who spe-*
24 *cialize in consumer finance issues.*

1 (c) *DUTIES.*—*The Task Force shall examine, at a min-*
2 *imum—*

3 (1) *common truck leasing arrangements avail-*
4 *able to commercial motor vehicle drivers, including*
5 *lease-purchase agreements;*

6 (2) *the terms of such leasing agreements;*

7 (3) *the prevalence of predatory leasing agree-*
8 *ments in the motor carrier industry;*

9 (4) *specific agreements available to drayage driv-*
10 *ers at ports related to the Clean Truck Program or*
11 *similar programs to decrease emissions from port op-*
12 *erations;*

13 (5) *the impact of truck leasing agreements on the*
14 *net compensation of commercial motor vehicle drivers,*
15 *including port drayage drivers;*

16 (6) *resources to assist commercial motor vehicle*
17 *drivers in assessing the impacts of leasing agreements;*
18 *and*

19 (7) *the classification of commercial motor vehicle*
20 *drivers under lease-purchase agreements.*

21 (d) *COMPENSATION.*—*A member of the Task Force*
22 *shall serve without compensation.*

23 (e) *REPORT.*—*Upon completion of the examination de-*
24 *scribed in subsection (c), the Task Force shall submit to the*

1 *Secretary of Transportation, Secretary of Labor, and ap-*
2 *propriate congressional committees a report containing—*

3 *(1) the findings of the Task Force on the matters*
4 *described in subsection (c);*

5 *(2) best practices related to—*

6 *(A) assisting a commercial motor vehicle*
7 *driver in assessing the impacts of leasing agree-*
8 *ments prior to entering into such agreements;*
9 *and*

10 *(B) assisting a commercial motor vehicle*
11 *driver who has entered into a predatory lease*
12 *agreement; and*

13 *(3) recommendations on changes to laws or regu-*
14 *lations, as applicable, at the Federal, State, or local*
15 *level to promote fair leasing agreements under which*
16 *a commercial motor vehicle driver is able to earn a*
17 *living wage.*

18 *(f) TERMINATION.—Not later than 1 month after the*
19 *date of submission of the report pursuant to subsection (e),*
20 *the Task Force shall terminate.*

21 **SEC. 4306. HOURS OF SERVICE.**

22 *(a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-*
23 *standing the authority of the Secretary of Transportation*
24 *to issue regulations under section 31502 of title 49, United*
25 *States Code, the Secretary shall delay the effective date of*

1 *the final rule published on June 1, 2020, titled “Hours of*
2 *Service of Drivers” (85 Fed. Reg. 33396) until 60 days after*
3 *the date on which the Secretary submits the report required*
4 *under subsection (d).*

5 *(b) COMPREHENSIVE REVIEW.—*

6 *(1) COMPREHENSIVE REVIEW OF HOURS OF*
7 *SERVICE RULES.—Not later than 60 days after the*
8 *date of enactment of this Act, the Secretary shall ini-*
9 *tiate a comprehensive review of hours of service rules*
10 *and the impacts of waivers, exemptions, and other al-*
11 *lowances that limit the applicability of such rules.*

12 *(2) LIST OF EXEMPTIONS.—In carrying out the*
13 *comprehensive review required under paragraph (1),*
14 *the Secretary shall—*

15 *(A) compile a list of waivers, exemptions,*
16 *and other allowances—*

17 *(i) under which a driver may operate*
18 *in excess of the otherwise applicable limits*
19 *on on-duty or driving time in absence of*
20 *such exemption, waiver, or other allowance;*

21 *(ii) under which a driver may operate*
22 *without recording compliance with hours of*
23 *service rules through the use of an electronic*
24 *logging device; and*

25 *(iii) applicable—*

1 (I) to specific segments of the
2 motor carrier industry or sectors of the
3 economy;

4 (II) on a periodic or seasonal
5 basis; and

6 (III) to specific types of oper-
7 ations, including the short haul exemp-
8 tion under part 395 of title 49, Code of
9 Federal Regulations;

10 (B) specify whether each such waiver, ex-
11 emption, or other allowance was granted by the
12 Department of Transportation or enacted by
13 Congress, and how long such waiver, exemption,
14 or other allowance has been in effect; and

15 (C) estimate the number of motor carriers,
16 motor private carriers, and drivers that may
17 qualify to use each waiver, exemption, or other
18 allowance.

19 (3) SAFETY IMPACT ANALYSIS.—

20 (A) IN GENERAL.—In carrying out the com-
21 prehensive review under paragraph (1), the Sec-
22 retary, in consultation with State motor carrier
23 enforcement entities, shall undertake a statis-
24 tically valid analysis to determine the safety im-
25 pact, including on enforcement, of the exemp-

1 *tions, waivers, or other allowances compiled*
2 *under paragraph (2) by—*

3 *(i) using available data, or collecting*
4 *from motor carriers or motor private car-*
5 *riers and drivers operating under an ex-*
6 *emption, waiver, or other allowance if the*
7 *Secretary does not have sufficient data, to*
8 *determine the incidence of accidents, fa-*
9 *tigue-related incidents, and other relevant*
10 *safety information related to hours of serv-*
11 *ice among motor carriers, private motor*
12 *carriers, and drivers permitted to operate*
13 *under each exemption, waiver, or other al-*
14 *lowance;*

15 *(ii) comparing the data described in*
16 *subparagraph (A) to safety data from motor*
17 *carriers, motor private carriers, and drivers*
18 *that are subject to the hours of service rules*
19 *and not operating under an exemption,*
20 *waiver, or other allowance; and*

21 *(iii) based on the comparison under*
22 *subparagraph (B), determining whether*
23 *waivers, exemptions, and other allowances*
24 *in effect provide an equivalent level of safety*

1 *as would exist in the absence of exemptions,*
2 *waivers, or other allowances.*

3 *(B) CONSULTATION.—The Secretary shall*
4 *consult with State motor carrier enforcement en-*
5 *tities in carrying out this paragraph.*

6 *(C) EXCLUSIONS.—The Secretary shall ex-*
7 *clude data related to exemptions, waivers, or*
8 *other allowances made pursuant to an emergency*
9 *declaration under section 390.23 of title 49, Code*
10 *of Federal Regulations, or extended under section*
11 *390.25 of title 49, Code of Federal Regulations,*
12 *from the analysis required under this paragraph.*

13 *(4) DRIVER IMPACT ANALYSIS.—In carrying out*
14 *the comprehensive review under paragraph (1), the*
15 *Secretary shall further consider—*

16 *(A) data on driver detention collected by the*
17 *Secretary pursuant to section 4304 of this Act*
18 *and other conditions affecting the movement of*
19 *goods by commercial motor vehicle, and how*
20 *such conditions interact with the Secretary's reg-*
21 *ulations on hours of service;*

22 *(B) whether exemptions, waivers, or other*
23 *allowances that permit additional on-duty time*
24 *or driving time have a deleterious effect on the*
25 *physical condition of drivers; and*

1 (C) *whether differences in the manner in*
2 *which drivers are compensated result in different*
3 *levels of burden for drivers in complying with*
4 *hours of service rules.*

5 (c) *PEER REVIEW.*—*Prior to the publication of the re-*
6 *view required under subsection (d), the analyses performed*
7 *by the Secretary shall undergo an independent peer review.*

8 (d) *PUBLICATION.*—*Not later than 18 months after the*
9 *date that the Secretary initiates the comprehensive review*
10 *under subsection (b)(1), the Secretary shall publish the find-*
11 *ings of such review in the Federal Register and provide for*
12 *a period for public comment.*

13 (e) *REPORT TO CONGRESS.*—*Not later than 30 days*
14 *after the conclusion of the public comment period under*
15 *subsection (d), the Secretary shall submit to the Committee*
16 *on Commerce, Science, and Transportation and the Com-*
17 *mittee on Environment and Public Works of the Senate and*
18 *the Committee on Transportation and Infrastructure of the*
19 *House of Representatives and make publicly available on*
20 *a website of the Department of Transportation a report con-*
21 *taining the information and analyses required under sub-*
22 *section (b).*

23 (f) *REPLACEMENT OF GUIDANCE.*—*Notwithstanding*
24 *subsection (a), the Secretary shall replace the Department*
25 *of Transportation guidance published on June 7, 2018, ti-*

1 tled “Hours of Service of Drivers of Commercial Motor Ve-
 2 hicles: Regulatory Guidance Concerning the Use of a Com-
 3 mercial Motor Vehicle for Personal Conveyance” (83 Fed.
 4 Reg. 26377) with specific mileage or time limits, or both,
 5 for the use of personal conveyance established through a
 6 rulemaking.

7 (g) *DEFINITIONS.*—In this section:

8 (1) *MOTOR CARRIER; MOTOR PRIVATE CAR-*
 9 *RIER.*—The terms “motor carrier” and “motor pri-
 10 vate carrier” have the meanings given such terms in
 11 section 31501 of title 49, United States Code.

12 (2) *ON-DUTY TIME; DRIVING TIME; ELECTRONIC*
 13 *LOGGING DEVICE.*—The terms “on-duty time”, “driv-
 14 ing time”, and “electronic logging device” have the
 15 meanings given such terms in section 395.2 of title
 16 49, Code of Federal Regulations (as in effect on June
 17 1, 2020).

18 **SEC. 4307. DRIVER RECRUITMENT.**

19 (a) *IN GENERAL.*—Not later than 1 year after the date
 20 of enactment of this Act, the inspector general of the Depart-
 21 ment of Transportation shall submit to the Committee on
 22 Transportation and Infrastructure of the House of Rep-
 23 resentatives and the Committee on Commerce, Science, and
 24 Transportation of the Senate a report examining the oper-
 25 ation of commercial motor vehicles in the United States by

1 *drivers admitted to the United States under temporary*
2 *business visas.*

3 (b) *CONTENTS.*—*The report under paragraph (1) shall*
4 *include—*

5 (1) *an assessment of—*

6 (A) *the prevalence of the operation of com-*
7 *mercial motor vehicles in the United States by*
8 *drivers admitted to the United States under tem-*
9 *porary business visas;*

10 (B) *the characteristics of motor carriers*
11 *that recruit and use such drivers, including the*
12 *country of domicile of the motor carrier or sub-*
13 *sidiary;*

14 (C) *the demographics of drivers operating*
15 *in the United States under such visas, including*
16 *the country of domicile of such drivers; and*

17 (D) *the contractual relationship between*
18 *such motor carriers and such drivers;*

19 (2) *an analysis of whether such drivers are re-*
20 *quired to comply with—*

21 (A) *motor carrier safety regulations under*
22 *subchapter B of chapter III of title 49, Code of*
23 *Federal Regulations, including—*

1 (i) the English proficiency requirement
2 under section 391.11(2) of title 49, Code of
3 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 Reg-
8 ulations; 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 under
13 part 382 of such title; and

14 (B) regulations prohibiting point-to-point
15 transportation in the United States, or cabotage,
16 under part 365 of title 49, Code of Federal Regu-
17 lations;

18 (3) an evaluation of the safety record of the oper-
19 ations 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 of
23 title 49, Code of Federal Regulations, including
24 applicable requirements described in paragraph
25 (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 employment
7 levels and driver compensation of such drivers;
8 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 sec-*
13 *tion, the term “commercial motor vehicle” has the*
14 *meaning given such term in section 31101 of title 49,*
15 *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 section*
19 *101(a)(15)(H)(i)(b) of the Immigration and Nation-*
20 *ality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).*

21 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

22 (a) *IN GENERAL.*—*Not later than 6 months after the*
23 *date of enactment of this Act, the Secretary of Transpor-*
24 *tation shall—*

1 (1) *assess the risk posed by untreated obstructive*
2 *sleep apnea in drivers of commercial motor vehicles*
3 *and the feasibility, benefits, and costs associated with*
4 *establishing screening criteria for obstructive sleep*
5 *apnea in drivers of commercial motor vehicles;*

6 (2) *issue a notice in the Federal Register con-*
7 *taining the independently peer-reviewed findings of*
8 *the assessment required under paragraph (1) not later*
9 *than 30 days after completion of the assessment and*
10 *provide an opportunity for public comment; and*

11 (3) *if the Secretary contracts with an inde-*
12 *pendent third party to conduct the assessment re-*
13 *quired under paragraph (1), ensure that the inde-*
14 *pendent third party shall not have any financial or*
15 *contractual ties or relationship with a motor carrier*
16 *that transports passengers or property for compensa-*
17 *tion, the motor carrier industry, or driver advocacy*
18 *organizations.*

19 (b) *SCREENING CRITERIA.—*

20 (1) *IN GENERAL.—Not later than 12 months*
21 *after the date of enactment of this Act, the Secretary*
22 *shall publish in the Federal Register a proposed rule*
23 *to establish screening criteria for obstructive sleep*
24 *apnea in commercial motor vehicle drivers and pro-*
25 *vide an opportunity for public comment.*

1 (2) *FINAL RULE.*—Not later than 2 years after
2 the date of enactment of this Act, the Secretary shall
3 issue a final rule to establish screening criteria for ob-
4 structive sleep apnea in commercial motor vehicle
5 drivers.

6 (c) *DEFINITIONS.*—In this section:

7 (1) *COMMERCIAL MOTOR VEHICLE.*—The term
8 “commercial motor vehicle” has the meaning given
9 such term in section 31132 of title 49, United States
10 Code.

11 (2) *MOTOR CARRIER.*—The term “motor carrier”
12 has the meaning given such term in section 13102 of
13 title 49, United States Code.

14 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

15 (a) *SHORT TITLE.*—This section may be cited as the
16 “Promoting Women in Trucking Workforce Act”.

17 (b) *FINDINGS.*—Congress finds that—

18 (1) *women make up 47 percent of the workforce*
19 *of the United States;*

20 (2) *women are significantly underrepresented in*
21 *the trucking industry, holding only 24 percent of all*
22 *transportation and warehousing jobs and representing*
23 *only—*

24 (A) *6.6 percent of truck drivers;*

1 (B) 12.5 percent of all workers in truck
2 transportation; and

3 (C) 8 percent of freight firm owners;

4 (3) given the total number of women truck driv-
5 ers, women are underrepresented in the truck-driving
6 workforce; and

7 (4) women truck drivers have been shown to be
8 20 percent less likely than male counterparts to be in-
9 volved in a crash.

10 (c) *SENSE OF CONGRESS REGARDING WOMEN IN*
11 *TRUCKING.*—*It is the sense of Congress that the trucking*
12 *industry should explore every opportunity, including driver*
13 *training and mentorship programs, to encourage and sup-*
14 *port the pursuit of careers in trucking by women.*

15 (d) *ESTABLISHMENT.*—*To encourage women to enter*
16 *the field of trucking, the Administrator shall establish and*
17 *facilitate an advisory board, to be known as the “Women*
18 *of Trucking Advisory Board”, to promote organizations and*
19 *programs that—*

20 (1) *provide education, training, mentorship, or*
21 *outreach to women in the trucking industry; and*

22 (2) *recruit women into the trucking industry.*

23 (e) *MEMBERSHIP.*—

24 (1) *IN GENERAL.*—*The Board shall be composed*
25 *of not fewer than 7 members whose backgrounds allow*

1 *those members to contribute balanced points of view*
2 *and diverse ideas regarding the strategies and objec-*
3 *tives described in subsection (f)(2).*

4 (2) *APPOINTMENT.—Not later than 270 days*
5 *after the date of enactment of this Act, the Adminis-*
6 *trator shall appoint the members of the Board, of*
7 *whom—*

8 (A) *not fewer than 1 shall be a representa-*
9 *tive of large trucking companies;*

10 (B) *not fewer than 1 shall be a representa-*
11 *tive of mid-sized trucking companies;*

12 (C) *not fewer than 1 shall be a representa-*
13 *tive of small trucking companies;*

14 (D) *not fewer than 1 shall be a representa-*
15 *tive of nonprofit organizations in the trucking*
16 *industry;*

17 (E) *not fewer than 1 shall be a representa-*
18 *tive of trucking business associations;*

19 (F) *not fewer than 1 shall be a representa-*
20 *tive of independent owner-operators; and*

21 (G) *not fewer than 1 shall be a woman who*
22 *is a professional truck driver.*

23 (3) *TERMS.—Each member shall be appointed*
24 *for the life of the Board.*

1 (4) *COMPENSATION.*—*A member of the Board*
2 *shall serve without compensation.*

3 (f) *DUTIES.*—

4 (1) *IN GENERAL.*—*The Board shall identify—*

5 (A) *industry trends that directly or indi-*
6 *rectly discourage women from pursuing careers*
7 *in trucking, including—*

8 (i) *any differences between women mi-*
9 *nority groups;*

10 (ii) *any differences between women*
11 *who live in rural, suburban, and urban*
12 *areas; and*

13 (iii) *any safety risks unique to the*
14 *trucking industry;*

15 (B) *ways in which the functions of trucking*
16 *companies, nonprofit organizations, and truck-*
17 *ing associations may be coordinated to facilitate*
18 *support for women pursuing careers in trucking;*

19 (C) *opportunities to expand existing oppor-*
20 *tunities for women in the trucking industry; and*

21 (D) *opportunities to enhance trucking*
22 *training, mentorship, education, and outreach*
23 *programs that are exclusive to women.*

24 (2) *REPORT.*—*Not later than 18 months after the*
25 *date of enactment of this Act, the Board shall submit*

1 to the Administrator a report describing strategies
2 that the Administrator may adopt—

3 (A) to address any industry trends identi-
4 fied under paragraph (1)(A);

5 (B) to coordinate the functions of trucking
6 companies, nonprofit organizations, and truck-
7 ing associations in a manner that facilitates
8 support for women pursuing careers in trucking;

9 (C) to—

10 (i) take advantage of any opportunities
11 identified under paragraph (1)(C); and

12 (ii) create new opportunities to expand
13 existing scholarship opportunities for
14 women in the trucking industry; and

15 (D) to enhance trucking training,
16 mentorship, education, and outreach programs
17 that are exclusive to women.

18 (g) *REPORT TO CONGRESS.*—

19 (1) *IN GENERAL.*—Not later than 2 years after
20 the date of enactment of this Act, the Administrator
21 shall submit to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives a report describing—

1 (A) any strategies recommended by the
2 Board under subsection (f)(2); and

3 (B) any actions taken by the Administrator
4 to adopt the strategies recommended by the
5 Board (or an explanation of the reasons for not
6 adopting the strategies).

7 (2) *PUBLIC AVAILABILITY.*—The Administrator
8 shall make the report under paragraph (1) publicly
9 available—

10 (A) on the website of the Federal Motor Car-
11 rier Safety Administration; and

12 (B) in appropriate offices of the Federal
13 Motor Carrier Safety Administration.

14 (h) *TERMINATION.*—The Board shall terminate on sub-
15 mission of the report to Congress under subsection (g).

16 (i) *DEFINITIONS.*—In this section:

17 (1) *ADMINISTRATOR.*—The term “Adminis-
18 trator” means the Administrator of the Federal Motor
19 Carrier Safety Administration.

20 (2) *BOARD.*—The term “Board” means the
21 Women of Trucking Advisory Board established under
22 subsection (d).

23 (3) *LARGE TRUCKING COMPANY.*—The term
24 “large trucking company” means a motor carrier (as
25 defined in section 13102 of title 49, United States

1 Code) with an annual revenue greater than
2 \$1,000,000,000.

3 (4) *MID-SIZED TRUCKING COMPANY.*—The term
4 “mid-sized trucking company” means a motor carrier
5 (as defined in section 13102 of title 49, United States
6 Code) with an annual revenue of not less than
7 \$35,000,000 and not greater than \$1,000,000,000.

8 (5) *SMALL TRUCKING COMPANY.*—The term
9 “small trucking company” means a motor carrier (as
10 defined in section 13102 of title 49, United States
11 Code) with an annual revenue less than \$35,000,000.

12 ***Subtitle D—Commercial Motor***
13 ***Vehicle and Schoolbus Safety***

14 ***SEC. 4401. SCHOOLBUS SAFETY STANDARDS.***

15 (a) *SCHOOLBUS SEATBELTS.*—

16 (1) *IN GENERAL.*—Not later than 1 year after
17 the date of enactment of this Act, the Secretary shall
18 issue a notice of proposed rulemaking to consider re-
19 quiring large schoolbuses to be equipped with safety
20 belts for all seating positions, if the Secretary deter-
21 mines that such standards meet the requirements and
22 considerations set forth in subsections (a) and (b) of
23 section 30111 of title 49, United States Code.

1 (2) *CONSIDERATIONS.*—*In issuing a notice of*
2 *proposed rulemaking under paragraph (1), the Sec-*
3 *retary shall consider—*

4 *(A) the safety benefits of a lap/shoulder belt*
5 *system (also known as a Type 2 seatbelt assem-*
6 *bly);*

7 *(B) the recommendations of the National*
8 *Transportation Safety Board on seatbelts in*
9 *schoolbuses;*

10 *(C) existing experience, including analysis*
11 *of student injuries and fatalities compared to*
12 *States without seat belt laws, and seat belt usage*
13 *rates, from States that require schoolbuses to be*
14 *equipped with seatbelts, including Type 2 seat-*
15 *belt assembly; and*

16 *(D) the impact of lap/shoulder belt systems*
17 *on emergency evacuations, with a focus on emer-*
18 *gency evacuations involving students below the*
19 *age of 14, and emergency evacuations neces-*
20 *sitated by fire or water submersion; and*

21 *(E) the impact of lap/shoulder belt systems*
22 *on the overall availability of schoolbus transpor-*
23 *tation.*

24 (3) *REPORT.*—*If the Secretary determines that a*
25 *standard described in paragraph (1) does not meet*

1 *the requirements and considerations set forth in sub-*
2 *sections (a) and (b) of section 30111 of title 49,*
3 *United States Code, the Secretary shall submit to the*
4 *Committee on Transportation and Infrastructure of*
5 *the House of Representatives and the Committee on*
6 *Commerce, Science, and Transportation of the Senate*
7 *a report that describes the reasons for not prescribing*
8 *such a standard.*

9 (4) *APPLICATION OF REGULATIONS.*—*Any regu-*
10 *lation issued based on the notice of proposed rule-*
11 *making described in paragraph (1) shall apply to*
12 *schoolbuses manufactured more than 3 years after the*
13 *date on which the regulation takes effect.*

14 (b) *AUTOMATIC EMERGENCY BRAKING.*—*Not later*
15 *than 2 years after the date of enactment of this Act, the*
16 *Secretary shall—*

17 (1) *prescribe a motor vehicle safety standard*
18 *under section 30111 of title 49, United States Code,*
19 *that requires all schoolbuses manufactured after the*
20 *effective date of such standard to be equipped with an*
21 *automatic emergency braking system; and*

22 (2) *as part of such standard, establish perform-*
23 *ance requirements for automatic emergency braking*
24 *systems, including operation of such systems.*

1 (c) *ELECTRONIC STABILITY CONTROL*.—Not later than
2 2 years after the date of enactment of this Act, the Secretary
3 shall—

4 (1) prescribe a motor vehicle safety standard
5 under section 30111 of title 49, United States Code,
6 that requires all schoolbuses manufactured after the
7 effective date of such standard to be equipped with an
8 electronic stability control system (as such term is de-
9 fined in section 571.136 of title 49, Code of Federal
10 Regulations (as in effect on the date of enactment of
11 this Act)); and

12 (2) as part of such standard, establish perform-
13 ance requirements for electronic stability control sys-
14 tems, including operation of such systems.

15 (d) *FIRE PREVENTION AND MITIGATION*.—

16 (1) *RESEARCH AND TESTING*.—The Secretary
17 shall conduct research and testing to determine the
18 most prevalent causes of schoolbus fires and the best
19 methods to prevent such fires and to mitigate the ef-
20 fect of such fires, both inside and outside the school-
21 bus. Such research and testing shall consider—

22 (A) fire suppression systems standards,
23 which at a minimum prevent engine fires;

24 (B) firewall standards to prevent gas or
25 flames from entering into the passenger compart-

1 *ment in schoolbuses with engines that extend be-*
2 *yond the firewall; and*

3 *(C) interior flammability and smoke emis-*
4 *sions characteristics standards.*

5 (2) *STANDARDS.—The Secretary may issue fire*
6 *prevention and mitigation standards for schoolbuses,*
7 *based on the results of the Secretary’s research and*
8 *testing under paragraph (1), if the Secretary deter-*
9 *mines that such standards meet the requirements and*
10 *considerations set forth in subsections (a) and (b) of*
11 *section 30111 of title 49, United States Code.*

12 (e) *DEFINITIONS.—In this section:*

13 (1) *AUTOMATIC EMERGENCY BRAKING.—The*
14 *term “automatic emergency braking” means a crash*
15 *avoidance system installed and operational in a vehi-*
16 *cle that consists of—*

17 (A) *a forward warning function—*

18 (i) *to detect vehicles and objects ahead*
19 *of the vehicle; and*

20 (ii) *to alert the operator of an impend-*
21 *ing collision; and*

22 (B) *a crash-imminent braking function to*
23 *provide automatic braking when forward-looking*
24 *sensors of the vehicle indicate that—*

25 (i) *a crash is imminent; and*

1 (ii) the operator of the vehicle is not
2 applying the brakes.

3 (2) *LARGE SCHOOLBUS.*—The term “large school-
4 bus” means a schoolbus with a gross vehicle weight
5 rating of more than 10,000 pounds.

6 (3) *SCHOOLBUS.*—The term “schoolbus” has the
7 meaning given such term in section 30125(a) of title
8 49, United States Code.

9 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

10 (a) *REVIEW OF ILLEGAL PASSING LAWS.*—

11 (1) *IN GENERAL.*—Not later than 2 years after
12 the date of enactment of this Act, the Secretary of
13 Transportation shall—

14 (A) prepare a compilation of illegal passing
15 laws in all States, including levels of enforce-
16 ment and penalties and enforcement issues with
17 such laws and the impact of such laws on illegal
18 passing of schoolbuses in each State;

19 (B) review existing State laws that may in-
20 hibit effective schoolbus loading zone counter-
21 measures, which may include laws requiring
22 camera visibility of a driver’s face for enforce-
23 ment action, laws that may reduce stop-arm
24 camera effectiveness, the need for an officer to

1 *witness the event for enforcement, and the lack of*
2 *primary enforcement for texting and driving;*

3 *(C) evaluate methods used by States to re-*
4 *view, document, and report to law enforcement*
5 *schoolbus stop-arm violations; and*

6 *(D) following the completion of the compila-*
7 *tion, issue recommendations on best practices on*
8 *the most effective approaches to address illegal*
9 *passing of schoolbuses.*

10 (2) *PUBLICATION.*—*The compilation and rec-*
11 *ommendations prepared under paragraph (1) shall be*
12 *made publicly available on the website of the Depart-*
13 *ment of Transportation.*

14 (b) *PUBLIC SAFETY MESSAGING CAMPAIGN.*—

15 (1) *IN GENERAL.*—*Not later than 1 year after*
16 *the date on which the Secretary makes the compila-*
17 *tion and recommendations under subsection (a)(2)*
18 *publicly available, the Secretary shall create and exe-*
19 *cute a public safety messaging campaign for distribu-*
20 *tion to States, divisions of motor vehicles, schools, and*
21 *other public outlets to highlight the dangers of the ille-*
22 *gal passing of schoolbuses, and should include edu-*
23 *cating students and the public on safe loading and*
24 *unloading of schoolbuses.*

1 (2) *CONSULTATION.*—*The Secretary shall consult*
2 *with public and private schoolbus industry represent-*
3 *atives and States in developing the campaign mate-*
4 *rials.*

5 (3) *UPDATE.*—*The Secretary shall periodically*
6 *update such materials.*

7 (c) *REVIEW OF TECHNOLOGIES.*—

8 (1) *IN GENERAL.*—*Not later than 2 years after*
9 *the date of enactment of this Act, the Secretary shall*
10 *review and evaluate the effectiveness of various tech-*
11 *nologies to enhance schoolbus safety, including cam-*
12 *eras, audible warning systems, enhanced lighting, and*
13 *other technological solutions.*

14 (2) *CONTENT.*—*The review under paragraph*
15 (1)—

16 (A) *shall include an evaluation of the costs*
17 *of new equipment and the potential impact on*
18 *overall schoolbus ridership;*

19 (B) *shall include an evaluation of advanced*
20 *technologies surrounding loading zone safety;*

21 (C) *shall include an evaluation of motion-*
22 *activated detection systems that are capable of—*

23 (i) *detecting pedestrians, bicyclists,*
24 *and other road users located near the exte-*
25 *rior of the schoolbus; and*

1 (ii) alerting the operator of the school-
2 bus of the road users described in clause (i);

3 (D) shall include an evaluation of schoolbus
4 lighting systems, to ensure clear communication
5 to surrounding drivers on their appropriate ac-
6 tion; and

7 (E) may include other technological solu-
8 tions that enhance schoolbus safety.

9 (3) CONSULTATION.—The Secretary shall consult
10 with manufacturers of schoolbus vehicles, manufactur-
11 ers of various technologies, and school bus industry
12 representatives in conducting the review under para-
13 graph (1).

14 (4) PUBLICATION.—The Secretary shall make the
15 findings of the review under paragraph (1) publicly
16 available on the website of the Department.

17 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Secretary
20 shall—

21 (A) review driver education materials
22 across all States to determine whether and how
23 illegal passing of schoolbuses is addressed in
24 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 consult*
7 *with schoolbus industry representatives, States, motor*
8 *vehicle administrators, and other appropriate motor*
9 *vehicle experts in the preparation of the review under*
10 *paragraph (1).*

11 *(3) PUBLICATION.—The Secretary shall make the*
12 *findings of the review under paragraph (1) publicly*
13 *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 illegal*
19 *passing of schoolbuses and other safety issues, in-*
20 *cluding distracted driving, morning darkness,*
21 *poor visibility, illumination and reach of vehicle*
22 *headlights, speed limits, and schoolbus stop loca-*
23 *tions in rural areas; and*

24 *(B) create a report containing the findings.*

1 (2) *PUBLICATION.*—*The Secretary shall make the*
2 *report created under paragraph (1)(B) publicly avail-*
3 *able 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 Vehicles”*
11 *(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 passenger*
16 *carrier operations.*

17 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

18 (a) *FEDERAL MOTOR VEHICLE SAFETY STANDARD.*—

19 (1) *IN GENERAL.*—*Not later than 1 year after*
20 *the date of enactment of this Act, the Secretary of*
21 *Transportation shall—*

22 (A) *prescribe a motor vehicle safety stand-*
23 *ard under section 30111 of title 49, United*
24 *States Code, that requires all commercial motor*
25 *vehicles manufactured after the effective date of*

1 *such standard to be equipped with an automatic*
2 *emergency braking system; and*

3 *(B) as part of such standard, establish per-*
4 *formance requirements for automatic emergency*
5 *braking systems, including operation of such sys-*
6 *tems in a variety of driving conditions.*

7 *(2) CONSIDERATIONS.—Prior to prescribing the*
8 *standard required under paragraph (1)(A), the Sec-*
9 *retary shall—*

10 *(A) conduct a review of automatic emer-*
11 *gency braking systems in use in commercial*
12 *motor vehicles and address any identified defi-*
13 *ciencies with such systems in the rulemaking*
14 *proceeding to prescribe the standard, if prac-*
15 *ticable;*

16 *(B) assess the feasibility of updating the*
17 *software of emergency braking systems in use in*
18 *commercial motor vehicles to address any defi-*
19 *ciencies and to enable such systems to meet the*
20 *new standard; and*

21 *(C) consult with representatives of commer-*
22 *cial motor vehicle drivers regarding the experi-*
23 *ences of drivers with automatic emergency brak-*
24 *ing systems in use in commercial motor vehicles,*

1 *including malfunctions or unwarranted activa-*
2 *tions of such systems.*

3 (3) *COMPLIANCE DATE.*—*The Secretary shall en-*
4 *sure 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 final*
7 *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 sec-*
11 *tion 31136 of title 49, United States Code, that requires*
12 *that an automatic emergency braking system installed in*
13 *a commercial motor vehicle that is in operation on or after*
14 *the effective date of the standard prescribed under subsection*
15 *(a) be used at any time during which such commercial*
16 *motor vehicle is in operation.*

17 (c) *DEFINITIONS.*—*In this section:*

18 (1) *AUTOMATIC EMERGENCY BRAKING SYSTEM.*—
19 *The term “automatic emergency braking system”*
20 *means a crash avoidance system installed and oper-*
21 *ational in a vehicle that consists of—*

22 (A) *a forward collision warning function—*
23 (i) *to detect vehicles and objects ahead*
24 *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-looking
5 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 States
12 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 regula-
20 tions as are necessary to revise motor vehicle
21 safety standards under sections 571.223 and
22 571.224 of title 49, Code of Federal Regulations,
23 to require trailers and semi-trailers manufac-
24 tured after the date on which such regulation is
25 issued to be equipped with rear impact guards

1 that are designed to prevent passenger compart-
2 ment intrusion from a trailer or semitrailer
3 when a passenger vehicle traveling at 35 miles
4 per hour makes—

5 (i) an impact in which the passenger
6 vehicle impacts the center of the rear of the
7 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 to
24 65 miles per hour.

1 (3) *REVIEW OF STANDARDS.*—Not later than 5
2 *years after any revisions to standards or requirements*
3 *related to rear impact guards pursuant to paragraph*
4 *(1), the Secretary shall review the standards or re-*
5 *quirements to evaluate the need for changes in re-*
6 *sponse to advancements in technology and upgrade*
7 *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 49,*
17 *Code of Federal Regulations, to include rear im-*
18 *pact guards and rear end protection (as required*
19 *by section 393.86 of title 49, Code of Federal*
20 *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 de-*
24 *ficiency if a rear impact guard is missing or has*
25 *a corroded or compromised element that affects*

1 *the structural integrity and protective feature of*
2 *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 overall*
9 *effectiveness of such guards;*

10 **(B)** *assess the feasibility, benefits, and costs*
11 *associated with installing side underride guards*
12 *on newly manufactured trailers and semitrailers*
13 *with a gross vehicle weight rating of 10,000*
14 *pounds or more; and*

15 **(C)** *if warranted, develop performance*
16 *standards for such guards.*

17 **(2) INDEPENDENT RESEARCH.—***If the Secretary*
18 *enters into a contract with a third party to perform*
19 *the research required under paragraph (1)(A), the*
20 *Secretary shall ensure that such third party does not*
21 *have any financial or contractual ties or relationship*
22 *with a motor carrier that transports passengers or*
23 *property for compensation, the motor carrier indus-*
24 *try, or an entity producing or supplying underride*
25 *guards.*

1 (3) *PUBLICATION OF ASSESSMENT.*—Not later
2 than 90 days after completing the assessment required
3 under paragraph (1)(B), the Secretary shall issue a
4 notice in the *Federal Register* containing the findings
5 of the assessment and provide an opportunity for
6 public comment.

7 (4) *REPORT TO CONGRESS.*—After the conclusion
8 of the public comment period under paragraph (3),
9 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 this
15 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 override 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 Secretary
3 of Transportation shall establish an Advisory Com-
4 mittee on Underride Protection (in this subsection re-
5 ferred to as the “Committee”) to provide advice and
6 recommendations to the Secretary on safety regula-
7 tions to reduce crashes and fatalities involving truck
8 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 Committee*
7 *shall serve without compensation.*

8 (4) *MEETINGS.—The Committee shall meet at*
9 *least annually.*

10 (5) *SUPPORT.—On request of the Committee, the*
11 *Secretary shall provide information, administrative*
12 *services, and supplies necessary for the Committee to*
13 *carry out the duties described in paragraph (1).*

14 (6) *REPORT.—The Committee shall submit to the*
15 *Committee on Transportation and Infrastructure of*
16 *the House of Representatives and the Committee on*
17 *Commerce, Science, and Transportation of the Senate*
18 *a biennial report that shall—*

19 (A) *describe the advice and recommenda-*
20 *tions made to the Secretary; and*

21 (B) *include an assessment of progress made*
22 *by the Secretary in advancing safety regulations.*

23 (d) *DATA COLLECTION.—Not later than 1 year after*
24 *the date of enactment of this Act, the Secretary shall imple-*
25 *ment recommendations 1 and 2 described in the report by*

1 *the Government Accountability Office published on March*
 2 *14, 2019, titled “Truck Underride Guards: Improved Data*
 3 *Collection, Inspections, and Research Needed” (GAO–19–*
 4 *264).*

5 **SEC. 4406. TRANSPORTATION OF HORSES.**

6 *Section 80502 of title 49, United States Code, is*
 7 *amended—*

8 *(1) in subsection (c) by striking “This section*
 9 *does not” and inserting “Subsections (a) and (b) shall*
 10 *not”;*

11 *(2) by redesignating subsection (d) as subsection*
 12 *(e);*

13 *(3) by inserting after subsection (c) the fol-*
 14 *lowing:*

15 *“(d) TRANSPORTATION OF HORSES.—*

16 *“(1) PROHIBITION.—No person may transport,*
 17 *or cause to be transported, a horse from a place in*
 18 *a State, the District of Columbia, or a territory or*
 19 *possession of the United States through or to a place*
 20 *in another State, the District of Columbia, or a terri-*
 21 *tory or possession of the United States in a motor ve-*
 22 *hicle containing 2 or more levels stacked on top of*
 23 *each other.*

24 *“(2) MOTOR VEHICLE DEFINED.—In this sub-*
 25 *section, the term ‘motor vehicle’—*

1 “(A) means a vehicle driven or drawn by
2 mechanical power and manufactured primarily
3 for use on public highways; and

4 “(B) does not include a vehicle operated ex-
5 clusively on a rail or rails.”; and

6 (4) in subsection (e), as redesignated—

7 (A) by striking “A rail carrier” and insert-
8 ing the following:

9 “(1) IN GENERAL.—A rail carrier”;

10 (B) by striking “this section” and inserting
11 “subsection (a) or (b)”;

12 (C) by striking “On learning” and insert-
13 ing the following:

14 “(2) TRANSPORTATION OF HORSES IN MULTI-
15 LEVEL TRAILER.—

16 “(A) CIVIL PENALTY.—A person that know-
17 ingly violates subsection (d) is liable to the
18 United States Government for a civil penalty of
19 at least \$100, but not more than \$500, for each
20 violation. A separate violation of subsection (d)
21 occurs for each horse that is transported, or
22 caused to be transported, in violation of sub-
23 section (d).

24 “(B) RELATIONSHIP TO OTHER LAWS.—The
25 penalty imposed under subparagraph (A) shall

1 *be in addition to any penalty or remedy avail-*
 2 *able under any other law.*

3 “(3) *CIVIL ACTION.—On learning*”.

4 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

5 (a) *ADDITIONAL AUTHORITY.—Notwithstanding the*
 6 *limitation in section 127(d) of title 23, United States Code,*
 7 *if a State had in effect on or before June 1, 1991 a statute*
 8 *or regulation which placed a limitation on the overall*
 9 *length of a longer combination vehicle consisting of 3 trail-*
 10 *ers, such State may allow the operation of a longer com-*
 11 *bination vehicle to accommodate a longer truck tractor in*
 12 *such longer combination vehicle under such limitation, if*
 13 *the additional tractor length is the only added length to*
 14 *such longer combination vehicle.*

15 (b) *SAVINGS CLAUSE.—Nothing in this section author-*
 16 *izes a State to allow an increase in the length of a trailer,*
 17 *semitrailer, or other cargo-carrying unit of a longer com-*
 18 *bination vehicle.*

19 (c) *LONGER COMBINATION VEHICLE DEFINED.—The*
 20 *term “longer combination vehicle” has the meaning given*
 21 *such term in section 127 of title 23, United States Code.*

22 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
 23 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

24 *Section 31139(b) of title 49, United States Code, is*
 25 *amended—*

1 (1) *in paragraph (2), by striking “\$750,000”*
 2 *and inserting “\$2,000,000”; and*

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

4 “(3) *ADJUSTMENT.—The Secretary, in consulta-*
 5 *tion with the Bureau of Labor Statistics, shall adjust*
 6 *the minimum level of financial responsibility under*
 7 *paragraph (2) quinquennially for inflation.”.*

8 ***TITLE V—INNOVATION***

9 ***SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.***

10 (a) *IN GENERAL.—The following amounts are author-*
 11 *ized to be appropriated out of the Highway Trust Fund*
 12 *(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 DEPLOYMENT*
 18 *PROGRAM.—To carry out section 503(c) of title 23,*
 19 *United States Code, \$152,000,000 for each of fiscal*
 20 *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 of*
 3 *title 23, United States Code, \$100,000,000 for each of*
 4 *fiscal years 2022 through 2025.*

5 (5) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
 6 *GRAM.—To carry out section 5505 of title 49, United*
 7 *States Code, \$96,000,000 for each of fiscal years 2022*
 8 *through 2025.*

9 (6) *BUREAU OF TRANSPORTATION STATISTICS.—*
 10 *To carry out chapter 63 of title 49, United States*
 11 *Code, \$27,000,000 for each of fiscal years 2022*
 12 *through 2025.*

13 (b) *ADDITIONAL PROGRAMS.—The following amounts*
 14 *are authorized to be appropriated out of the Highway Trust*
 15 *Fund (other than the Mass Transit Account):*

16 (1) *SAFE, EFFICIENT MOBILITY THROUGH AD-*
 17 *VANCED TECHNOLOGIES.—To carry out section*
 18 *503(c)(4) of title 23, United States Code, \$70,000,000*
 19 *for each of fiscal years 2022 through 2025 from funds*
 20 *made available to carry out section 503(c) of such*
 21 *title.*

22 (2) *MATERIALS TO REDUCE GREENHOUSE GAS*
 23 *EMISSIONS PROGRAM.—To carry out section 503(d) of*
 24 *title 23, United States Code, \$10,000,000 for each of*

1 *fiscal years 2022 through 2025 from funds made*
2 *available to carry out section 503(c) of such title.*

3 (3) *NATIONAL HIGHLY AUTOMATED VEHICLE AND*
4 *MOBILITY INNOVATION CLEARINGHOUSE.—To carry*
5 *out section 5507 of title 49, United States Code,*
6 *\$2,000,000 for each of fiscal years 2022 through 2025*
7 *from funds made available to carry out sections 512*
8 *through 518 of title 23, United States Code.*

9 (4) *NATIONAL COOPERATIVE MULTIMODAL*
10 *FREIGHT TRANSPORTATION RESEARCH PROGRAM.—To*
11 *carry out section 70205 of title 49, United States*
12 *Code, \$4,000,000 for each of fiscal years 2022 through*
13 *2025 from funds made available to carry out section*
14 *503(b) of title 23, United States Code.*

15 (5) *STATE SURFACE TRANSPORTATION SYSTEM*
16 *FUNDING PILOTS.—To carry out section 6020 of the*
17 *FAST Act (23 U.S.C. 503 note), \$35,000,000 for each*
18 *of fiscal years 2022 through 2025 from funds made*
19 *available to carry out section 503(b) of title 23,*
20 *United States Code.*

21 (6) *NATIONAL SURFACE TRANSPORTATION SYS-*
22 *TEM FUNDING PILOT.—To carry out section 5402 of*
23 *this title, \$10,000,000 for each of fiscal years 2022*
24 *through 2025 from funds made available to carry out*
25 *section 503(b) of title 23, United States Code.*

1 (c) *ADMINISTRATION.*—*The Federal Highway Admin-*
2 *istration shall—*

3 (1) *administer the programs described in para-*
4 *graphs (1), (2), and (3) of subsection (a) and para-*
5 *graph (1) of subsection (b); and*

6 (2) *in consultation with relevant modal adminis-*
7 *trations, administer the programs described in sub-*
8 *sections (a)(4) and (b)(2).*

9 (d) *TREATMENT OF FUNDS.*—*Funds authorized to be*
10 *appropriated by subsections (a) and (b) shall—*

11 (1) *be available for obligation in the same man-*
12 *ner as if those funds were apportioned under chapter*
13 *1 of title 23, United States Code, except that the Fed-*
14 *eral share of the cost of a project or activity carried*
15 *out using those funds shall be 80 percent, unless oth-*
16 *erwise expressly provided by this title (including the*
17 *amendments by this title) or otherwise determined by*
18 *the Secretary; and*

19 (2) *remain available until expended and not be*
20 *transferable, except as otherwise provided in this title.*

***Subtitle A—Research and
Development***

***SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-
GRAM.***

*(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 fol-
lowing:*

*“(iv) to reduce greenhouse gas emis-
sions 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 that—

21 “(A) track the condition of highway assets,
22 including interchanges, and the reconstruction
23 history of such assets;

24 “(B) can be used to assess transportation
25 options;

1 “(C) allow for the monitoring and modeling
2 of network-level traffic flows on highways; and

3 “(D) further Federal and State under-
4 standing of the importance of national and re-
5 gional connectivity and the need for long-dis-
6 tance and interregional passenger and freight
7 travel by highway and other surface transpor-
8 tation modes.

9 “(10) *PERFORMANCE MANAGEMENT DATA SUP-*
10 *PORT PROGRAM.*—

11 “(A) *PERFORMANCE MANAGEMENT DATA*
12 *SUPPORT.*—*The Administrator of the Federal*
13 *Highway Administration shall develop, use, and*
14 *maintain data sets and data analysis tools to as-*
15 *sist metropolitan planning organizations, States,*
16 *and the Federal Highway Administration in*
17 *carrying out performance management analyses*
18 *(including the performance management require-*
19 *ments under section 150).*

20 “(B) *INCLUSIONS.*—*The data analysis ac-*
21 *tivities authorized under subparagraph (A) may*
22 *include—*

23 “(i) collecting and distributing vehicle
24 probe data describing traffic on Federal-aid
25 highways;

1 “(ii) collecting household travel behav-
2 ior data to assess local and cross-jurisdic-
3 tional travel, including to accommodate ex-
4 ternal and through travel;

5 “(iii) enhancing existing data collec-
6 tion and analysis tools to accommodate per-
7 formance measures, targets, and related
8 data, so as to better understand trip origin
9 and destination, trip time, and mode;

10 “(iv) enhancing existing data analysis
11 tools to improve performance predictions
12 and travel models in reports described in
13 section 150(e);

14 “(v) developing tools—

15 “(I) to improve performance anal-
16 ysis; and

17 “(II) to evaluate the effects of
18 project investments on performance;

19 “(vi) assisting in the development or
20 procurement of the transportation system
21 access data under section 1403(g) of the IN-
22 VEST in America Act; and

23 “(vii) developing tools and acquiring
24 data described under paragraph (9).

1 “(C) *FUNDING.*—*The Administrator of the*
 2 *Federal Highway Administration may use up to*
 3 *\$15,000,000 for each of fiscal years 2022 through*
 4 *2025 to carry out this paragraph.*”.

5 (b) *REPEAL.*—*Section 6028 of the FAST Act (23*
 6 *U.S.C. 150 note), and the item relating to such section in*
 7 *the table of contents in section 1(b) of such Act, are repealed.*

8 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS EMIS-**
 9 **SIONS PROGRAM.**

10 *Section 503 of title 23, United States Code, as amend-*
 11 *ed by section 5101, is further amended by adding at the*
 12 *end the following:*

13 “(d) *MATERIALS TO REDUCE GREENHOUSE GAS*
 14 *EMISSIONS PROGRAM.*—

15 “(1) *IN GENERAL.*—*Not later than 6 months*
 16 *after the date of enactment of this subsection, the Sec-*
 17 *retary shall establish and implement a program*
 18 *under which the Secretary shall award grants to eli-*
 19 *gible entities to research and support the development*
 20 *of materials that will reduce or sequester the amount*
 21 *of greenhouse gas emissions generated during the pro-*
 22 *duction of highway materials and the construction of*
 23 *highways.*

24 “(2) *ACTIVITIES.*—*The Secretary shall ensure*
 25 *that the program, at a minimum—*

1 “(A) carries out research to determine the
2 materials proven to most effectively reduce or se-
3 quester greenhouse gas emissions;

4 “(B) evaluates and improves the ability of
5 materials to most effectively reduce or sequester
6 greenhouse gas emissions; and

7 “(C) supports the development and deploy-
8 ment of materials that will reduce or sequester
9 greenhouse gas emissions.

10 “(3) COMPETITIVE SELECTION PROCESS.—

11 “(A) APPLICATIONS.—To be eligible to re-
12 ceive a grant under this subsection, an eligible
13 entity shall submit to the Secretary an applica-
14 tion in such form and containing such informa-
15 tion as the Secretary may require.

16 “(B) CONSIDERATION.—In making grants
17 under this subsection, the Secretary shall con-
18 sider the degree to which applicants presently
19 carry out research on materials that reduce or
20 sequester greenhouse gas emissions.

21 “(C) SELECTION CRITERIA.—The Secretary
22 may make grants under this subsection to any
23 eligible entity based on the demonstrated ability
24 of the applicant to fulfill the activities described
25 in paragraph (2).

1 “(D) *TRANSPARENCY.*—

2 “(i) *IN GENERAL.*—*The Secretary shall*
3 *provide to each eligible entity submitting an*
4 *application under this subsection, upon re-*
5 *quest, any materials, including copies of re-*
6 *views (with any information that would*
7 *identify a reviewer redacted), used in the*
8 *evaluation process of the application of such*
9 *entity.*

10 “(ii) *REPORTS.*—*The Secretary shall*
11 *submit to the Committee on Transportation*
12 *and Infrastructure of the House of Rep-*
13 *resentatives and the Committee on Environ-*
14 *ment and Public Works of the Senate a re-*
15 *port describing the overall review process for*
16 *a grant under this subsection, including—*

17 “(I) *specific criteria of evaluation*
18 *used in the review;*

19 “(II) *descriptions of the review*
20 *process; and*

21 “(III) *explanations of the grants*
22 *awarded.*

23 “(4) *GRANTS.*—

24 “(A) *RESTRICTIONS.*—

1 “(i) *IN GENERAL.*—For each fiscal
 2 year, a grant made available under this
 3 subsection shall be not greater than
 4 \$4,000,000 and not less than \$2,000,000 per
 5 recipient.

6 “(ii) *LIMITATION.*—An eligible entity
 7 may only receive 1 grant in a fiscal year
 8 under this subsection.

9 “(B) *MATCHING REQUIREMENTS.*—

10 “(i) *IN GENERAL.*—As a condition of
 11 receiving a grant under this subsection, a
 12 grant recipient shall match 50 percent of
 13 the amounts made available under the
 14 grant.

15 “(ii) *SOURCES.*—The matching
 16 amounts referred to in clause (i) may in-
 17 clude amounts made available to the recipi-
 18 ent under—

19 “(I) section 504(b); or

20 “(II) section 505.

21 “(5) *PROGRAM COORDINATION.*—

22 “(A) *IN GENERAL.*—The Secretary shall—

23 “(i) coordinate the research, education,
 24 and technology transfer activities carried

1 *out by grant recipients under this sub-*
2 *section;*

3 “(ii) *disseminate the results of that re-*
4 *search through the establishment and oper-*
5 *ation of a publicly accessible online infor-*
6 *mation clearinghouse; and*

7 “(iii) *to the extent practicable, support*
8 *the deployment and commercial adoption of*
9 *effective materials researched or developed*
10 *under this subsection to relevant stake-*
11 *holders.*

12 “(B) *ANNUAL REVIEW AND EVALUATION.—*
13 *Not later than 2 years after the date of enact-*
14 *ment of this subsection, and not less frequently*
15 *than annually thereafter, the Secretary shall,*
16 *consistent with the activities in paragraph (3)—*

17 “(i) *review and evaluate the programs*
18 *carried out under this subsection by grant*
19 *recipients, describing the effectiveness of the*
20 *program in identifying materials that re-*
21 *duce or sequester greenhouse gas emissions;*

22 “(ii) *submit to the Committee on*
23 *Transportation and Infrastructure of the*
24 *House of Representatives and the Committee*
25 *on Environment and Public Works of the*

1 *Senate a report describing such review and*
2 *evaluation; and*

3 *“(iii) make the report in clause (ii)*
4 *available to the public on a website.*

5 “(6) *LIMITATION ON AVAILABILITY OF*
6 *AMOUNTS.—Amounts made available to carry out this*
7 *subsection shall remain available for obligation by the*
8 *Secretary for a period of 3 years after the last day*
9 *of the fiscal year for which the amounts are author-*
10 *ized.*

11 “(7) *INFORMATION COLLECTION.—Any survey,*
12 *questionnaire, or interview that the Secretary deter-*
13 *mines to be necessary to carry out reporting require-*
14 *ments relating to any program assessment or evalua-*
15 *tion activity under this subsection, including cus-*
16 *tomers satisfaction assessments, shall not be subject to*
17 *chapter 35 of title 44.*

18 “(8) *DEFINITION OF ELIGIBLE ENTITY.—In this*
19 *subsection, the term ‘eligible entity’ means a non-*
20 *profit institution of higher education, as such term is*
21 *defined in section 101 of the Higher Education Act*
22 *of 1965 (20 U.S.C. 1001).”.*

1 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
2 **MENT 5-YEAR STRATEGIC PLAN.**

3 *Section 6503 of title 49, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a) by striking “The Secretary”*
6 *and inserting “For the period of fiscal years 2017*
7 *through 2021, and for each 5-year period thereafter,*
8 *the Secretary”;*

9 *(2) in subsection (c)(1)—*

10 *(A) in subparagraph (D) by inserting “and*
11 *the existing transportation system” after “infra-*
12 *structure”;*

13 *(B) in subparagraph (E) by striking “;*
14 *and” and inserting a semicolon;*

15 *(C) by amending subparagraph (F) to read*
16 *as follows:*

17 *“(F) reducing greenhouse gas emissions;*
18 *and”; and*

19 *(D) by adding at the end the following:*

20 *“(G) developing and maintaining a diverse*
21 *workforce in transportation sectors;”; and*

22 *(3) in subsection (d) by striking “not later than*
23 *December 31, 2016,” and inserting “not later than*
24 *December 31, 2021,”.*

1 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
2 **GRAM.**

3 *Section 5505 of title 49, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (b)(4)—*

6 *(A) in subparagraph (A) by striking “re-*
7 *search priorities identified in chapter 65.” and*
8 *inserting the following: “following research pri-*
9 *orities:*

10 *“(i) Improving the mobility of people*
11 *and goods.*

12 *“(ii) Reducing congestion.*

13 *“(iii) Promoting safety.*

14 *“(iv) Improving the durability and ex-*
15 *tending the life of transportation infrastruc-*
16 *ture and the existing transportation system.*

17 *“(v) Preserving the environment.*

18 *“(vi) Reducing greenhouse gas emis-*
19 *sions.”; and*

20 *(B) in subparagraph (B)—*

21 *(i) by striking “Technology and” and*
22 *inserting “Technology,”; and*

23 *(ii) by inserting “, the Associate Ad-*
24 *ministrator for Research, Demonstration,*
25 *and Innovation and Administrator of the*

1 *Federal Transit Administration,” after*
 2 *“Federal Highway Administration”;*

3 *(2) in subsection (c)—*

4 *(A) in paragraph (1)—*

5 *(i) by striking “Not later than 1 year*
 6 *after the date of enactment of this section,”*
 7 *and inserting the following:*

8 *“(A) SELECTION OF GRANTS.—Not later*
 9 *than 1 year after the date of enactment of the*
 10 *INVEST in America Act,”; and*

11 *(ii) by adding at the end the following:*

12 *“(B) LIMITATIONS.—A grant under this*
 13 *subsection may not include a cooperative agree-*
 14 *ment described in section 6305 of title 31.”;*

15 *(B) in paragraph (2)—*

16 *(i) in subparagraph (A) by striking “5*
 17 *consortia” and inserting “6 consortia”;*

18 *(ii) in subparagraph (B)—*

19 *(I) in clause (i) by striking “not*
 20 *greater than \$4,000,000 and not less*
 21 *than \$2,000,000” and inserting “not*
 22 *greater than \$4,250,000 and not less*
 23 *than \$2,250,000”; and*

1 (ii) in clause (ii) by striking
 2 “section 6503(e)” and inserting “sub-
 3 section (b)(4)(A)”;

4 (iii) in subparagraph (C) by striking
 5 “100 percent” and inserting “50 percent”;
 6 and

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

8 “(D) REQUIREMENT.—In awarding grants
 9 under this section, the Secretary shall award 1
 10 grant to a national consortia for each focus area
 11 described in subsection (b)(4)(A).”;

12 (C) in paragraph (3)—

13 (i) in subparagraph (C) by striking
 14 “not greater than \$3,000,000 and not less
 15 than \$1,500,000” and inserting “not greater
 16 than \$3,250,000 and not less than
 17 \$1,750,000”;

18 (ii) in subparagraph (D)(i) by striking
 19 “100 percent” and inserting “50 percent”;
 20 and

21 (iii) by striking subparagraph (E);
 22 and

23 (D) in paragraph (4)—

24 (i) in subparagraph (A) by striking
 25 “greater than \$2,000,000 and not less than

1 \$1,000,000” and inserting “greater than
 2 \$2,250,000 and not less than \$1,250,000”;
 3 and

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

6 “(C) *REQUIREMENTS.*—In awarding grants
 7 under this paragraph, the Secretary shall—

8 “(i) consider consortia that include in-
 9 stitutions that have demonstrated an ability
 10 in transportation-related research; and

11 “(ii) award not less than 2 grants
 12 under this section to minority institutions,
 13 as such term is defined in section 365 of the
 14 Higher Education Act of 1965 (20 U.S.C.
 15 1067k).

16 “(D) *FOCUSED RESEARCH.*—

17 “(i) *IN GENERAL.*—In awarding
 18 grants under this section, the Secretary
 19 shall select not less than 1 grant recipient
 20 with each of the following focus areas:

21 “(I) *Transit.*

22 “(II) *Connected and automated*
 23 *vehicle technology.*

1 “(III) *Non-motorized transpor-*
2 *tation, including bicycle and pedes-*
3 *trian safety.*

4 “(IV) *Transportation planning,*
5 *including developing metropolitan*
6 *planning practices to meet the consid-*
7 *erations described in section 134(c)(4)*
8 *of title 23 and section 5303(c)(4).*

9 “(V) *The surface transportation*
10 *workforce, including—*

11 “(aa) *current and future*
12 *workforce needs and challenges;*
13 *and*

14 “(bb) *the impact of tech-*
15 *nology on the transportation sec-*
16 *tor.*

17 “(VI) *Climate change mitigation,*
18 *including—*

19 “(aa) *researching the types of*
20 *transportation projects that are*
21 *expected to provide the most sig-*
22 *nificant greenhouse gas emissions*
23 *reductions from the surface trans-*
24 *portation sector; and*

1 “(bb) researching the types of
 2 transportation projects that are
 3 not expected to provide significant
 4 greenhouse gas emissions reduc-
 5 tions from the surface transpor-
 6 tation sector.

7 “(VII) Rail.

8 “(ii) *ADDITIONAL GRANTS.*—In award-
 9 ing grants under this section and after
 10 awarding grants pursuant to clause (i), the
 11 Secretary may award any remaining
 12 grants to any grant recipient based on the
 13 criteria described in subsection (b)(4)(A).

14 “(E) *CONSIDERATIONS FOR SELECTED IN-*
 15 STITUTIONS.—

16 “(i) *IN GENERAL.*—Tier 1 transpor-
 17 tation centers awarded a grant under this
 18 paragraph with a focus area described in
 19 subparagraph (D)(i)(IV) shall consider the
 20 following areas for research:

21 “(I) strategies to address climate
 22 change mitigation and impacts de-
 23 scribed in section 134(i)(2)(I)(ii) of
 24 title 23 and the incorporation of such

1 *strategies into long range transpor-*
 2 *tation plan; and*

3 *“(II) preparation of a vulner-*
 4 *ability assessment described in section*
 5 *134(i)(2)(I)(iii) of title 23.*

6 *“(ii) ACTIVITIES.—A tier 1 transpor-*
 7 *tation center receiving a grant under this*
 8 *section with a focus area described in sub-*
 9 *paragraph (D)(i)(IV) may—*

10 *“(I) establish best practices;*

11 *“(II) develop modeling tools; and*

12 *“(III) carry out other activities*
 13 *and develop technology that addresses*
 14 *the planning considerations described*
 15 *in clause (i).*

16 *“(iii) LIMITATION.—Research under*
 17 *this subparagraph shall focus on metropoli-*
 18 *tan planning organizations that represent*
 19 *urbanized areas with populations of*
 20 *200,000 or fewer.”;*

21 *(3) in subsection (d)(3) by striking “fiscal years*
 22 *2016 through 2020” and inserting “fiscal years 2022*
 23 *through 2025”;*

24 *(4) by redesignating subsection (f) as subsection*
 25 *(g); and*

1 (5) *by inserting after subsection (e) the following:*

2 “(f) *SURPLUS AMOUNTS.—*

3 “(1) *IN GENERAL.—Amounts made available to*
 4 *the Secretary to carry out this section that remain*
 5 *unobligated after awarding grants under subsection*
 6 *(c) shall be made available under the unsolicited re-*
 7 *search initiative under section 5506.*

8 “(2) *LIMITATION ON AMOUNTS.—Amounts under*
 9 *paragraph (1) shall not exceed \$2,000,000 for any*
 10 *given fiscal year.”.*

11 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

12 (a) *IN GENERAL.—Subchapter I of chapter 55 of title*
 13 *49, United States Code, is amended by adding at the end*
 14 *the following:*

15 **“§ 5506. Unsolicited research initiative**

16 “(a) *IN GENERAL.—Not later than 180 days after the*
 17 *date of enactment of this section, the Secretary shall estab-*
 18 *lish a program under which an eligible entity may at any*
 19 *time submit unsolicited research proposals for funding*
 20 *under this section.*

21 “(b) *CRITERIA.—A research proposal submitted under*
 22 *subsection (a) shall meet the purposes of the Secretary’s 5-*
 23 *year transportation research and development strategic*
 24 *plan described in section 6503(c)(1).*

1 “(c) *PROJECT REVIEW*.—Not later than 90 days after
2 an eligible entity submits a proposal under subsection (a),
3 the Secretary shall—

4 “(1) review the research proposal submitted
5 under subsection (a);

6 “(2) evaluate such research proposal relative to
7 the criteria described in subsection (b);

8 “(3) provide to such eligible entity a written no-
9 tice that—

10 “(A) if the research proposal is not selected
11 for funding under this section—

12 “(i) notifies the eligible entity that the
13 research proposal has not been selected for
14 funding;

15 “(ii) provides an explanation as to
16 why the research proposal was not selected,
17 including if the research proposal does not
18 cover an area of need; and

19 “(iii) if applicable, recommends that
20 the research proposal be submitted to an-
21 other research program; and

22 “(B) if the research proposal is selected for
23 funding under this section, notifies the eligible
24 entity that the research proposal has been se-
25 lected for funding; and

1 “(4) *fund the proposals described in paragraph*
2 *(3)(B).*

3 “(d) *REPORT.—Not later than 18 months after the*
4 *date of enactment of this section, and annually thereafter,*
5 *the Secretary shall make available to the public on a public*
6 *website a report on the progress and findings of the program*
7 *established under subsection (a).*

8 “(e) *FEDERAL SHARE.—*

9 “(1) *IN GENERAL.—The Federal share of the cost*
10 *of an activity carried out under this section may not*
11 *exceed 50 percent.*

12 “(2) *NON-FEDERAL SHARE.—All costs directly*
13 *incurred by the non-Federal partners, including per-*
14 *sonnel, travel, facility, and hardware development*
15 *costs, shall be credited toward the non-Federal share*
16 *of the cost of an activity carried out under this sec-*
17 *tion.*

18 “(f) *FUNDING.—*

19 “(1) *IN GENERAL.—Of the funds made available*
20 *to carry out the university transportation centers pro-*
21 *gram under section 5505, \$2,000,000 shall be avail-*
22 *able for each of fiscal years 2022 through 2025 to*
23 *carry out this section.*

24 “(2) *FUNDING FLEXIBILITY.—*

1 “(A) *IN GENERAL.*—For fiscal years 2022
 2 through 2025, funds made available under para-
 3 graph (1) shall remain available until expended.

4 “(B) *UNCOMMITTED FUNDS.*—If the Sec-
 5 retary determines, at the end of a fiscal year,
 6 funds under paragraph (1) remain unexpended
 7 as a result of a lack of meritorious projects under
 8 this section, the Secretary may, for the following
 9 fiscal year, make remaining funds available
 10 under either this section or under section 5505.

11 “(g) *ELIGIBLE ENTITY DEFINED.*—In this section, the
 12 term ‘eligible entity’ means

13 “(1) a State;

14 “(2) a unit of local government;

15 “(3) a transit agency;

16 “(4) any nonprofit institution of higher edu-
 17 cation, including a university transportation center
 18 under section 5505; and

19 “(5) a nonprofit organization.”.

20 “(b) *CLERICAL AMENDMENT.*—The analysis for chapter
 21 55 of title 49, United States Code, is amended by inserting
 22 after the item relating to section 5505 the following new
 23 item:

“5506. Unsolicited research initiative.”.

1 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL FREIGHT**
2 **TRANSPORTATION RESEARCH PROGRAM.**

3 (a) *IN GENERAL.*—Chapter 702 of title 49, United
4 States Code, is amended by adding at the end the following:

5 **“§ 70205. National cooperative multimodal freight**
6 **transportation research program**

7 “(a) *ESTABLISHMENT.*—Not later than 1 year after the
8 date of enactment of this section, the Secretary shall estab-
9 lish and support a national cooperative multimodal freight
10 transportation research program.

11 “(b) *AGREEMENT.*—Not later than 6 months after the
12 date of enactment of this section, the Secretary shall seek
13 to enter into an agreement with the National Academy of
14 Sciences to support and carry out administrative and man-
15 agement activities relating to the governance of the national
16 cooperative multimodal freight transportation research pro-
17 gram.

18 “(c) *ADVISORY COMMITTEE.*—In carrying out the
19 agreement described in subsection (b), the National Acad-
20 emy of Sciences shall select a multimodal freight transpor-
21 tation research advisory committee consisting of
22 multimodal freight stakeholders, including, at a min-
23 imum—

24 “(1) a representative of the Department of
25 Transportation;

1 “(2) representatives of any other Federal agen-
 2 cies relevant in supporting the nation’s multimodal
 3 freight transportation research needs;

4 “(3) a representative of a State department of
 5 transportation;

6 “(4) a representative of a local government
 7 (other than a metropolitan planning organization);

8 “(5) a representative of a metropolitan planning
 9 organization;

10 “(6) a representative of the trucking industry;

11 “(7) a representative of the railroad industry;

12 “(8) a representative of the port industry;

13 “(9) a representative of logistics industry;

14 “(10) a representative of shipping industry;

15 “(11) a representative of a safety advocacy group
 16 with expertise in freight transportation;

17 “(12) an academic expert on multimodal freight
 18 transportation;

19 “(13) an academic expert on the contributions of
 20 freight movement to greenhouse gas emissions; and

21 “(14) representatives of labor organizations rep-
 22 resenting workers in freight transportation.

23 “(d) *ELEMENTS.*—The national cooperative
 24 multimodal freight transportation research program estab-

1 *lished under this section shall include the following ele-*
 2 *ments:*

3 “(1) *NATIONAL RESEARCH AGENDA.*—*The advi-*
 4 *sory committee under subsection (c), in consultation*
 5 *with interested parties, shall recommend a national*
 6 *research agenda for the program established in this*
 7 *section.*

8 “(2) *INVOLVEMENT.*—*Interested parties may—*

9 “(A) *submit research proposals to the advi-*
 10 *sory committee;*

11 “(B) *participate in merit reviews of re-*
 12 *search proposals and peer reviews of research*
 13 *products; and*

14 “(C) *receive research results.*

15 “(3) *OPEN COMPETITION AND PEER REVIEW OF*
 16 *RESEARCH PROPOSALS.*—*The National Academy of*
 17 *Sciences may award research contracts and grants*
 18 *under the program through open competition and*
 19 *merit review conducted on a regular basis.*

20 “(4) *EVALUATION OF RESEARCH.*—

21 “(A) *PEER REVIEW.*—*Research contracts*
 22 *and grants under the program may allow peer*
 23 *review of the research results.*

24 “(B) *PROGRAMMATIC EVALUATIONS.*—*The*
 25 *National Academy of Sciences shall conduct*

1 *periodic programmatic evaluations on a regular*
 2 *basis of research contracts and grants.*

3 “(5) *DISSEMINATION OF RESEARCH FINDINGS.*—

4 “(A) *IN GENERAL.*—*The National Academy*
 5 *of Sciences shall disseminate research findings to*
 6 *researchers, practitioners, and decisionmakers,*
 7 *through conferences and seminars, field dem-*
 8 *onstrations, workshops, training programs, pres-*
 9 *entations, testimony to government officials, a*
 10 *public website for the National Academy of*
 11 *Sciences, publications for the general public, and*
 12 *other appropriate means.*

13 “(B) *REPORT.*—*Not more than 18 months*
 14 *after the date of enactment of this section, and*
 15 *annually thereafter, the Secretary shall make*
 16 *available on a public website a report that de-*
 17 *scribes the ongoing research and findings of the*
 18 *program.*

19 “(e) *CONTENTS.*—*The national research agenda under*
 20 *subsection (d)(1) shall include—*

21 “(1) *techniques and tools for estimating and*
 22 *identifying both quantitative and qualitative public*
 23 *benefits derived from multimodal freight transpor-*
 24 *tation projects, including—*

25 “(A) *greenhouse gas emissions reduction;*

1 “(B) congestion reduction; and

2 “(C) safety benefits;

3 “(2) the impact of freight delivery vehicles, in-
4 cluding trucks, railcars, and non-motorized vehicles,
5 on congestion in urban and rural areas;

6 “(3) the impact of both centralized and disparate
7 origins and destinations on freight movement;

8 “(4) the impacts of increasing freight volumes on
9 transportation planning, including—

10 “(A) first-mile and last-mile challenges to
11 multimodal freight movement;

12 “(B) multimodal freight travel in both
13 urban and rural areas; and

14 “(C) commercial motor vehicle parking and
15 rest areas;

16 “(5) the effects of Internet commerce and acceler-
17 ated delivery speeds on freight movement and in-
18 creased commercial motor vehicle volume, including
19 impacts on—

20 “(A) safety on public roads;

21 “(B) congestion in both urban and rural
22 areas;

23 “(C) first-mile and last-mile challenges and
24 opportunities;

1 “(D) the environmental impact of freight
2 transportation, including on air quality and on
3 greenhouse gas emissions; and

4 “(E) vehicle miles-traveled by freight-deliv-
5 ering vehicles;

6 “(6) the impacts of technological advancements
7 in freight movement, including impacts on—

8 “(A) congestion in both urban and rural
9 areas;

10 “(B) first-mile and last-mile challenges and
11 opportunities; and

12 “(C) vehicle miles-traveled;

13 “(7) methods and best practices for aligning
14 multimodal infrastructure improvements with
15 multimodal freight transportation demand, including
16 improvements to the National Multimodal Freight
17 Network under section 70103; and

18 “(8) other research areas to identify and address
19 current, emerging, and future needs related to
20 multimodal freight transportation.

21 “(f) FUNDING.—

22 “(1) FEDERAL SHARE.—The Federal share of the
23 cost of an activity carried out under this section shall
24 be 100 percent.

1 “(2) *PERIOD OF AVAILABILITY.*—Amounts made
2 available to carry out this section shall remain avail-
3 able until expended.

4 “(g) *DEFINITION OF GREENHOUSE GAS.*—In this sec-
5 tion, the term ‘greenhouse gas’ has the meaning given such
6 term in section 211(o)(1) of the Clean Air Act (42 U.S.C.
7 7545(o)(1)).”.

8 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
9 702 of title 49, United States Code, is amended by adding
10 at the end the following new item:

 “70205. National cooperative multimodal freight transportation research pro-
 gram.”.

11 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
12 **HABITAT CONNECTIVITY IMPROVEMENT.**

13 (a) *STUDY.*—

14 (1) *IN GENERAL.*—The Secretary of Transpor-
15 tation shall conduct a study examining methods to re-
16 duce collisions between motorists and wildlife (re-
17 ferred to in this section as “wildlife-vehicle colli-
18 sions”).

19 (2) *CONTENTS.*—

20 (A) *AREAS OF STUDY.*—The study required
21 under paragraph (1) shall—

22 (i) update and expand on, as appro-
23 prium—

1 (I) the report titled “Wildlife Ve-
2 hicle Collision Reduction Study: 2008
3 Report to Congress”: and

4 (II) the document titled “Wildlife
5 Vehicle Collision Reduction Study:
6 Best Practices Manual” and dated Oc-
7 tober 2008; and

8 (ii) include—

9 (I) an assessment, as of the date
10 of the study, of—

11 (aa) the causes of wildlife-ve-
12 hicle collisions;

13 (bb) the impact of wildlife-ve-
14 hicle collisions on motorists and
15 wildlife; and

16 (cc) the impacts of roads and
17 traffic on habitat connectivity for
18 terrestrial and aquatic species;
19 and

20 (II) solutions and best practices
21 for—

22 (aa) reducing wildlife-vehicle
23 collisions; and

1 (bb) improving habitat
2 connectivity for terrestrial and
3 aquatic species.

4 (B) *METHODS.*—In carrying out the study
5 required under paragraph (1), the Secretary
6 shall—

7 (i) conduct a thorough review of re-
8 search and data relating to—

9 (I) wildlife-vehicle collisions; and
10 (II) habitat fragmentation that
11 results from transportation infrastruc-
12 ture;

13 (ii) survey current practices of the De-
14 partment of Transportation and State de-
15 partments of transportation to reduce wild-
16 life-vehicle collisions; and

17 (iii) consult with—

18 (I) appropriate experts in the
19 field of wildlife-vehicle collisions; and

20 (II) appropriate experts on the ef-
21 fects of roads and traffic on habitat
22 connectivity for terrestrial and aquatic
23 species.

24 (3) *REPORT.*—

1 (A) *IN GENERAL.*—*Not later than 18*
2 *months after the date of enactment of this Act,*
3 *the Secretary shall submit to Congress a report*
4 *on the results of the study required under para-*
5 *graph (1).*

6 (B) *CONTENTS.*—*The report required under*
7 *subparagraph (A) shall include—*

8 (i) *a description of—*

9 (I) *the causes of wildlife-vehicle*
10 *collisions;*

11 (II) *the impacts of wildlife-vehicle*
12 *collisions; and*

13 (III) *the impacts of roads and*
14 *traffic on—*

15 (aa) *species listed as threat-*
16 *ened species or endangered species*
17 *under the Endangered Species Act*
18 *of 1973 (16 U.S.C. 1531 et seq.);*

19 (bb) *species identified by*
20 *States as species of greatest con-*
21 *servation need;*

22 (cc) *species identified in*
23 *State wildlife plans; and*

24 (dd) *medium and small ter-*
25 *restrial and aquatic species;*

1 (ii) *an economic evaluation of the costs*
2 *and benefits of installing highway infra-*
3 *structure and other measures to mitigate*
4 *damage to terrestrial and aquatic species,*
5 *including the effect on jobs, property values,*
6 *and economic growth to society, adjacent*
7 *communities, and landowners;*

8 (iii) *recommendations for preventing*
9 *wildlife-vehicle collisions, including rec-*
10 *ommended best practices, funding resources,*
11 *or other recommendations for addressing*
12 *wildlife-vehicle collisions; and*

13 (iv) *guidance to develop, for each State*
14 *that agrees to participate, a voluntary joint*
15 *statewide transportation and wildlife action*
16 *plan.*

17 (C) *PURPOSES.—The purpose of the guid-*
18 *ance described in subparagraph (B)(iv) shall*
19 *be—*

20 (i) *to address wildlife-vehicle collisions;*
21 *and*

22 (ii) *to improve habitat connectivity for*
23 *terrestrial and aquatic species.*

1 (D) *CONSULTATION.*—*The Secretary shall*
 2 *develop the guidance described under subpara-*
 3 *graph (B)(iv) in consultation with—*

4 (i) *Federal land management agencies;*

5 (ii) *State departments of transpor-*
 6 *tation;*

7 (iii) *State fish and wildlife agencies;*

8 *and*

9 (iv) *Tribal governments.*

10 (b) *STANDARDIZATION OF WILDLIFE COLLISION AND*
 11 *CARCASS DATA.*—

12 (1) *STANDARDIZATION METHODOLOGY.*—

13 (A) *IN GENERAL.*—*The Secretary of Trans-*
 14 *portation, acting through the Administrator of*
 15 *the Federal Highway Administration, shall de-*
 16 *velop a quality standardized methodology for col-*
 17 *lecting and reporting spatially accurate wildlife*
 18 *collision and carcass data for the National High-*
 19 *way System, taking into consideration the prac-*
 20 *ticability of the methodology with respect to tech-*
 21 *nology and cost.*

22 (B) *METHODOLOGY.*—*In developing the*
 23 *standardized methodology under subparagraph*
 24 *(A), the Secretary shall—*

1 (i) *survey existing methodologies and*
2 *sources of data collection, including the Fa-*
3 *tality Analysis Reporting System, the Gen-*
4 *eral Estimates System of the National Auto-*
5 *mobile Sampling System, and the Highway*
6 *Safety Information System; and*

7 (ii) *to the extent practicable, identify*
8 *and correct limitations of such existing*
9 *methodologies and sources of data collection.*

10 (C) *CONSULTATION.—In developing the*
11 *standardized methodology under subparagraph*
12 *(A), the Secretary shall consult with—*

13 (i) *the Secretary of the Interior;*

14 (ii) *the Secretary of Agriculture, acting*
15 *through the Chief of the Forest Service;*

16 (iii) *Tribal, State, and local transpor-*
17 *tation and wildlife authorities;*

18 (iv) *metropolitan planning organiza-*
19 *tions (as such term is defined in section*
20 *134(b) of title 23, United States Code);*

21 (v) *members of the American Associa-*
22 *tion of State Highway and Transportation*
23 *Officials;*

24 (vi) *members of the Association of Fish*
25 *and Wildlife Agencies;*

- 1 (vii) experts in the field of wildlife-ve-
2 hicle collisions;
3 (viii) nongovernmental organizations;
4 and
5 (ix) other interested stakeholders, as
6 appropriate.

7 (2) *STANDARDIZED NATIONAL DATA SYSTEM*
8 *WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The*
9 *Secretary shall—*

10 (A) develop a template for State implemen-
11 tation of a standardized national wildlife colli-
12 sion and carcass data system for the National
13 Highway System that is based on the standard-
14 ized methodology developed under paragraph (1);
15 and

16 (B) encourage the voluntary implementa-
17 tion of the template developed under subpara-
18 graph (A) for States, metropolitan planning or-
19 ganizations, and additional relevant transpor-
20 tation stakeholders.

21 (3) *REPORTS.—*

22 (A) *METHODOLOGY.—The Secretary shall*
23 *submit to Congress a report describing the devel-*
24 *opment of the standardized methodology required*
25 *under paragraph (1) not later than—*

1 (i) the date that is 18 months after the
2 date of enactment of this Act; and

3 (ii) the date that is 180 days after the
4 date on which the Secretary completes the
5 development of such standardized method-
6 ology.

7 (B) IMPLEMENTATION.—Not later than 3
8 years after the date of enactment of this Act, the
9 Secretary shall submit to Congress a report de-
10 scribing—

11 (i) the status of the voluntary imple-
12 mentation of the standardized methodology
13 developed under paragraph (1) and the tem-
14 plate developed under paragraph (2)(A);

15 (ii) whether the implementation of the
16 standardized methodology developed under
17 paragraph (1) and the template developed
18 under paragraph (2)(A) has impacted ef-
19 forts by States, units of local government,
20 and other entities—

21 (I) to reduce the number of wild-
22 life-vehicle collisions; and

23 (II) to improve habitat
24 connectivity;

1 (iii) the degree of the impact described
2 in clause (ii); and

3 (iv) the recommendations of the Sec-
4 retary, including recommendations for fur-
5 ther study aimed at reducing motorist colli-
6 sions involving wildlife and improving
7 habitat connectivity for terrestrial and
8 aquatic species on the National Highway
9 System, if any.

10 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
11 retary of Transportation shall—

12 (1) establish guidance, to be carried out by
13 States on a voluntary basis, that contains a threshold
14 for determining whether a highway shall be evaluated
15 for potential mitigation measures to reduce wildlife-
16 vehicle collisions and increase habitat connectivity for
17 terrestrial and aquatic species, taking into consider-
18 ation—

19 (A) the number of wildlife-vehicle collisions
20 on the highway that pose a human safety risk;

21 (B) highway-related mortality and effects of
22 traffic on the highway on—

23 (i) species listed as endangered species
24 or threatened species under the Endangered

1 *Species Act of 1973 (16 U.S.C. 1531 et*
2 *seq.);*

3 (ii) *species identified by a State as*
4 *species of greatest conservation need;*

5 (iii) *species identified in State wildlife*
6 *plans; and*

7 (iv) *medium and small terrestrial and*
8 *aquatic species; and*

9 (C) *habitat connectivity values for terres-*
10 *trial and aquatic species and the barrier effect of*
11 *the highway on the movements and migrations of*
12 *those species.*

13 (d) *WORKFORCE DEVELOPMENT AND TECHNICAL*
14 *TRAINING.—*

15 (1) *IN GENERAL.—Not later than 3 years after*
16 *the date of enactment of this Act, the Secretary shall,*
17 *based on the study conducted under subsection (a), de-*
18 *velop a series of in-person and online workforce devel-*
19 *opment and technical training courses—*

20 (A) *to reduce wildlife-vehicle collisions; and*

21 (B) *to improve habitat connectivity for ter-*
22 *restrial and aquatic species.*

23 (2) *AVAILABILITY.—The Secretary shall—*

1 (A) make the series of courses developed
 2 under paragraph (1) available for transportation
 3 and fish and wildlife professionals; and

4 (B) update the series of courses not less fre-
 5 quently than once every 2 years.

6 (e) *WILDLIFE HABITAT CONNECTIVITY AND NATIONAL*
 7 *BRIDGE AND TUNNEL INVENTORY AND INSPECTION STAND-*
 8 *ARDS.*—Section 144 of title 23, United States Code, is
 9 amended in subsection (a)(2)—

10 (1) in subparagraph (B) by inserting “, resil-
 11 ience,” after “safety”;

12 (2) in subparagraph (D) by striking “and” at
 13 the end;

14 (3) in subparagraph (E) by striking the period
 15 at the end and inserting “; and”; and

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

17 “(F) to ensure adequate passage of aquatic
 18 and terrestrial species, where appropriate.”;

19 **SEC. 5108. RESEARCH ACTIVITIES.**

20 Section 330(g) of title 49, United States Code, is
 21 amended by striking “each of fiscal years 2016 through
 22 2020” and inserting “each of fiscal years 2022 through
 23 2025”.

24 **SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.**

25 (a) *ESTABLISHMENT.*—

1 (1) *IN GENERAL.*—*The Secretary of Transpor-*
 2 *tation shall carry out a program to enhance the devel-*
 3 *opment of innovative materials in the United States*
 4 *by making awards to consortia for establishing and*
 5 *operating Hubs (to be known as “Innovative Material*
 6 *Innovation Hubs”)* to conduct and support multi-
 7 *disciplinary, collaborative research, development,*
 8 *demonstration, standardized design development, and*
 9 *commercial application of innovative materials.*

10 (2) *COORDINATION.*—*The Secretary shall ensure*
 11 *the coordination of, and avoid duplication of, the ac-*
 12 *tivities of each Hub with the activities of—*

13 (A) *other research entities of the Depart-*
 14 *ment of Transportation, including the Federal*
 15 *Highway Administration; and*

16 (B) *research entities of other Federal agen-*
 17 *cies, as appropriate.*

18 (b) *COMPETITIVE SELECTION PROCESS.*—

19 (1) *ELIGIBILITY.*—*To be eligible to receive an*
 20 *award for the establishment and operation of a Hub*
 21 *under subsection (a)(1), a consortium shall—*

22 (A) *be composed of not fewer than 2 quali-*
 23 *fying entities;*

1 (B) operate subject to a binding agreement,
 2 entered into by each member of the consortium,
 3 that documents—

4 (i) the proposed partnership agree-
 5 ment, including the governance and man-
 6 agement structure of the Hub;

7 (ii) measures the consortium will un-
 8 dertake to enable cost-effective implementa-
 9 tion of activities under the program de-
 10 scribed in subsection (a)(1); and

11 (iii) a proposed budget, including fi-
 12 nancial contributions from non-Federal
 13 sources; and

14 (C) operate as a nonprofit organization.

15 (2) APPLICATION.—

16 (A) IN GENERAL.—A consortium seeking to
 17 establish and operate a Hub under subsection
 18 (a)(1) shall submit to the Secretary an applica-
 19 tion at such time, in such manner, and con-
 20 taining such information as the Secretary may
 21 require, including a detailed description of—

22 (i) each element of the consortium
 23 agreement required under paragraph
 24 (1)(B); and

1 (ii) any existing facilities the consor-
2 tium intends to use for Hub activities.

3 (B) REQUIREMENT.—If the consortium
4 members will not be located at 1 centralized loca-
5 tion, the application under subparagraph (A)
6 shall include a communications plan that en-
7 sures close coordination and integration of Hub
8 activities.

9 (3) SELECTION.—

10 (A) IN GENERAL.—The Secretary shall se-
11 lect consortia for awards for the establishment
12 and operation of Hubs through a competitive se-
13 lection process.

14 (B) CONSIDERATIONS.—In selecting con-
15 sortia under subparagraph (A), the Secretary
16 shall consider—

17 (i) any existing facilities a consortium
18 has identified to be used for Hub activities;

19 (ii) maintaining geographic diversity
20 in locations of selected Hubs;

21 (iii) the demonstrated ability of the re-
22 cipient to conduct and support multidisci-
23 plinary, collaborative research, development,
24 demonstration, standardized design develop-

1 *ment, and commercial application of inno-*
2 *vative materials;*

3 *(iv) the demonstrated research, tech-*
4 *nology transfer, and education resources*
5 *available to the recipient to carry out this*
6 *section;*

7 *(v) the ability of the recipient to pro-*
8 *vide leadership in solving immediate and*
9 *long-range national and regional transpor-*
10 *tation problems related to innovative mate-*
11 *rials;*

12 *(vi) the demonstrated ability of the re-*
13 *cipient to disseminate results and spur the*
14 *implementation of transportation research*
15 *and education programs through national*
16 *or statewide continuing education pro-*
17 *grams;*

18 *(vii) the demonstrated commitment of*
19 *the recipient to the use of peer review prin-*
20 *ciples and other research best practices in*
21 *the selection, management, and dissemina-*
22 *tion of research projects;*

23 *(viii) the performance metrics to be*
24 *used in assessing the performance of the re-*
25 *cipient in meeting the stated research, tech-*

nology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, including through cost sharing and overall reduced overhead, facilities, and administrative costs.

(4) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

(B) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (2), given the considerations under paragraph (3), that includes—

(i) specific criteria of evaluation used in the review;

(ii) descriptions of the review process; and

1 (iii) explanations of the selected
2 awards.

3 (c) *AUTHORIZATION.*—*There is authorized to be appro-*
4 *priated to carry out this section such sums as may be nec-*
5 *essary and such sums shall remain available for a period*
6 *of 3 years after the last day of the fiscal year in which*
7 *such sums were made available.*

8 (d) *HUB OPERATIONS.*—

9 (1) *IN GENERAL.*—*Each Hub shall conduct, or*
10 *provide for, multidisciplinary, collaborative research,*
11 *development, demonstration, and commercial applica-*
12 *tion of innovative materials.*

13 (2) *ACTIVITIES.*—*Each Hub shall—*

14 (A) *encourage collaboration and commu-*
15 *nication among the member qualifying entities*
16 *of the consortium, as described in subsection*
17 *(b)(1), and awardees;*

18 (B) *develop and publish proposed plans and*
19 *programs on a publicly accessible website;*

20 (C) *submit to the Department of Transpor-*
21 *tation an annual report summarizing the activi-*
22 *ties of the Hub, including information—*

23 (i) *detailing organizational expendi-*
24 *tures; and*

1 (ii) describing each project undertaken
2 by the Hub, as it relates to conducting and
3 supporting multidisciplinary, collaborative
4 research, development, demonstration,
5 standardized design development, and com-
6 mercial application of innovative materials;
7 and

8 (D) monitor project implementation and co-
9 ordination.

10 (3) *CONFLICTS OF INTEREST.*—Each Hub shall
11 maintain conflict of interest procedures, consistent
12 with the conflict of interest procedures of the Depart-
13 ment of Transportation.

14 (4) *PROHIBITION ON CONSTRUCTION AND REN-*
15 *OVATION.*—

16 (A) *IN GENERAL.*—No funds provided under
17 this section may be used for construction or ren-
18 ovation of new buildings, test beds, or additional
19 facilities for Hubs.

20 (B) *NON-FEDERAL SHARE.*—Construction of
21 new buildings or facilities shall not be considered
22 as part of the non-Federal share of a Hub cost-
23 sharing agreement.

1 (e) *APPLICABILITY.*—*The Secretary shall administer*
2 *this section in accordance with section 330 of title 49,*
3 *United States Code.*

4 (f) *DEFINITIONS.*—*In this section:*

5 (1) *HUB.*—*The term “Hub” means an Innova-*
6 *tive Material Innovation Hub established under this*
7 *section.*

8 (2) *QUALIFYING ENTITY.*—*The term “qualifying*
9 *entity” means—*

10 (A) *an institution of higher education (as*
11 *such term is defined in section 101(a) of the*
12 *Higher Education Act of 1965 (20 U.S.C.*
13 *1001(a));*

14 (B) *an appropriate Federal or State entity,*
15 *including a federally funded research and devel-*
16 *opment center of the Department of Transpor-*
17 *tation;*

18 (C) *a university transportation center*
19 *under section 5505 of title 49, United States*
20 *Code; and*

21 (D) *a research and development entity in*
22 *existence on the date of enactment of this Act fo-*
23 *cused on innovative materials that the Secretary*
24 *determines to be similar in scope and intent to*
25 *a Hub under this section.*

1 (3) *INNOVATIVE MATERIAL*.—*The term “innova-*
 2 *tive material”, with respect to an infrastructure*
 3 *project, includes materials or combinations and proc-*
 4 *esses for use of materials that enhance the overall*
 5 *service life, sustainability, and resiliency of the*
 6 *project or provide ancillary benefits relative to widely*
 7 *adopted state of practice technologies, as determined*
 8 *by the Secretary.*

9 ***Subtitle B—Technology Deployment***

10 ***SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT*** 11 ***PROGRAM.***

12 *Section 503(c) of title 23, United States Code, is*
 13 *amended—*

14 (1) *in paragraph (1)—*

15 (A) *in subparagraph (A) by inserting “,*
 16 *while considering the impacts on jobs” after*
 17 *“transportation community”;*

18 (B) *in subparagraph (D) by striking “;*
 19 *and” and inserting a semicolon;*

20 (C) *in subparagraph (E) by striking the pe-*
 21 *riod and inserting “; and”; and*

22 (D) *by adding at the end the following:*

23 *“(F) reducing greenhouse gas emissions and*
 24 *limiting the effects of climate change.”; and*

1 (2) in paragraph (2)(A) by striking the period
 2 and inserting “and findings from the materials to re-
 3 duce greenhouse gas emissions program under sub-
 4 section (d).”.

5 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
 6 **MENT OF PAVEMENT TECHNOLOGIES.**

7 Section 503(c)(3) of title 23, United States Code, is
 8 amended—

9 (1) in subparagraph (B)—

10 (A) in clause (v) by striking “; and” and
 11 inserting a semicolon;

12 (B) in clause (vi) by striking the period
 13 and inserting “; and”; and

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

15 “(vii) the deployment of innovative
 16 pavement designs, materials, and practices
 17 that reduce or sequester the amount of
 18 greenhouse gas emissions generated during
 19 the production of highway materials and
 20 the construction of highways, with consider-
 21 ation for findings from the materials to re-
 22 duce greenhouse gas emissions program
 23 under subsection (d).”;

1 (2) in subparagraph (C) by striking “fiscal years
2 2016 through 2020” and inserting “fiscal years 2022
3 through 2025”; and

4 (3) in subparagraph (D)(ii)—

5 (A) in subclause (III) by striking “; and”
6 and inserting a semicolon;

7 (B) in subclause (IV) by striking the period
8 and inserting a semicolon; and

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

10 “(V) pavement monitoring and
11 data collection practices;

12 “(VI) pavement durability and re-
13 silience;

14 “(VII) stormwater management;

15 “(VIII) impacts on vehicle effi-
16 ciency;

17 “(IX) the energy efficiency of the
18 production of paving materials and the
19 ability of paving materials to enhance
20 the environment and promote sustain-
21 ability;

22 “(X) integration of renewable en-
23 ergy in pavement designs; and

24 “(XI) greenhouse gas emissions re-
25 duction, including findings from the

1 *materials to reduce greenhouse gas*
 2 *emissions program under subsection*
 3 *(d).”.*

4 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
 5 **DAY COUNTS INITIATIVE.**

6 *(a) IN GENERAL.—Chapter 5 of title 23, United States*
 7 *Code, is amended by adding at the end the following:*

8 **“§ 520. Every Day Counts initiative**

9 *“(a) IN GENERAL.—It is in the national interest for*
 10 *the Department of Transportation, State departments of*
 11 *transportation, and all other recipients of Federal surface*
 12 *transportation funds—*

13 *“(1) to identify, accelerate, and deploy innova-*
 14 *tion aimed at expediting project delivery;*

15 *“(2) enhancing the safety of the roadways of the*
 16 *United States, and protecting the environment;*

17 *“(3) to ensure that the planning, design, engi-*
 18 *neering, construction, and financing of transportation*
 19 *projects is done in an efficient and effective manner;*

20 *“(4) to promote the rapid deployment of proven*
 21 *solutions that provide greater accountability for pub-*
 22 *lic investments and encourage greater private sector*
 23 *involvement; and*

24 *“(5) to create a culture of innovation within the*
 25 *highway community.*

1 “(b) *EVERY DAY COUNTS INITIATIVE.*—To advance the
2 policy described in subsection (a), the Administrator of the
3 Federal Highway Administration shall continue the Every
4 Day Counts initiative to work with States, local transpor-
5 tation agencies, all other recipients of Federal surface trans-
6 portation funds, and industry stakeholders, including labor
7 representatives, to identify and deploy proven innovative
8 practices and products that—

9 “(1) accelerate innovation deployment;

10 “(2) expedite the project delivery process;

11 “(3) improve environmental sustainability;

12 “(4) enhance roadway safety;

13 “(5) reduce congestion; and

14 “(6) reduce greenhouse gas emissions.

15 “(c) *CONSIDERATIONS.*—In carrying out the Every
16 Day Counts initiative, the Administrator shall consider
17 any innovative practices and products in accordance with
18 subsections (a) and (b), including—

19 “(1) research results from the university trans-
20 portation centers program under section 5505 of title
21 49; and

22 “(2) results from the materials to reduce green-
23 house gas emissions program in section 503(d).

24 “(d) *INNOVATION DEPLOYMENT.*—

1 “(1) *IN GENERAL.*—At least every 2 years, the
 2 Administrator shall work collaboratively with stake-
 3 holders to identify a new collection of innovations,
 4 best practices, and data to be deployed to highway
 5 stakeholders through case studies, outreach, and dem-
 6 onstration projects.

7 “(2) *REQUIREMENTS.*—In identifying a collec-
 8 tion described in paragraph (1), the Secretary shall
 9 take into account market readiness, impacts, benefits,
 10 and ease of adoption of the innovation or practice.

11 “(e) *PUBLICATION.*—Each collection identified under
 12 subsection (d) shall be published by the Administrator on
 13 a publicly available website.

14 “(f) *FUNDING.*—The Secretary may use funds made
 15 available to carry out section 503(c) to carry out this sec-
 16 tion.”.

17 “(b) *CLERICAL AMENDMENT.*—The analysis for chapter
 18 5 of title 23, United States Code, is amended by adding
 19 at the end the following new item:

“520. Every Day Counts initiative.”.

20 “(c) *REPEAL.*—Section 1444 of the FAST Act (23
 21 U.S.C. 101 note), and the item related to such section in
 22 the table of contents in section 1(b) of such Act, are repealed.

1 ***Subtitle C—Emerging Technologies***

2 ***SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD-***
3 ***VANCED TECHNOLOGIES.***

4 *Section 503(c)(4) of title 23, United States Code, is*
5 *amended—*

6 *(1) in subparagraph (A)—*

7 *(A) by striking “Not later than 6 months*
8 *after the date of enactment of this paragraph,*
9 *the” and inserting “The”;*

10 *(B) by striking “establish an advanced*
11 *transportation and congestion management tech-*
12 *nologies deployment” and inserting “establish a*
13 *safe, efficient mobility through advanced tech-*
14 *nologies”;*

15 *(C) by inserting “mobility,” before “effi-*
16 *ciency,”; and*

17 *(D) by inserting “environmental impacts,”*
18 *after “system performance,”;*

19 *(2) in subparagraph (B)—*

20 *(A) by striking clause (i) and inserting the*
21 *following:*

22 *“(i) reduce costs, improve return on*
23 *investments, and improve person through-*
24 *put and mobility, including through the op-*

1 *timization of existing transportation capac-*
 2 *ity;”;*

3 *(B) in clause (iv) by inserting “bicyclist*
 4 *and” before “pedestrian”;*

5 *(C) in clause (vii) by striking “; or” and*
 6 *inserting a semicolon;*

7 *(D) in clause (viii)—*

8 *(i) by striking “accelerate” and insert-*
 9 *ing “prepare for”; and*

10 *(ii) by striking the period and insert-*
 11 *ing “; or”; and*

12 *(E) by adding at the end the following:*

13 *“(ix) reduce greenhouse gas emissions*
 14 *and limit the effects of climate change.”;*

15 *(3) in subparagraph (C)—*

16 *(A) in clause (ii)(II)(aa) by striking “con-*
 17 *gestion” and inserting “congestion and delays,*
 18 *greenhouse gas emissions”; and*

19 *(B) by adding at the end the following:*

20 *“(iii) CONSIDERATIONS.—An applica-*
 21 *tion submitted under this paragraph may*
 22 *include a description of how the proposed*
 23 *project would support the national goals de-*
 24 *scribed in section 150(b), the achievement of*
 25 *metropolitan and statewide targets estab-*

lished under section 150(d), or the improvement of transportation system access consistent with section 150(f), including through—

“(I) the congestion and on-road mobile-source emissions performance measure established under section 150(c)(5); or

“(II) the greenhouse gas emissions performance measure established under section 150(c)(7).”;

(4) in subparagraph (D) by adding at the end the following:

“(iv) *PRIORITIZATION*.—In awarding a grant under this paragraph, the Secretary shall prioritize projects that, in accordance with the criteria described in subparagraph (B)—

“(I) improve person throughput and mobility, including through the optimization of existing transportation capacity;

“(II) deliver environmental benefits;

1 “(III) reduce the number and se-
 2 verity of traffic accidents and increase
 3 driver, passenger, and bicyclist and pe-
 4 destrian safety; or

5 “(IV) reduce greenhouse gas emis-
 6 sions.

7 “(v) GRANT DISTRIBUTION.—The Sec-
 8 retary shall award not fewer than 3 grants
 9 under this paragraph based on the potential
 10 of the project to reduce the number and se-
 11 verity of traffic crashes and increase, driver,
 12 passenger, and bicyclist and pedestrian
 13 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 pro-*
3 *gram under this paragraph shall be subject*
4 *to the accountability and oversight require-*
5 *ments in section 106(m).*

6 “(ii) *REPORT.*—*Not later than 1 year*
7 *after the date that the first grant is award-*
8 *ed under this paragraph, and each year*
9 *thereafter, the Secretary shall make avail-*
10 *able to the public on a website a report that*
11 *describes the effectiveness of grant recipients*
12 *in meeting their projected deployment*
13 *plans, including data provided under sub-*
14 *paragraph (F) on how the program has—*

15 “(I) *reduced traffic-related fatali-*
16 *ties and injuries;*

17 “(II) *reduced traffic congestion*
18 *and improved travel time reliability;*

19 “(III) *reduced transportation-re-*
20 *lated emissions;*

21 “(IV) *optimized multimodal sys-*
22 *tem performance;*

23 “(V) *improved access to transpor-*
24 *tation alternatives;*

1 “(VI) provided the public with ac-
2 cess 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 GEN-
2 ERAL” and all that follows through “the Secretary
3 may set aside” and inserting “Of the amounts made
4 available to carry out this paragraph, the Secretary
5 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 inserting
15 the following:

16 “(M) GRANT FLEXIBILITY.—If, by August 1
17 of each fiscal year, the Secretary determines that
18 there are not enough grant applications that
19 meet the requirements described in subparagraph
20 (C) to carry out this paragraph for a fiscal year,
21 the Secretary shall transfer to the technology and
22 innovation deployment program—

23 “(i) any of the funds made available to
24 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 urbanized
8 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 “and
16 congestion management”.

17 (b) *GOALS AND PURPOSES.*—Section 514(a) of title 23,
18 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 (6)
24 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 inserting
 10 “25 members”;

11 (B) in subparagraph (A) by striking “State
 12 highway department” and inserting “State de-
 13 partment 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”; and

14 (II) by striking “; and” and in-
15 serting a semicolon;

16 (ii) in clause (iii) by striking the pe-
17 riod and inserting “; and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(iv) assess how Federal transportation
21 resources, including programs under this
22 title, are being used to advance intelligent
23 transportation systems.”; and

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

1 “(C) Convene not less frequently than twice
2 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 pe-
7 riod 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 (7)
11 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*.—Subchapter I of chapter 55 of title
19 49, United States Code, is further amended by adding at
20 the end the following:

21 **“§5507. National highly automated vehicle and mo-**
22 **bility innovation clearinghouse**

23 “(a) *IN GENERAL*.—The Secretary shall make a grant
24 to an institution of higher education engaged in research

1 *on the secondary impacts of highly automated vehicles and*
 2 *mobility innovation to—*

3 “(1) *operate a national highly automated vehicle*
 4 *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 com-*
 12 *munities.*

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 3, Level 4, or Level 5 automated driv-*
 23 *ing system for all trips according to the rec-*
 24 *ommended practice standards published on June*
 25 *15, 2018, by the Society of Automotive Engineers*

1 *International (J3016__201806) or equivalent*
 2 *standards adopted by the Secretary with respect*
 3 *to automated motor vehicles.*

4 “(2) *MOBILITY INNOVATION.*—*The term ‘mobility*
 5 *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 .*—*The*
 9 *term ‘institution of higher education’ has the meaning*
 10 *given the term in section 101 of the Higher Education*
 11 *Act of 1965 (20 U.S.C. 1001).*

12 “(4) *SECONDARY IMPACTS.*—*The term ‘secondary*
 13 *impacts’ means the impacts on land use, urban de-*
 14 *sign, transportation, real estate, accessibility, munic-*
 15 *ipal budgets, social equity, availability and quality of*
 16 *jobs, and the environment.”.*

17 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 18 *55 of title 49, United States Code, is amended by inserting*
 19 *after the item relating to section 5506, as added by this*
 20 *Act, the following:*

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

21 (c) *DEADLINE FOR CLEARINGHOUSE.*—*The Secretary*
 22 *of Transportation shall ensure that the institution of higher*
 23 *education that receives the grant described in section*
 24 *5507(a)(1) of title 49, United States Code, as added by sub-*

1 *section (a), shall establish the national highly automated*
2 *vehicle clearinghouse described in such section not later*
3 *than 180 days after the date of enactment of 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 to*
7 *ensure that the increasing deployment of automated vehicles*
8 *does not jeopardize the safety of road users.*

9 *(b) STUDY.—*

10 *(1) ESTABLISHMENT.—Not later than 9 months*
11 *after the date of enactment of this Act, the Secretary*
12 *of Transportation shall initiate a study on the ability*
13 *of automated vehicles to safely interact with other*
14 *road users.*

15 *(2) CONTENTS.—In carrying out the study under*
16 *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 vehicles*

1 *and general road users, including, at a min-*
2 *imum—*

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 be-*
17 *haviors make it difficult for an automated vehi-*
18 *cle to safely, reliably predict human actions;*

19 *(B) unique challenges for automated vehicles*
20 *in urban and rural areas;*

21 *(C) the degree to which an automated vehi-*
22 *cle is capable of uniformly recognizing and re-*
23 *sponding to individuals with disabilities and in-*
24 *dividuals of different sizes, ages, races, and other*
25 *varying characteristics;*

1 (D) for bicyclist, motorcyclist, and pedes-
2 trian road 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;

15 (E) for motorcyclist road users, the close
16 proximity to other motor vehicles within which
17 motorcyclists operate, including lane splitting;
18 and

19 (F) depending on the level of automation of
20 the vehicle, the degree to which human interven-
21 tion remains necessary to safely operate an auto-
22 mated vehicle to ensure the safety of general road
23 users in circumstances including—

24 (i) dangerous weather;

1 (ii) an electronic or system malfunction
2 of the automated vehicle; and

3 (iii) a cybersecurity threat to the operation
4 of the vehicle.

5 (4) *PUBLIC COMMENT.*—Before conducting the
6 study under paragraph (1), the Secretary shall provide
7 an opportunity for public comment on the study
8 proposal.

9 (c) *WORKING GROUP.*—

10 (1) *ESTABLISHMENT.*—Not later than 6 months
11 after the date of enactment of this Act, the Secretary
12 of Transportation shall establish a working group to
13 assist in the development of the study and recommendations
14 under subsection (b).

15 (2) *MEMBERSHIP.*—The working group established
16 under paragraph (1) shall include representation from—
17

18 (A) the National Highway Traffic Safety
19 Administration;

20 (B) State departments of transportation;

21 (C) local governments (other than metropolitan
22 planning organizations, as such term is
23 defined in section 134(b) of title 23, United
24 States Code);

25 (D) transit agencies;

1 (E) metropolitan planning organizations
2 (as such term is defined in section 134(b) of title
3 23, United States Code);

4 (F) bicycle and pedestrian safety groups;

5 (G) highway and automobile safety groups;

6 (H) truck safety groups;

7 (I) law enforcement officers and first re-
8 sponders;

9 (J) motor carriers and independent owner-
10 operators;

11 (K) the road construction industry;

12 (L) labor organizations;

13 (M) academic experts on automated vehicle
14 technologies;

15 (N) manufacturers and developers of both
16 passenger and commercial automated vehicles;

17 (O) a motorcyclist rights group; and

18 (P) other industries and entities as the Sec-
19 retary determines appropriate.

20 (3) DUTIES.—The working group established
21 under paragraph (1) shall assist the Secretary by, at
22 a minimum—

23 (A) assisting in the development of the scope
24 of the study under subsection (b);

1 (B) reviewing the data and analysis from
2 such study;

3 (C) provide ongoing recommendations and
4 feedback to ensure that such study reflects the
5 contents described in paragraphs (2) and (3) of
6 subsection (b); and

7 (D) providing input to the Secretary on rec-
8 ommendations required under subsection
9 (b)(2)(C).

10 (4) *APPLICABILITY OF THE FEDERAL ADVISORY*
11 *COMMITTEE ACT.*—The working group under this sub-
12 section shall be subject to the Federal Advisory Com-
13 mittee Act (5 U.S.C. App.), except that section 14 of
14 such Act shall not apply.

15 (d) *REPORT.*—Not later than 2 years after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate, and make publicly available, the study initiated
21 under subsection (b), including recommendations for ensur-
22 ing that automated vehicles safely interact with general
23 road users.

24 (e) *DEFINITIONS.*—In this section:

1 (1) *AUTOMATED VEHICLE.*—*The term “auto-*
2 *mated vehicle” means a motor vehicle equipped with*
3 *Level 3, Level 4, or Level 5 automated driving sys-*
4 *tems for all trips according to the recommended prac-*
5 *tice standards published on June 15, 2018 by the So-*
6 *cietiy of Automotive Engineers International*
7 *(J3016__201806) or equivalent standards adopted by*
8 *the Secretary with respect to automated motor vehi-*
9 *cles.*

10 (2) *GENERAL ROAD USERS.*—*The term “general*
11 *road users” means—*

12 (A) *motor vehicles driven by individuals;*

13 (B) *bicyclists and pedestrians;*

14 (C) *motorcyclists;*

15 (D) *workers in roadside construction zones;*

16 (E) *emergency response vehicles, including*
17 *first responders;*

18 (F) *vehicles providing local government*
19 *services, including street sweepers and waste col-*
20 *lection vehicles;*

21 (G) *law enforcement officers;*

22 (H) *personnel who manually direct traffic,*
23 *including crossing guards;*

24 (I) *users of shared micromobility (including*
25 *bikesharing and shared scooter systems); and*

1 *(J) other road users that may interact with*
 2 *automated vehicles, as determined by the Sec-*
 3 *retary of Transportation.*

4 *(3) VULNERABLE ROAD USER.—The term “vul-*
 5 *nerable road user” has the meaning given such term*
 6 *in section 148(a) of title 23, United States Code.*

7 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
 8 **TATION TECHNOLOGY COUNCIL.**

9 *(a) IN GENERAL.—Chapter 1 of title 49, United States*
 10 *Code, is amended by adding at the end the following:*

11 **“§ 118. Nontraditional and Emerging Transportation**
 12 **Technology Council**

13 *“(a) ESTABLISHMENT.—The Secretary of Transpor-*
 14 *tation shall establish a Nontraditional and Emerging*
 15 *Transportation Technology Council (hereinafter referred to*
 16 *as the ‘Council’) in accordance with this section.*

17 *“(b) MEMBERSHIP.—*

18 *“(1) IN GENERAL.—The Council shall be com-*
 19 *posed of the following officers of the Department of*
 20 *Transportation:*

21 *“(A) The Secretary of Transportation.*

22 *“(B) The Deputy Secretary of Transpor-*
 23 *tation.*

24 *“(C) The Under Secretary of Transpor-*
 25 *tation for Policy.*

1 “(D) *The General Counsel of the Depart-*
2 *ment of Transportation.*

3 “(E) *The Chief Information Officer of the*
4 *Department of Transportation.*

5 “(F) *The Assistant Secretary for Research*
6 *and Technology.*

7 “(G) *The Assistant Secretary for Budget*
8 *and Programs.*

9 “(H) *The Administrator of the Federal*
10 *Aviation Administration.*

11 “(I) *The Administrator of the Federal*
12 *Highway Administration.*

13 “(J) *The Administrator of the Federal*
14 *Motor Carrier Safety Administration.*

15 “(K) *The Administrator of the Federal*
16 *Railroad Administration.*

17 “(L) *The Administrator of the Federal*
18 *Transit Administration.*

19 “(M) *The Administrator of the Federal*
20 *Maritime Administration.*

21 “(N) *The Administrator of the National*
22 *Highway Traffic Safety Administration.*

23 “(O) *The Administrator of the Pipeline and*
24 *Hazardous Materials Safety Administration.*

1 “(2) *ADDITIONAL MEMBERS.*—*The Secretary*
2 *may designate additional members of the Department*
3 *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 Vice*
6 *Chair of the Council and of any working groups of*
7 *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 before*
13 *the Department to eliminate, so far as practicable,*
14 *impediments to the prompt and safe deployment of*
15 *new and innovative transportation technology, in-*
16 *cluding with respect to safety regulation and over-*
17 *sight, environmental review, and funding issues;*

18 “(2) *coordinate the Department’s internal over-*
19 *sight of nontraditional and emerging transportation*
20 *technologies, modes, or projects and engagement with*
21 *external stakeholders;*

22 “(3) *within applicable statutory authority other*
23 *than this paragraph, develop and establish depart-*
24 *ment-wide processes, solutions, and best practices for*
25 *identifying, managing and resolving issues regarding*

1 *emerging transportation technologies, modes, or*
 2 *projects pending or brought before the Department;*
 3 *and*

4 *“(4) carry out such additional duties as the Sec-*
 5 *retary may prescribe, to the extent consistent with*
 6 *this title, including subsections (f)(2) and (g) of sec-*
 7 *tion 106.”.*

8 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 9 *1 of title 49, United States Code, is amended by adding*
 10 *at the end the following:*

“118. Nontraditional and Emerging Transportation Technology Council.”.

11 ***SEC. 5306. HYPERLOOP TRANSPORTATION.***

12 *(a) IN GENERAL.—Not later than 6 months after the*
 13 *date of enactment of this Act, the Secretary of Transpor-*
 14 *tation, acting through the Nontraditional and Emerging*
 15 *Transportation Technology Council of the Department of*
 16 *Transportation, shall issue guidance to provide a clear reg-*
 17 *ulatory framework for the safe deployment of hyperloop*
 18 *transportation.*

19 *(b) ELEMENTS.—In developing the guidance under*
 20 *subsection (a), the Council shall—*

21 *(1) consider safety, oversight, environmental,*
 22 *project delivery, and other regulatory requirements*
 23 *prescribed by various modal administrations in the*
 24 *Department;*

1 (2) *clearly delineate between relevant authorities*
 2 *with respect to hyperloop transportation in the De-*
 3 *partment and provide project sponsors with a single*
 4 *point of access to the Department to inquire about*
 5 *projects, plans, and proposals;*

6 (3) *establish clear, coordinated procedures for the*
 7 *regulation of hyperloop transportation projects; and*

8 (4) *develop and establish department-wide proc-*
 9 *esses, solutions, and best practices for identifying,*
 10 *managing, and resolving matters regarding hyperloop*
 11 *transportation subject to the Department's jurisdic-*
 12 *tion.*

13 **SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RE-**
 14 **TRAINING GRANT PROGRAM.**

15 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 16 *tation shall establish a program to make grants to eligible*
 17 *entities to develop a curriculum for and establish transpor-*
 18 *tation workforce training programs in urban and rural*
 19 *areas to train, upskill, and prepare surface transportation*
 20 *workers, whose jobs may be changed or worsened by automa-*
 21 *tion, who have been separated from their jobs, or who have*
 22 *received notice of impending job loss, as a result of being*
 23 *replaced by automated driving systems.*

24 (b) *ELIGIBLE ENTITIES.*—*The following entities shall*
 25 *be eligible to receive grants under this section:*

1 (1) *Institutions of higher education.*

2 (2) *Consortia of institutions of higher education.*

3 (3) *Trade associations.*

4 (4) *Nongovernmental stakeholders.*

5 (5) *Organizations with a demonstrated capacity*
 6 *to develop and provide career ladder programs*
 7 *through labor-management partnerships and appren-*
 8 *ticeships on a nationwide basis.*

9 (c) *LIMITATION ON AWARDS.—An entity may only re-*
 10 *ceive one grant per fiscal year under this section for an*
 11 *amount determined appropriate by the Secretary.*

12 (d) *USE OF FUNDS.—*

13 (1) *IN GENERAL.—A recipient of a grant under*
 14 *this section may only use grant amounts for devel-*
 15 *oping and carrying out direct surface transportation*
 16 *workforce retraining programs, including—*

17 (A) *testing of new roles for existing jobs, in-*
 18 *cluding mechanical work, diagnostic work, and*
 19 *fleet operations management;*

20 (B) *coursework or curricula through which*
 21 *participants may pursue a degree or certifi-*
 22 *cation;*

23 (C) *direct worker training or train-the-*
 24 *trainer type programs in support of surface*

1 *transportation workers displaced by automated*
2 *vehicles; or*

3 *(D) training and upskilling workers, in-*
4 *cluding current drivers and maintenance techni-*
5 *cians, for positions directly related to automated*
6 *vehicle operations.*

7 *(2) LIMITATION.—Funds made available under*
8 *this section may not be used in support of programs*
9 *to evaluate the effectiveness of automated vehicle tech-*
10 *nologies.*

11 *(e) SELECTION CRITERIA.—The Secretary shall select*
12 *recipients of grants under this section based on the following*
13 *criteria:*

14 *(1) Demonstrated research resources available to*
15 *the applicant for carrying out this section.*

16 *(2) Capability of the applicant to develop cur-*
17 *ricula in the training or retraining of individuals de-*
18 *scribed in subsection (a) as a result of automated ve-*
19 *hicles.*

20 *(3) Demonstrated commitment of the recipient to*
21 *carry out a surface transportation workforce develop-*
22 *ment program through degree-granting programs or*
23 *programs that provide other industry-recognized cre-*
24 *dentials.*

1 (4) *The ability of the applicant to fulfill the pur-*
2 *poses under subsection (a).*

3 (f) *ELIGIBILITY.—An applicant is only eligible for a*
4 *grant under this section if such applicant—*

5 (1) *has an established surface transportation*
6 *workforce development program;*

7 (2) *has expertise in solving surface transpor-*
8 *tation problems through research, training, education,*
9 *and technology;*

10 (3) *actively shares information and results with*
11 *other surface transportation workforce development*
12 *programs with similar objectives;*

13 (4) *has experience in establishing, developing*
14 *and administering a surface transportation-related*
15 *apprenticeship or training program with at least 5*
16 *years of demonstrable results; and*

17 (5) *agrees to make all curricula, research find-*
18 *ings, or other materials developed using grant fund-*
19 *ing under this section publicly available.*

20 (g) *FEDERAL SHARE.—*

21 (1) *IN GENERAL.—The Federal share of a grant*
22 *under this section shall be a dollar for dollar match*
23 *of the costs of establishing and administering the re-*
24 *training program and related activities carried out*

1 *by the grant recipient or consortium of grant recipi-*
2 *ents.*

3 (2) *AVAILABILITY OF FUNDS.—For a recipient of*
4 *a grant under this section carrying out activities*
5 *under such grant in partnership with a public trans-*
6 *portation agency that is receiving funds under sec-*
7 *tions 5307, 5337, or 5339 of title 49, United States*
8 *Code, not more than 0.5 percent of amounts made*
9 *available under any such section may qualify as the*
10 *non-Federal share under paragraph (1).*

11 (h) *REPORTING.—Not later than 60 days after grants*
12 *are awarded in any fiscal year under this section, the Sec-*
13 *retary shall submit to the Committee on Transportation*
14 *and Infrastructure of the House of Representatives and the*
15 *Committees on Commerce, Science, and Transportation,*
16 *Banking, Housing, and Urban Affairs, and Environment*
17 *and Public Works of the Senate, and make publicly avail-*
18 *able, a report describing the activities and effectiveness of*
19 *the program under this section.*

20 (1) *TRANSPARENCY.—The report under this sub-*
21 *section shall include the following information on ac-*
22 *tivities carried out under this section:*

23 (A) *A list of all grant recipients under this*
24 *section.*

1 (B) *An explanation of why each recipient*
2 *was chosen in accordance with the selection cri-*
3 *teria under subsection (e) and the eligibility re-*
4 *quirements under subsection (f).*

5 (C) *A summary of activities carried out by*
6 *each recipient and an analysis of the progress of*
7 *such activities toward achieving the purposes*
8 *under subsection (a).*

9 (D) *An accounting for the use of Federal*
10 *funds expended in carrying out this section.*

11 (E) *An analysis of outcomes of the program*
12 *under this section.*

13 (2) *TRAINING INFORMATION.—The report shall*
14 *include the following data on surface transportation*
15 *workforce training:*

16 (A) *The sectors of the surface transportation*
17 *system from which workers are being displaced.*

18 (B) *The skills and professions for which*
19 *workers are being retrained.*

20 (C) *How many workers have benefitted from*
21 *the grant award.*

22 (D) *Relevant demographic information of*
23 *impacted workers.*

24 (i) *DEFINITIONS.—For the purposes of this section, the*
25 *following definitions apply:*

1 (1) *INSTITUTION OF HIGHER EDUCATION.*—*The*
 2 *term “institution of higher education” has the mean-*
 3 *ing given the term in section 101 of the Higher Edu-*
 4 *cation Act of 1965 (20 U.S.C. 1001).*

5 (2) *AUTOMATED VEHICLE.*—*The term “auto-*
 6 *mated vehicle” means a motor vehicle that—*

7 *(A) is capable of performing the entire task*
 8 *of driving (including steering, accelerating, and*
 9 *decelerating, and reacting to external stimulus)*
 10 *without human intervention; and*

11 *(B) is designed to be operated exclusively by*
 12 *a Level 4 or Level 5 automated driving system*
 13 *for all trips according to the recommended prac-*
 14 *tice standards published on June 15, 2018, by*
 15 *the Society of Automotive Engineers Inter-*
 16 *national (J3016__201806) or equivalent stand-*
 17 *ards adopted by the Secretary with respect to*
 18 *automated motor vehicles.*

19 (3) *PUBLIC TRANSPORTATION.*—*The term “pub-*
 20 *lic transportation” has the meaning given such term*
 21 *in section 5302 of title 49, United States Code.*

22 (j) *AUTHORIZATION OF APPROPRIATIONS.*—

23 (1) *IN GENERAL.*—*There is authorized to be ap-*
 24 *propriated \$50,000,000 for each of fiscal years 2022*
 25 *through 2025 to carry out this section.*

1 (2) *AVAILABILITY OF AMOUNTS.*—Amounts made
 2 available to the Secretary to carry out this section
 3 shall remain available for a period of 3 years after
 4 the last day of the fiscal year for which the amounts
 5 are authorized.

6 **SEC. 5308. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
 7 **GRAM.**

8 (a) *IN GENERAL.*—Not later than 180 days after the
 9 date of enactment of this Act, the Secretary of Transpor-
 10 tation shall establish and implement a pilot program (in
 11 this section referred to as the “program”) to leverage anony-
 12 mous crowdsourced data from third-party entities to im-
 13 prove transportation management capabilities and effi-
 14 ciency on Federal-aid highways.

15 (b) *GOALS.*—The goals of the program include the uti-
 16 lization of anonymous crowdsourced data from third par-
 17 ties to implement integrated traffic management systems
 18 which leverage real-time data to provide dynamic and effi-
 19 cient traffic-flow management for purposes of—

20 (1) *adjusting traffic light cycle times to optimize*
 21 *traffic management and decrease congestion;*

22 (2) *expanding or contracting lane capacity to*
 23 *meet traffic demand;*

24 (3) *enhancing traveler notification of service con-*
 25 *ditions;*

1 (4) *prioritizing high-priority vehicles such as*
2 *emergency response and law enforcement within the*
3 *transportation system; and*

4 (5) *any other purposes which the Secretary*
5 *deems an appropriate use of anonymous user data.*

6 (c) *PARTNERSHIP.*—*In carrying out the program, the*
7 *Secretary is authorized to enter into agreements with public*
8 *and private sector entities to accomplish the goals listed in*
9 *subsection (b).*

10 (d) *DATA PRIVACY AND SECURITY.*—*The Secretary*
11 *shall ensure the protection of privacy for all sources of data*
12 *utilized in the program, promoting cybersecurity to prevent*
13 *hacking, spoofing, and disruption of connected and auto-*
14 *mated transportation systems.*

15 (e) *PROGRAM LOCATIONS.*—*In carrying out the pro-*
16 *gram, the Secretary shall initiate programs in a variety*
17 *of areas, including urban, suburban, rural, tribal, or any*
18 *other appropriate settings.*

19 (f) *BEST PRACTICES.*—*Not later than 3 years after*
20 *date of enactment of this Act, the Secretary shall publicly*
21 *make available best practices to leverage private user data*
22 *to support improved transportation management capabili-*
23 *ties and efficiency, including—*

24 (1) *legal considerations when acquiring private*
25 *user data for public purposes; and*

1 (2) *protecting privacy and security of individual*
 2 *user data.*

3 (g) *REPORT.—The Secretary shall annually submit a*
 4 *report to the Committee on Transportation and Infrastruc-*
 5 *ture of the House of Representatives and the Committee on*
 6 *Environment and Public Works of the Senate a report de-*
 7 *tailing—*

8 (1) *a description of the activities carried out*
 9 *under the pilot program;*

10 (2) *an evaluation of the effectiveness of the pilot*
 11 *program in meeting goals descried in subsection (b);*

12 (3) *policy recommendations to improve integra-*
 13 *tion of systems between public and private entities;*
 14 *and*

15 (4) *a description of costs associated with equip-*
 16 *ping and maintaining systems.*

17 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 18 *authorized to be appropriated such sums as are necessary*
 19 *to carry out the program.*

20 (i) *SUNSET.—On a date that is 5 years after the enact-*
 21 *ment of this Act, this program shall cease to be effective.*

22 **SEC. 5309. THIRD-PARTY DATA PLANNING INTEGRATION**
 23 **PILOT PROGRAM.**

24 (a) *IN GENERAL.—Not later than 180 days after en-*
 25 *actment of this Act, the Secretary of Transportation shall*

1 *establish and implement a pilot program (in this section*
2 *referred to as the “program”) to leverage anonymous*
3 *crowdsourced data from third-party entities to improve*
4 *transportation management capabilities and efficiency on*
5 *Federal-aid highways.*

6 (b) *GOALS.—The goals of the program include the uti-*
7 *lization of anonymous crowdsourced data from third par-*
8 *ties to—*

9 (1) *utilize private-user data to inform infra-*
10 *structure planning decisions for the purposes of—*

11 (A) *reducing congestion;*

12 (B) *decreasing miles traveled;*

13 (C) *increasing safety;*

14 (D) *improving freight efficiency;*

15 (E) *enhancing environmental conditions;*

16 *and*

17 (F) *other purposes as the Secretary deems*
18 *necessary.*

19 (c) *PARTNERSHIP.—In carrying out the program, the*
20 *Secretary is authorized to enter into agreements with public*
21 *and private sector entities to accomplish the goals listed in*
22 *subsection (b).*

23 (d) *DATA PRIVACY AND SECURITY.—The Secretary*
24 *shall ensure the protection of privacy for all sources of data*
25 *utilized in the program, promoting cybersecurity to prevent*

1 *hacking, spoofing, and disruption of connected and auto-*
2 *mated transportation systems.*

3 (e) *PROGRAM LOCATIONS.*—*In carrying out the pro-*
4 *gram, the Secretary shall initiate programs in a variety*
5 *of areas, including urban, suburban, rural, tribal, or any*
6 *other appropriate settings.*

7 (f) *BEST PRACTICES.*—*Not later than 3 years after*
8 *date of enactment of this Act, the Secretary shall publicly*
9 *make available best practices to leverage private user data*
10 *to support improved transportation management capabili-*
11 *ties and efficiency, including—*

12 (1) *legal considerations when acquiring private*
13 *user data for public purposes; and*

14 (2) *protecting privacy and security of individual*
15 *user data.*

16 (g) *REPORT.*—*The Secretary shall annually submit a*
17 *report to the Committee on Transportation and Infrastruc-*
18 *ture of the House of Representatives and the Committee on*
19 *Environment and Public Works of the Senate a report de-*
20 *tailing—*

21 (1) *a description of the activities carried out*
22 *under the pilot program;*

23 (2) *an evaluation of the effectiveness of the pilot*
24 *program in meeting goals described in subsection (b);*

1 (3) *policy recommendations to improve the im-*
 2 *plementation of anonymous crowdsourced data into*
 3 *planning decisions.*

4 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 5 *authorized to be appropriated such sums as are necessary*
 6 *to carry out the program.*

7 (i) *SUNSET.—On a date that is 5 years after the enact-*
 8 *ment of this Act, this program shall cease to be effective.*

9 ***Subtitle D—Surface Transportation***
 10 ***Funding Pilot Programs***

11 ***SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM***
 12 ***FUNDING PILOTS.***

13 *Section 6020 of the FAST Act (23 U.S.C. 503 note)*
 14 *is amended—*

15 (1) *by striking subsection (b) and inserting the*
 16 *following:*

17 “(b) *ELIGIBILITY.—*

18 “(1) *APPLICATION.—To be eligible for a grant*
 19 *under this section, a State or group of States shall*
 20 *submit to the Secretary an application in such form*
 21 *and containing such information as the Secretary*
 22 *may require.*

23 “(2) *ELIGIBLE PROJECTS.—The Secretary may*
 24 *provide grants to States or a group of States under*
 25 *this section for the following projects:*

1 “(A) *STATE PILOT PROJECTS.*—

2 “(i) *IN GENERAL.*—A pilot project to
3 demonstrate a user-based alternative rev-
4 enue mechanism in a State.

5 “(ii) *LIMITATION.*—If an applicant
6 has previously been awarded a grant under
7 this section, such applicant’s proposed pilot
8 project must be comprised of core activities
9 or iterations not substantially similar in
10 manner or scope to activities previously
11 carried out by the applicant with a grant
12 for a project under this section.

13 “(B) *STATE IMPLEMENTATION PROJECTS.*—
14 A project—

15 “(i) to implement a user-based alter-
16 native revenue mechanism that collects rev-
17 enue to be expended on projects for the sur-
18 face transportation system of the State; or

19 “(ii) that demonstrates progress to-
20 wards implementation of a user-based alter-
21 native revenue mechanism, with consider-
22 ation for previous grants awarded to the
23 applicant under this section.”;

24 (2) in subsection (c)—

1 (A) in paragraph (1) by striking “2 or
2 more future”; and

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

4 “(6) To test solutions to ensure the privacy and
5 security of data collected for the purpose of imple-
6 menting a user-based alternative revenue mecha-
7 nism.”;

8 (3) in subsection (d) by striking “to test the de-
9 sign, acceptance, and implementation of a user-based
10 alternative revenue mechanism” and inserting “to test
11 the design and acceptance of, or implement, a user-
12 based alternative revenue mechanism”;

13 (4) in subsection (g) by striking “50 percent”
14 and inserting “80 percent”;

15 (5) in subsection (i)—

16 (A) in the heading by striking “BIENNIAL”
17 and inserting “ANNUAL”;

18 (B) by striking “2 years after the date of
19 enactment of this Act” and inserting “1 year
20 after the date of enactment of the INVEST in
21 America Act”;

22 (C) by striking “every 2 years thereafter”
23 and inserting “every year thereafter”; and

24 (D) by inserting “and containing a deter-
25 mination of the characteristics of the most suc-

1 *cessful mechanisms with the highest potential for*
 2 *future widespread deployment” before the period*
 3 *at the end; and*

4 *(6) by striking subsections (j) and (k) and in-*
 5 *serting the following:*

6 *“(j) FUNDING.—Of amounts made available to carry*
 7 *out this section—*

8 *“(1) for fiscal year 2022, \$17,500,000 shall be*
 9 *used to carry out projects under subsection (b)(2)(A)*
 10 *and \$17,5000,000 shall be used to carry out projects*
 11 *under subsection (b)(2)(B);*

12 *“(2) for fiscal year 2023, \$15,000,000 shall be*
 13 *used to carry out projects under subsection (b)(2)(A)*
 14 *and \$20,000,000 shall be used to carry out projects*
 15 *under subsection (b)(2)(B);*

16 *“(3) for fiscal year 2024, \$12,500,000 shall be*
 17 *used to carry out projects under subsection (b)(2)(A)*
 18 *and \$22,500,000 shall be used to carry out projects*
 19 *under subsection (b)(2)(B); and*

20 *“(4) for fiscal year 2025, \$10,000,000 shall be*
 21 *used to carry out projects under subsection (b)(2)(A)*
 22 *and \$25,000,000 shall be used to carry out projects*
 23 *under subsection (b)(2)(B).*

24 *“(k) FUNDING FLEXIBILITY.—Funds made available*
 25 *in a fiscal year for making grants for projects under sub-*

1 *section (b)(2) that are not obligated in such fiscal year may*
 2 *be made available in the following fiscal year for projects*
 3 *under such subsection or for the national surface transpor-*
 4 *tation system funding pilot under section 5402 of the IN-*
 5 *VEST in America Act.”.*

6 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
 7 **FUNDING PILOT.**

8 *(a) ESTABLISHMENT.—*

9 *(1) IN GENERAL.—The Secretary of Transpor-*
 10 *tation, in coordination with the Secretary of the*
 11 *Treasury, shall establish a pilot program to dem-*
 12 *onstrate a national motor vehicle per-mile user fee to*
 13 *restore and maintain the long-term solvency of the*
 14 *Highway Trust Fund and achieve and maintain a*
 15 *state of good repair in the surface transportation sys-*
 16 *tem.*

17 *(2) OBJECTIVES.—The objectives of the pilot pro-*
 18 *gram are to—*

19 *(A) test the design, acceptance, implementa-*
 20 *tion, and financial sustainability of a national*
 21 *per-mile user fee;*

22 *(B) address the need for additional revenue*
 23 *for surface transportation infrastructure and a*
 24 *national per-mile user fee; and*

1 (C) provide recommendations regarding
2 adoption and implementation of a national per-
3 mile user fee.

4 (b) *PARAMETERS.*—In carrying out the pilot program
5 established under subsection (a), the Secretary of Transpor-
6 tation, in coordination with the Secretary of the Treasury,
7 shall—

8 (1) provide different methods that volunteer par-
9 ticipants can choose from to track motor vehicle miles
10 traveled;

11 (2) solicit volunteer participants from all 50
12 States and the District of Columbia;

13 (3) ensure an equitable geographic distribution
14 by population among volunteer participants;

15 (4) include commercial vehicles and passenger
16 motor vehicles in the pilot program; and

17 (5) use components of, and information from, the
18 States selected for the State surface transportation
19 system funding pilot program under section 6020 of
20 the FAST Act (23 U.S.C. 503 note).

21 (c) *METHODS.*—

22 (1) *TOOLS.*—In selecting the methods described
23 in subsection (b)(1), the Secretary of Transportation
24 shall coordinate with entities that voluntarily provide

1 *to the Secretary for use in the program any of the fol-*
 2 *lowing vehicle-miles-traveled collection tools:*

3 *(A) Third-party on-board diagnostic*
 4 *(OBD–II) devices.*

5 *(B) Smart phone applications.*

6 *(C) Telemetric data collected by automakers.*

7 *(D) Motor vehicle data obtained by car in-*
 8 *surance companies.*

9 *(E) Data from the States selected for the*
 10 *State surface transportation system funding*
 11 *pilot program under section 6020 of the FAST*
 12 *Act (23 U.S.C. 503 note).*

13 *(F) Motor vehicle data obtained from fuel-*
 14 *ing stations.*

15 *(G) Any other method that the Secretary*
 16 *considers appropriate.*

17 *(2) COORDINATION.—*

18 *(A) SELECTION.—The Secretary shall deter-*
 19 *mine which methods under paragraph (1) are se-*
 20 *lected for the pilot program.*

21 *(B) VOLUNTEER PARTICIPANTS.—In a man-*
 22 *ner that the Secretary considers appropriate, the*
 23 *Secretary shall provide each selected method to*
 24 *each volunteer participant.*

1 (d) *PER-MILE USER FEES.*—*For the purposes of the*
 2 *pilot program established in subsection (a), the Secretary*
 3 *of the Treasury shall establish on an annual basis—*

4 (1) *for passenger vehicles and light trucks, a per-*
 5 *mile user fee that is equivalent to—*

6 (A) *the average annual taxes imposed by*
 7 *sections 4041 and 4081 of the Internal Revenue*
 8 *Code of 1986 with respect to gasoline or any*
 9 *other fuel used in a motor vehicle (other than*
 10 *aviation gasoline or diesel), divided by*

11 (B) *the total vehicle miles traveled by pas-*
 12 *senger vehicles and light trucks; and*

13 (2) *for medium- and heavy-duty trucks, a per-*
 14 *mile user fee that is equivalent to—*

15 (A) *the average annual taxes imposed by*
 16 *sections 4041 and 4081 of such Code with respect*
 17 *to diesel fuel, divided by*

18 (B) *the total vehicle miles traveled by*
 19 *medium- and heavy-duty trucks.*

20 *Taxes shall only be taken into account under the pre-*
 21 *ceding sentence to the extent taken into account in de-*
 22 *termining appropriations to the Highway Trust*
 23 *Fund under section 9503(b) of such Code, and the*
 24 *amount so determined shall be reduced to account for*

1 *transfers from such fund under paragraphs (3), (4),*
2 *and (5) of section 9503(c) of such Code.*

3 *(e) VOLUNTEER PARTICIPANTS.—The Secretary of*
4 *Transportation, in coordination with the Secretary of the*
5 *Treasury, shall—*

6 *(1) ensure, to the extent practicable, that an ap-*
7 *propriate number of volunteer participants partici-*
8 *pate in the pilot program; and*

9 *(2) issue policies to—*

10 *(A) protect the privacy of volunteer partici-*
11 *pants; and*

12 *(B) secure the data provided by volunteer*
13 *participants.*

14 *(f) ADVISORY BOARD.—*

15 *(1) IN GENERAL.—The Secretary shall establish*
16 *an advisory board to assist with—*

17 *(A) advancing and implementing the pilot*
18 *program under this section;*

19 *(B) carrying out the public awareness cam-*
20 *paign under subsection (g); and*

21 *(C) developing the report under subsection*
22 *(m).*

23 *(2) MEMBERS.—The advisory board shall, at a*
24 *minimum, include the following entities, to be ap-*
25 *pointed by the Secretary—*

1 (A) *State departments of transportation;*

2 (B) *any public or nonprofit entity that led*
3 *a surface transportation system funding alter-*
4 *natives pilot project under section 6020 of the*
5 *FAST Act (23 U.S.C. 503 note; Public Law 114-*
6 *94) (as in effect on the day before the date of en-*
7 *actment of this Act);*

8 (C) *representatives of the trucking industry,*
9 *including owner-operator independent drivers;*

10 (D) *data security experts; and*

11 (E) *academic experts on surface transpor-*
12 *tation.*

13 (g) *PUBLIC AWARENESS CAMPAIGN.—*

14 (1) *IN GENERAL.—The Secretary of Transpor-*
15 *tation, with guidance from the advisory board under*
16 *subsection (f), may carry out a public awareness*
17 *campaign to increase public awareness regarding a*
18 *national per-mile user fee, including distributing in-*
19 *formation related to the pilot program carried out*
20 *under this section, information from the State surface*
21 *transportation system funding pilot program under*
22 *section 6020 of the FAST Act (23 U.S.C. 503 note).*

23 (2) *CONSIDERATIONS.—In carrying out the pub-*
24 *lic awareness campaign under this subsection, the*
25 *Secretary shall consider issues unique to each State.*

1 (h) *REVENUE COLLECTION.*—*The Secretary of the*
 2 *Treasury, in coordination with the Secretary of Transpor-*
 3 *tation, shall establish a mechanism to collect per-mile user*
 4 *fees established under subsection (d) from volunteer partici-*
 5 *pants. Such mechanism—*

6 (1) *may be adjusted as needed to address tech-*
 7 *nical challenges; and*

8 (2) *may allow third-party vendors to collect the*
 9 *per-mile user fees and forward such fees to the Treas-*
 10 *ury.*

11 (i) *AGREEMENT.*—*The Secretary of Transportation*
 12 *may enter into an agreement with a volunteer participant*
 13 *containing such terms and conditions as the Secretary con-*
 14 *siders necessary for participation in the pilot program.*

15 (j) *LIMITATION.*—*Any revenue collected through the*
 16 *mechanism established in subsection (h) shall not be consid-*
 17 *ered a toll under section 301 of title 23, United States Code.*

18 (k) *HIGHWAY TRUST FUND.*—*The Secretary of the*
 19 *Treasury shall ensure that any revenue collected under sub-*
 20 *section (g) is deposited into the Highway Trust Fund.*

21 (l) *REFUND.*—*Not more than 45 days after the end of*
 22 *each calendar quarter in which a volunteer participant has*
 23 *participated in the pilot program, the Secretary of the*
 24 *Treasury shall calculate and issue an equivalent refund to*
 25 *volunteer participants for applicable Federal motor fuel*

1 *taxes under section 4041 and section 4081 of the Internal*
 2 *Revenue Code of 1986, the applicable battery tax under sec-*
 3 *tion 4111 of such Code, or both, if applicable.*

4 *(m) REPORT TO CONGRESS.—Not later than 1 year*
 5 *after the date on which volunteer participants begin par-*
 6 *ticipating in the pilot program, and each year thereafter*
 7 *for the duration of the pilot program, the Secretary of*
 8 *Transportation and the Secretary of the Treasury shall sub-*
 9 *mit to the Committee on Transportation and Infrastructure*
 10 *of the House of Representatives and the Committee on Envi-*
 11 *ronment and Public Works of the Senate a report that in-*
 12 *cludes an analysis of—*

13 *(1) whether the objectives described in subsection*

14 *(a)(2) were achieved;*

15 *(2) how volunteer protections in subsection (e)(2)*

16 *were complied with; and*

17 *(3) whether per-mile user fees can maintain the*
 18 *long-term solvency of the Highway Trust Fund and*
 19 *achieve and maintain a state of good repair in the*
 20 *surface transportation system.*

21 *(n) SUNSET.—The pilot program established under*
 22 *this section shall expire on the date that is 4 years after*
 23 *the date on which volunteer participants begin partici-*
 24 *pating in such program.*

1 (o) *DEFINITIONS.*—*In this section, the following defi-*
2 *nitions apply:*

3 (1) *COMMERCIAL VEHICLE.*—*The term “commer-*
4 *cial vehicle” has the meaning given the term commer-*
5 *cial motor vehicle in section 31101 of title 49, United*
6 *States Code.*

7 (2) *HIGHWAY TRUST FUND.*—*The term “High-*
8 *way Trust Fund” means the Highway Trust Fund es-*
9 *tablished under section 9503 of the Internal Revenue*
10 *Code of 1986.*

11 (3) *LIGHT TRUCK.*—*The term “light truck” has*
12 *the meaning given the term in section 523.2 of title*
13 *49, Code of Federal Regulations.*

14 (4) *MEDIUM- AND HEAVY-DUTY TRUCK.*—*The*
15 *term “medium- and heavy-duty truck” has the mean-*
16 *ing given the term “commercial medium- and heavy-*
17 *duty on-highway vehicle” in section 32901(a) of title*
18 *49, United States Code.*

19 (5) *PER-MILE USER FEE.*—*The term “per-mile*
20 *user fee” means a revenue mechanism that—*

21 (A) *is applied to road users operating*
22 *motor vehicles on the surface transportation sys-*
23 *tem; and*

24 (B) *is based on the number of vehicle miles*
25 *traveled by an individual road user.*

1 (6) *VOLUNTEER PARTICIPANT.*—*The term “vol-*
 2 *unteer participant” means—*

3 *(A) an owner or lessee of an individual pri-*
 4 *vate motor vehicle who volunteers to participate*
 5 *in the pilot program;*

6 *(B) a commercial vehicle operator who vol-*
 7 *unteers to participate in the pilot program; or*

8 *(C) an owner of a motor vehicle fleet who*
 9 *volunteers to participate in the pilot program.*

10 ***Subtitle E—Miscellaneous***

11 ***SEC. 5501. ERGONOMIC SEATING WORKING GROUP.***

12 *(a) IN GENERAL.—*

13 *(1) ESTABLISHMENT.*—*Not later than 180 days*
 14 *after the date of enactment of this Act, the Secretary*
 15 *of Transportation shall convene a working group to*
 16 *examine the seating standards for commercial drivers.*

17 *(2) MEMBERS.*—*At a minimum, the working*
 18 *group shall include—*

19 *(A) seat manufacturers;*

20 *(B) commercial vehicle manufacturers;*

21 *(C) transit vehicle manufacturers;*

22 *(D) labor representatives for the trucking*
 23 *industry;*

1 (E) representatives from organizations en-
2 gaged in collective bargaining on behalf of tran-
3 sit workers in not fewer than 3 States; and

4 (F) musculoskeletal health experts.

5 (b) *OBJECTIVES.*—The Secretary shall pursue the fol-
6 lowing objectives through the working group:

7 (1) To identify health issues, including musculo-
8 skeletal health issues, that afflict commercial drivers
9 due to sitting for long periods of time while on duty.

10 (2) To identify research topics for further devel-
11 opment and best practices to improve seating.

12 (3) To determine ways to incorporate improved
13 seating into manufacturing standards for public tran-
14 sit vehicles and commercial vehicles.

15 (c) *REPORT.*—

16 (1) *SUBMISSION.*—Not later than 18 months
17 after the date of enactment of this Act, the working
18 group shall submit to the Secretary, the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives, and the Committee on Banking,
21 Housing, and Urban Affairs and the Committee on
22 Commerce, Science, and Transportation of the Senate
23 a report on the findings of the working group under
24 this section and any recommendations for the adop-

1 *tion of better ergonomic seating for commercial driv-*
 2 *ers.*

3 (2) *PUBLICATION.*—*Upon receipt of the report in*
 4 *paragraph (1), the Secretary shall publish the report*
 5 *on a publicly accessible website of the Department.*

6 (d) *APPLICABILITY OF FEDERAL ADVISORY COM-*
 7 *MITTEE ACT.*—*The Advisory Committee shall be subject to*
 8 *the Federal Advisory Committee Act (5 U.S.C. App.).*

9 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**
 10 **STATES CODE.**

11 (a) *IN GENERAL.*—*Section 6314 of title 49, United*
 12 *States Code, is repealed.*

13 (b) *CONFORMING AMENDMENTS.*—

14 (1) *TITLE ANALYSIS.*—*The analysis for chapter*
 15 *63 of title 49, United States Code, is amended by*
 16 *striking the item relating to section 6314.*

17 (2) *SECTION 6307.*—*Section 6307(b) of title 49,*
 18 *United States Code, is amended—*

19 (A) *in paragraph (1)—*

20 (i) *in subparagraph (A) by striking*
 21 *“or section 6314(b)”;*

22 (ii) *in subparagraph (B) by striking*
 23 *“or section 6314(b)”;* *and*

24 (iii) *in subparagraph (C) by striking*
 25 *“or section 6314(b)”;* *and*

1 (B) in paragraph (2)(A) by striking “or
2 section 6314(b)”.

3 **SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH PRO-**
4 **GRAM.**

5 (a) *IN GENERAL.*—Subchapter I of chapter 55 of title
6 49, United States Code, is further amended by adding at
7 the end the following:

8 **“§ 5508. Transportation workforce outreach program**

9 “(a) *IN GENERAL.*—The Secretary shall establish and
10 administer a transportation workforce outreach program
11 that carries out a series of public service announcement
12 campaigns during fiscal years 2022 through 2026.

13 “(b) *PURPOSE.*—The purpose of each campaign car-
14 ried out under the program shall be to achieve the following
15 objectives:

16 “(1) Increase awareness of career opportunities
17 in the transportation sector, including aviation pilots,
18 safety inspectors, mechanics and technicians, mari-
19 time transportation workers, air traffic controllers,
20 flight attendants, truck drivers, engineers, transit
21 workers, railroad workers, and other transportation
22 professionals.

23 “(2) Increase diversity, including race, gender,
24 ethnicity, and socioeconomic status, of professionals
25 in the transportation sector.

1 “(c) *ADVERTISING.*—*The Secretary may use, or au-*
 2 *thorize the use of, funds available to carry out the program*
 3 *for the development, production, and use of broadcast, dig-*
 4 *ital, and print media advertising and outreach in carrying*
 5 *out campaigns under this section.*

6 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
 7 *out this section, there are authorized to be appropriated*
 8 *\$5,000,000 for each fiscal years 2022 through 2026.”.*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections for*
 10 *chapter 55 of subtitle III of title 49, United States Code,*
 11 *is further amended by inserting after the item relating to*
 12 *section 5507, as added by this Act, the following:*

“5508. Transportation workforce outreach program.”.

13 **SEC. 5504. CERTIFICATION ON ENSURING NO HUMAN**
 14 **RIGHTS ABUSES.**

15 (a) *FINDINGS.*—*Congress finds the following:*

16 (1) *According to the International Energy Agen-*
 17 *cy—*

18 (A) *electric cars require significant amounts*
 19 *of copper, lithium, nickel, manganese, rare earth*
 20 *elements, platinum group elements, and cobalt;*
 21 *and*

22 (B) *the top producer of cobalt is the Demo-*
 23 *cratic Republic of the Congo.*

24 (2) *UNICEF and Amnesty International esti-*
 25 *mate that 40,000 boys and girls work in mines across*

1 *the Democratic Republic of the Congo for up to 12*
 2 *hours a day and earn no more than 2 dollars a day.*

3 *(3) The boys and girls working in mines in the*
 4 *Democratic Republic of the Congo do not attend*
 5 *school, they are beaten by security guards, and they*
 6 *are exposed to high levels of cobalt, but are not issued*
 7 *protective equipment.*

8 *(b) CERTIFICATION.—The Secretary of Commerce shall*
 9 *certify that no funds for programs related to reducing green*
 10 *house gas emissions under this title and the amendments*
 11 *made by this title are used for minerals sourced or processed*
 12 *with child labor, as such term is defined in Article 3 of*
 13 *the International Labor Organization Convention con-*
 14 *cerning the prohibition and immediate action for the elimi-*
 15 *nation of the worst forms of child labor (December 2, 2000),*
 16 *or in violation of human rights.*

17 **TITLE VI—MULTIMODAL** 18 **TRANSPORTATION**

19 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

20 *Section 70101(b) of title 49, United States Code, is*
 21 *amended—*

22 *(1) in paragraph (2) by inserting “in rural and*
 23 *urban areas” after “freight transportation”;*

24 *(2) in paragraph (7)—*

1 (A) in subparagraph (B) by striking “;
2 and” and inserting a semicolon;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B) the
6 following:

7 “(C) travel within population centers; and”;

8 (3) in paragraph (9) by striking “; and” and in-
9 serting the following: “including—

10 “(A) greenhouse gas emissions;

11 “(B) local air pollution;

12 “(C) minimizing, capturing, or treating
13 stormwater runoff or other adverse impacts to
14 water quality; and

15 “(D) wildlife habitat loss;”;

16 (4) by redesignating paragraph (10) as para-
17 graph (11); and

18 (5) by inserting after paragraph (9) the fol-
19 lowing:

20 “(10) to decrease any adverse impact of freight
21 transportation on communities located near freight
22 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 en-*
13 *vironmental 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 following:*
24 *“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 Cen-*
3 *sus; or*

4 “(ii) have”;

5 (2) in subsection (c)—

6 (A) in paragraph (1) by striking “Not later
7 than 1 year after the date of enactment of this
8 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 Secretary
19 that will be dedicated to carrying out such plan.

20 “(B) *DESIGNATION OF NATIONAL*
21 *MULTIMODAL FREIGHT NETWORK.*—Not later
22 than 60 days after the submission of the report
23 described in subparagraph (A),”;

24 (B) in paragraph (3)(C)—

1 (i) by inserting “and metropolitan
2 planning organizations” after “States”; and

3 (ii) by striking “paragraph (4)” and
4 inserting “paragraphs (4) and (5)”;

5 (C) in paragraph (4)—

6 (i) in the header by inserting “AND
7 METROPOLITAN PLANNING ORGANIZATION”
8 after “STATE”;

9 (ii) by redesignating subparagraph (D)
10 as subparagraph (E); and

11 (iii) by striking subparagraph (C) and
12 inserting the following:

13 “(C) CRITICAL URBAN FREIGHT FACILITIES
14 AND CORRIDORS.—

15 “(i) AREA WITH A POPULATION OF
16 OVER 500,000.—In an urbanized area with a
17 population of 500,000 or more individuals,
18 the representative metropolitan planning
19 organization, in consultation with the
20 State, may designate a freight facility or
21 corridor within the borders of the State as
22 a critical urban freight facility or corridor.

23 “(ii) AREA WITH A POPULATION OF
24 LESS THAN 500,000.—In an urbanized area
25 with a population of less than 500,000 indi-

viduals, the State, in consultation with the representative metropolitan planning organization, may designate a freight facility or corridor within the borders of the State as a critical urban freight corridor.

“(iii) *DESIGNATION*.—A designation may be made under subparagraph (i) or (ii) if the facility or corridor is in an urbanized area, regardless of population, and such facility or corridor—

“(I) provides access to the primary highway freight system, the Interstate system, or an intermodal freight facility;

“(II) is located within a corridor of a route on the primary highway freight system and provides an alternative option important to goods movement;

“(III) serves a major freight generator, logistics center, or manufacturing and warehouse industrial land;

“(IV) connects to an international 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 Multimodal
22 Freight Network, the Under Secretary shall ensure
23 that the National Multimodal Freight Network in-
24 cludes the components described in subsection (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 inserting
4 “local governments, metropolitan planning organizations,
5 and the departments with responsibility for environmental
6 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-re-
19 lated—

20 “(A) greenhouse gas emissions;

21 “(B) local air pollution;

22 “(C) stormwater runoff or other adverse im-
23 pacts 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 communities

1 *located near freight facilities or freight corridors;*
2 *and”.*

3 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

4 *(a) STUDY.—Not later than 90 days after the date of*
5 *enactment of this Act, the Secretary of Transportation, in*
6 *consultation with the Secretary of the Treasury and the*
7 *Commissioner of the Internal Revenue Service, shall estab-*
8 *lish a joint task force to study the establishment and admin-*
9 *istration of a fee on multimodal freight surface transpor-*
10 *tation services.*

11 *(b) CONTENTS.—The study required under subsection*
12 *(a) shall include the following:*

13 *(1) An estimation of the revenue that a fee of up*
14 *to 1 percent on freight transportation services would*
15 *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 of*
20 *Federal agencies and freight industry participants to*
21 *collect such a fee and ensure compliance with fee re-*
22 *quirements.*

23 *(4) Policy options to prevent avoidance of such*
24 *a fee, including diversion of freight services to foreign*
25 *countries.*

1 (c) *REPORT*.—Not later than 1 year after the date of
 2 enactment of this Act, the Secretary of Transportation shall
 3 submit to the Committee on Transportation and Infrastruc-
 4 ture and the Committee on Ways and Means of the House
 5 of Representatives and the Committee on Environment and
 6 Public Works and the Committee on Finance of the Senate
 7 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 amend-
 11 ed—

12 (1) in subsection (b) by striking paragraph (1)
 13 and inserting the following:

14 “(1) to provide assistance and communicate best
 15 practices and financing and funding opportunities to
 16 eligible entities for the programs referred to in sub-
 17 section (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 Budget
 22 et) using data from the most recent decennial
 23 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 Ex-*
 5 *ecutive Director;”;*

6 *(2) by redesignating subsection (j) as subsection*
 7 *(k); and*

8 *(3) by inserting after subsection (i) the following:*

9 “(j) *ANNUAL PROGRESS REPORT.*—*Not later than 1*
 10 *year after the date of enactment of this subsection, and an-*
 11 *nually thereafter, the Executive Director shall submit to the*
 12 *Committee on Transportation and Infrastructure of the*
 13 *House of Representatives and the Committee on Environ-*
 14 *ment and Public Works of the Senate a report detailing—*
 15 “(1) *the use of funds authorized under section*
 16 *605(f) of title 23; and*
 17 “(2) *the progress of the Bureau in carrying out*
 18 *the purposes described in subsection (b).”.*

19 **SEC. 6008. LOCAL HIRE.**

20 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 21 *tation shall immediately reinstate the local labor hiring*
 22 *pilot program containing the contracting initiative estab-*
 23 *lished by the Secretary and published in the Federal Reg-*
 24 *ister on March 6, 2015 (80 Fed. Reg. 12257), under the*
 25 *same terms, conditions, and requirements as so published.*

1 (b) *DURATION.*—*The Secretary shall continue the local*
2 *labor hiring pilot program reinstated under this section*
3 *through September 30, 2025.*

4 **SEC. 6009. FTE CAP.**

5 *The Secretary of Transportation may not employ more*
6 *than 15 full-time equivalent positions in any fiscal year*
7 *in the Immediate Office of the Secretary.*

8 **SEC. 6010. IDENTIFICATION OF COVID-19 TESTING NEEDS**
9 **OF CRITICAL INFRASTRUCTURE EMPLOYEES.**

10 (a) *IN GENERAL.*—*The Secretary of Transportation*
11 *shall—*

12 (1) *adopt, for use by the Department of Trans-*
13 *portation in carrying out response efforts relating to,*
14 *and operations during, the Coronavirus Disease 2019*
15 *(COVID-19) pandemic, the categorization of “essen-*
16 *tial critical infrastructure workers” identified in the*
17 *Guidance on the Essential Critical Infrastructure*
18 *Workforce published by the Department of Homeland*
19 *Security on March 28, 2020 (or a subsequent version*
20 *of such guidance); and*

21 (2) *coordinate with the Director of the Centers*
22 *for Disease Control and Prevention and the Adminis-*
23 *trator of the Federal Emergency Management Agency*
24 *to support efforts of State and local governments to*
25 *provide for—*

1 (A) priority testing of essential critical in-
2 frastructure workers (as such term is used in
3 paragraph (1)) with respect to COVID–19; and

4 (B) priority access to personal protective
5 equipment, sanitizers, nonmedical-grade facial
6 coverings, and other health-related or protective
7 supplies necessary to safely perform essential
8 critical infrastructure work.

9 (b) APPLICATION.—Nothing in this section requires the
10 provision of priority testing or priority access to personal
11 protective equipment for essential critical infrastructure
12 workers (as such term is used in subsection (a)(1)) to be
13 prioritized over the provision of that testing or access to
14 personal protective equipment for other individuals who are
15 identified by the Centers for Disease Control and Prevention
16 or any other relevant Federal, State, or local agency as hav-
17 ing a higher priority for that testing or access to personal
18 protective equipment, including—

- 19 (1) patients;
20 (2) healthcare workers; and
21 (3) first responders.

1 **TITLE VII—TRANSPORTATION**
 2 **INFRASTRUCTURE FINANCE**
 3 **AND INNOVATION ACT**

4 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
 5 **AND INNOVATION ACT.**

6 (a) *CREDITWORTHINESS.*—Section 602(a)(2) of title
 7 23, United States Code, is amended—

8 (1) in subparagraph (A)(iv)—

9 (A) by striking “a rating” and inserting
 10 “an investment grade rating”; and

11 (B) by striking “\$75,000,000” and inserting
 12 “\$150,000,000”; and

13 (2) in subparagraph (B)—

14 (A) by striking “the senior debt” and insert-
 15 ing “senior debt”; and

16 (B) by striking “credit instrument is for an
 17 amount less than \$75,000,000” and inserting
 18 “total amount of other senior debt and the Fed-
 19 eral credit instrument is less than
 20 \$150,000,000”.

21 (b) *NON-FEDERAL SHARE.*—Section 603(b) of title 23,
 22 United States Code, is amended by striking paragraph (8)
 23 and inserting the following:

24 “(8) *NON-FEDERAL SHARE.*—Notwithstanding
 25 paragraph (9) and section 117(j)(2), the proceeds of

1 *a secured loan under the TIFIA program shall be con-*
2 *sidered to be part of the non-Federal share of project*
3 *costs required under this title or chapter 53 of title*
4 *49, if the loan is repayable from non-Federal funds.”.*

5 *(c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL*
6 *SHARE REQUIREMENT.—Section 603(b)(9) of title 23,*
7 *United States Code, is amended by adding at the end the*
8 *following:*

9 *“(C) TERRITORIES.—Funds provided for a*
10 *territory under section 165(c) shall not be con-*
11 *sidered Federal assistance for purposes of sub-*
12 *paragraph (A).”.*

13 *(d) STREAMLINED APPLICATION PROCESS.—Section*
14 *603(f) of title 23, United States Code, is amended by adding*
15 *at the end the following:*

16 *“(3) ADDITIONAL TERMS FOR EXPEDITED DECI-*
17 *SIONS.—*

18 *“(A) IN GENERAL.—Not later than 120*
19 *days after the date of enactment of this para-*
20 *graph, the Secretary shall implement an expe-*
21 *ditated decision timeline for public agency bor-*
22 *rowers seeking secured loans that meet—*

23 *“(i) the terms under paragraph (2);*
24 *and*

1 “(ii) the additional criteria described
2 in subparagraph (B).

3 “(B) *ADDITIONAL CRITERIA.*—The addi-
4 tional criteria referred to in subparagraph
5 (A)(ii) are the following:

6 “(i) The secured loan is made on terms
7 and conditions that substantially conform
8 to the conventional terms and conditions es-
9 tablished by the National Surface Transpor-
10 tation Innovative Finance Bureau.

11 “(ii) The secured loan is rated in the
12 A category or higher.

13 “(iii) The TIFIA program share of eli-
14 gible project costs is 33 percent or less.

15 “(iv) The applicant demonstrates a
16 reasonable expectation that the contracting
17 process for the project can commence by not
18 later than 90 days after the date on which
19 a Federal credit instrument is obligated for
20 the project under the TIFIA program.

21 “(v) The project has received a categor-
22 ical exclusion, a finding of no significant
23 impact, or a record of decision under the
24 National Environmental Policy Act of 1969
25 (42 U.S.C. 4321 et seq.).

1 “(C) *WRITTEN NOTICE.*—*The Secretary*
 2 *shall provide to an applicant seeking a secured*
 3 *loan under the expedited decision process under*
 4 *this paragraph a written notice informing the*
 5 *applicant whether the Secretary has approved or*
 6 *disapproved the application by not later than*
 7 *180 days after the date on which the Secretary*
 8 *submits to the applicant a letter indicating that*
 9 *the National Surface Transportation Innovative*
 10 *Finance Bureau has commenced the credit-*
 11 *worthiness review of the project.”.*

12 (e) *ASSISTANCE TO SMALL PROJECTS.*—*Section*
 13 *605(f)(1) of title 23, United States Code, is amended by*
 14 *striking “\$2,000,000” and inserting “\$3,000,000”.*

15 (f) *APPLICATION PROCESS REPORT.*—*Section*
 16 *609(b)(2)(A) of title 23, United States Code, is amended—*
 17 *(1) in clause (iv) by striking “and”;*
 18 *(2) in clause (v) by striking the period at the*
 19 *end and inserting “; and”; and*
 20 *(3) by adding at the end the following:*

21 *“(vi) whether the project is located in*
 22 *a metropolitan statistical area,*
 23 *micropolitan statistical area, or neither (as*
 24 *such areas are defined by the Office of Man-*
 25 *agement and Budget).”.*

1 (g) *STATUS REPORTS*.—Section 609 of title 23, United
2 States Code, is amended by adding at the end the following:

3 “(c) *STATUS REPORTS*.—

4 “(1) *IN GENERAL*.—The Secretary shall publish
5 on the website for the TIFIA program—

6 “(A) on a monthly basis, a current status
7 report on all submitted letters of interest and ap-
8 plications received for assistance under the
9 TIFIA program; and

10 “(B) on a quarterly basis, a current status
11 report on all approved applications for assist-
12 ance under the TIFIA program.

13 “(2) *INCLUSIONS*.—Each monthly and quarterly
14 status report under paragraph (1) shall include, at a
15 minimum, with respect to each project included in the
16 status report—

17 “(A) the name of the party submitting the
18 letter of interest or application;

19 “(B) the name of the project;

20 “(C) the date on which the letter of interest
21 or application was received;

22 “(D) the estimated project eligible costs;

23 “(E) the type of credit assistance sought;

24 and

1 “(F) the anticipated fiscal year and quarter
2 for closing of the credit assistance.”.

3 ***DIVISION C—HAZARDOUS***
4 ***MATERIALS TRANSPORTATION***

5 ***SEC. 8001. SHORT TITLE.***

6 *This division may be cited as the “Improving Haz-*
7 *ardous Materials Safety Act of 2020”.*

8 ***TITLE I—AUTHORIZATIONS***

9 ***SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.***

10 *Section 5128 of title 49, United States Code, is amend-*
11 *ed—*

12 (1) *in subsection (a) by striking paragraphs (1)*
13 *through (5) and inserting the following:*

14 “*(1) \$67,000,000 for fiscal year 2021;*

15 “*(2) \$68,000,000 for fiscal year 2022;*

16 “*(3) \$69,000,000 for fiscal year 2023;*

17 “*(4) \$71,000,000 for fiscal year 2024; and*

18 “*(5) \$72,000,000 for fiscal year 2025;*”;

19 (2) *in subsection (b)—*

20 (A) *by striking “fiscal years 2016 through*

21 *2020” and inserting “fiscal years 2021 through*

22 *2025”; and*

23 (B) *by striking “\$21,988,000” and inserting*

24 “*\$24,025,000*”;

1 (3) in subsection (c) by striking “\$4,000,000 for
2 each of fiscal years 2016 through 2020” and inserting
3 “\$5,000,000 for each of fiscal years 2021 through
4 2025”;

5 (4) in subsection (d) by striking “\$1,000,000 for
6 each of fiscal years 2016 through 2020” and inserting
7 “\$4,000,000 for each of fiscal years 2021 through
8 2025”;

9 (5) by redesignating subsection (e) as subsection
10 (f); and

11 (6) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) *ASSISTANCE WITH LOCAL EMERGENCY RE-*
14 *SPONDER TRAINING GRANTS.—From the Hazardous Mate-*
15 *rials Emergency Preparedness Fund established under sec-*
16 *tion 5116(h), the Secretary may expend \$1,800,000 for each*
17 *of fiscal years 2021 through 2025 to carry out the grant*
18 *program under section 5107(j).”.*

19 ***TITLE II—HAZARDOUS MATE-***
20 ***RIALS SAFETY AND IMPROVE-***
21 ***MENT***

22 ***SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED***
23 ***TO LITHIUM CELLS AND BATTERIES.***

24 (a) *REPEAL.*—Section 828 of the *FAA Modernization*
25 *and Reform Act of 2012 (49 U.S.C. 44701 note), and the*

1 *item relating to such section in the table of contents in sec-*
 2 *tion 1(b) of such Act, are repealed.*

3 (b) *CONFORMING AMENDMENTS.—Section 333 of the*
 4 *FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)*
 5 *is amended—*

6 (1) *in subsection (a)—*

7 (A) *in paragraph (1)—*

8 (i) *by striking “(A) IN GENERAL.—”*
 9 *and all that follows through “the Secretary”*
 10 *and inserting “The Secretary”; and*

11 (ii) *by striking subparagraph (B); and*
 12 (B) *in paragraph (2) by striking “Pursuant*
 13 *to section 828 of the FAA Modernization and Re-*
 14 *form Act of 2012 (49 U.S.C. 44701 note), the*
 15 *Secretary” and inserting “The Secretary”;*

16 (2) *by striking paragraph (4) of subsection (b);*
 17 *and*

18 (3) *by striking paragraph (1) of subsection (h)*
 19 *and inserting the following:*

20 “(1) *ICAO TECHNICAL INSTRUCTIONS.—The*
 21 *term ‘ICAO Technical Instructions’ means the Inter-*
 22 *national Civil Aviation Organization Technical In-*
 23 *structions for the Safe Transport of Dangerous Goods*
 24 *by Air.”.*

1 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
2 **BY RAIL TANK CAR.**

3 (a) *EVALUATION.*—Not later than 120 days after the
4 date of enactment of this Act, the Administrator of the Fed-
5 eral Railroad Administration, in coordination with the Ad-
6 ministrator of the Pipeline and Hazardous Materials Safe-
7 ty Administration, shall initiate an evaluation of the safe-
8 ty, security, and environmental risks of transporting lique-
9 fied natural gas by rail.

10 (b) *TESTING.*—In conducting the evaluation under
11 subsection (a), the Administrator of the Federal Railroad
12 Administration shall—

13 (1) *perform physical testing of rail tank cars, in-*
14 *cluding, at a minimum, the DOT–113 specification,*
15 *to evaluate the performance of such rail tank cars in*
16 *the event of an accident or derailment, including*
17 *evaluation of the extent to which design and construc-*
18 *tion features such as steel thickness and valve protec-*
19 *tions prevent or mitigate the release of liquefied nat-*
20 *ural gas;*

21 (2) *analyze multiple release scenarios, including*
22 *derailments, front-end collisions, rear-end collisions,*
23 *side-impact collisions, grade-crossing collisions, punc-*
24 *tures, and impact of an incendiary device, at a min-*
25 *imum of 3 speeds of travel with a sufficient range of*
26 *speeds to evaluate the safety, security, and environ-*

1 *mental risks posed under real-world operating condi-*
2 *tions; and*

3 (3) *examine the effects of exposure to climate*
4 *conditions across rail networks, including tempera-*
5 *ture, humidity, and any other factors that the Ad-*
6 *ministrator of the Federal Railroad Administration*
7 *determines could influence performance of rail tank*
8 *cars and components of such rail tank cars.*

9 (c) *OTHER FACTORS TO CONSIDER.—In conducting*
10 *the evaluation under subsection (a), the Administrator of*
11 *the Federal Railroad Administration shall evaluate the im-*
12 *pact of a discharge of liquefied natural gas from a rail tank*
13 *car on public safety and the environment, and consider—*

14 (1) *the benefits of route restrictions, speed re-*
15 *strictions, enhanced brake requirements, personnel re-*
16 *quirements, rail tank car technological requirements,*
17 *and other operating controls;*

18 (2) *the advisability of consist restrictions, in-*
19 *cluding limitations on the arrangement and quantity*
20 *of rail tank cars carrying liquefied natural gas in*
21 *any given consist;*

22 (3) *the identification of potential impact areas,*
23 *and the number of homes and structures potentially*
24 *endangered by a discharge in rural, suburban, and*
25 *urban environments;*

1 (4) *the impact of discharge on the environment,*
2 *including air quality impacts;*

3 (5) *the benefits of advanced notification to the*
4 *Department of Transportation, State Emergency Re-*
5 *sponse Commissions, and Tribal Emergency Response*
6 *Commissions of routes for moving liquefied natural*
7 *gas by rail tank car;*

8 (6) *how first responders respond to an incident,*
9 *including the extent to which specialized equipment*
10 *or training would be required and the cost to commu-*
11 *nities for acquiring any necessary equipment or*
12 *training;*

13 (7) *whether thermal radiation could occur from*
14 *a discharge;*

15 (8) *an evaluation of the rail tank car authorized*
16 *by the Secretary of Transportation for liquefied nat-*
17 *ural gas or similar cryogenic liquids, and a deter-*
18 *mination of whether specific safety enhancements or*
19 *new standards are necessary to ensure the safety of*
20 *rail transport of liquefied natural gas; and*

21 (9) *the risks posed by the transportation of lique-*
22 *fied natural gas by International Organization for*
23 *Standardization containers authorized by the Federal*
24 *Railroad Administration.*

1 (d) *REPORT*.—Not later than 2 years 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 of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate, and make available to the public—

7 (1) a report based on the evaluation and testing
8 conducted under subsections (a) and (b), which shall
9 include the results of the evaluation and testing and
10 recommendations for mitigating or eliminating the
11 safety, security, environmental, and other risks of an
12 accident or incident involving the transportation of
13 liquefied natural gas by rail; and

14 (2) a complete list of all research related to the
15 transportation of liquefied natural gas by rail con-
16 ducted by the Federal Railroad Administration, the
17 Pipeline and Hazardous Materials Safety Adminis-
18 tration, or any other entity of the Federal Govern-
19 ment since 2010 that includes, for each research
20 item—

21 (A) the title of any reports or studies pro-
22 duced with respect to the research;

23 (B) the agency, entity, or organization per-
24 forming the research;

1 (C) the names of all authors and co-authors
 2 of any report or study produced with respect to
 3 the research; and

4 (D) the date any related report was pub-
 5 lished or is expected to publish.

6 (e) *DATA COLLECTION.*—The Administrator of the
 7 Federal Railroad Administration and the Administrator of
 8 the Pipeline and Hazardous Materials Safety Administra-
 9 tion shall collect any relevant data or records necessary to
 10 complete the evaluation required by subsection (a).

11 (f) *GAO REPORT.*—After the evaluation required by
 12 subsection (a) has been completed, the Comptroller General
 13 of the United States shall conduct an independent evalua-
 14 tion to verify that the Federal Railroad Administration and
 15 the Pipeline and Hazardous Materials Safety Administra-
 16 tion complied with the requirements of this Act, and trans-
 17 mit to the Committee on Transportation and Infrastructure
 18 of the House of Representatives and the Committee on Com-
 19 merce, Science, and Transportation of the Senate a report
 20 on the findings of such independent evaluation.

21 (g) *CONGRESSIONAL REVIEW REQUIREMENTS.*—

22 (1) *REVIEW PERIOD DEFINED.*—In this sub-
 23 section, the term “review period” means the period
 24 beginning on the date of enactment of this Act and
 25 ending on the earlier of—

1 (A) the date that is 1 year after the date of
2 completion of the report under subsection (f); or

3 (B) the date that is 4 years after the date
4 of enactment of this Act.

5 (2) CONGRESSIONAL AUTHORITY.—The Secretary
6 of Transportation—

7 (A) may not issue any regulation author-
8 izing the transportation of liquefied natural gas
9 by rail tank car or authorize such transportation
10 through issuance of a special permit or approval
11 before the conclusion of the review period; and

12 (B) shall rescind any special permit or ap-
13 proval for the transportation of liquefied natural
14 gas by rail tank car issued before the date of en-
15 actment of this Act.

16 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
17 **MENTS AND GRANTS.**

18 Section 5107 of title 49, United States Code, is amend-
19 ed by adding at the end the following:

20 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
21 SPONDER TRAINING.—The Secretary shall make grants to
22 nonprofit organizations to develop hazardous materials re-
23 sponse training for emergency responders and make such
24 training available electronically or in person.”.

DIVISION D—RAIL

SEC. 9001. SHORT TITLE.

This division may be cited as the “Transforming Rail by Accelerating Investment Nationwide Act” or the “TRAIN Act”.

TITLE I—AUTHORIZATIONS

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF GRANTS TO AMTRAK.—

(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

(A) For fiscal year 2021, \$2,900,000,000.

(B) For fiscal year 2022, \$2,700,000,000.

(C) For fiscal year 2023, \$2,500,000,000.

(D) For fiscal year 2024, \$2,500,000,000.

(E) For fiscal year 2025, \$2,500,000,000.

(2) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

(A) For fiscal year 2021, \$3,500,000,000.

(B) For fiscal year 2022, \$3,300,000,000.

(C) For fiscal year 2023, \$3,100,000,000.

(D) For fiscal year 2024, \$2,900,000,000.

1 (E) *For fiscal year 2025, \$2,900,000,000.*

2 (b) *PROJECT MANAGEMENT OVERSIGHT.—The Sec-*
3 *retary may withhold up to \$15,000,000 for each of fiscal*
4 *years 2021 through 2025 from the amounts made available*
5 *under subsection (a) for Amtrak grant expenditure over-*
6 *sight.*

7 (c) *AMTRAK COMMON BENEFIT COSTS FOR STATE-*
8 *SUPPORTED ROUTES.—For any fiscal year in which funds*
9 *are made available under subsection (a)(2) in excess of the*
10 *amounts authorized for fiscal year 2020 under section*
11 *11101(b) of the FAST Act (114–94), Amtrak shall use up*
12 *to \$300,000,000 of the excess funds to defray the share of*
13 *operating costs of Amtrak’s national assets (as such term*
14 *is defined in section 24320(c)(5) of title 49, United States*
15 *Code) and corporate services (as such term is defined pursu-*
16 *ant to section 24317(b) of title 49, United States Code) that*
17 *is allocated to the State-supported services.*

18 (d) *STATE-SUPPORTED ROUTE COMMITTEE.—Of the*
19 *funds made available under subsection (a)(2), the Secretary*
20 *may make available up to \$3,000,000 for each fiscal year*
21 *for the State-Supported Route Committee established under*
22 *section 24712 of title 49, United States Code.*

23 (e) *NORTHEAST CORRIDOR COMMISSION.—Of the*
24 *funds made available under subsection (a)(1), the Secretary*
25 *may make available up to \$6,000,000 for each fiscal year*

1 *for the Northeast Corridor Commission established under*
 2 *section 24905 of title 49, United States Code.*

3 (f) *AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK*
 4 *OFFICE OF INSPECTOR GENERAL.—There are authorized to*
 5 *be appropriated to the Office of Inspector General of Am-*
 6 *trak the following amounts:*

7 (1) *For fiscal year 2021, \$26,500,000.*

8 (2) *For fiscal year 2022, \$27,000,000.*

9 (3) *For fiscal year 2023, \$27,500,000.*

10 (4) *For fiscal year 2024, \$28,000,000.*

11 (5) *For fiscal year 2025, \$28,500,000.*

12 (g) *PASSENGER RAIL IMPROVEMENT, MODERNIZA-*
 13 *TION, AND ENHANCEMENT GRANTS.—There are authorized*
 14 *to be appropriated to the Secretary to carry out section*
 15 *22906 of title 49, United States Code, the following*
 16 *amounts:*

17 (1) *For fiscal year 2021, \$3,800,000,000.*

18 (2) *For fiscal year 2022, \$3,800,000,000.*

19 (3) *For fiscal year 2023, \$3,800,000,000.*

20 (4) *For fiscal year 2024, \$3,800,000,000.*

21 (5) *For fiscal year 2025, \$3,800,000,000.*

22 (h) *CONSOLIDATED RAIL INFRASTRUCTURE AND SAFE-*
 23 *TY IMPROVEMENTS.—*

1 (1) *IN GENERAL.*—*There are authorized to be ap-*
 2 *propriated to the Secretary to carry out section 22907*
 3 *of title 49, United States Code, the following amounts:*

4 (A) *For fiscal year 2021, \$1,400,000,000.*

5 (B) *For fiscal year 2022, \$1,400,000,000.*

6 (C) *For fiscal year 2023, \$1,400,000,000.*

7 (D) *For fiscal year 2024, \$1,400,000,000.*

8 (E) *For fiscal year 2025, \$1,400,000,000.*

9 (2) *PROJECT MANAGEMENT OVERSIGHT.*—*The*
 10 *Secretary may withhold up to 1 percent from the*
 11 *amount appropriated under paragraph (1) for the*
 12 *costs of project management oversight of grants car-*
 13 *ried out under section 22907 of title 49, United States*
 14 *Code.*

15 (i) *RAILROAD REHABILITATION AND IMPROVEMENT*
 16 *FINANCING.*—

17 (1) *IN GENERAL.*—*There are authorized to be ap-*
 18 *propriated to the Secretary for payment of credit risk*
 19 *premiums in accordance with section 9104 of this di-*
 20 *vision and section 502 of the Railroad Revitalization*
 21 *and Regulatory Reform Act of 1976 (45 U.S.C. 822)*
 22 *\$130,000,000 for each of fiscal years 2021 through*
 23 *2025, to remain available until expended.*

24 (2) *REFUND OF PREMIUM.*—*There are authorized*
 25 *to be appropriated to the Secretary \$70,000,000 to*

1 *repay the credit risk premium under section 502 of*
 2 *the Railroad Revitalization and Regulatory Reform*
 3 *Act of 1976 (45 U.S.C. 822) in accordance with sec-*
 4 *tion 9104.*

5 *(j) RESTORATION AND ENHANCEMENT GRANTS.—*

6 *(1) IN GENERAL.—There are authorized to be ap-*
 7 *propriated to the Secretary to carry out section 22908*
 8 *of title 49, United States Code, \$20,000,000 for each*
 9 *of fiscal years 2021 through 2025.*

10 *(2) PROJECT MANAGEMENT OVERSIGHT.—The*
 11 *Secretary may withhold up to 1 percent from the*
 12 *amount appropriated under paragraph (1) for the*
 13 *costs of project management oversight of grants car-*
 14 *ried out under section 22908 of title 49, United States*
 15 *Code.*

16 *(k) GRADE CROSSING SEPARATION GRANTS.—*

17 *(1) IN GENERAL.—There are authorized to be ap-*
 18 *propriated to the Secretary to carry out section 20171*
 19 *of title 49, United States Code, (as added by section*
 20 *9551 of this Act) the following amounts:*

21 *(1) For fiscal year 2021, \$450,000,000.*

22 *(2) For fiscal year 2022, \$475,000,000.*

23 *(3) For fiscal year 2023, \$500,000,000.*

24 *(4) For fiscal year 2024, \$525,000,000.*

25 *(5) For fiscal year 2025, \$550,000,000.*

1 (2) *PROJECT MANAGEMENT OVERSIGHT.*—*The*
 2 *Secretary may withhold up to 1 percent from the*
 3 *amount appropriated under paragraph (1) for the*
 4 *costs of project management oversight of grants car-*
 5 *ried out under section 20171 of title 49, United States*
 6 *Code.*

7 (1) *RAIL SAFETY PUBLIC AWARENESS GRANTS.*—*Of*
 8 *the amounts made available under subsection (k), the Sec-*
 9 *retary shall make available \$5,000,000 for each of fiscal*
 10 *years 2021 through 2025 to carry out section 20172 of title*
 11 *49, United States Code, (as added by section 9552 of this*
 12 *Act).*

13 (m) *AUTHORIZATION OF APPROPRIATIONS TO THE*
 14 *FEDERAL RAILROAD ADMINISTRATION.*—*Section 20117 of*
 15 *title 49, United States Code, is amended to read as follows:*

16 **“§20117. Authorization of appropriations**

17 “(a) *SAFETY AND OPERATIONS.*—

18 “(1) *IN GENERAL.*—*There are authorized to be*
 19 *appropriated to the Secretary of Transportation for*
 20 *the operations of the Federal Railroad Administra-*
 21 *tion and to carry out railroad safety activities au-*
 22 *thorized or delegated to the Administrator—*

23 “(A) \$229,000,000 for fiscal year 2021.

24 “(B) \$231,000,000 for fiscal year 2022;

25 “(C) \$233,000,000 for fiscal year 2023;

1 “(D) \$235,000,000 for fiscal year 2024; and

2 “(E) \$237,000,000 for fiscal year 2025.

3 “(2) *AUTOMATED TRACK INSPECTION PROGRAM*
 4 *AND DATA ANALYSIS.*—*From the funds made available*
 5 *under paragraph (1) for each of fiscal years 2021*
 6 *through 2025, not more than \$17,000,000 may be ex-*
 7 *pende*d for the Automated Track Inspection Program
 8 *and data analysis related to track inspection. Such*
 9 *funds shall remain available until expended.*

10 “(3) *STATE PARTICIPATION GRANTS.*—*Amounts*
 11 *made available under paragraph (1) for grants under*
 12 *section 20105(e) shall remain available until ex-*
 13 *pended.*

14 “(b) *RAILROAD RESEARCH AND DEVELOPMENT.*—

15 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—
 16 *There are authorized to be appropriated to the Sec-*
 17 *retary of Transportation for necessary expenses for*
 18 *carrying out railroad research and development ac-*
 19 *tivities the following amounts which shall remain*
 20 *available until expended:*

21 “(A) \$42,000,000 for fiscal year 2021.

22 “(B) \$44,000,000 for fiscal year 2022.

23 “(C) \$46,000,000 for fiscal year 2023.

24 “(D) \$48,000,000 for fiscal year 2024.

25 “(E) \$50,000,000 for fiscal year 2025.

1 “(2) *STUDY ON LNG BY RAIL.*—From the
2 amounts made available for fiscal years 2021 through
3 2025 under paragraph (1), the Secretary shall expend
4 not less than \$6,000,000 and not more than
5 \$8,000,000 to carry out the evaluation of transporting
6 liquefied natural gas by rail under section 8202 of the
7 TRAIN Act.

8 “(3) *STUDY ON SAFETY CULTURE ASSESS-*
9 *MENTS.*—From the amounts made available for fiscal
10 year 2021 under paragraph (1), the Secretary shall
11 expend such sums as are necessary to carry out the
12 study on safety culture assessments under section
13 9517 of the TRAIN Act.

14 “(4) *SHORT LINE SAFETY.*—From funds made
15 available under paragraph (1) for each of fiscal years
16 2021 through 2025, the Secretary may expend not
17 more than \$4,000,000—

18 “(A) for grants to improve safety practices
19 and training for Class II and Class III freight
20 railroads; and

21 “(B) to develop safety management systems
22 for Class II and Class III freight railroads
23 through safety culture assessments, training and
24 education, outreach activities, and technical as-
25 sistance.”.

1 (n) *FATIGUE REDUCTION PILOT PROJECTS.*—There
 2 are authorized to be appropriated to the Secretary for costs
 3 associated with carrying out section 21109(e) of title 49,
 4 United States Code, \$200,000 to remain available until ex-
 5 pended.

6 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
 7 **TION, AND EXPANSION GRANTS.**

8 (a) *IN GENERAL.*—Section 22906 of title 49, United
 9 States Code, is amended to read as follows:

10 **“§ 22906. Passenger rail improvement, modernization,**
 11 **and expansion grants**

12 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
 13 tation shall establish a program to make grants for capital
 14 projects that improve the state of good repair, operational
 15 performance, or growth of intercity rail passenger transpor-
 16 tation.

17 “(b) *PROJECT SELECTION CRITERIA.*—

18 “(1) *IN GENERAL.*—Capital projects eligible for a
 19 grant under this section include—

20 “(A) a project to replace, rehabilitate, or re-
 21 pair a major infrastructure asset used for pro-
 22 viding passenger rail service to bring such infra-
 23 structure asset into a state of good repair;

24 “(B) a project to improve passenger rail
 25 performance, including congestion mitigation,

1 *reliability improvements, achievement of on-time*
2 *performance standards established under section*
3 *207 of the Rail Safety Improvement Act of 2008*
4 *(49 U.S.C. 24101 note), reduced trip times, in-*
5 *creased train frequencies, higher operating*
6 *speeds, electrification, and other improvements,*
7 *as determined by the Secretary; and*

8 *“(C) a project to repair, rehabilitate, re-*
9 *place, or build infrastructure to expand or estab-*
10 *lish intercity rail passenger transportation and*
11 *facilities, including high-speed rail.*

12 *“(2) REQUIREMENTS.—To be eligible for a grant*
13 *under this section, an applicant shall have, or provide*
14 *documentation of a credible plan to achieve—*

15 *“(A) the legal, financial, and technical ca-*
16 *capacity to carry out the project;*

17 *“(B) satisfactory continuing control over*
18 *the use of the equipment or facilities that are the*
19 *subject of the project; and*

20 *“(C) an agreement in place for maintenance*
21 *of such equipment or facilities.*

22 *“(3) PRIORITY.—In selecting an applicant for a*
23 *grant under this section, the Secretary shall give pref-*
24 *erence to capital projects that—*

1 “(A) are supported by multiple States or
2 are included in a regional planning process; or

3 “(B) achieve environmental benefits such as
4 a reduction in greenhouse gas emissions or an
5 improvement in local air quality.

6 “(4) *ADDITIONAL CONSIDERATIONS.*—In selecting
7 an applicant for a grant under this section, the Sec-
8 retary shall consider—

9 “(A) the cost-benefit analysis of the pro-
10 posed project, including anticipated public bene-
11 fits relative to the costs of the proposed project,
12 including—

13 “(i) effects on system and service per-
14 formance;

15 “(ii) effects on safety, competitiveness,
16 reliability, trip or transit time, and resil-
17 ience;

18 “(iii) impacts on the overall transpor-
19 tation system, including efficiencies from
20 improved integration with other modes of
21 transportation or benefits associated with
22 achieving modal shifts; and

23 “(iv) the ability to meet existing or an-
24 ticipated passenger or service demand;

1 “(B) the applicant’s past performance in
2 developing and delivering similar projects;

3 “(C) if applicable, the consistency of the
4 project with planning guidance and documents
5 set forth by the Secretary or required by law;
6 and

7 “(D) if applicable, agreements between all
8 stakeholders necessary for the successful delivery
9 of the project.

10 “(c) *NORTHEAST CORRIDOR PROJECTS.*—Of the funds
11 made available to carry out this section, not less than 40
12 percent shall be made available for projects included in the
13 Northeast Corridor investment plan required under section
14 24904.

15 “(d) *NATIONAL PROJECTS.*—Of the funds made avail-
16 able to carry out this section, not less than 40 percent shall
17 be made available for—

18 “(1) projects on the National Network;

19 “(2) high-speed rail projects; and

20 “(3) the establishment of new passenger rail cor-
21 ridors not located on the Northeast Corridor.

22 “(e) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

23 “(1) *TOTAL PROJECT COST ESTIMATE.*—The Sec-
24 retary shall estimate the total cost of a project under
25 this section based on the best available information,

1 *including engineering studies, studies of economic fea-*
 2 *sibility, environmental analyses, and information on*
 3 *the expected use of equipment or facilities.*

4 “(2) *FEDERAL SHARE.*—*The Federal share of*
 5 *total costs for a project under this section shall not*
 6 *exceed 90 percent.*

7 “(3) *TREATMENT OF REVENUE.*—*Applicants*
 8 *may use ticket and other revenues generated from op-*
 9 *erations and other sources to satisfy the non-Federal*
 10 *share requirements.*

11 “(f) *LETTERS OF INTENT.*—

12 “(1) *IN GENERAL.*—*The Secretary shall, to the*
 13 *maximum extent practicable, issue a letter of intent*
 14 *to a recipient of a grant under this section that—*

15 “(A) *announces an intention to obligate, for*
 16 *a major capital project under this section, an*
 17 *amount that is not more than the amount stipu-*
 18 *lated as the financial participation of the Sec-*
 19 *retary in the project; and*

20 “(B) *states that the contingent commit-*
 21 *ment—*

22 “(i) *is not an obligation of the Federal*
 23 *Government; and*

24 “(ii) *is subject to the availability of*
 25 *appropriations for grants under this section*

1 *and subject to Federal laws in force or en-*
2 *acted after the date of the contingent com-*
3 *mitment.*

4 “(2) CONGRESSIONAL NOTIFICATION.—

5 “(A) *IN GENERAL.*—Not later than 3 days
6 *before issuing a letter of intent under paragraph*
7 *(1), the Secretary shall submit written notifica-*
8 *tion to—*

9 “(i) *the Committee on Transportation*
10 *and Infrastructure of the House of Rep-*
11 *resentatives;*

12 “(ii) *the Committee on Appropriations*
13 *of the House of Representatives;*

14 “(iii) *the Committee on Appropria-*
15 *tions of the Senate; and*

16 “(iv) *the Committee on Commerce,*
17 *Science, and Transportation of the Senate.*

18 “(B) *CONTENTS.*—*The notification sub-*
19 *mitted under subparagraph (A) shall include—*

20 “(i) *a copy of the letter of intent;*

21 “(ii) *the criteria used under subsection*
22 *(b) for selecting the project for a grant; and*

23 “(iii) *a description of how the project*
24 *meets such criteria.*

1 “(g) *APPROPRIATIONS REQUIRED.*—An obligation or
 2 administrative commitment may be made under this sec-
 3 tion only when amounts are appropriated for such purpose.

4 “(h) *GRANT ADMINISTRATION.*—The Secretary may
 5 withhold up to 1 percent of the total amount made available
 6 to carry out this section for program oversight and manage-
 7 ment, including providing technical assistance and project
 8 planning guidance.

9 “(i) *REGIONAL PLANNING GUIDANCE.*—The Secretary
 10 may withhold up to half a percent of the total amount made
 11 available to carry out this section to facilitate and provide
 12 guidance for regional planning processes.

13 “(j) *AVAILABILITY.*—Amounts made available to carry
 14 out this section shall remain available until expended.

15 “(k) *GRANT CONDITIONS.*—Except as specifically pro-
 16 vided in this section, the use of any amounts appropriated
 17 for grants under this section shall be subject to the grant
 18 conditions under section 22905, except that the domestic
 19 buying preferences of section 24305(f) shall apply to grants
 20 provided to Amtrak in lieu of the requirements of section
 21 22905(a).

22 “(l) *DEFINITIONS.*—In this section:

23 “(1) *APPLICANT.*—The term ‘applicant’ means—

24 “(A) a State;

25 “(B) a group of States;

1 “(C) *an Interstate Compact;*

2 “(D) *a public agency or publicly chartered*
3 *authority established by 1 or more States;*

4 “(E) *a political subdivision of a State; or*

5 “(F) *Amtrak, acting on its own behalf or*
6 *under a cooperative agreement with 1 or more*
7 *States.*

8 “(2) *CAPITAL PROJECT.—The term ‘capital*
9 *project’ means—*

10 “(A) *acquisition, construction, replacement,*
11 *rehabilitation, or repair of major infrastructure*
12 *assets or equipment that benefit intercity rail*
13 *passenger transportation, including tunnels,*
14 *bridges, stations, track, electrification, grade*
15 *crossings, passenger rolling stock, and other as-*
16 *sets, as determined by the Secretary;*

17 “(B) *projects that ensure service can be*
18 *maintained while existing assets are rehabili-*
19 *tated or replaced; and*

20 “(C) *project planning, development, design,*
21 *and environmental analysis related to projects*
22 *under subsections (A) and (B).*

23 “(3) *INTERCITY RAIL PASSENGER TRANSPOR-*
24 *TATION.—The term ‘intercity rail passenger transpor-*

1 *tation’ has the meaning given such term in section*
 2 *24102.*

3 “(4) *HIGH-SPEED RAIL.*—*The term ‘high-speed*
 4 *rail’ has the meaning given such term in section*
 5 *26106(b).*

6 “(5) *NORTHEAST CORRIDOR.*—*The term ‘North-*
 7 *east Corridor’ has the meaning given such term in*
 8 *section 24102.*

9 “(6) *NATIONAL NETWORK.*—*The term ‘National*
 10 *Network’ has the meaning given such term in section*
 11 *24102.*

12 “(7) *STATE.*—*The term ‘State’ means each of the*
 13 *50 States and the District of Columbia.”.*

14 (b) *CLERICAL AMENDMENT.*—*The item related to sec-*
 15 *tion 22906 in the analysis for chapter 229 of title 49,*
 16 *United States Code, is amended to read as follows:*

 “22906. *Passenger rail improvement, modernization, and expansion grants.*”.

17 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
 18 **SAFETY IMPROVEMENT GRANTS.**

19 *Section 22907 of title 49, United States Code, is*
 20 *amended—*

21 (1) *in subsection (b) by adding at the end the*
 22 *following:*

23 “(12) *A commuter authority (as such term is de-*
 24 *fined in section 24102).*

25 “(13) *The District of Columbia.”;*

1 (2) in subsection (c)—

2 (A) in paragraph (1) by inserting “, main-
3 tenance, and upgrades” after “Deployment”;

4 (B) in paragraph (2) by striking “as de-
5 fined in section 22901(2), except that a project
6 shall not be required to be in a State rail plan
7 developed under chapter 227”;

8 (C) in paragraph (3) by inserting “or safe-
9 ty” after “address congestion”;

10 (D) in paragraph (4) by striking “identi-
11 fied by the Secretary” and all that follows
12 through “rail transportation” and inserting “to
13 reduce congestion, improve service, or facilitate
14 ridership growth in intercity rail passenger
15 transportation and commuter rail passenger
16 transportation (as such term is defined in sec-
17 tion 24102)”;

18 (E) in paragraph (5) by inserting “or to es-
19 tablish new quiet zones” before the period at the
20 end; and

21 (F) in paragraph (9) by inserting “or com-
22 muter rail passenger transportation (as such
23 term is defined in section 24102)” after “between
24 intercity rail passenger transportation”;

1 (3) *in subsection (e) by striking paragraph (1)*
2 *and inserting the following:*

3 “(1) *IN GENERAL.—In selecting a recipient of a*
4 *grant for an eligible project, the Secretary shall give*
5 *preference to—*

6 “(A) *projects that will maximize the net*
7 *benefits of the funds made available for use*
8 *under this section, considering the cost-benefit*
9 *analysis of the proposed project, including an-*
10 *anticipated private and public benefits relative to*
11 *the costs of the proposed project and factoring in*
12 *the other considerations described in paragraph*
13 *(2); and*

14 “(B) *projects that benefit a station that—*

15 “(i) *serves Amtrak and commuter rail;*

16 “(ii) *is listed amongst the 25 stations*
17 *with highest ridership in the most recent*
18 *Amtrak Company Profile; and*

19 “(iii) *has support from both Amtrak*
20 *and the provider of commuter rail pas-*
21 *senger transportation servicing the sta-*
22 *tion.”;*

23 (4) *in subsection (l) by striking “Secretary*
24 *shall” and inserting “Secretary may”;*

1 (5) by redesignating subsections (i), (j), (k), and
2 (l) as subsections (k), (l), (m), and (n), respectively;
3 and

4 (6) 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 amounts
12 awarded under this section for commuter rail pas-
13 senger transportation projects shall be transferred by
14 the Secretary, after selection, to the Federal Transit
15 Administration for administration of funds in ac-
16 cordance 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 to
20 acquire, construct, or improve railroad right-of-
21 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 U.S.C.
24 231 et seq.) who is adversely affected by actions
25 taken in connection with the project financed in

1 *whole or in part by such grant shall be covered*
 2 *by employee protective arrangements established*
 3 *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 recipient*
 7 *shall be bound by the protective arrangements re-*
 8 *quired under subparagraph (A). Such recipient*
 9 *shall be responsible for the implementation of*
 10 *such arrangement and for the obligations under*
 11 *such arrangement, but may arrange for another*
 12 *entity to take initial responsibility for compli-*
 13 *ance with the conditions of such arrangement.*

14 *“(3) APPLICATION OF LAW.—Subsections (g) and*
 15 *(f)(1) of section 22905 shall not apply to grants*
 16 *awarded under this section for commuter rail pas-*
 17 *senger transportation projects.*

18 *“(k) DEFINITION OF CAPITAL PROJECT.—In this sec-*
 19 *tion, the term ‘capital project’ means a project or program*
 20 *for—*

21 *“(1) acquiring, constructing, improving, or in-*
 22 *specting equipment, track and track structures, or a*
 23 *facility, expenses incidental to the acquisition or con-*
 24 *struction (including designing, engineering, location*
 25 *surveying, mapping, environmental studies, and ac-*

quiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

“(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

“(3) costs associated with developing State rail plans; and

“(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904.”

**SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING.**

Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting “civil works such as cuts and fills, stations, tunnels,” after “components of track,”; and

1 (ii) in subparagraph (D) by inserting
2 “, permitting,” after “reimburse planning”;
3 and

4 (B) by striking paragraph (3);

5 (2) in subsection (f)—

6 (A) in paragraph (3) by adding at the end
7 the following:

8 “(D) A projection of freight or passenger de-
9 mand for the project based on regionally devel-
10 oped economic forecasts, including projections of
11 any modal diversion resulting from the project.”;
12 and

13 (B) in paragraph (4)—

14 (i) by inserting “In the case of an ap-
15 plicant seeking a loan that is less than 50
16 percent of the total cost of the project, half
17 of the credit risk premiums under this sub-
18 section shall be paid to the Secretary before
19 the disbursement of loan amounts and the
20 remaining half shall be paid to the Sec-
21 retary in equal amounts semiannually and
22 fully paid not later than 10 years after the
23 first loan disbursement is executed.” after
24 “modifications thereof.”;

1 (ii) by striking “Credit risk pre-
 2 miums” and inserting “(A) TIMING OF PAY-
 3 MENT.—Credit risk premiums”; and

4 (iii) by adding at the end the fol-
 5 lowing:

6 “(B) PAYMENT OF CREDIT RISK PRE-
 7 MIUMS.—

8 “(i) IN GENERAL.—In granting assist-
 9 ance under this section, the Secretary may
 10 pay credit risk premiums required under
 11 paragraph (3) for entities described in
 12 paragraphs (1) through (3) of subsection
 13 (a), in whole or in part, with respect to a
 14 loan or loan guarantee.

15 “(ii) SET-ASIDE.—Of the amounts
 16 made available for payments for a fiscal
 17 year under clause (i), the Secretary shall re-
 18 serve \$125,000,000 for payments for pas-
 19 senger rail projects, to remain available
 20 until expended.

21 “(C) REFUND OF PREMIUM.—The Secretary
 22 shall repay the credit risk premium of each loan
 23 in cohort 3, as defined by the memorandum to
 24 the Office of Management and Budget of the De-
 25 partment of Transportation dated November 5,

1 2018, with interest accrued thereon, not later
 2 than 60 days after the date on which all obliga-
 3 tions attached to each such loan have been satis-
 4 fied. For each such loan for which obligations
 5 have been satisfied as of the date of enactment of
 6 the TRAIN Act, the Secretary shall repay the
 7 credit risk premium of each such loan, with in-
 8 terest accrued thereon, not later than 60 days
 9 after the date of the enactment of such Act.”; and
 10 (3) by adding at the end the following:

11 “(n) *NON-FEDERAL SHARE*.—The proceeds of a loan
 12 provided under this section may be used as the non-Federal
 13 share of project costs under this title or chapter 53 of title
 14 49 if such loan is repayable from non-Federal funds.”.

15 **SEC. 9105. BUY AMERICA.**

16 Section 22905(a) of title 49, United States Code, is
 17 amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (B) by adding “or” at
 20 the end;

21 (B) by striking subparagraph (C); and

22 (C) by redesignating subparagraph (D) as
 23 subparagraph (C);

24 (2) by striking paragraph (4) and inserting the
 25 following:

1 “(4)(A) *If the Secretary receives a request for a*
2 *waiver under paragraph (2), the Secretary shall pro-*
3 *vide notice of and an opportunity for public comment*
4 *on the request at least 30 days before making a find-*
5 *ing based on the request.*

6 “(B) *A notice provided under subparagraph (A)*
7 *shall—*

8 “(i) *include the information available to the*
9 *Secretary concerning the request, including*
10 *whether the request is being made under sub-*
11 *paragraph (A), (B), or (C) of paragraph (2);*
12 *and*

13 “(ii) *be provided by electronic means, in-*
14 *cluding on the official public website of the De-*
15 *partment of Transportation.”;*

16 (3) *in paragraph (5)—*

17 (A) *by striking “2012” and inserting*
18 *“2020, and each year thereafter”; and*

19 (B) *by inserting “during the preceding fis-*
20 *cal year” before the period; and*

21 (4) *by adding at the end the following:*

22 “(12) *The requirements of this subsection apply*
23 *to all contracts for a project carried out within the*
24 *scope of the applicable finding, determination, or de-*
25 *cisions under the National Environmental Policy Act*

1 of 1969 (42 U.S.C. 4321 *et seq.*), regardless of the
 2 funding source for activities carried out pursuant to
 3 such contracts, if at least 1 contract for the project is
 4 funded with amounts made available to carry out a
 5 provision specified in paragraph (1).”.

6 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
 7 **ABILITY ASSESSMENT.**

8 (a) *IN GENERAL.*—The Secretary of Transportation
 9 shall sponsor a study by the National Academies to conduct
 10 an assessment of the potential impacts of climate change
 11 on the national rail network.

12 (b) *ASSESSMENT.*—At a minimum, the assessment
 13 conducted pursuant to subsection (a) shall—

14 (1) cover the entire freight and intercity pas-
 15 senger rail network of the United States;

16 (2) evaluate risk to the network over 5-, 30-, and
 17 50-year outlooks;

18 (3) examine and describe potential effects of cli-
 19 mate change and extreme weather events on passenger
 20 and freight rail infrastructure, trackage, and facili-
 21 ties, including facilities owned by rail shippers;

22 (4) identify and categorize the assets described in
 23 paragraph (3) by vulnerability level and geographic
 24 area; and

1 (5) *recommend strategies or measures to mitigate*
2 *any adverse impacts of climate change, including*
3 *emergency preparedness measures and resiliency best*
4 *practices for infrastructure planning.*

5 (c) *REPORT.*—*Not later than 18 months after the date*
6 *of enactment of this Act, the Secretary shall submit to the*
7 *Committee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate a report con-*
10 *taining the findings of the assessment conducted pursuant*
11 *to subsection (a).*

12 (d) *FURTHER COORDINATION.*—*The Secretary shall*
13 *make the report publicly available on the website of the De-*
14 *partment of Transportation and communicate the results*
15 *of the assessment with stakeholders.*

16 (e) *REGULATORY AUTHORITY.*—*If the Secretary finds*
17 *in the report required under subsection (c) that regulatory*
18 *measures are warranted and such measures are otherwise*
19 *under the existing authority of the Secretary, the Secretary*
20 *may issue such regulations as are necessary to implement*
21 *such measures.*

22 (f) *FUNDING.*—*From the amounts made available for*
23 *fiscal year 2021 under section 20117(a) of title 49, United*
24 *States Code, the Secretary shall expend not less than*

1 \$1,000,000 to carry out the study required under subpara-
 2 graph (a).

3 ***TITLE II—AMTRAK REFORMS***

4 ***SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.***

5 *Section 24101 of title 49, United States Code, is*
 6 *amended—*

7 *(1) in subsection (a)—*

8 *(A) in paragraph (1)—*

9 *(i) by striking “, to the extent its budg-*
 10 *et allows,”; and*

11 *(ii) by striking “between crowded*
 12 *urban areas and in other areas of” and in-*
 13 *serting “throughout”;*

14 *(B) in paragraph (2) by striking the period*
 15 *and inserting “, thereby providing additional ca-*
 16 *capacity for the traveling public and widespread*
 17 *air quality benefits.”;*

18 *(C) in paragraph (4)—*

19 *(i) by striking “greater” and inserting*
 20 *“high”; and*

21 *(ii) by striking “to Amtrak to achieve*
 22 *a performance level sufficient to justify ex-*
 23 *pending public money” and inserting “in*
 24 *order to meet the intercity passenger rail*
 25 *needs of the United States”;*

1 (D) in paragraph (5)—

2 (i) by inserting “intercity and” after
3 “efficient”; and

4 (ii) by striking “the energy conserva-
5 tion and self-sufficiency” and inserting “ad-
6 dressing climate change, energy conserva-
7 tion, and self-sufficiency”;

8 (E) in paragraph (6) by striking “through
9 its subsidiary, Amtrak Commuter,”; and

10 (F) by adding at the end the following:

11 “(9) Long-distance intercity passenger rail is an
12 important part of the national transportation system.

13 “(10) Investments in intercity and commuter
14 rail passenger transportation support jobs that pro-
15 vide a pathway to the middle class.”;

16 (2) in subsection (b) by striking “The” and all
17 that follows through “consistent” and inserting “The
18 mission of Amtrak is to provide a safe, efficient, and
19 high-quality national intercity passenger rail system
20 that is trip-time competitive with other intercity
21 travel options, consistent”;

22 (3) in subsection (c)—

23 (A) by striking paragraph (1) and inserting
24 the following:

1 “(1) use its best business judgment in acting to
2 *maximize the benefits of public funding;*”;

3 (B) in paragraph (2)—

4 (i) by striking “minimize Government
5 *subsidies by encouraging*” and inserting
6 *“work with”; and*

7 (ii) by striking the semicolon and in-
8 *serting “and improvements to service;”;*

9 (C) by striking paragraph (3) and inserting
10 *the following:*

11 “(3) manage the passenger rail network in the
12 *interest of public transportation needs, including cur-*
13 *rent and future Amtrak passengers;”;*

14 (D) in paragraph (7) by striking “encour-
15 *age*” and inserting “work with”;

16 (E) in paragraph (11) by striking “and”
17 *the last place it appears; and*

18 (F) by striking paragraph (12) and insert-
19 *ing the following:*

20 “(12) utilize and manage resources with a long-
21 *term perspective, including sound investments that*
22 *take into account the overall lifecycle costs of an asset;*

23 “(13) ensure that service is accessible and accom-
24 *modating to passengers with disabilities; and*

1 “(14) maximize the benefits Amtrak generates for
 2 the United States by creating quality jobs and sup-
 3 porting the domestic workforce.”; and
 4 (4) by striking subsection (d).

5 **SEC. 9202. AMTRAK STATUS.**

6 Section 24301(a) of title 49, United States Code, is
 7 amended—

8 (1) in paragraph (1) by striking “20102(2)” and
 9 inserting “20102”; and

10 (2) in paragraph (2) by inserting “serving the
 11 public interest in reliable passenger rail service” after
 12 “for-profit corporation”.

13 **SEC. 9203. BOARD OF DIRECTORS.**

14 (a) *IN GENERAL.*—Section 24302 of title 49, United
 15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking subparagraph (C) and
 19 inserting the following:

20 “(C) 8 individuals appointed by the Presi-
 21 dent of the United States, by and with the advice
 22 and consent of the Senate, with a record of sup-
 23 port for national passenger rail service, general
 24 business and financial experience, and transpor-

1 *tation qualifications or expertise. Of the individ-*
2 *uals appointed—*

3 *“(i) 1 shall be a Mayor or Governor of*
4 *a location served by a regularly scheduled*
5 *Amtrak service on the Northeast Corridor;*

6 *“(ii) 1 shall be a Mayor or Governor*
7 *of a location served by a regularly scheduled*
8 *Amtrak service that is not on the Northeast*
9 *Corridor;*

10 *“(iii) 1 shall be a labor representative*
11 *of Amtrak employees; and*

12 *“(iv) 2 shall be individuals with a his-*
13 *tory of regular Amtrak ridership and an*
14 *understanding of the concerns of rail pas-*
15 *sengers.”;*

16 *(B) in paragraph (2) by inserting “users of*
17 *Amtrak, including the elderly and individuals*
18 *with disabilities, and” after “and balanced rep-*
19 *resentation of”;*

20 *(C) in paragraph (3) by adding at the end*
21 *the following: “A member of the Board appointed*
22 *under clause (i) or (ii) of paragraph (1)(C) shall*
23 *serve for a term of 5 years or until such member*
24 *leaves the elected office such member occupied at*

1 *the time such member was appointed, whichever*
 2 *is first.”; and*

3 *(D) by striking paragraph (5) and insert-*
 4 *ing the following:*

5 *“(5) The Secretary and any Governor of a State*
 6 *may be represented at a Board meeting by a des-*
 7 *ignee.”;*

8 *(2) in subsection (b)—*

9 *(A) by striking “PAY AND EXPENSES” and*
 10 *inserting “DUTIES, PAY, AND EXPENSES”; and*

11 *(B) by inserting “Each director must con-*
 12 *sider the well-being of current and future Am-*
 13 *trak passengers, and the public interest in sus-*
 14 *tainable national passenger rail service.” before*
 15 *“Each director not employed by the United*
 16 *States Government or Amtrak”; and*

17 *(3) by adding at the end the following:*

18 *“(g) GOVERNOR DEFINED.—In this section, the term*
 19 *‘Governor’ means the Governor of a State or the Mayor of*
 20 *the District of Columbia and includes the designee of the*
 21 *Governor.”.*

22 *(b) TIMING OF NEW BOARD REQUIREMENTS.—Begin-*
 23 *ning on the date that is 60 days after the date of enactment*
 24 *of this Act, the appointment and membership requirements*
 25 *under section 24302 of title 49, United States Code, shall*

1 *apply to each member of the Board under such section and*
 2 *the term of each current Board member shall end. A member*
 3 *serving on such Board as of the date of enactment of this*
 4 *Act may be reappointed on or after such date subject to*
 5 *the advice and consent of the Senate if such member meets*
 6 *the requirements of such section.*

7 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

8 *(a) IN GENERAL.—Section 24308(c) of title 49, United*
 9 *States Code, is amended by adding at the end the following:*
 10 *“Notwithstanding section 24103(a) and section 24308(f),*
 11 *Amtrak shall have the right to bring an action for equitable*
 12 *or other relief in the United States District Court for the*
 13 *District of Columbia to enforce the preference rights granted*
 14 *under this subsection.”.*

15 *(b) CONFORMING AMENDMENT.—Section 24103 of title*
 16 *49, United States Code, is amended by inserting “and sec-*
 17 *tion 24308(c)” before “, only the Attorney General”.*

18 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
 19 **TO AMTRAK.**

20 *Section 24308(e) of title 49, United States Code, is*
 21 *amended—*

22 *(1) by striking paragraph (1) and inserting the*
 23 *following:*

24 *“(1)(A) When a rail carrier does not agree to*
 25 *allow Amtrak to operate additional trains over any*

1 *rail line of the carrier on which Amtrak is operating*
2 *or seeks to operate, Amtrak may submit an applica-*
3 *tion to the Board for an order requiring the carrier*
4 *to allow for the operation of the requested trains.*
5 *Within 90 days of receipt of such application, the*
6 *Board shall determine whether the additional trains*
7 *would unreasonably impair freight transportation*
8 *and—*

9 *“(i) for a determination that such trains do*
10 *not unreasonably impair freight transportation,*
11 *order the rail carrier to allow for the operation*
12 *of such trains on a schedule established by the*
13 *Board; or*

14 *“(ii) for a determination that such trains*
15 *do unreasonably impair freight transportation,*
16 *initiate a proceeding to determine any addi-*
17 *tional infrastructure investments required by, or*
18 *on behalf of, Amtrak.*

19 *“(B) If Amtrak seeks to resume operation of a*
20 *train that Amtrak operated during the 5-year period*
21 *preceding an application described in subparagraph*
22 *(A), the Board shall apply a presumption that the re-*
23 *sumed operation of such train will not unreasonably*
24 *impair freight transportation unless the Board finds*
25 *that there are substantially changed circumstances.”;*

1 (2) in paragraph (2)—

2 (A) by striking “The Board shall consider”
3 and inserting “The Board shall”;

4 (B) by striking subparagraph (A) and in-
5 serting the following:

6 “(A) in making the determination under para-
7 graph (1), take into account any infrastructure in-
8 vestments proposed in Amtrak’s application, with the
9 rail carrier having the burden of demonstrating that
10 the additional trains will unreasonably impair the
11 freight transportation; and”; and

12 (C) in subparagraph (B) by inserting “con-
13 sider investments described in subparagraph (A)
14 and” after “times,”; and

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

16 “(4) In a proceeding initiated by the Board
17 under paragraph (1)(B), the Board shall solicit the
18 views of the parties and require the parties to provide
19 any necessary data or information. Not later than
20 180 days after the date on which the Board makes a
21 determination under paragraph (1)(B), the Board
22 shall issue an order requiring the rail carrier to allow
23 for the operation of the requested trains conditioned
24 upon additional infrastructure or other investments
25 needed to mitigate the unreasonable interference. In

1 *determining the necessary level of additional infra-*
 2 *structure or other investments, the Board shall use*
 3 *any criteria, assumptions, and processes it considers*
 4 *appropriate.*

5 *“(5) The provisions of this subsection shall be in*
 6 *addition to any other statutory or contractual rem-*
 7 *edies Amtrak may have to obtain the right to operate*
 8 *the additional trains.”.*

9 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

10 *(a) IN GENERAL.—Section 28103 of title 49, United*
 11 *States Code, is amended—*

12 *(1) by redesignating subsection (e) as subsection*
 13 *(f); and*

14 *(2) by inserting after subsection (d) the fol-*
 15 *lowing:*

16 *“(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—*

17 *“(1) IN GENERAL.—Amtrak may not impose a*
 18 *choice-of-forum clause that attempts to preclude a*
 19 *passenger, or a person who purchases a ticket for rail*
 20 *transportation on behalf of a passenger, from bring-*
 21 *ing a claim against Amtrak in any court of com-*
 22 *petent jurisdiction, including a court within the ju-*
 23 *risdiction of the residence of such passenger in the*
 24 *United States (provided that Amtrak does business*
 25 *within that jurisdiction).*

1 “(2) *COURT OF COMPETENT JURISDICTION.*—
 2 *Under this subsection, a court of competent jurisdic-*
 3 *tion may not include an arbitration forum.”.*

4 **(b) *EFFECTIVE DATE.***—*This section, and the amend-*
 5 *ments made by this section, shall apply to any claim that*
 6 *arises on or after the date of enactment of this Act.*

7 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

8 **(a) *ASSESSMENT.***—*Amtrak shall conduct an assess-*
 9 *ment and review of all Amtrak policies, procedures, proto-*
 10 *cols, and guidelines for compliance with the requirements*
 11 *of the Americans With Disabilities Act of 1990 (42 U.S.C.*
 12 *12101 et seq.).*

13 **(b) *REPORT.***—*Not later than 180 days after the date*
 14 *of enactment of this Act, Amtrak shall submit to the Com-*
 15 *mittee on Transportation and Infrastructure of the House*
 16 *of Representatives and the Committee on Commerce,*
 17 *Science, and Transportation of the Senate a report on the*
 18 *results of the assessment conducted under subsection (a).*

19 **(c) *CONTENTS.***—*The report required under subsection*
 20 **(b) shall include—**

21 **(1) *a summary of the policies, procedures, proto-***
 22 ***cols, and guidelines reviewed;***

23 **(2) *any necessary changes to such policies, proce-***
 24 ***dures, protocols, and guidelines to ensure compliance***
 25 ***with the Americans With Disabilities Act of 1990 (42***

1 U.S.C. 12101 *et seq.*), including full compliance
 2 under such Act for stations and facilities for which
 3 Amtrak has responsibility under such Act and consid-
 4 eration of the needs of individuals with disabilities
 5 when procuring rolling stock; and

6 (3) an implementation plan and timeline for
 7 making any such necessary changes.

8 (d) *ENGAGEMENT*.—Amtrak is encouraged to engage
 9 with a range of advocates for individuals with disabilities
 10 during the assessment conducted under subsection (a), and
 11 develop an ongoing and standardized process for engage-
 12 ment with advocates for individuals with disabilities.

13 (e) *PERIODIC EVALUATION*.—At least once every 2
 14 years, Amtrak shall review and update, as necessary, Am-
 15 trak policies, procedures, protocols, and guidelines to ensure
 16 compliance with the Americans With Disabilities Act of
 17 1990 (42 U.S.C. 12101 *et seq.*).

18 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

19 (a) *IN GENERAL*.—Chapter 243 of title 49, United
 20 States Code, is amended by adding at the end the following:

21 **“§ 24323. Prohibition on smoking on Amtrak trains**

22 “(a) *PROHIBITION*.—Beginning on the date of enact-
 23 ment of the TRAIN Act, Amtrak shall prohibit smoking on
 24 board Amtrak trains.

25 “(b) *ELECTRONIC CIGARETTES*.—

1 “(1) *INCLUSION.—The use of an electronic ciga-*
 2 *rette shall be treated as smoking for purposes of this*
 3 *section.*

4 “(2) *ELECTRONIC CIGARETTE DEFINED.—In this*
 5 *section, the term ‘electronic cigarette’ means a device*
 6 *that delivers nicotine or other substances to a user of*
 7 *the device in the form of a vapor that is inhaled to*
 8 *simulate the experience of smoking.”.*

9 (b) *CONFORMING AMENDMENT.—The analysis for*
 10 *chapter 243 of title 49, United States Code, is amended by*
 11 *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 de-*
 19 *fine and periodically update the rules and proce-*
 20 *dures governing the Committee’s proceedings.”;*
 21 *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 Invest-*
7 *ment and Improvement Act (49 U.S.C.*
8 *24101 note); and*

9 “(ii) *procedures or broad guidelines for*
10 *conducting financial planning, including*
11 *operating and capital forecasting, report-*
12 *ing, and data sharing and governance.”;*

13 *(ii) in subparagraph (C)—*

14 *(I) in clause (i) by striking “and”*
15 *at the end;*

16 *(II) in clause (ii) by striking the*
17 *period at the end and inserting “;*
18 *and”;* and

19 *(III) by adding at the end the fol-*
20 *lowing:*

21 “(iii) *promote increased efficiency in*
22 *Amtrak’s operating and capital activities.”;*
23 and

24 *(iii) by adding at the end the fol-*
25 *lowing:*

1 “(D) *ANNUAL REVIEW*.—Not later than
2 *June 30 of each year, the Committee shall pre-*
3 *pare an evaluation of the cost allocation method-*
4 *ology and procedures under subparagraph (B)*
5 *and transmit such evaluation to the Committee*
6 *on Transportation and Infrastructure of the*
7 *House of Representatives and the Committee on*
8 *Commerce, Science, and Transportation of the*
9 *Senate.”;*

10 (2) *in subsection (b)—*

11 (A) *by inserting “and to the Committee” be-*
12 *fore “, as well as the planning”; and*

13 (B) *by inserting before the period at the end*
14 *the following: “and the Committee. Not later*
15 *than 180 days after the date of enactment of the*
16 *TRAIN Act, the Committee shall develop a report*
17 *that contains the general ledger data and oper-*
18 *ating statistics from Amtrak’s accounting sys-*
19 *tems used to calculate payments to States. Am-*
20 *trak shall provide to the States and the Com-*
21 *mittee the report for the prior month not later*
22 *than 30 days after the last day of each month”;*

23 (3) *in subsection (e) by inserting “, including*
24 *incentives to increase revenue, reduce costs, finalize*
25 *contracts by the beginning of the fiscal year, and re-*

1 *quire States to promptly make payments for services*
 2 *delivered” before the period;*

3 *(4) in subsection (f)—*

4 *(A) in paragraph (1)—*

5 *(i) by inserting “and annually review*
 6 *and update, as necessary,” after “shall de-*
 7 *velop”; and*

8 *(ii) by inserting before “The Com-*
 9 *mittee may consult” the following: “The*
 10 *statement shall include a list of capital*
 11 *projects, including infrastructure, fleet, sta-*
 12 *tion, and facility initiatives, needed to sup-*
 13 *port the growth of State-supported routes.”;*

14 *(B) in paragraph (2) by striking “Not later*
 15 *than 2 years” and all that follows through*
 16 *“transmit the statement” and inserting “The*
 17 *Committee shall transmit, not later than March*
 18 *31 of each year, the most recent annual update*
 19 *to the statement”; and*

20 *(C) by adding at the end the following:*

21 *“(3) SENSE OF CONGRESS.—It is the sense of*
 22 *Congress that the Committee shall be the forum where*
 23 *Amtrak and States collaborate on the planning, im-*
 24 *provement, and development of corridor routes across*
 25 *the National Network. The Committee shall identify*

1 *obstacles to intercity passenger rail growth and iden-*
 2 *tify solutions to overcome such obstacles.”;*

3 *(5) by redesignating subsections (g) and (h) as*
 4 *subsections (j) and (k), respectively; and*

5 *(6) by inserting after subsection (f) the following:*

6 “(g) *NEW STATE-SUPPORTED ROUTES.*—

7 “(1) *CONSULTATION.*—*In developing a new*
 8 *State-supported route, Amtrak shall consult with the*
 9 *following:*

10 “(A) *The State or States and local munici-*
 11 *palities where such new service would operate.*

12 “(B) *Commuter authorities and regional*
 13 *transportation authorities (as such terms are de-*
 14 *fin ed in section 24102) in the areas that would*
 15 *be served by the planned route.*

16 “(C) *Host railroads.*

17 “(D) *Administrator of the Federal Railroad*
 18 *Administration.*

19 “(E) *Other stakeholders, as appropriate.*

20 “(2) *STATE COMMITMENTS.*—*Notwithstanding*
 21 *any other provision of law, before beginning construc-*
 22 *tion necessary for, or beginning operation of, a State-*
 23 *supported route that is initiated on or after the date*
 24 *of enactment of the TRAIN Act, Amtrak shall enter*
 25 *into a memorandum of understanding, or otherwise*

1 *secure an agreement, with the State in which such*
2 *route will operate for sharing—*

3 “(A) *ongoing operating costs and capital*
4 *costs in accordance with the cost allocation meth-*
5 *odology described under subsection (a); or*

6 “(B) *ongoing operating costs and capital*
7 *costs in accordance with the alternative cost allo-*
8 *cation schedule described in paragraph (3).*

9 “(3) *ALTERNATIVE COST ALLOCATION.—Under*
10 *the alternative cost allocation schedule described in*
11 *this paragraph, with respect to costs not covered by*
12 *revenues for the operation of the new State-supported*
13 *route, Amtrak shall pay—*

14 “(A) *the share Amtrak otherwise would have*
15 *paid under the cost allocation methodology under*
16 *subsection (a); and*

17 “(B) *a percentage of the share that the State*
18 *otherwise would have paid under the cost alloca-*
19 *tion methodology under subsection (a) according*
20 *to the following:*

21 “(i) *Amtrak shall pay up to 100 per-*
22 *cent of the capital costs necessary to initiate*
23 *a new State-supported route, including*
24 *planning and development, design, and en-*

1 *vironmental analysis, prior to beginning*
2 *operations on the new route.*

3 *“(ii) For the first 2 years of operation,*
4 *Amtrak shall pay for 100 percent of oper-*
5 *ating costs and capital costs.*

6 *“(iii) For the third year of operation,*
7 *Amtrak shall pay 90 percent of operating*
8 *costs and capital costs and the State shall*
9 *pay the remainder.*

10 *“(iv) For the fourth year of operation,*
11 *Amtrak shall pay 80 percent of operating*
12 *costs and capital costs and the State shall*
13 *pay the remainder*

14 *“(v) For the fifth year of operation,*
15 *Amtrak shall pay 50 percent of operating*
16 *costs and capital costs and the State shall*
17 *pay the remainder.*

18 *“(vi) For the sixth year of operation*
19 *and thereafter, operating costs and capital*
20 *costs shall be allocated in accordance with*
21 *the cost allocation methodology described*
22 *under subsection (a), as applicable.*

23 *“(4) APPLICATION OF TERMS.—In this sub-*
24 *section, the terms ‘capital cost’ and ‘operating cost’*
25 *shall apply in the same manner as such terms apply*

1 *under the cost allocation methodology developed under*
2 *subsection (a).*

3 “(h) *COST ALLOCATION METHODOLOGY AND IMPLE-*
4 *MENTATION REPORT.*—

5 “(1) *IN GENERAL.*—*Not later than 18 months*
6 *after the date of enactment of the TRAIN Act, the*
7 *Committee shall submit to the Committee on Trans-*
8 *portation and Infrastructure of the House of Rep-*
9 *resentatives and the Committee on Commerce,*
10 *Science, and Transportation of the Senate a report*
11 *assessing potential improvements to the cost alloca-*
12 *tion methodology required and approved under sec-*
13 *tion 209 of the Passenger Rail Investment and Im-*
14 *provement Act of 2008 (49 U.S.C. 24101 note).*

15 “(2) *REPORT CONTENTS.*—*The report required*
16 *under paragraph (1) shall—*

17 “(A) *identify improvements to the cost allo-*
18 *cation methodology that would promote—*

19 “(i) *transparency of route and train*
20 *costs and revenues;*

21 “(ii) *facilitation of service and network*
22 *growth;*

23 “(iii) *improved services for the trav-*
24 *eling public;*

1 “(iv) maintenance or achievement of
2 labor collective bargaining agreements;

3 “(v) increased revenues; and

4 “(vi) reduced costs;

5 “(B) describe the various contracting ap-
6 proaches used in State-supported services be-
7 tween States and Amtrak, including the method,
8 amount, and timeliness of payments for each
9 State-supported service;

10 “(C) evaluate the potential benefits and fea-
11 sibility, including identifying any necessary
12 statutory changes, of implementing a service
13 pricing model for State-supported routes in lieu
14 of a cost allocation methodology and how such a
15 service pricing model would advance the prior-
16 ities described in subparagraph (A); and

17 “(D) summarize share of costs from the cost
18 allocation methodology that are—

19 “(i) assigned;

20 “(ii) allocated regionally or locally;

21 and

22 “(iii) allocated nationally.

23 “(3) *UPDATE TO THE METHODOLOGY.*—Not later
24 than 2 years after the implementation of the *TRAIN*
25 Act, the Committee shall update the methodology, if

1 *necessary, based on the findings of the report required*
 2 *under paragraph (1).*

3 “(i) *IDENTIFICATION OF STATE-SUPPORTED ROUTE*
 4 *CHANGES.*—*Amtrak shall provide an update in the general*
 5 *and legislative annual report under section 24315(b) of*
 6 *planned or proposed changes to State-supported routes, in-*
 7 *cluding the introduction of new State-supported routes. In*
 8 *identifying routes to be included in such request, Amtrak*
 9 *shall—*

10 “(1) *identify the timeframe in which such*
 11 *changes could take effect and whether Amtrak has en-*
 12 *tered into a commitment with a State under sub-*
 13 *section (g)(2); and*

14 “(2) *consult with the Committee and any addi-*
 15 *tional States in which proposed routes may operate,*
 16 *not less than 120 days before the annual grant request*
 17 *is transmitted to the Secretary.”.*

18 (b) *CONFORMING AMENDMENT.*—*Section 24315(b)(1)*
 19 *of title 49, United States Code, is amended—*

20 (1) *by redesignating subparagraph (B) as sub-*
 21 *paragraph (C);*

22 (2) *in subparagraph (A) by striking “section*
 23 *24902(b) of this title; and” and inserting “section*
 24 *24902(a) of this title;”; and*

1 (3) *by inserting after subparagraph (A) the fol-*
 2 *lowing:*

3 *“(B) shall identify the planned or proposed*
 4 *State-supported routes, as required under section*
 5 *24712(i); and”.*

6 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

7 (a) *DEPARTMENT MISSION.*—*Not later than 180 days*
 8 *after the date of enactment of this Act, Amtrak shall iden-*
 9 *tify the mission of the Amtrak Police Department (in this*
 10 *section referred to as the “Department”), including the*
 11 *scope and priorities of the Department, in mitigating risks*
 12 *to and ensuring the safety and security of Amtrak pas-*
 13 *sengers, employees, trains, stations, facilities, and other in-*
 14 *frastructure. In identifying such mission, Amtrak shall con-*
 15 *sider—*

16 (1) *the unique needs of maintaining the safety*
 17 *and security of Amtrak’s network; and*

18 (2) *comparable passenger rail systems and the*
 19 *mission of the police departments of such rail systems.*

20 (b) *WORKFORCE PLANNING PROCESS.*—*Not later than*
 21 *120 days after identifying the mission of the Department*
 22 *under subsection (a), Amtrak shall develop a workforce*
 23 *planning process that—*

24 (1) *ensures adequate employment levels and allo-*
 25 *cation of sworn and civilian personnel, including pa-*

1 *trol officers, necessary for fulfilling the Department's*
2 *mission; and*

3 *(2) sets performance goals and metrics for the*
4 *Department and monitors and evaluates the Depart-*
5 *ment's progress toward such goals and metrics.*

6 *(c) CONSIDERATIONS.—In developing the workforce*
7 *planning process under subsection (b), Amtrak shall—*

8 *(1) identify critical positions, skills, and com-*
9 *petencies necessary for fulfilling the Department's*
10 *mission;*

11 *(2) analyze employment levels and ensure that—*

12 *(A) an adequate number of civilian and*
13 *sworn personnel are allocated across the Depart-*
14 *ment's 6 geographic divisions, including patrol*
15 *officers, detectives, canine units, special oper-*
16 *ations unit, strategic operations, intelligence,*
17 *corporate security, the Office of Professional Re-*
18 *sponsibilities, and the Office of Chief of Polices;*
19 *and*

20 *(B) patrol officers have an adequate pres-*
21 *ence on trains and route segments, and in sta-*
22 *tions, facilities, and other infrastructure;*

23 *(3) analyze workforce gaps and develop strategies*
24 *to address any such gaps;*

1 (4) *consider the risks identified by Amtrak's*
2 *triannual risk assessments;*

3 (5) *consider variables, including ridership levels,*
4 *miles of right-of-way, crime data, call frequencies,*
5 *interactions with vulnerable populations, and work-*
6 *load, that comparable passenger rail systems with*
7 *similar police departments consider in the develop-*
8 *ment of the workforce plans of such systems; and*

9 (6) *consider collaboration or coordination with*
10 *local, State, Tribal, and Federal agencies, and public*
11 *transportation agencies to support the safety and se-*
12 *curity of the Amtrak network.*

13 (d) *CONSULTATION.—In carrying out this section, Am-*
14 *trak shall consult with the Amtrak Police Department*
15 *Labor Committee, public safety experts, foreign or domestic*
16 *entities providing passenger rail service comparable to Am-*
17 *trak, and any other relevant entities, as determined by Am-*
18 *trak.*

19 (e) *REPORTS.—*

20 (1) *REPORT ON MISSION OF DEPARTMENT.—Not*
21 *later than 10 days after Amtrak identifies the mission*
22 *of the Department under subsection (a), Amtrak shall*
23 *transmit to the Committee on Transportation and In-*
24 *frastructure of the House of Representatives and the*
25 *Committee on Commerce, Science, and Transpor-*

1 *tation of the Senate a report containing a description*
 2 *of the mission of the Department and the reasons for*
 3 *the content of such mission.*

4 *(2) Report on workforce planning process- Not*
 5 *later than 10 days after Amtrak completes the work-*
 6 *force planning process under subsection (b), Amtrak*
 7 *shall transmit to the Committee on Transportation*
 8 *and Infrastructure of the House of Representatives*
 9 *and the Committee on Commerce, Science, and Trans-*
 10 *portation of the Senate a report containing the work-*
 11 *force planning process, the underlying data used to*
 12 *develop such process, and how such process will*
 13 *achieve the Department’s mission.*

14 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

15 *(a) AMTRAK FOOD AND BEVERAGE.—Section 24321 of*
 16 *title 49, United States Code, is amended to read as follows:*

17 **“§ 24321. Amtrak food and beverage**

18 *“(a) ENSURING ACCESS TO FOOD AND BEVERAGE*
 19 *SERVICES.—On all long-distance routes, Amtrak shall en-*
 20 *sure that all passengers who travel overnight on such route*
 21 *shall have access to purchasing the food and beverages that*
 22 *are provided to sleeping car passengers on such route.*

23 *“(b) FOOD AND BEVERAGE WORKFORCE.—*

1 “(1) *WORKFORCE REQUIREMENT.*—*Amtrak shall*
 2 *ensure that any individual onboard a train who pre-*
 3 *pares food and beverages is an Amtrak employee.*

4 “(2) *SAVINGS CLAUSE.*—*No Amtrak employee*
 5 *holding a position as of the date of enactment of the*
 6 *TRAIN Act may be involuntarily separated because*
 7 *of any action taken by Amtrak to implement this sec-*
 8 *tion, including any employees who are furloughed as*
 9 *a result of the COVID–19 pandemic.*

10 “(c) *SAVINGS CLAUSE.*—*Amtrak shall ensure that no*
 11 *Amtrak employee holding a position as of the date of enact-*
 12 *ment of the Passenger Rail Reform and Investment Act of*
 13 *2015 is involuntarily separated because of the development*
 14 *and implementation of the plan required by the amend-*
 15 *ments made by section 11207 of such Act.”.*

16 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

17 (1) *ANALYSIS.*—*The item related to section*
 18 *24321 in the analysis for chapter 243 of title 49,*
 19 *United States Code, is amended to read as follows:*

 “24321. *Amtrak food and beverage.*”.

20 (2) *AMTRAK AUTHORITY.*—*Section 24305(c)(4) of*
 21 *title 49, United States Code, is amended by striking*
 22 *“only if revenues from the services each year at least*
 23 *equal the cost of providing the services”.*

24 (3) *CONTRACTING OUT.*—*Section 121(c) of the*
 25 *Amtrak Reform and Accountability Act of 1997 (49*

1 U.S.C. 24312 note; 111 Stat. 2574) is amended by
 2 striking “, other than work related to food and bev-
 3 erage service,”.

4 (c) *AMTRAK FOOD AND BEVERAGE WORKING*
 5 *GROUP*.—

6 (1) *ESTABLISHMENT*.—Not later than 90 days
 7 after the date of enactment of this Act, Amtrak shall
 8 establish a working group (in this subsection referred
 9 to as the “Working Group”) to provide recommenda-
 10 tions on Amtrak onboard food and beverage services.

11 (2) *MEMBERSHIP*.—The Working Group shall
 12 consist of individuals representing—

13 (A) Amtrak;

14 (B) the labor organizations representing
 15 Amtrak employees who prepare or provide on-
 16 board food and beverage services; and

17 (C) nonprofit organizations representing
 18 Amtrak passengers.

19 (3) *RECOMMENDATIONS*.—

20 (A) *IN GENERAL*.—The Working Group
 21 shall develop recommendations to increase rider-
 22 ship and improve customer satisfaction by—

23 (i) promoting collaboration and en-
 24 gagement between Amtrak, Amtrak pas-
 25 sengers, and Amtrak employees preparing

1 *or providing onboard food and beverage*
2 *services, prior to Amtrak implementing*
3 *changes to onboard food and beverage serv-*
4 *ices;*

5 *(ii) improving onboard food and bev-*
6 *erage services; and*

7 *(iii) improving solicitation, reception,*
8 *and consideration of passenger feedback re-*
9 *garding onboard food and beverage services.*

10 *(B) CONSIDERATIONS.—In developing the*
11 *recommendations under subparagraph (A), the*
12 *Working Group shall consider—*

13 *(i) the healthfulness of onboard food*
14 *and beverages offered, including the ability*
15 *of passengers to address dietary restrictions;*

16 *(ii) the preparation and delivery of on-*
17 *board food and beverages;*

18 *(iii) the differing needs of passengers*
19 *traveling on long-distance routes, State-sup-*
20 *ported routes, and the Northeast Corridor;*

21 *(iv) the reinstatement of the dining car*
22 *service on long-distance routes;*

23 *(v) Amtrak passenger survey data*
24 *about the food and beverages offered on Am-*
25 *trak trains; and*

1 (vi) any other issue the Working Group
2 determines appropriate.

3 (4) *REPORTS.*—

4 (A) *INITIAL REPORT.*—Not later than 1
5 year after the date on which the Working Group
6 is established, the Working Group shall submit to
7 the Board of Directors of Amtrak, the Committee
8 on Transportation and Infrastructure of the
9 House of Representatives, and the Committee on
10 Commerce, Science, and Transportation of the
11 Senate a report containing the recommendations
12 developed under paragraph (3).

13 (B) *SUBSEQUENT REPORT.*—Not later than
14 30 days after the date on which the Working
15 Group submits the report required under sub-
16 paragraph (A), Amtrak shall submit to the Com-
17 mittee on Transportation and Infrastructure of
18 the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of
20 the Senate a report on whether Amtrak agrees
21 with the recommendations of the Working Group
22 and describing any plans to implement such rec-
23 ommendations.

24 (5) *PROHIBITION ON FOOD AND BEVERAGE SERV-*
25 *ICE CHANGES.*—During the period beginning on the

1 *date of enactment of this Act and ending 30 days*
2 *after the date on which Amtrak submits the report re-*
3 *quired under paragraph (4)(B), Amtrak may not*
4 *make large-scale, structural changes to existing on-*
5 *board food and beverage services, except that Amtrak*
6 *shall reverse any changes to onboard food and bev-*
7 *erage service made in response to the COVID–19 pan-*
8 *demic as Amtrak service is restored.*

9 (6) *TERMINATION.—The Working Group shall*
10 *terminate on the date on which Amtrak submits the*
11 *report required under paragraph (4)(B), except that*
12 *Amtrak may extend such date by up to 1 year if Am-*
13 *trak determines that the Working Group is beneficial*
14 *to Amtrak in making decisions related to onboard*
15 *food and beverage services. If Amtrak extends such*
16 *date, Amtrak shall include notification of the exten-*
17 *sion in the report required under paragraph (4)(B).*

18 (7) *NONAPPLICABILITY OF FEDERAL ADVISORY*
19 *COMMITTEE ACT.—The Federal Advisory Committee*
20 *Act (5 U.S.C. App) does not apply to the Working*
21 *Group established under this section.*

22 (8) *LONG-DISTANCE ROUTE; NORTHEAST COR-*
23 *RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—In*
24 *this subsection, the terms “long-distance route”,*
25 *“Northeast Corridor”, and “State-supported route”*

1 *have the meaning given those terms in section 24102*
 2 *of title 49, United States Code.*

3 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING OUT.**

4 *Section 121 of the Amtrak Reform and Accountability*
 5 *Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is*
 6 *amended by striking subsection (d) and inserting the fol-*
 7 *lowing:*

8 “(d) *FURLOUGHED WORK.*—*Amtrak may not contract*
 9 *out work within the scope of work performed by an em-*
 10 *ployee in a bargaining unit covered by a collective bar-*
 11 *gaining agreement entered into between Amtrak and an or-*
 12 *ganization representing Amtrak employees during the pe-*
 13 *riod of time such employee has been laid off and has not*
 14 *been recalled to perform such work.*

15 “(e) *AGREEMENT PROHIBITIONS ON CONTRACTING*
 16 *OUT.*—*This section does not—*

17 “(1) *supersede a prohibition or limitation on*
 18 *contracting out work covered by a collective bar-*
 19 *gaining agreement entered into between Amtrak and*
 20 *an organization representing Amtrak employees; or*

21 “(2) *prohibit Amtrak and an organization rep-*
 22 *resenting Amtrak employees from entering into a col-*
 23 *lective bargaining agreement that allows for con-*
 24 *tracting out the work of a furloughed employee that*
 25 *would otherwise be prohibited under subsection (d).”.*

1 **SEC. 9213. AMTRAK STAFFING.**

2 *Section 24312 of title 49, United States Code, is*
3 *amended by adding at the end the following:*

4 “(c) *CALL CENTER STAFFING.*—

5 “(1) *OUTSOURCING.*—*Amtrak may not renew or*
6 *enter into a contract to outsource call center customer*
7 *service work on behalf of Amtrak, including through*
8 *a business process outsourcing group.*

9 “(2) *TRAINING.*—*Amtrak shall make available*
10 *appropriate training programs to any Amtrak call*
11 *center employee carrying out customer service activi-*
12 *ties using telephone or internet platforms.*

13 “(d) *STATION AGENT STAFFING.*—

14 “(1) *IN GENERAL.*—*Beginning on the date that*
15 *is 1 year after the date of enactment of the TRAIN*
16 *Act, Amtrak shall ensure that at least 1 Amtrak ticket*
17 *agent is employed at each station building where at*
18 *least 1 Amtrak ticket agent was employed on or after*
19 *October 1, 2017.*

20 “(2) *LOCATIONS.*—*Notwithstanding section (1),*
21 *beginning on the date that is 1 year after the date of*
22 *enactment of the TRAIN Act, Amtrak shall ensure*
23 *that at least 1 Amtrak ticket agent is employed at*
24 *each station building—*

25 “(A) *that Amtrak owns, or operates service*
26 *through, as part of a passenger service route; and*

1 “(B) for which the number of passengers
 2 boarding or disembarking an Amtrak long-distance
 3 train in the previous fiscal year exceeds the aver-
 4 age of at least 40 passengers per day over all
 5 days in which the station was serviced by Am-
 6 trak, regardless of the number of Amtrak vehicles
 7 servicing the station per day. For fiscal year
 8 2021, ridership from fiscal year 2019 shall be
 9 used to determine qualifying stations.

10 “(3) *EXCEPTION.*—This subsection does not
 11 apply to any station building in which a commuter
 12 rail ticket agent has the authority to sell Amtrak tick-
 13 ets.

14 “(4) *AMTRAK TICKET AGENT.*—For purposes of
 15 this section, the term ‘Amtrak ticket agent’ means an
 16 Amtrak employee with authority to sell Amtrak tick-
 17 ets onsite and assist in the checking of Amtrak pas-
 18 senger baggage.”.

19 **SEC. 9214. SPECIAL TRANSPORTATION.**

20 Section 24307(a) of title 49, United States Code, is
 21 amended—

22 (1) in the matter preceding paragraph (1) by
 23 striking “for the following:” and inserting “of at least
 24 a 10 percent discount on full-price coach class rail
 25 fares for, at a minimum—”;

1 (2) *in paragraph (1) by striking the period at*
 2 *the end and inserting a semicolon; and*

3 (3) *by striking paragraph (2) and inserting the*
 4 *following:*

5 “(2) *individuals of 12 years of age or younger;*

6 “(3) *individuals with a disability, as such term*
 7 *is defined in section 3 of the Americans with Disabil-*
 8 *ities Act of 1990 (42 U.S.C. 12102);*

9 “(4) *members of the Armed Forces on active duty*
 10 *(as those terms are defined in section 101 of title 10)*
 11 *and their spouses and dependents with valid identi-*
 12 *fication;*

13 “(5) *veterans (as that term is defined in section*
 14 *101 of title 38) with valid identification; and*

15 “(6) *individuals attending federally-accredited*
 16 *postsecondary education institutions with valid stu-*
 17 *dent identification cards.”.*

18 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

19 (a) *IN GENERAL.*—Chapter 243 of title 49, United
 20 States Code, is further amended by adding at the end the
 21 following:

22 **“§ 24324. Disaster and emergency relief program**

23 “(a) *IN GENERAL.*—The Secretary of Transportation
 24 may make grants to Amtrak for—

1 “(1) capital projects to repair, reconstruct, or re-
 2 place equipment, infrastructure, stations, and other
 3 facilities that the Secretary determines are in danger
 4 of suffering serious damage, or have suffered serious
 5 damage, as a result of an emergency event;

6 “(2) offset revenue lost as a result of such an
 7 event; and

8 “(3) support continued operations following
 9 emergency events.

10 “(b) COORDINATION OF EMERGENCY FUNDS.—Funds
 11 made available to carry out this section shall be in addition
 12 to any other funds available and shall not affect the ability
 13 of Amtrak to use any other funds otherwise authorized by
 14 law.

15 “(c) GRANT CONDITIONS.—Grants made under this
 16 subsection (a) shall be subject to section 22905(c)(2)(A) and
 17 other such terms and conditions as the Secretary determines
 18 necessary.

19 “(d) DEFINITION OF EMERGENCY EVENT.—In this sec-
 20 tion, the term ‘emergency event’ has the meaning given such
 21 term in section 20103.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chapter
 23 243 of title 49, United States Code, is further amended by
 24 adding at the end the following:

“24324. Disaster and emergency relief program.”.

1 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

2 Section 24315 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(i) *RECREATIONAL TRAIL ACCESS.*—At least 30 days
5 before implementing a new policy, structure, or operation
6 that impedes recreational trail access, Amtrak shall work
7 with potentially affected communities, making a good-faith
8 effort to address local concerns about such recreational trail
9 access. Not later than February 15 of each year, Amtrak
10 shall submit to the Committee on Transportation and In-
11 frastructure of the House of Representatives and the Com-
12 mittee on Environment and Public Works of the Senate a
13 report on any such engagement in the preceding calendar
14 year, and any changes to policies, structures, or operations
15 affecting recreational trail access that were considered or
16 made as a result. Such report shall include Amtrak’s plans
17 to mitigate the impact to such recreational trail access.”.

18 **SEC. 9217. INVESTIGATION OF SUBSTANDARD PERFORM-**
19 **ANCE.**

20 Section 24308(f) of title 49, United States Code, is
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking “If the on-time” and insert-
24 ing “If either the on-time”;

25 (B) by inserting “, measured at each station
26 on its route based upon the arrival times plus 15

minutes shown in schedules Amtrak and the host railroad have agreed to or have been determined by the Surface Transportation Board pursuant to section 213 of the Passenger Rail Investment and Improvement Act of 2008 as of or subsequent to the date of enactment of the TRAIN Act,” after “intercity passenger train”; and

(C) by striking “or the service quality of” and inserting “or the on-time performance of”;

(2) in paragraph (2) by striking “minimum standards investigated under paragraph (1)” and inserting “either performance standard under paragraph (1)”; and

(3) in paragraph (4) by striking “or failures to achieve minimum standards” and inserting “or failure to achieve either performance standard under paragraph (1)”.

SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT GRANT PROGRAM.

(a) *IN GENERAL.*—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

1 **“§ 24324. Amtrak cybersecurity enhancement grant**
 2 **program**

3 “(a) *IN GENERAL.*—*The Secretary of Transportation*
 4 *shall make grants to Amtrak for improvements in informa-*
 5 *tion technology systems, including cyber resiliency improve-*
 6 *ments for Amtrak information technology assets.*

7 “(b) *APPLICATION OF BEST PRACTICES.*—*Any cyber*
 8 *resiliency improvements carried out with a grant under this*
 9 *section shall be consistent with the principles contained in*
 10 *the special publication numbered 800–160 issued by the Na-*
 11 *tional Institute of Standards and Technology Special and*
 12 *any other applicable security controls published by the In-*
 13 *stitute.*

14 “(c) *COORDINATION OF CYBERSECURITY FUNDS.*—
 15 *Funds made available to carry out this section shall be in*
 16 *addition to any other Federal funds and shall not affect*
 17 *the ability of Amtrak to use any other funds otherwise au-*
 18 *thorized by law for purposes of enhancing the cybersecurity*
 19 *architecture of Amtrak.*

20 “(d) *GRANT CONDITIONS.*—*Grants made under this*
 21 *section shall be subject to such terms and conditions as the*
 22 *Secretary determines necessary.”*

23 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 24 *243 of title 49, United States Code, is further amended by*
 25 *adding at the end the following:*

“24324. Amtrak cybersecurity enhancement grant program.”

1 **SEC. 9219. AMTRAK AND PRIVATE CARS.**

2 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
3 *that private cars and charter trains can—*

4 (1) *improve Amtrak’s financial performance,*
5 *particularly on the long-distance routes;*

6 (2) *have promotional value for Amtrak that re-*
7 *sults in future travel on Amtrak trains by passengers*
8 *made aware of Amtrak as a result;*

9 (3) *support private-sector jobs, including for me-*
10 *chanical work and on-board services; and*

11 (4) *provide good-will benefits to Amtrak.*

12 (b) *POLICY REVIEW.*—*Amtrak shall review the policy*
13 *changes since January 1, 2018, that have caused significant*
14 *changes to the relationship between Amtrak and private car*
15 *owners and charter train services and evaluate opportuni-*
16 *ties to strengthen these services, including by reinstating*
17 *some access points and restoring flexibility to charter-train*
18 *policies. For charter trains, private cars, and package ex-*
19 *press carried on regular Amtrak trains, consistent with*
20 *sound business practice, Amtrak should recover direct costs*
21 *plus a reasonable profit margin.*

22 **SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

23 (a) *IN GENERAL.*—*Chapter 243 of title 49, United*
24 *States Code, is further amended by adding at the end the*
25 *following new section:*

1 **“§ 24325. Amtrak Office of Community Outreach**

2 “(a) *IN GENERAL.*—Not later than 180 days after the
3 date of enactment of the *TRAIN Act*, Amtrak shall establish
4 an Office of Community Outreach to engage with commu-
5 nities impacted by Amtrak operations.

6 “(b) *RESPONSIBILITIES.*—The Office of Community
7 Outreach shall be responsible for—

8 “(1) outreach and engagement with—

9 “(A) local officials before capital improve-
10 ment project plans are finalized; and

11 “(B) local stakeholders and relevant organi-
12 zations on projects of community significance;

13 “(2) clear explanation and publication of how
14 community members can communicate with Amtrak;

15 “(3) the use of virtual public involvement, social
16 media, and other web-based tools to encourage public
17 participation and solicit public feedback; and

18 “(4) making publicly available on the website of
19 Amtrak, planning documents for proposed and imple-
20 mented capital improvement projects.

21 “(c) *REPORT TO CONGRESS.*—Not later than 1 year
22 after the establishment of the Office of Community Out-
23 reach, and annually thereafter, Amtrak shall submit to the
24 Committee on Transportation and Infrastructure in the
25 House of Representatives and the Committee on Commerce,
26 Science, and Transportation of the Senate a report that—

1 “(1) describes the community outreach efforts un-
 2 dertaken by the Amtrak Office of Community Out-
 3 reach for the previous year; and

4 “(2) identifies changes Amtrak made to capital
 5 improvement project plans after engagement with af-
 6 fected communities.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chapter
 8 243 of title 49, United States Code, is further amended by
 9 adding at the end the following:

 “24325. Amtrak Office of Community Outreach.”.

10 **TITLE III—INTERCITY** 11 **PASSENGER RAIL POLICY**

12 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

13 Section 24905 of title 49, United States Code, is
 14 amended—

15 (1) in subsection (a)(1)—

16 (A) in subparagraph (A) by striking “mem-
 17 bers” and inserting “4 members”;

18 (B) in subparagraph (B) by striking “mem-
 19 bers” and inserting “5 members”; and

20 (C) in subparagraph (D) by striking “and
 21 commuter railroad carriers using the Northeast
 22 Corridor selected by the Secretary” and inserting
 23 “railroad carriers and commuter authorities
 24 using the Northeast Corridor, as determined by
 25 the Commission”;

1 (2) *by striking paragraph (2) of subsection (a)*
 2 *and inserting the following:*

3 “(2) *At least 2 of the members described in para-*
 4 *graph (1)(B) shall be career appointees, as such term*
 5 *is defined in section 3132(a) of title 5.”;*

6 (3) *in subsection (b)(3)(B)—*

7 (A) *in clause (i) by inserting “, including*
 8 *ridership trends,” before “along the Northeast*
 9 *Corridor”;*

10 (B) *in clause (ii) by striking “capital in-*
 11 *vestment plan described in section 24904.” and*
 12 *inserting “first year of the capital investment*
 13 *plan described in section 24904; and”;* and

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

15 “(iii) *progress in assessing and elimi-*
 16 *nating the state-of-good-repair backlog.”;*

17 (4) *in subsection (c)—*

18 (A) *by striking “(1) DEVELOPMENT” and*
 19 *all that follows through “standardized policy”*
 20 *and inserting the following:*

21 “(1) *POLICY.—The Commission shall—*

22 “(A) *maintain and update, as appropriate,*
 23 *the ‘Northeast Corridor Commuter and Intercity*
 24 *Rail Cost Allocation Policy’ approved on Sep-*
 25 *tember 17, 2015,”;*

1 *(B) in paragraph (1)—*

2 *(i) in subparagraph (B) by striking “a*
3 *proposed timetable for implementing” and*
4 *inserting “timetables for implementing and*
5 *maintaining”;*

6 *(ii) in subparagraph (C) by striking*
7 *“the policy and the timetable” and insert-*
8 *ing “updates to the policy and the time-*
9 *tables”;* and

10 *(iii) by striking subparagraph (D) and*
11 *inserting the following:*

12 *“(D) support the efforts of the members of*
13 *the Commission to implement the policy in ac-*
14 *cordance with such timetables; and”;*

15 *(C) in paragraph (2)—*

16 *(i) by striking the first sentence and*
17 *inserting “In accordance with the timetable*
18 *developed in paragraph (1), Amtrak and*
19 *commuter authorities on the Northeast Cor-*
20 *ridor shall implement the policy developed*
21 *under paragraph (1) in agreements for*
22 *usage of facilities or services.”;*

23 *(ii) by striking “fail to implement such*
24 *new agreements” and inserting “fail to im-*
25 *plement the policy”; and*

1 (iii) by striking “paragraph (1)(A), as
 2 applicable” and inserting “paragraph (1)”;
 3 and
 4 (D) in paragraph (4) by striking “public
 5 authorities providing commuter rail passenger
 6 transportation” and inserting “commuter au-
 7 thorities”;
 8 (5) by striking subsection (d);
 9 (6) by redesignating subsection (e) as subsection
 10 (d); and
 11 (7) in paragraph (1)(D) of subsection (d) (as re-
 12 designated by paragraph (6)) by striking “commuter
 13 rail agencies” and inserting “commuter authorities”.

14 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

15 (a) *IN GENERAL*.—Section 24904 of title 49, United
 16 States Code, is amended—

17 (1) by redesignating subsection (e) as subsection
 18 (f);
 19 (2) by striking subsection (c);
 20 (3) by redesignating subsections (a) and (b) as
 21 subsections (b) and (c), respectively;
 22 (4) by inserting before subsection (b), as so redес-
 23 ignated, the following:
 24 “(a) *STRATEGIC DEVELOPMENT PLAN*.—

1 “(1) *REQUIREMENT.*—Not later than December
2 31, 2021, the Northeast Corridor Commission estab-
3 lished under section 24905 (referred to in this section
4 as the ‘Commission’) shall submit to Congress a stra-
5 tegic development plan that identifies key state-of-
6 good-repair, capacity expansion, and capital im-
7 provement projects planned for the Northeast Cor-
8 ridor, to upgrade aging infrastructure and improve
9 the reliability, capacity, connectivity, performance,
10 and resiliency of passenger rail service on the North-
11 east Corridor.

12 “(2) *CONTENTS.*—The strategic development
13 plan required under paragraph (1) shall—

14 “(A) provide a coordinated and consensus-
15 based plan covering a period of 15 years;

16 “(B) identify service objectives and capital
17 investments needs;

18 “(C) provide a delivery-constrained strategy
19 that identifies capital investment phasing, an
20 evaluation of workforce needs, and strategies for
21 managing resources and mitigating construction
22 impacts on operations;

23 “(D) include a financial strategy that iden-
24 tifies funding needs and potential sources and
25 includes an economic impact analysis; and

1 “(E) be updated at least every 5 years.”;

2 (5) in subsection (b) (as redesignated by para-
3 graph (3))—

4 (A) by striking “Not later than” and all
5 that follows through “shall” and inserting “Not
6 later than November 1 of each year, the Commis-
7 sion shall”;

8 (B) in paragraph (1)(A) by striking “a
9 capital investment plan” and inserting “an an-
10 nual capital investment plan”;

11 (C) in paragraph (2)—

12 (i) in subparagraph (A) by striking
13 “and network optimization”;

14 (ii) in subparagraph (B) by striking
15 “and service”;

16 (iii) in subparagraph (C) by striking
17 “first fiscal year after the date on which”
18 and inserting “fiscal year during which”;

19 (iv) in subparagraph (D) by striking
20 “identify, prioritize,” and all that follows
21 through “and consider” and inserting “doc-
22 ument the projects and programs being un-
23 dertaken to achieve the service outcomes
24 identified in the Northeast Corridor stra-
25 tegic development plan, once available, and

1 the asset condition needs identified in the
 2 Northeast Corridor asset management plans
 3 and consider”; and

4 (v) in subparagraph (E)(i) by striking
 5 “normalized capital replacement and”; and
 6 (D) in paragraph (3)(B) by striking “ex-
 7 pected allocated shares of costs” and inserting
 8 “status of cost sharing agreements”;

9 (6) in subsection (c) (as redesignated by para-
 10 graph (3)) by striking “may be spent only on” and
 11 all that follows through the end and inserting “may
 12 be spent only on capital projects and programs con-
 13 tained in the Commission’s capital investment plan
 14 from the previous year.”; and

15 (7) by striking subsections (d) and (e) and in-
 16 serting the following:

17 “(d) *REVIEW AND COORDINATION.*—The Commission
 18 shall gather information from Amtrak, the States in which
 19 the Northeast Corridor is located, and commuter rail au-
 20 thorities to support development of the capital investment
 21 plan. The Commission may specify a format and other cri-
 22 teria for the information submitted. Submissions to the
 23 plan from Amtrak, States in which the Northeast Corridor
 24 are located, and commuter rail authorities shall be provided
 25 to the Commission in a manner that allows for a reasonable

1 *period of review by, and coordination with, affected agen-*
2 *cies.*

3 “(e) *NORTHEAST CORRIDOR ASSET MANAGEMENT.*—

4 “(1) *CONTENTS.*—*With regard to existing infra-*
5 *structure, Amtrak and other infrastructure owners*
6 *that provide or support intercity rail passenger trans-*
7 *portation on the Northeast Corridor shall develop an*
8 *asset management system, and use and update such*
9 *system as necessary, to develop submissions to the*
10 *Northeast Corridor capital investment plan described*
11 *in subsection (b). Such system shall—*

12 “(A) *be consistent with the Federal Transit*
13 *Administration process, as authorized under sec-*
14 *tion 5326, when implemented; and*

15 “(B) *include, at a minimum—*

16 “(i) *an inventory of all capital assets*
17 *owned by the developer of the plan;*

18 “(ii) *an assessment of asset condition;*

19 “(iii) *a description of the resources*
20 *and processes necessary to bring or main-*
21 *tain those assets in a state of good repair;*
22 *and*

23 “(iv) *a description of changes in asset*
24 *condition since the previous version of the*
25 *plan.”.*

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *ACCOUNTS.*—Section 24317(d)(1) of title 49,
3 *United States Code*, is amended—

4 (A) in subparagraph (B) by striking
5 “24904(a)(2)(E)” and inserting
6 “24904(b)(2)(E)”; and

7 (B) in subparagraph (F) by striking
8 “24904(b)” and inserting “24904(c)”.

9 (2) *FEDERAL-STATE PARTNERSHIP FOR STATE*
10 *OF GOOD REPAIR.*—Section 24911(e)(2) of title 49,
11 *United States Code*, is amended by striking
12 “24904(a)” and inserting “24904(b)”.

13 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

14 Section 22905 of title 49, *United States Code*, is
15 amended—

16 (1) in subsection (c)(2)(B) by striking “that are
17 equivalent to the protective arrangements established
18 under section 504 of the Railroad Revitalization and
19 Regulatory Reform Act of 1976 (45 U.S.C. 836)” and
20 inserting “established by the Secretary under sub-
21 section (e)(1)”;

22 (2) by redesignating subsections (e) and (f) as
23 subsections (f) and (g), respectively; and

24 (3) by inserting after subsection (d) the fol-
25 lowing:

1 “(e) *EQUIVALENT EMPLOYEE PROTECTIONS.*—

2 “(1) *ESTABLISHMENT.*—Not later than 90 days
3 after the date of enactment of this subsection, the Ad-
4 ministrator of the Federal Railroad Administration
5 shall establish protective arrangements equivalent to
6 those established under section 504 of the Railroad
7 Revitalization and Regulatory Reform Act of 1976
8 (45 U.S.C. 836), and require such protective arrange-
9 ments to apply to employees described under sub-
10 section (c)(2)(B) and as required under subsection (j)
11 of section 22907.

12 “(2) *PUBLICATION.*—The Administrator shall
13 make available on a publicly available website the
14 protective arrangements established under paragraph
15 (1).”.

16 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

17 (a) *IN GENERAL.*—Notwithstanding any other provi-
18 sion of law and not later than 90 days after the date of
19 enactment of this Act, the Secretary of Transportation shall
20 reinstate any cooperative agreement terminated after Janu-
21 ary 1, 2019 that was originally entered into under the head-
22 ing “Capital Assistance for High Speed Rail Corridors and
23 Intercity Passenger Rail Service” in the Department of
24 Transportation Appropriations Act, 2010 (Public Law
25 111–117).

1 (b) *INCLUSION.*—*The reinstatement under subsection*
 2 *(a) shall include the obligation to such agreement of all of*
 3 *the funds obligated to such agreement as of the date of ter-*
 4 *mination of such agreement.*

5 (c) *GRANT CONDITIONS.*—*The reinstatement under*
 6 *subsection (a) shall include all grant conditions required*
 7 *under such agreement, including section 22905(c)(2)(A) of*
 8 *title 49, United State Code, as of the date of termination*
 9 *of such agreement.*

10 ***TITLE IV—COMMUTER RAIL*** 11 ***POLICY***

12 ***SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION*** 13 ***OF TRACKAGE USE REQUESTS.***

14 *Section 28502 of title 49, United States Code, is*
 15 *amended to read as follows:*

16 ***“§28502. Surface Transportation Board mediation of*** 17 ***trackage use requests***

18 *“A rail carrier shall provide good faith consideration*
 19 *to a reasonable request from a provider of commuter rail*
 20 *passenger transportation for access to trackage and provi-*
 21 *sion of related services. If, after a reasonable period of nego-*
 22 *tiation, a public transportation authority cannot reach*
 23 *agreement with a rail carrier to use trackage of, and have*
 24 *related services provided by, the rail carrier for purposes*
 25 *of commuter rail passenger transportation, the public*

1 *transportation authority or the rail carrier may apply to*
 2 *the Board for nonbinding mediation. In any case in which*
 3 *dispatching for the relevant trackage is controlled by a rail*
 4 *carrier other than the trackage owner, both shall be subject*
 5 *to the requirements of this section and included in the*
 6 *Board's mediation process. The Board shall conduct the*
 7 *nonbinding mediation in accordance with the mediation*
 8 *process of section 1109.4 of title 49, Code of Federal Regula-*
 9 *tions, as in effect on the date of enactment of the TRAIN*
 10 *Act.'.*

11 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
 12 **OF RIGHTS-OF-WAY USE REQUESTS.**

13 *Section 28503 of title 49, United States Code, is*
 14 *amended to read as follows:*

15 **“§28503. Surface Transportation Board mediation of**
 16 ***rights-of-way use requests***

17 *“A rail carrier shall provide good faith consideration*
 18 *to a reasonable request from a provider of commuter rail*
 19 *passenger transportation for access to rail right-of-way for*
 20 *the construction and operation of a segregated fixed guide-*
 21 *way facility. If, after a reasonable period of negotiation,*
 22 *a public transportation authority cannot reach agreement*
 23 *with a rail carrier to acquire an interest in a railroad*
 24 *right-of-way for the construction and operation of a seg-*
 25 *regated fixed guideway facility to provide commuter rail*

1 *passenger transportation, the public transportation author-*
 2 *ity or the rail carrier may apply to the Board for non-*
 3 *binding mediation. In any case in which dispatching for*
 4 *the relevant trackage is controlled by a rail carrier other*
 5 *than the right-of-way owner, both shall be subject to the re-*
 6 *quirements of this section and included in the Board's me-*
 7 *diation process. The Board shall conduct the nonbinding*
 8 *mediation in accordance with the mediation process of sec-*
 9 *tion 1109.4 of title 49, Code of Federal Regulations, as in*
 10 *effect on the date of enactment of the TRAIN Act."*

11 **SEC. 9403. CHICAGO UNION STATION IMPROVEMENT PLANS.**

12 *(a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—*

13 *(1) IN GENERAL.—Not later than 90 days after*
 14 *the conclusion of the Surface Transportation Board*
 15 *proceeding in the petition by Amtrak for a proceeding*
 16 *pursuant to section 24903(c)(2) of title 49, United*
 17 *States Code (Docket No. FD 36332), Amtrak and*
 18 *Metra shall enter into an agreement for a one-year*
 19 *capital improvement plan for Chicago Union Station.*

20 *(2) EXTENSION.—The deadline under paragraph*
 21 *(1) may be extended with the consent of both Amtrak*
 22 *and Metra.*

23 *(3) SUBMISSION OF PLAN.—Amtrak and Metra*
 24 *shall transmit the one-year capital improvement plan*
 25 *to the Committee on Transportation and Infrastruc-*

1 *ture of the House of Representatives and Committee*
2 *on Commerce, Science, and Transportation of the*
3 *Senate.*

4 *(b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—*

5 *(1) IN GENERAL.—Not later than 180 days after*
6 *the date on which Amtrak and Metra enter into the*
7 *agreement under subsection (a), Amtrak shall enter*
8 *into an agreement with Metra for a five-year capital*
9 *improvement plan for Chicago Union Station.*

10 *(2) EXTENSION.—The deadline required under*
11 *paragraph (1) may be extended with the consent of*
12 *both Amtrak and Metra.*

13 *(3) SUBMISSION OF PLAN.—Amtrak and Metra*
14 *shall transmit the five-year capital improvement plan*
15 *to the Committee on Transportation and Infrastruc-*
16 *ture of the House of Representatives and Committee*
17 *on Commerce, Science, and Transportation of the*
18 *Senate.*

19 *(c) CONTENTS.—The capital improvement plans re-*
20 *quired under subsections (a) and (b) shall identify the*
21 *projects that Amtrak and Metra agree to implement at Chi-*
22 *cago Union Station within the timeframe of each such plan,*
23 *including projects that improve—*

1 (1) *areas considered outside the glass such as*
 2 *tracks, platforms switches, and other rail infrastruc-*
 3 *ture;*

4 (2) *facilities for Amtrak and Metra crew; and*

5 (3) *the operations of Chicago Union Station,*
 6 *such as the dispatching of commuter and intercity*
 7 *passenger trains out of Chicago Union Station.*

8 (d) *ANNUAL PROGRESS REPORT.*—*Not later than 1*
 9 *year after the date on which Amtrak and Metra enter into*
 10 *an agreement required under subsection (b), and annually*
 11 *thereafter for 5 years, Amtrak and Metra shall jointly sub-*
 12 *mit to the Committee on Transportation and Infrastructure*
 13 *of the House of Representatives and the Committee on Com-*
 14 *merce, Science, and Transportation of the Senate a report*
 15 *describing the progress Amtrak and Metra have made in*
 16 *implementing the plan required under subsection (b).*

17 (e) *DEFINITIONS.*—*In this section:*

18 (1) *CHICAGO UNION STATION.*—*The term “Chi-*
 19 *cago Union Station” means the passenger train sta-*
 20 *tion located at 225 South Canal Street, Chicago, Illi-*
 21 *nois 60606, and its associated facilities.*

22 (2) *METRA.*—*The term “Metra” means the*
 23 *Northeast Illinois Regional Commuter Railroad Cor-*
 24 *poration.*

1 **TITLE V—RAIL SAFETY**
 2 **Subtitle A—Passenger and Freight**
 3 **Safety**

4 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
 5 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

6 (a) *STUDY.*—*The Secretary of Transportation shall*
 7 *seek to enter into an agreement with the National Acad-*
 8 *emies to conduct a study and issue to the Committee on*
 9 *Transportation and Infrastructure of the House of Rep-*
 10 *resentatives and the Committee on Commerce, Science, and*
 11 *Transportation of the Senate a report on the safety impacts*
 12 *of freight trains longer than 7,500 feet.*

13 (b) *CONTENTS.*—*The study conducted pursuant to sub-*
 14 *section (a) shall include—*

15 (1) *an examination of any potential risks of the*
 16 *operation of such trains and recommendations on*
 17 *mitigation of such risks;*

18 (2) *among other safety factors with respect to*
 19 *such trains, an evaluation of—*

20 (A) *any increased risk of loss of commu-*
 21 *nications between the end of train device and the*
 22 *locomotive cab, including communications over*
 23 *differing terrains and conditions;*

24 (B) *any increased risk of loss of commu-*
 25 *nications between crewmembers, including com-*

1 *munications over differing terrains and condi-*
2 *tions;*

3 *(C) any increased risk of derailments, in-*
4 *cluding risks associated with in-train compres-*
5 *sive forces and slack action or other safety risks*
6 *in the operations of such trains in differing ter-*
7 *rains and conditions;*

8 *(D) safety risks associated with the deploy-*
9 *ment of multiple distributed power units in the*
10 *consists of such trains; and*

11 *(E) impacts of the length of trains on brak-*
12 *ing and locomotive performance and track wear*
13 *and tear; and*

14 *(3) an evaluation of whether additional engineer*
15 *and conductor training is required for safely oper-*
16 *ating such trains.*

17 *(c) REPORT.—Not later than 24 months after the date*
18 *of enactment of this Act, the Secretary shall submit to the*
19 *Committee on Transportation and Infrastructure of the*
20 *House of Representatives and the Committee on Commerce,*
21 *Science, and Transportation of the Senate a report on the*
22 *results of the study.*

23 *(d) FUNDING.—From the amounts made available for*
24 *fiscal year 2021 to carry out section 20117(a) of title 49,*
25 *United States Code, the Secretary shall expend not less than*

1 \$1,000,000 and not more than \$2,000,000 to carry out the
2 study required under subsection (a).

3 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**
4 **OPERATING AND SCHEDULING PRACTICES.**

5 (a) *STUDY.*—The Comptroller General of the United
6 States shall study the impact on freight rail shippers, Am-
7 trak, commuter railroads, railroad employees, and other af-
8 fected parties of changes in freight railroad operating and
9 scheduling practices as a result of the implementation of
10 the precision scheduled railroading model.

11 (b) *CONTENTS.*—At minimum, the study shall exam-
12 ine—

13 (1) the impacts of the operation of longer trains;

14 (2) safety impacts of reduction in workforce, in-
15 cluding occupational injury rates, impacts to inspec-
16 tion frequencies and repair quality, and changes in
17 workforce demands;

18 (3) the elimination or downsizing of yards, re-
19 pair facilities, and other operational facilities;

20 (4) increases in demurrage or accessorial charges
21 or other costs to shippers;

22 (5) capital expenditures for rail infrastructure;
23 and

24 (6) the effect of changes to dispatching practices
25 and locations of dispatching centers on—

1 (A) *the on-time performance of passenger*
2 *trains, and*

3 (B) *the quality and reliability of service to*
4 *freight shippers.*

5 (c) *REPORT.*—*Not later than 1 year after the date of*
6 *enactment of this Act, the Comptroller General shall submit*
7 *to the Committee on Transportation and Infrastructure of*
8 *the House of Representatives and the Committee on Com-*
9 *merce, Science, and Transportation of the Senate a report*
10 *summarizing the study and the results of such study, in-*
11 *cluding recommendations for addressing any negative im-*
12 *pacts of precision scheduled railroading on freight shippers*
13 *or passenger railroads.*

14 **SEC. 9503. FRA SAFETY REPORTING.**

15 (a) *IN GENERAL.*—*Section 20901 of title 49, United*
16 *States Code, is amended by inserting “(including the train*
17 *length, the number of crew members on board the train, and*
18 *the duties of such crew members)” after “reported accident*
19 *or incident”.*

20 (b) *REGULATIONS.*—*Not later than 180 days after the*
21 *date of enactment of this Act, the Secretary of Transpor-*
22 *tation shall issue such regulations as are necessary to carry*
23 *out the amendment made by subsection (a).*

1 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

2 *Section 20103(d) of title 49, United States Code, is*
3 *amended to read as follows:*

4 “(d) *NONEMERGENCY WAIVERS.*—

5 “(1) *IN GENERAL.*—*The Secretary may waive*
6 *compliance with any part of a regulation prescribed*
7 *or order issued under this chapter if the waiver is in*
8 *the public interest and consistent with railroad safety.*

9 “(2) *NOTICE REQUIRED.*—*The Secretary shall—*

10 “(A) *provide timely public notice of any re-*
11 *quest for a waiver under this subsection;*

12 “(B) *make the application for such waiver*
13 *and any related underlying data available to in-*
14 *terested parties;*

15 “(C) *provide the public with notice and a*
16 *reasonable opportunity to comment on a pro-*
17 *posed waiver under this subsection before making*
18 *a final decision; and*

19 “(D) *make public the reasons for granting*
20 *a waiver under this subsection.*

21 “(3) *INFORMATION PROTECTION.*—*Nothing in*
22 *this subsection shall be construed to require the release*
23 *of information protected by law from public disclo-*
24 *sure.”.*

1 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
2 **SESSMENTS.**

3 (a) *INITIAL NOTICE.*—Not later than 10 business days
4 after the Federal Railroad Administration initiates a com-
5 prehensive safety assessment of an entity providing regu-
6 larly scheduled intercity or commuter rail passenger trans-
7 portation, the Federal Railroad Administration shall notify
8 in electronic format the Committee on Transportation and
9 Infrastructure of the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transportation of the
11 Senate, and each member of Congress representing a State
12 in which the service that is the subject of the assessment
13 being conducted is located, of the initiation of such assess-
14 ment.

15 (b) *FINDINGS.*—Not later than 90 days after comple-
16 tion of a comprehensive safety assessment described in sub-
17 section (a), the Federal Railroad Administration shall
18 transmit in electronic format to the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science, and Trans-
21 portation of the Senate, and to each member of Congress
22 representing a State in which the service that is the subject
23 of the assessment being conducted is located, the findings
24 of such assessment, including identified defects and any rec-
25 ommendations.

1 (c) *DEFINITION OF COMPREHENSIVE SAFETY ASSESS-*
 2 *MENT.—In this section, the term “comprehensive safety as-*
 3 *essment” means a focused review of the safety-related proc-*
 4 *esses and procedures, compliance with safety regulations*
 5 *and requirements, and overall safety culture of an entity*
 6 *providing regularly scheduled intercity or commuter rail*
 7 *passenger transportation.*

8 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

9 Section 20902 of title 49, United States Code, is
 10 amended—

11 (1) *in subsection (b) by striking “subpena” and*
 12 *inserting “subpoena”; and*

13 (2) *by adding at the end the following:*

14 “(d) *GATHERING INFORMATION AND TECHNICAL EX-*
 15 *PERTISE.—*

16 “(1) *IN GENERAL.—The Secretary shall create a*
 17 *standard process for investigators to use during acci-*
 18 *dent and incident investigations conducted under this*
 19 *section for determining when it is appropriate to, and*
 20 *how to—*

21 “(A) *gather information about an accident*
 22 *or incident under investigation from railroad*
 23 *carriers, contractors or employees of railroad*
 24 *carriers or representatives of employees of rail-*

1 road carriers, and others, as determined relevant
2 by the Secretary; and

3 “(B) consult with railroad carriers, contrac-
4 tors or employees of railroad carriers or rep-
5 resentatives of employees of railroad carriers,
6 and others, as determined relevant by the Sec-
7 retary, for technical expertise on the facts of the
8 accident or incident under investigation.

9 “(2) *CONFIDENTIALITY.*—In developing the proc-
10 ess under paragraph (1), the Secretary shall factor in
11 ways to maintain the confidentiality of any entity
12 identified under paragraph (1) if—

13 “(A) such entity requests confidentiality;

14 “(B) such entity was not involved in the ac-
15 cident or incident; and

16 “(C) maintaining such entity’s confiden-
17 tiality does not adversely affect an investigation
18 of the Federal Railroad Administration.

19 “(3) *APPLICATION OF LAW.*—This subsection
20 shall not apply to any investigation carried out by
21 the National Transportation Safety Board.”.

22 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

23 (a) *FEDERAL RAILROAD ADMINISTRATION REQUIRE-*
24 *MENTS.*—Not later than 18 months after the date of enact-

1 *ment of this Act, the Secretary of Transportation shall*
2 *carry out the following:*

3 (1) *Complete a study on how signage can be used*
4 *to improve safety in the rail industry that includes—*

5 (A) *a review of how signs used for other*
6 *modes of transportation may be effectively used*
7 *in the rail industry;*

8 (B) *a review of how signs used in the rail-*
9 *road industry differ; and*

10 (C) *an analysis of whether a uniform sys-*
11 *tem for speed signs across the United States rail*
12 *system would benefit the railroad industry and*
13 *improve safety.*

14 (2) *Reevaluate seat securement mechanisms and*
15 *the susceptibility of such mechanisms to inadvertent*
16 *rotation, and identify a means to prevent the failure*
17 *of such mechanisms to maintain seat securement.*

18 (3) *Conduct research to evaluate the causes of*
19 *passenger injuries in passenger railcar derailments*
20 *and overturns and evaluate potential methods for*
21 *mitigating such injuries.*

22 (4) *Based on the research conducted under para-*
23 *graph (3), develop occupant protection standards for*
24 *passenger railcars that will mitigate passenger inju-*
25 *ries likely to occur during derailments and overturns.*

1 (5) *Develop policies for the safe use of child seats*
2 *to prevent uncontrolled or unexpected movements in*
3 *intercity passenger trains from disrupting the secure*
4 *position of such seats.*

5 (b) *REQUIREMENTS FOR AMTRAK.—Not later than 18*
6 *months after the date of enactment of this Act, Amtrak*
7 *shall—*

8 (1) *ensure operating crewmembers demonstrate*
9 *proficiency, under daylight and nighttime conditions,*
10 *on the physical characteristics of a territory by using*
11 *all resources available, including in-cab instruments,*
12 *observation rides, throttle time, signage, signals, and*
13 *landmarks;*

14 (2) *ensure the proficiency required under para-*
15 *graph (1) is demonstrated on written examinations;*

16 (3) *revise classroom and road training programs*
17 *to ensure that operating crews fully understand all lo-*
18 *comotive operating characteristics, alarms, and the*
19 *appropriate response to abnormal conditions;*

20 (4) *when possible, require that all engineers un-*
21 *dergo simulator training—*

22 (A) *before operating new or unfamiliar*
23 *equipment (at a minimum, experience and re-*
24 *spond properly to all alarms); and*

1 *(B) to experience normal and abnormal*
2 *conditions on new territory before operating in*
3 *revenue service on such new territory;*

4 *(5) ensure that simulator training specified in*
5 *paragraph (4) supplements the hours engineers spend*
6 *training on new equipment before becoming certified*
7 *on such equipment and performing runs on new terri-*
8 *tory before becoming qualified on such territory;*

9 *(6) implement a formal, systematic approach to*
10 *developing training and qualification programs to*
11 *identify the most effective strategies for preparing*
12 *crewmembers to safely operate new equipment on new*
13 *territories;*

14 *(7) work in consultation with host railroad car-*
15 *riers and States that own infrastructure over which*
16 *Amtrak operates to complete a comprehensive assess-*
17 *ment of the territories to ensure that necessary way-*
18 *side signs and plaques are identified, highly notice-*
19 *able, and strategically located to provide operating*
20 *crews the information needed to safely operate trains;*

21 *(8) update the safety review process to ensure*
22 *that all operating documents are up to date and accu-*
23 *rate before initiating new or revised revenue oper-*
24 *ations;*

(c) *REPORT.*—Not later than 18 months after the date of enactment of this Act, the Secretary and Amtrak shall submit 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 their progress on meeting the requirements under subsections (a) and (b), respectively, including a description of all completed elements of the requirements.

20 *Section 11406 of the FAST Act (Public Law 114–94)*
21 *is amended—*

(2) by redesignating subsections (d) through (f)
as subsections (e) through (g), respectively;

1 (3) *by inserting after subsection (c) the fol-*
2 *lowing:*

3 “(d) *PERIODIC REVIEWS AND UPDATES.—Each rail-*
4 *road carrier that files an action plan under subsection (b)*
5 *shall—*

6 “(1) *not later than 1 year after the date of enact-*
7 *ment of the TRAIN Act, and annually thereafter, re-*
8 *view such plan to ensure the effectiveness of actions*
9 *taken to enable warning and enforcement of the max-*
10 *imum authorized speed for passenger trains at each*
11 *location identified under subsection (b)(1); and*

12 “(2) *not later than 90 days prior to imple-*
13 *menting any operational or territorial operating*
14 *change, including initiating a new service or route,*
15 *submit to the Secretary a revised action plan that ad-*
16 *dresses such operational or territorial operating*
17 *change.”; and*

18 (4) *by adding at the end the following:*

19 “(h) *PROHIBITION.—No new intercity rail passenger*
20 *transportation or commuter rail passenger service may*
21 *begin operation unless the railroad carrier providing such*
22 *service is in compliance with this section.”.*

1 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

2 (a) *IN GENERAL.*—Subchapter II of chapter 201 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 20169. Freight train crew size safety standards**

6 “(a) *MINIMUM CREW SIZE.*—No freight train may be
7 operated unless such train has a crew of at least 1 appro-
8 priately qualified and certified conductor and 1 appro-
9 priately qualified and certified engineer.

10 “(b) *EXCEPTIONS.*—Except as provided in subsection
11 (d), the prohibition in subsection (a) shall not apply in any
12 of the following circumstances:

13 “(1) *Train operations within a rail yard or ter-*
14 *minal area or on auxiliary or industry tracks.*

15 “(2) *A train operated—*

16 “(A) *by a railroad carrier that has fewer*
17 *than 400,000 total employee work hours annu-*
18 *ally and less than \$40,000,000 annual revenue*
19 *(adjusted for inflation as measured by the Sur-*
20 *face Transportation Board Railroad Inflation-*
21 *Adjusted Index);*

22 “(B) *at a speed of not more than 25 miles*
23 *per hour; and*

24 “(C) *on a track with an average track grade*
25 *of less than 2 percent for any segment of track*
26 *that is at least 2 continuous miles.*

1 “(3) *Locomotives performing assistance to a*
 2 *train that has incurred mechanical failure or lacks*
 3 *the power to traverse difficult terrain, including trav-*
 4 *eling to or from the location where assistance is pro-*
 5 *vided.*

6 “(4) *Locomotives that—*

7 “(A) *are not attached to any equipment or*
 8 *attached only to a caboose; and*

9 “(B) *do not travel farther than 30 miles*
 10 *from a rail yard.*

11 “(5) *Train operations staffed with fewer than a*
 12 *2-person crew at least 1 year prior to the date of en-*
 13 *actment of this section, if the Secretary determines*
 14 *that the operation achieves an equivalent level of safe-*
 15 *ty.*

16 “(c) *TRAINS INELIGIBLE FOR EXCEPTION.—The excep-*
 17 *tions under subsection (b) may not be applied to—*

18 “(1) *a train transporting 1 or more loaded cars*
 19 *carrying material toxic by inhalation, as defined in*
 20 *section 171.8 of title 49, Code of Federal Regulations;*

21 “(2) *a train carrying 20 or more loaded tank*
 22 *cars of a Class 2 material or a Class 3 flammable liq-*
 23 *uid in a continuous block or a single train carrying*
 24 *35 or more loaded tank cars of a Class 2 material or*

1 *a Class 3 flammable liquid throughout the train con-*
 2 *sist; and*

3 *“(3) a train with a total length of 7,500 feet or*
 4 *greater.*

5 *“(d) WAIVER.—A railroad carrier may seek a waiver*
 6 *of the requirements of this section pursuant to section*
 7 *20103(d).”.*

8 *(b) CLERICAL AMENDMENT.—The analysis for sub-*
 9 *chapter II of chapter 201 of title 49, United States Code,*
 10 *is amended by adding at the end the following:*

“20169. Freight train crew size safety standards.”.

11 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

12 *(a) IN GENERAL.—Section 416 title IV of division A*
 13 *of the Rail Safety Improvement Act of 2008 (49 U.S.C.*
 14 *20107 note) is amended—*

15 *(1) by striking “Mechanical and brake” and in-*
 16 *serting “(a) IN GENERAL.—Mechanical and brake”;*
 17 *and*

18 *(2) by adding at the end the following:*

19 *“(b) WAIVER.—The Secretary may not grant any*
 20 *waiver or waiver modification that provides for the ability*
 21 *to perform mechanical or brake inspections of rail cars in*
 22 *Mexico in lieu of complying with the certification require-*
 23 *ments of this section.”.*

24 *(b) SAFETY STANDARDS FOR CERTAIN RAIL CREWS.—*

1 (1) *IN GENERAL.*—*Title IV of division A of the*
2 *Rail Safety Improvement Act of 2008 (Public Law*
3 *110–432) is amended by adding at the end the fol-*
4 *lowing:*

5 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

6 “(a) *IN GENERAL.*—*The Secretary of Transportation*
7 *may not permit covered rail employees to enter the United*
8 *States to perform train or dispatching service unless the*
9 *Secretary certifies that—*

10 “(1) *Mexico has adopted and is enforcing safety*
11 *standards for covered rail employees that are equiva-*
12 *lent to, or greater than, those applicable to railroad*
13 *employees whose primary reporting point is in the*
14 *United States, including qualification and certifi-*
15 *cation requirements under parts 240 and 242 of title*
16 *49, Code of Federal Regulations;*

17 “(2) *covered rail employees are subject to the al-*
18 *cohol and drug testing requirements in part 219 of*
19 *title 49, Code of Federal Regulations, including the*
20 *requirements of subparts F, G, and H of such part,*
21 *to the same extent as such requirements apply to rail-*
22 *road employees whose primary reporting point is in*
23 *the United States and who are subject to such part;*

24 “(3) *covered rail employees are subject to hours*
25 *of service requirements under section 21103 of title*

1 49, *United States Code*, at all times any such em-
2 ployee is on duty, regardless of location;

3 “(4) covered rail employees are subject to the
4 motor vehicle driving record evaluation requirements
5 in section 240.115 of title 49, *Code of Federal Regula-*
6 *tions*, to the same extent as such requirements apply
7 to railroad employees whose primary reporting point
8 is in the United States and are subject to such sec-
9 tion, and that such evaluation includes driving
10 records from the same country as the employee’s pri-
11 mary reporting point; and

12 “(5) the *Federal Railroad Administration* is per-
13 mitted to perform onsite inspections of rail facilities
14 in Mexico to ensure compliance with paragraphs (1)
15 and (2).

16 “(b) *NOTICE REQUIRED.*—

17 “(1) *IN GENERAL.*—Not later than 5 days after
18 the date on which the Secretary certifies each of the
19 requirements under paragraphs (1) through (5) of
20 subsection (a), the Secretary shall publish in the *Fed-*
21 *eral Register*—

22 “(A) notice of each such certification; and

23 “(B) documentation supporting each such
24 certification.

1 “(2) *PUBLIC COMMENT.*—*To ensure compliance*
 2 *with the requirements of this section and any other*
 3 *applicable safety requirements, the Secretary shall—*

4 “(A) *allow for public comment on the notice*
 5 *required under paragraph (1); and*

6 “(B) *hold a public hearing on such notice.*

7 “(3) *CONGRESSIONAL NOTICE.*—*On the date on*
 8 *which each publication required under paragraph (1)*
 9 *is published in the Federal Register, the Secretary*
 10 *shall notify the Committee on Transportation and In-*
 11 *frastructure of the House of Representatives and the*
 12 *Committee on Commerce, Science, and Transpor-*
 13 *tation of the Senate of such publication.*

14 “(c) *DRUG AND ALCOHOL TESTING.*—

15 “(1) *NONAPPLICATION OF EXEMPTION.*—*For pur-*
 16 *poses of compliance with subsection (a)(2), the exemp-*
 17 *tion contained in part 219.3(d)(2) of title 49, Code of*
 18 *Federal Regulations, shall not apply.*

19 “(2) *AUDIT BY OFFICE OF DRUG AND ALCOHOL*
 20 *COMPLIANCE.*—*To ensure compliance with the drug*
 21 *and alcohol testing programs described in subsection*
 22 *(a)(2), the Office of Drug and Alcohol Compliance in*
 23 *the Department of Transportation shall conduct an*
 24 *annual audit of such programs and recommend en-*
 25 *forcement actions as needed.*

1 “(d) *DEFINITION OF COVERED RAIL EMPLOYEE.*—In
 2 this section, the term ‘covered rail employee’ means a rail-
 3 road employee whose primary reporting point is in Mex-
 4 ico.”.

5 (2) *CLERICAL AMENDMENT.*—The table of con-
 6 tents in section 1(b) of the Rail Safety Improvement
 7 Act of 2008 (Public Law 110–432), is amended by in-
 8 serting after the item relating to section 420 the fol-
 9 lowing:

 “Sec. 421. *Safety standards for certain rail crews.*”.

10 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

11 (a) *LIMITATIONS ON DUTY HOURS OF YARDMASTER*
 12 *EMPLOYEES.*—Section 21103 of title 49, United States
 13 Code, is amended—

14 (1) in the section heading by inserting “**AND**
 15 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
 16 **PLOYEES**”;

17 (2) by inserting “or yardmaster employee” after
 18 “train employee” each place it appears; and

19 (3) in subsection (e) by inserting “or yardmaster
 20 employee’s” after “During a train employee’s”.

21 (b) *DEFINITIONS.*—Section 21101 of title 49, United
 22 States Code, is amended—

23 (1) in paragraph (3) by inserting “a yardmaster
 24 employee,” after “dispatching service employee,”; and

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

1 “(6) ‘yardmaster employee’ means an indi-
 2 vidual responsible for supervising and coordi-
 3 nating the control of trains and engines oper-
 4 ating within a rail yard.”.

5 (c) *CONFORMING AMENDMENT.*—*The analysis for*
 6 *chapter 211 of title 49, United States Code, is amended by*
 7 *striking the item relating to section 21103 and inserting*
 8 *the following:*

“21103. *Limitations on duty hours of train employees and yardmaster employ-*
ees.”.

9 **SEC. 9512. LEAKING BRAKES.**

10 (a) *IN GENERAL.*—*The Administrator of the Federal*
 11 *Railroad Administration shall take such actions as are nec-*
 12 *essary to ensure that no DB–60 air brake control valve*
 13 *manufactured before January 1, 2006, is equipped on a rail*
 14 *car operating on—*

15 (1) *a unit train north of the 37th parallel on or*
 16 *after August 1, 2022; or*

17 (2) *a non-unit train north of the 37th parallel*
 18 *on or after August 1, 2024.*

19 (b) *REPORTS.*—*Not later than 1 year after the date*
 20 *of enactment of this Act, and every year thereafter until*
 21 *brake valves described in subsection (a) are no longer oper-*
 22 *ating on rail cars as required under subsection (a), the Ad-*
 23 *ministrator shall transmit to the Committee on Transpor-*
 24 *tation and Infrastructure of the House of Representatives*

1 *and the Committee on Commerce, Science, and Transpor-*
2 *tation of the Senate a report that identifies—*

3 *(1) the estimated number of such brake valves on*
4 *rail cars operating on—*

5 *(A) unit trains north of the 37th parallel;*
6 *and*

7 *(B) non-unit trains north of the 37th par-*
8 *allel;*

9 *(2) any issues affecting the industry's progress*
10 *toward ensuring that such brake valves are phased*
11 *out in accordance with the requirements of subsection*
12 *(a); and*

13 *(3) efforts the Administrator has taken since the*
14 *previous report to ensure such brake valves are phased*
15 *out in accordance with the requirements of subsection*
16 *(a).*

17 *(c) ADDITIONAL VALVES.—If the Administrator deter-*
18 *mines that air brake control valves not covered under sub-*
19 *section (a) demonstrate leakage in low temperatures similar*
20 *to the leakage exhibited by the air brake control valve iden-*
21 *tified in subsection (a), the Administrator shall ensure that*
22 *the air brake control valves determined to be demonstrating*
23 *leakage under this subsection are phased out in accordance*
24 *with the requirements of subsection (a).*

1 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

2 Section 20157 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(m) *ANNUAL REPORT OF SYSTEM FAILURES.*—Not
5 later than April 16 of each calendar year following the date
6 of an implementation deadline under subsection (a)(1),
7 each railroad shall submit to the Secretary a report con-
8 taining the number of positive train control system failures,
9 separated by each major hardware category, that occurred
10 during the previous calendar year.”.

11 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

12 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
13 that—

14 (1) *maintaining the highest level of safety across*
15 *the nation’s railroad network is of critical impor-*
16 *tance;*

17 (2) *ensuring the safety of rail transportation re-*
18 *quires the full attention of all workers engaged in*
19 *safety-critical functions;*

20 (3) *fatigue degrades an individual’s ability to*
21 *stay awake, alert, and attentive to the demands of*
22 *safe job performance;*

23 (4) *the cognitive impairments to railroad work-*
24 *ers that result from fatigue can cause dangerous situ-*
25 *ations that put workers and communities at risk;*

1 (5) *the Rail Safety Improvement Act of 2008*
2 *mandated that the Federal Railroad Administration*
3 *conduct two pilot projects to analyze specific practices*
4 *that may be used to reduce fatigue in employees and*
5 *as of the date of enactment of this Act, neither pilot*
6 *project has commenced; and*

7 (6) *the Federal Railroad Administration should*
8 *coordinate with the industry and the workforce to*
9 *commence and complete the fatigue pilot projects*
10 *mandated in 2008.*

11 (b) *PILOT PROJECTS.*—*Section 21109(e) of title 49,*
12 *United States Code, is amended—*

13 (1) *by striking “Not later than 2 years after the*
14 *date of enactment of the Rail Safety Improvement Act*
15 *of 2008” and inserting “Not later than 1 year after*
16 *the date of enactment of the TRAIN Act”; and*

17 (2) *by adding at the end the following:*

18 “(3) *COORDINATION.*—*The pilot projects required*
19 *under subparagraph (1) shall be developed and evalu-*
20 *ated in coordination with the labor organization rep-*
21 *resenting the class or craft of employees impacted by*
22 *the pilot projects.”.*

23 (c) *REIMBURSEMENT.*—*The Secretary of Transpor-*
24 *tation may reimburse railroads participating in the pilot*
25 *projects under 21109(e) of title 49, United States Code, a*

1 *share of the costs associated with the pilot projects, as deter-*
2 *mined by the Secretary.*

3 *(d) REPORT.—*

4 *(1) IN GENERAL.—If the pilot projects required*
5 *under section 21109(e) of title 49, United States Code,*
6 *have not commenced on the date that is 1 year after*
7 *the date of enactment of this Act, the Secretary shall,*
8 *not later than 1 year and 30 days after the date of*
9 *enactment of this Act, transmit 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 *describing—*

14 *(A) the status of the pilot projects;*

15 *(B) actions the Federal Railroad Adminis-*
16 *tration has taken to commence the pilot projects,*
17 *including efforts to recruit participant railroads;*

18 *(C) any challenges impacting the com-*
19 *mencement of the pilot projects; and*

20 *(D) any other details associated with the de-*
21 *velopment of the pilot projects that affect the*
22 *progress toward meeting the mandate of such sec-*
23 *tion.*

1 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

2 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
3 title 49, United States Code, as amended by this division,
4 is further amended by adding at the end the following:

5 **“§ 20170. Assault prevention and response plans**

6 “(a) *IN GENERAL.*—Not later than 180 days after the
7 date of enactment of the TRAIN Act, any entity that pro-
8 vides regularly scheduled intercity or commuter rail pas-
9 senger transportation shall submit to the Secretary of
10 Transportation for review and approval an assault preven-
11 tion and response plan (in this section referred to as the
12 ‘Plan’) to address transportation assaults.

13 “(b) *CONTENTS OF PLAN.*—The Plan required under
14 subsection (a) shall include—

15 “(1) procedures that—

16 “(A) facilitate the reporting of a transpor-
17 tation assault, including the notification of on-
18 site personnel, rail law enforcement, and local
19 law enforcement;

20 “(B) personnel should follow up on the re-
21 porting of a transportation assault, including
22 actions to protect affected individuals from con-
23 tinued assault;

24 “(C) may be taken to remove the passenger
25 or personnel who has committed a transportation

1 *assault from the train or related area or facility*
2 *as soon as practicable when appropriate;*

3 “(D) *include protections and safe reporting*
4 *practices for passengers who may have been as-*
5 *saulted by personnel; and*

6 “(E) *may limit or prohibit, to the extent*
7 *practicable, future travel with the entity de-*
8 *scribed in subsection (a) by any passenger or*
9 *personnel who commits a transportation assault*
10 *against personnel or passengers;*

11 “(2) *a policy that ensures an employee who is a*
12 *victim or witness of a transportation assault may*
13 *participate in the prosecution of a criminal offense of*
14 *such assault without any adverse effect on the victim’s*
15 *or witnesses’ employment status; and*

16 “(3) *a process and timeline for conducting an*
17 *annual review and update of the Plan.*

18 “(c) *NOTICE TO PASSENGERS.—An entity described*
19 *under subsection (a) shall display onboard trains and in*
20 *boarding areas, as appropriate, a notice stating the entity’s*
21 *abilities to restrict future travel under subsection (b)(1)(E).*

22 “(d) *PERSONNEL TRAINING.—An entity described*
23 *under subsection (a) shall provide initial and annual train-*
24 *ing for all personnel on the contents of the Plan, including*
25 *training regarding—*

1 “(1) the procedures described in subsection (b);
2 “(2) methods for responding to hostile situations,
3 including de-escalation training; and
4 “(3) rights and responsibilities of personnel with
5 respect to a transportation assault on themselves,
6 other personnel, or passengers.

7 “(e) *PERSONNEL PARTICIPATION.*—The Plan required
8 under subsection (a) shall be developed and implemented
9 with the direct participation of personnel, and, as applica-
10 ble, labor organizations representing personnel.

11 “(f) *REPORTING.*—

12 “(1) *INCIDENT NOTIFICATION.*—

13 “(A) *IN GENERAL.*—Not later than 10 days
14 after a transportation assault incident, the ap-
15 plicable entity described in subsection (a) shall
16 notify personnel employed at the location in
17 which the incident occurred. In the case of an in-
18 cident on a vehicle, such entity shall notify per-
19 sonnel regularly scheduled to carry out employ-
20 ment activities on the service route on which the
21 incident occurred.

22 “(B) *CONTENT OF INCIDENT REPORT.*—The
23 notification required under paragraph (1)
24 shall—

1 “(i) include a summary of the inci-
2 dent; and

3 “(ii) be written in a manner that pro-
4 tects the confidentiality of individuals in-
5 volved in the incident.

6 “(2) ANNUAL REPORT.—For each calendar year,
7 each entity with respect to which a transportation as-
8 sault incident has been reported during such year
9 shall submit to the Secretary report that describes—

10 “(A) the number of assault incidents re-
11 ported to the entity, including—

12 “(i) the number of incidents committed
13 against passengers; and

14 “(ii) the number of incidents com-
15 mitted against personnel; and

16 “(B) the number of assault incidents re-
17 ported to rail or local law enforcement by per-
18 sonnel of the entity.

19 “(3) PUBLICATION.—The Secretary shall make
20 available to the public on the primary website of the
21 Federal Railroad Administration the data collected
22 under paragraph (2).

23 “(4) DATA PROTECTION.—Data made available
24 under this subsection shall be made available in a

1 *manner that protects the confidentiality of individ-*
 2 *uals involved in transportation assault incidents.*

3 *“(g) DEFINITION OF TRANSPORTATION ASSAULT.—In*
 4 *this section, the term ‘transportation assault’ means the oc-*
 5 *currence, or reasonably suspected occurrence, of an act*
 6 *that—*

7 *“(1) constitutes assault;*

8 *“(2) is committed by a passenger or member of*
 9 *personnel of an entity that provides regularly sched-*
 10 *uled intercity or commuter rail passenger transpor-*
 11 *tation against another passenger or member of per-*
 12 *sonnel of such entity; and*

13 *“(3) takes place—*

14 *“(A) within a vehicle of such entity; or*

15 *“(B) in an area in which passengers are en-*
 16 *tering or exiting a vehicle described in subpara-*
 17 *graph (A); or*

18 *“(C) a station or facility where such entity*
 19 *operates, regardless of ownership of the station or*
 20 *facility.”.*

21 *(b) CONFORMING AMENDMENT.—The analysis for sub-*
 22 *chapter II of chapter 201 of title 49, United States Code,*
 23 *as amended by this division, is further amended by adding*
 24 *at the end the following:*

“20170. Assault prevention and response plans.”.

1 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

2 *The Secretary of Transportation shall issue such regu-*
3 *lations as are necessary to amend part 272 of title 49, Code*
4 *of Federal Regulations, to ensure that—*

5 *(1) the coverage of a critical incident stress plan*
6 *under section 272.7 of such part includes employees*
7 *of commuter railroads and intercity passenger rail-*
8 *roads, as such terms are defined in section 272.9 of*
9 *such part, who directly interact with passengers; and*

10 *(2) assault and the witnessing of an assault*
11 *against an employee or train passenger is included in*
12 *the definition of critical incident under section 272.9*
13 *of such part.*

14 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

15 *(a) IN GENERAL.—The Administrator of the Federal*
16 *Railroad Administration shall conduct a study on the feasi-*
17 *bility of expanding railroad safety culture assessments and*
18 *training to include assessments and training for workers*
19 *employed by tourist railroads, passenger railroads, and*
20 *commuter railroads.*

21 *(b) CONTENTS OF STUDY.—The study required under*
22 *subsection (a) shall include—*

23 *(1) an analysis on the need for the expansion;*

24 *(2) the resources required to carry out the addi-*
25 *tional assessments and training; and*

1 (3) *other potential safety challenges the initiative*
 2 *could address.*

3 (c) *REPORT.—The Federal Railroad Administration*
 4 *shall submit to the Committee on Transportation and In-*
 5 *frastructure of the House of Representatives and the Com-*
 6 *mittee on Commerce, Science, and Transportation of the*
 7 *Senate a report on the results of the study conducted under*
 8 *subsection (a).*

9 ***Subtitle B—Grade Crossing Safety***

10 ***SEC. 9551. GRADE CROSSING SEPARATION GRANTS.***

11 (a) *IN GENERAL.—Subchapter II of chapter 201 of*
 12 *title 49, United States Code, as amended by this division,*
 13 *is further amended by adding at the end the following:*

14 ***“§20171. Grade crossing separation grants***

15 *“(a) GENERAL AUTHORITY.—The Secretary of Trans-*
 16 *portation shall make grants under this section to eligible*
 17 *entities to assist in financing the cost of highway-rail grade*
 18 *separation projects.*

19 *“(b) APPLICATION REQUIREMENTS.—To be eligible for*
 20 *a grant under this section, an eligible entity shall submit*
 21 *to the Secretary an application in such form, in such man-*
 22 *ner, and containing such information as the Secretary may*
 23 *require, including—*

24 *“(1) an agreement between the entity that owns*
 25 *or controls the right-of-way and the applicant ad-*

1 *providing access to right-of-way throughout the project;*
2 *and*

3 “(2) *a cost-sharing agreement with the funding*
4 *amounts that the entity that owns or controls the*
5 *right-of-way shall contribute to the project, which*
6 *shall be not less than 10 percent of the total project*
7 *cost.*

8 “(c) *ELIGIBLE PROJECTS.—The following projects are*
9 *eligible to receive a grant under this section:*

10 “(1) *Installation, repair, or improvement of*
11 *grade crossing separations.*

12 “(2) *Grade crossing elimination incidental to el-*
13 *igible grade crossing separation projects.*

14 “(3) *Project planning, development, and environ-*
15 *mental work related to a project described in para-*
16 *graph (1) or (2).*

17 “(d) *PROJECT SELECTION CRITERIA.—*

18 “(1) *LARGE PROJECTS.—Of amounts made*
19 *available to carry out this section, not more than 50*
20 *percent shall be available for projects with total costs*
21 *of \$100,000,000 or greater.*

22 “(2) *CONSIDERATIONS.—In awarding grants*
23 *under this section, the Secretary—*

1 “(A) shall give priority to projects that
2 maximize the safety benefits of Federal funding;
3 and

4 “(B) may evaluate applications on the safe-
5 ty profile of the existing crossing, 10-year history
6 of accidents at such crossing, inclusion of the
7 proposed project on a grade crossing safety ac-
8 tion plan, average automobile traffic, freight and
9 passenger train traffic, average daily number of
10 crossing closures, and proximity of community
11 resources, including schools, hospitals, fire sta-
12 tions, police stations, and emergency medical
13 service facilities.

14 “(e) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

15 “(1) *TOTAL PROJECT COSTS.*—The Secretary
16 shall estimate the total costs of a project under this
17 section based on the best available information, in-
18 cluding any available engineering studies, studies of
19 economic feasibility, environmental analysis, and in-
20 formation on the expected use of equipment or facili-
21 ties.

22 “(2) *FEDERAL SHARE.*—The Federal share for a
23 project carried out under this section shall not exceed
24 85 percent.

1 “(f) *GRANT CONDITIONS.*—*An eligible entity may not*
 2 *receive a grant for a project under this section unless such*
 3 *project is in compliance with section 22905, except that*
 4 *22905(b) shall only apply to a person that conducts rail*
 5 *operations.*

6 “(g) *TWO YEAR LETTERS OF INTENT.*—

7 “(1) *IN GENERAL.*—*The Secretary shall, to the*
 8 *maximum extent practicable, issue a letter of intent*
 9 *to a recipient of a grant under subsection (d)(1)*
 10 *that—*

11 “(A) *announces an intention to obligate for*
 12 *no more than 2 years, for a major capital project*
 13 *under subsection (d)(1), an amount that is not*
 14 *more than the amount stipulated as the financial*
 15 *participation of the Secretary for the project;*
 16 *and*

17 “(B) *states that the contingent commit-*
 18 *ment—*

19 “(i) *is not an obligation of the Federal*
 20 *Government; and*

21 “(ii) *is subject to the availability of*
 22 *appropriations for grants under this section*
 23 *and subject to Federal laws in force or en-*
 24 *acted after the date of the contingent com-*
 25 *mitment.*

1 “(2) CONGRESSIONAL NOTIFICATION.—

2 “(A) *IN GENERAL.*—Not later than 3 days
3 before issuing a letter of intent under paragraph
4 (1), the Secretary shall submit written notifica-
5 tion 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 subsection
19 (b) for selecting the project for a grant; and

20 “(iii) a description of how the project
21 meets such criteria.

22 “(h) *APPROPRIATIONS REQUIRED.*—An obligation or
23 administrative commitment may be made under subsection
24 (g) only after amounts are appropriated for such purpose.

25 “(i) *DEFINITIONS.*—In this section:

1 “(1) *ELIGIBLE ENTITY*.—The term ‘eligible enti-
2 ty’ means—

3 “(A) a State;

4 “(B) a public agency or publicly chartered
5 authority;

6 “(C) a metropolitan planning organization;

7 “(D) a political subdivision of a State; and

8 “(E) a Tribal government.

9 “(2) *METROPOLITAN PLANNING ORGANIZA-
10 TION*.—The term ‘metropolitan planning organiza-
11 tion’ has the meaning given such term in section
12 134(b) of title 23.

13 “(3) *STATE*.—The term ‘State’ means a State of
14 the United States or the District of Columbia.”.

15 (b) *CLERICAL AMENDMENT*.—The analysis for sub-
16 chapter II of chapter 201 of title 49, United States Code,
17 as amended by this division, is further amended by adding
18 at the end the following:

 “20171. Grade crossing separation grants.”.

19 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANTS.**

20 (a) *IN GENERAL*.—Subchapter II of chapter 201 of
21 title 49, United States Code, as amended by this division,
22 is further amended by adding at the end the following:

23 **“§ 20172. Rail safety public awareness grants**

24 “(a) *GRANT*.—The Administrator of the Federal Rail-
25 road Administration shall make grants to eligible entities

1 *to carry out public information and education programs*
2 *to help prevent and reduce rail-related pedestrian, motor*
3 *vehicle, and other accidents, incidents, injuries, and fatali-*
4 *ties, and to improve awareness along railroad rights-of-way*
5 *and at railway-highway grade crossings.*

6 “(b) *APPLICATION.—To be eligible to receive a grant*
7 *under this section, an eligible entity shall submit to the Ad-*
8 *ministrator an application in such form, in such manner,*
9 *and containing such information as the Secretary may re-*
10 *quire.*

11 “(c) *CONTENTS.—Programs eligible for a grant under*
12 *this section—*

13 “(1) *shall include, as appropriate—*

14 “(A) *development, placement, and dissemi-*
15 *nation of public service announcements in ap-*
16 *propriate media;*

17 “(B) *school presentations, driver safety edu-*
18 *cation, materials, and public awareness cam-*
19 *paigns; and*

20 “(C) *disseminating information to the pub-*
21 *lic on how to identify and report to the appro-*
22 *priate authorities unsafe or malfunctioning high-*
23 *way-rail grade crossings; and*

1 “(2) may include targeted and sustained out-
2 reach in communities at greatest risk to develop
3 measures to reduce such risk.

4 “(d) COORDINATION.—Eligible entities shall coordi-
5 nate program activities with local communities, law en-
6 forcement and emergency responders, and rail carriers, as
7 appropriate, and ensure consistency with State highway-
8 rail grade crossing action plans required under section
9 11401(b) of the FAST Act (49 U.S.C. 22501 note) and the
10 report titled ‘National Strategy to Prevent Trespassing on
11 Railroad Property’ issued by the Federal Railroad Admin-
12 istration in October 2018.

13 “(e) PRIORITIZATION.—In awarding grants under this
14 section, the Administrator shall give priority to applica-
15 tions for programs that—

16 “(1) are nationally recognized;

17 “(2) are targeted at schools in close proximity to
18 railroad rights-of-way;

19 “(3) partner with nearby railroad carriers; or

20 “(4) focus on communities with a recorded his-
21 tory of repeated pedestrian and motor vehicle acci-
22 dents, incidents, injuries, and fatalities at highway-
23 rail grade crossings and along railroad rights-of-way.

24 “(f) DEFINITIONS.—In this section:

1 “(1) *ELIGIBLE ENTITY*.—the term ‘eligible entity’
2 *means—*

3 “(A) *a nonprofit organization;*

4 “(B) *a State;*

5 “(C) *a political subdivision of a State; and*

6 “(D) *a public law enforcement agency or*
7 *emergency response organization.*

8 “(2) *STATE*.—The term ‘State’ means a State of
9 *the United States, the District of Columbia, and*
10 *Puerto Rico.”.*

11 (b) *CLERICAL AMENDMENT*.—The analysis for sub-
12 *chapter II of chapter 201 of title 49, United States Code,*
13 *as amended by this division, is further amended by adding*
14 *at the end the following:*

 “20172. Rail safety public awareness grants.”.

15 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
16 **BLOCKING PUBLIC GRADE CROSSINGS.**

17 (a) *IN GENERAL*.—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 **“§ 20173. Time limit for blocking a rail crossing**

21 “(a) *TIME LIMIT*.—A train, locomotive, railroad car,
22 *or other rail equipment is prohibited from blocking a cross-*
23 *ing for more than 10 minutes, unless the train, locomotive,*
24 *or other equipment is directly delayed by—*

25 “(1) *a casualty or serious injury;*

1 “(2) *an accident;*

2 “(3) *a track obstruction;*

3 “(4) *an act of God; or*

4 “(5) *a derailment or a major equipment failure*
5 *that prevents the train from advancing.*

6 “(b) *CIVIL PENALTY.—The Secretary of Transpor-*
7 *tation may issue civil penalties for violations of subsection*
8 *(a) in accordance with section 21301.*

9 “(c) *DELEGATION.—The Secretary may delegate en-*
10 *forcement actions under subsection (b) to States either*
11 *through a State inspector certified by the Federal Railroad*
12 *Administration, or other law enforcement officials as des-*
13 *ignated by the States and approved by the Administration.*
14 *The Secretary shall issue guidance or regulations not later*
15 *than 1 year after the date of enactment on the criteria and*
16 *process for States to gain approval under this section.*

17 “(d) *APPLICATION TO AMTRAK AND COMMUTER RAIL-*
18 *ROADS.—This section shall not apply to Amtrak or com-*
19 *muter authorities, including Amtrak and commuter au-*
20 *thorities’ operations run or dispatched by a Class I rail-*
21 *road.*

22 “(e) *DEFINITIONS.—In this section:*

23 “(1) *CROSSING.—The term ‘crossing’ means a lo-*
24 *cation within a State in which a public highway,*
25 *road, or street, including associated sidewalks and*

1 *pathways, crosses 1 or more railroad tracks either at*
 2 *grade or grade-separated.*

3 “(2) *BLOCKED CROSSING.*—*The term ‘blocked*
 4 *crossing’ means a circumstance in which a train, lo-*
 5 *comotive, railroad car, or other rail equipment is*
 6 *stopped in a manner that obstructs public travel at*
 7 *a crossing.’”.*

8 (b) *CLERICAL AMENDMENT.*—*The analysis for sub-*
 9 *chapter II of chapter 201 of title 49, United States Code,*
 10 *is further amended by adding at the end the following new*
 11 *item:*

 “20173. *Time limit for blocking a rail crossing.*”.

12 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
 13 **CROSSINGS.**

14 (a) *IN GENERAL.*—*Not later than 18 months after the*
 15 *date of enactment of this Act, the Secretary of Transpor-*
 16 *tation shall submit to the Committee on Transportation*
 17 *and Infrastructure of the House of Representatives and the*
 18 *Committee on Commerce, Science, and Transportation of*
 19 *the Senate, and make publicly available on the website of*
 20 *the Department of Transportation, a report containing a*
 21 *national strategy to address blocked crossings.*

22 (b) *PUBLIC LAW 116–94.*—*The strategy required*
 23 *under subsection (a) shall incorporate the recommendations*
 24 *and briefing described in the report accompanying the De-*
 25 *partment of Transportation Appropriations Act, 2020*

1 *(Public Law 116–94) with respect to the amounts provided*
2 *under the heading “Federal Railroad Administration—*
3 *Safety and Operations”.*

4 *(c) REPORT CONTENTS.—The strategy required under*
5 *subsection (a) shall include an analysis of the following top-*
6 *ics, including any specific legislative or regulatory rec-*
7 *ommendations:*

8 *(1) How best to engage the public, representa-*
9 *tives of labor organizations representing railroad em-*
10 *ployees, law enforcement officers, highway traffic offi-*
11 *cials, or other employees of a public agency acting in*
12 *an official capacity to identify and address blocked*
13 *crossings.*

14 *(2) How technology and positive train control*
15 *system data can be used to identify and address in-*
16 *stances of blocked crossings.*

17 *(3) How to identify and address instances of*
18 *blocked crossings at crossings with passive or no*
19 *warning devices.*

20 *(4) How best to use the data collected under a*
21 *webpage established by the Secretary for the public*
22 *and law enforcement to report instances of blocked*
23 *crossings, including whether such data should be*
24 *verified by each rail carrier or incorporated into the*

1 *national crossing inventory established under section*
 2 *20160 of title 49, United States Code.*

3 *(d) UPDATING STRATEGY.—The Secretary shall evalu-*
 4 *ate the strategy developed under this section not less than*
 5 *every 5 years, and update it as needed.*

6 *(e) DEFINITIONS.—In this section:*

7 *(1) BLOCKED CROSSING.—The term “blocked*
 8 *crossing” means a circumstance in which a train, lo-*
 9 *comotive, railroad car, or other rail equipment is*
 10 *stopped in a manner that obstructs public travel at*
 11 *a crossing.*

12 *(2) POSITIVE TRAIN CONTROL SYSTEM.—The*
 13 *term “positive train control system” has the meaning*
 14 *given the term in section 20157(i) of title 49, United*
 15 *States Code.*

16 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
 17 **CROSSING MATTERS.**

18 *Section 20152 of title 49, United States Code, is*
 19 *amended—*

20 *(1) in subsection (a)—*

21 *(A) in paragraph (1)—*

22 *(i) in subparagraph (C) by striking*
 23 *“or” at the end;*

24 *(ii) by redesignating subparagraph (D)*
 25 *as subparagraph (E); and*

1 (iii) by inserting the following after
2 subparagraph (C):

3 “(D) blocked crossings; or”;

4 (B) in paragraph (4)—

5 (i) by striking “paragraph (1)(C) or
6 (D)” and inserting “subparagraph (C), (D),
7 or (E) of paragraph (1)”;

8 (ii) by striking “and” at the end;

9 (C) in paragraph (5) by striking the period
10 at the end and inserting “; and” ; and

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

12 “(6) promptly inform the Secretary if the num-
13 ber required to be established under subsection (a) has
14 changed and report the new number to the Sec-
15 retary.”; and

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

17 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
18 Secretary shall make any telephone number established
19 under subsection (a) publicly available on the website of the
20 Department of Transportation.”.

21 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY**

22 **REVIEW.**

23 (a) *IN GENERAL*.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall expend such sums as are necessary to conduct

1 *a comprehensive review of the national highway-rail cross-*
 2 *ing inventory of the Department of Transportation estab-*
 3 *lished under section 20160 of title 49, United States Code.*

4 *(b) CONTENTS.—In conducting the review required*
 5 *under subsection (a), the Secretary shall—*

6 *(1) verify the accuracy of the data contained in*
 7 *the inventory described in subsection (a) using map-*
 8 *ping technologies and other methods; and*

9 *(2) correct erroneous data in such inventory.*

10 *(c) REPORT.—Not later than 30 days after the comple-*
 11 *tion of the review required under subsection (a), the Sec-*
 12 *retary shall submit to the Committee on Transportation*
 13 *and Infrastructure of the House of Representatives and the*
 14 *Committee on Commerce, Science, and Transportation of*
 15 *the Senate a report detailing corrections made to the inven-*
 16 *tory described in subsection (a) and the Secretary's plans*
 17 *to ensure continued accuracy of such inventory.*

18 **SEC. 9557. COUNTING RAILROAD SUICIDES.**

19 *(a) IN GENERAL.—Not less than 180 days after the*
 20 *enactment of this Act, the Secretary of Transportation shall*
 21 *revise any regulations, guidance, or other relevant agency*
 22 *documents to count suicides on a railroad crossing or rail-*
 23 *road right-of-way as trespassing deaths.*

24 *(b) AUTHORITY OF THE SECRETARY.—In carrying out*
 25 *subsection (a), the Secretary may require Federal, State,*

1 *and local agencies, railroads, or other entities to submit*
 2 *such data as necessary.*

3 (c) *APPLICABILITY OF RULEMAKING REQUIRE-*
 4 *MENTS.—The requirements of section 553 of title 5, United*
 5 *States Code, shall not apply to the modification required*
 6 *by subsection (a).*

7 ***DIVISION E—ADDITIONAL***
 8 ***PROGRAMS***

9 ***SEC. 10001. NATIONAL SCENIC BYWAYS PROGRAM.***

10 *There are authorized to be appropriated out of the gen-*
 11 *eral fund of the Treasury, for the national scenic byways*
 12 *program under section 162 of title 23, United States Code—*

- 13 (1) *\$55,000,000 for fiscal year 2021;*
 14 (2) *\$60,000,000 for fiscal year 2022;*
 15 (3) *\$65,000,000 for fiscal year 2023;*
 16 (4) *\$70,000,000 for fiscal year 2024; and*
 17 (5) *\$75,000,000 for fiscal year 2025.*

Union Calendar No. 350

116TH CONGRESS
2D Session

H. R. 2

[Report No. 116-437]

A BILL

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

JUNE 26, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed