

116TH CONGRESS
1ST SESSION

H. R. 5231

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

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 improve the transportation alternatives program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

1 (2) by striking “for each fiscal year,” and all
2 that follows through the end and inserting “for fis-
3 cal year 2021 and each fiscal year thereafter, the
4 Secretary shall set aside an amount equal to 10 per-
5 cent to carry out this subsection.”.

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

9 “(2) ALLOCATION WITHIN A STATE.—

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

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

21 “(ii) paragraph (3) of subsection (d)
22 shall not apply.

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

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

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

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

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

18 “(IV) how the State will comply
19 with paragraph (8); and

20 “(ii) the Secretary approves the plan
21 submitted under clause (i).”.

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

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

3 (1) by redesignating clauses (vii) and (viii) as
4 clauses (viii) and (ix), respectively;

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

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

9 (3) in clause (viii) (as so redesignated), by
10 striking “responsible” and all that follows through
11 “programs”; and

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

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

21 (f) STATE FLEXIBILITY.—Section 133(h)(6) of title
22 23, United States Code, is amended—

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

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

1 “(C) IMPROVING ACCESSIBILITY AND EFFI-
2 CIENCY.—

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

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

19 “(II) by providing funding for 1
20 or more full-time State employee posi-
21 tions to administer this subsection.

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

24 “(I) directly by the State; or

1 “(II) through contracts with
2 State agencies, private entities, or
3 nonprofit entities.”.

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

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

8 (2) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) FEDERAL SHARE.—

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

18 “(B) FLEXIBLE FINANCING.—Subject to
19 subparagraph (A), notwithstanding section
20 120—

21 “(i) funds made available to carry out
22 section 148 may be credited toward the
23 non-Federal share of the costs of a project
24 under this subsection if the project—

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

3 “(II) contributes to the annual
4 safety performance targets of the
5 State;

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

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

13 (h) STATE TRANSFERABILITY.—Section 126(b)(2) of
14 title 23, United States Code, is amended by striking the
15 period at the end of (2) and inserting: “and may only be
16 transferred if the Secretary certifies that the State—

17 “(1) held a competition in compliance with the
18 guidance on Section 133(h) with sufficient time for
19 applicants to apply;

20 “(2) offered technical assistance to all eligible
21 entities and provided it to those who requested it;
22 and

23 “(3) can demonstrate that there were not suffi-
24 ciently suitable applications from eligible entities to
25 use the funds to be transferred.”.

1 (i) IMPROVED TRANSPARENCY.—Paragraph (8)(A)
2 of section 133(h) of title 23, United States Code (as so
3 redesignated by subsection (g)), is amended by striking
4 clause (ii) and inserting the following:

5 “(ii) the list of each project selected
6 for funding for each year, including for
7 each project the year selected, the fiscal
8 year in which the project is anticipated to
9 be funded, the recipient, the location, the
10 type, and a brief description.”.

11 (j) SAFE ROUTES TO HIGH SCHOOLS.—Section 1404
12 of SAFETEA-LU (23 U.S.C. 402 note) is amended—

13 (1) in subsection (a) by striking “primary and
14 middle” and inserting “primary, middle, and high”;
15 and

16 (2) in subsection (k)(2)—

17 (A) in the heading, by striking “PRIMARY
18 AND MIDDLE” and inserting “PRIMARY, MID-
19 DLE, AND HIGH”;

20 (B) by striking “primary and middle” and
21 inserting “primary, middle, and high”; and

22 (C) by striking “eighth grade” and insert-
23 ing “12th grade”.

1 (k) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on October
3 1, 2020.

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