

117TH CONGRESS 1ST SESSION

H. R. 463

To amend title 23, United States Code, to provide a set aside for transportation alternatives.

IN THE HOUSE OF REPRESENTATIVES

January 25, 2021

Mr. Espaillat (for himself and Mr. Larsen of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to provide a set aside for transportation alternatives.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Transportation Alter-
- 5 natives Enhancements Act".
- 6 SEC. 2. TRANSPORTATION ALTERNATIVES PROGRAM.
- 7 Section 133(h) of title 23, United States Code, is
- 8 amended to read as follows:
- 9 "(h) Transportation Alternatives Program
- 10 Set Aside.—

1	"(1) Set aside.—For each fiscal year, of the
2	total funds apportioned to all States under section
3	104(b)(2) for a fiscal year, the Secretary shall set
4	aside an amount such that—
5	"(A) the Secretary sets aside a total
6	amount under this subsection for a fiscal year
7	equal to 10 percent of such total funds; and
8	"(B) the State's share of the amount set
9	aside under subparagraph (A) is determined by
10	multiplying the amount set aside under sub-
l 1	paragraph (A) by the ratio that—
12	"(i) the amount apportioned to the
13	State for the transportation enhancement
14	program for fiscal year 2009 under section
15	133(d)(2), as in effect on the day before
16	the date of enactment of MAP-21; bears
17	to
18	"(ii) the total amount of funds appor-
19	tioned to all States for the transportation
20	enhancements program for fiscal year
21	2009.
22	"(2) Allocation within a state.—
23	"(A) IN GENERAL.—Except as provided in
24	subparagraph (B), funds set aside for a State
25	under paragraph (1) shall be obligated within

1	that State in the manner described in sub-
2	sections (d) and (e), except that, for purposes
3	of this paragraph (after funds are made avail-
4	able under paragraph (5))—
5	"(i) for each fiscal year, the percent-
6	age referred to in paragraph (1)(A) of sub-
7	section (d) shall be deemed to be 66 per-
8	cent; and
9	"(ii) paragraph (3) of subsection (d)
10	shall not apply.
11	"(B) Local control.—
12	"(i) In general.—A State may make
13	available up to 100 percent of the funds
14	set aside under paragraph (1) to the enti-
15	ties described in subclause (I) if the State
16	submits to the Secretary, and the Sec-
17	retary approves, a plan that describes—
18	"(I) how such funds shall be
19	made available to metropolitan plan-
20	ning organizations, regional transpor-
21	tation planning organizations, coun-
22	ties, or other regional transportation
23	authorities;
24	"(II) how the entities described
25	in subclause (I) shall select projects

1	for funding and how such entities
2	shall report selected projects to the
3	State;
4	"(III) the legal, financial, and
5	technical capacity of such entities; and
6	"(IV) the procedures in place to
7	ensure such entities comply with the
8	requirements of this title.
9	"(ii) Requirement.—A State that
10	makes funding available under a plan ap-
11	proved under this subparagraph shall make
12	available an equivalent amount of obliga-
13	tion authority to the entities described in
14	clause (i)(I).
15	"(3) Eligible projects.—Funds set aside
16	under this subsection may be obligated for any of
17	the following projects or activities:
18	"(A) Construction, planning, and design of
19	on-road and off-road trail facilities for pedes-
20	trians, bicyclists, and other nonmotorized forms
21	of transportation, including sidewalks, bicycle
22	infrastructure, pedestrian and bicycle signals,
23	traffic calming techniques, lighting and other
24	safety-related infrastructure, and transportation
25	projects to achieve compliance with the Ameri-

1	cans with Disabilities Act of 1990 (42 U.S.C.
2	12101 et seq.).
3	"(B) Construction, planning, and design of
4	infrastructure-related projects and systems that
5	will provide safe routes for nondrivers, includ-
6	ing children, older adults, and individuals with
7	disabilities to access daily needs.
8	"(C) Conversion and use of abandoned
9	railroad corridors for trails for pedestrians,
10	bicyclists, or other nonmotorized transportation
11	users.
12	"(D) Construction of turnouts, overlooks,
13	and viewing areas.
14	"(E) Community improvement activities,
15	including—
16	"(i) inventory, control, or removal of
17	outdoor advertising;
18	"(ii) historic preservation and reha-
19	bilitation of historic transportation facili-
20	ties;
21	"(iii) vegetation management prac-
22	tices in transportation rights-of-way to im-
23	prove roadway safety, prevent against
24	invasive species, and provide erosion con-
25	trol; and

1	"(iv) archaeological activities relating
2	to impacts from implementation of a trans-
3	portation project eligible under this title.
4	"(F) Any environmental mitigation activ-
5	ity, including pollution prevention and pollution
6	abatement activities and mitigation to address
7	stormwater management, control, and water
8	pollution prevention or abatement related to
9	highway construction or due to highway runoff
10	including activities described in sections 328(a)
11	and 329.
12	"(G) Projects and strategies to reduce ve-
13	hicle-caused wildlife mortality related to, or to
14	restore and maintain connectivity among terres-
15	trial or aquatic habitats affected by, a transpor-
16	tation facility otherwise eligible for assistance
17	under this subsection.
18	"(H) The recreational trails program
19	under section 206.
20	"(I) The safe routes to school program
21	under section 211.
22	"(J) Activities in furtherance of a vulner-
23	able road user assessment described in section
24	148.

1	"(K) Any other projects or activities de-
2	scribed in section 101(a)(29) or section 213, as
3	such sections were in effect on the day before
4	the date of enactment of the FAST Act (Public
5	Law 114–94).
6	"(4) Access to funds.—
7	"(A) In general.—A State or metropoli-
8	tan planning organization required to obligate
9	funds in accordance with paragraph (2) shall
10	develop a competitive process to allow eligible
11	entities to submit projects for funding that
12	achieve the objectives of this subsection. A met-
13	ropolitan planning organization for an area de-
14	scribed in subsection $(d)(1)(A)(i)$ shall select
15	projects under such process in consultation with
16	the relevant State. The competitive process
17	shall include prioritization of project location
18	and impact in low-income, transit-dependent, or
19	other high-need areas."
20	"(B) Eligible entity defined.—In this
21	paragraph, the term 'eligible entity' means—
22	"(i) a local government;
23	"(ii) a regional transportation author-
24	ity;
25	"(iii) a transit agency;

1	"(iv) a natural resource or public land
2	agency;
3	"(v) a school district, local education
4	agency, or school;
5	"(vi) a tribal government;
6	"(vii) a metropolitan planning organi-
7	zation that serves an urbanized area with
8	a population of 200,000 or fewer;
9	"(viii) a nonprofit organization car-
10	rying out activities related to transpor-
11	tation;
12	"(ix) any other local or regional gov-
13	ernmental entity with responsibility for or
14	oversight of transportation or recreational
15	trails (other than a metropolitan planning
16	organization that serves an urbanized area
17	with a population of over 200,000 or a
18	State agency) that the State determines to
19	be eligible, consistent with the goals of this
20	subsection; and
21	"(x) a State, at the request of any en-
22	tity listed in clauses (i) through (x).
23	"(5) Improving accessibility and effi-
24	CIENCY.—

1	"(A) In general.—A State may use an
2	amount equal to not more than 5 percent of the
3	funds set aside for the State under this sub-
4	section, after allocating funds in accordance
5	with paragraph (2)(A), to improve the ability of
6	applicants to access funding for projects under
7	this subsection in an efficient and expeditious
8	manner by providing—
9	"(i) to applicants for projects under
10	this subsection application assistance, tech-
11	nical assistance, and assistance in reducing
12	the period of time between the selection of
13	the project and the obligation of funds for
14	the project; and
15	"(ii) funding for 1 or more full-time
16	State employee positions to administer this
17	subsection.
18	"(B) USE OF FUNDS.—Amounts used
19	under subparagraph (A) may be expended—
20	"(i) directly by the State; or
21	"(ii) through contracts with State
22	agencies, private entities, or nonprofit enti-
23	ties.
24	"(6) Federal share.—
25	"(A) FLEXIBLE MATCH.—

1	"(i) In General.—Notwithstanding
2	section 120—
3	"(I) the non-Federal share for a
4	project under this subsection may be
5	calculated on a project, multiple-
6	project, or program basis; and
7	"(II) the Federal share of the
8	cost of an individual project in this
9	subsection may be up to 100 percent.
10	"(ii) Aggregate non-federal
11	SHARE.—The average annual non-Federal
12	share of the total cost of all projects for
13	which funds are obligated under this sub-
14	section in a State for a fiscal year shall be
15	not less than the non-Federal share au-
16	thorized for the State under section
17	120(b).
18	"(iii) Requirement.—This subpara-
19	graph shall only apply to a State if such
20	State has adequate financial controls, as
21	certified by the Secretary, to account for
22	the average annual non-Federal share
23	under this subparagraph.
24	"(B) Safety projects.—Notwith-
25	standing section 120, funds made available to

1	carry out section 148 may be credited toward
2	the non-Federal share of the costs of a project
3	under this subsection if the project—
4	"(i) is a project described in section
5	148(e)(1); and
6	"(ii) is consistent with the State stra-
7	tegic highway safety plan (as defined in
8	section 148(a)).
9	"(7) Flexibility.—
10	"(A) STATE AUTHORITY.—
11	"(i) In general.—A State may use
12	not more than 50 percent of the funds set
13	aside under this subsection that are avail-
14	able for obligation in any area of the State
15	(suballocated consistent with the require-
16	ments of subsection $(d)(1)(B)$ for any
17	purpose eligible under subsection (b).
18	"(ii) Restriction.—Funds may be
19	used as described in clause (i) only if the
20	State demonstrates to the Secretary that
21	the State—
22	"(I) held a competition in compli-
23	ance with the requirements of this
24	subsection in such form as the Sec-
25	retary determines appropriate;

1	"(II) offered technical assistance
2	to all eligible entities and provided
3	such assistance upon request by an el-
4	igible entity; and
5	"(III) demonstrates that there
6	were not sufficient suitable applica-
7	tions from eligible entities to use the
8	funds described in clause (i).
9	"(B) MPO AUTHORITY.—
10	"(i) In general.—A metropolitan
11	planning organization that represents an
12	urbanized area with a population of great-
13	er than 200,000 may use not more than
14	50 percent of the funds set aside under
15	this subsection for an urbanized area de-
16	scribed in subsection (d)(1)(A)(i) for any
17	purpose eligible under subsection (b).
18	"(ii) Restriction.—Funds may be
19	used as described in clause (i) only if the
20	Secretary certifies that the metropolitan
21	planning organization—
22	"(I) held a competition in compli-
23	ance with the requirements of this
24	subsection in such form as the Sec-
25	retary determines appropriate; and

1	"(II) demonstrates that there
2	were not sufficient suitable applica-
3	tions from eligible entities to use the
4	funds described in clause (i).
5	"(8) Annual reports.—
6	"(A) IN GENERAL.—Each State or metro-
7	politan planning organization responsible for
8	carrying out the requirements of this subsection
9	shall submit to the Secretary an annual report
10	that describes—
11	"(i) the number of project applica-
12	tions received for each fiscal year, includ-
13	ing—
14	"(I) the aggregate cost of the
15	projects for which applications are re-
16	ceived; and
17	"(II) the types of projects to be
18	carried out, expressed as percentages
19	of the total apportionment of the
20	State under this subsection; and
21	"(ii) the list of each project selected
22	for funding for each fiscal year, including
23	specifying the fiscal year for which the
24	project was selected, the fiscal year in
25	which the project is anticipated to be fund-

1	ed, the recipient, the location, the congres-
2	sional district, the type, and a brief de-
3	scription.
4	"(B) Public availability.—The Sec-
5	retary shall make available to the public, in a
6	user-friendly format on the website of the De-
7	partment of Transportation, a copy of each an-
8	nual report submitted under subparagraph
9	(A).''.

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