



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO (for himself, Ms. NORTON, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in a New
5 Vision for the Environment and Surface Transportation
6 in America Act” or the “INVEST in America Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS
FOR FISCAL YEAR 2022

- Sec. 101. Definitions.
- Sec. 102. Extension of Federal Surface Transportation programs.
- Sec. 103. Additional amounts for the Federal-aid highway program and member designated projects.
- Sec. 104. Federal Transit Administration.
- Sec. 105. National highway traffic safety administration.
- Sec. 106. Federal motor carrier safety administration.
- Sec. 107. Member designated project authorizations.

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.
- Sec. 1118. Accommodation of certain facilities in right-of-way.
- Sec. 1119. Federal grants for pedestrian and bike safety improvements.

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.
- Sec. 1217. Noise barriers.
- Sec. 1218. Safe streets for all.
- Sec. 1219. Youth service and conservation corps.

Subtitle C—Project-Level Investments

- Sec. 1301. Projects of national and regional significance.
- Sec. 1302. Community transportation investment grant program.
- Sec. 1303. Clean corridors program.
- Sec. 1304. Community climate innovation grants.
- Sec. 1305. Metro performance program.
- Sec. 1306. Gridlock reduction grant program.
- Sec. 1307. Rebuild rural bridges program.
- Sec. 1308. Parking for commercial motor vehicles.
- Sec. 1309. Active connected transportation grant program.
- Sec. 1310. Wildlife crossings program.
- Sec. 1311. Reconnecting neighborhoods program.
- Sec. 1312. Apprenticeship utilization.

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.
- Sec. 1511. Federal lands access program.

Subtitle F—Additional Provisions

- Sec. 1601. Vision zero.
- Sec. 1602. Speed limits.
- Sec. 1603. Dig Once for broadband infrastructure deployment.
- Sec. 1604. Stormwater best management practices.
- Sec. 1605. Pedestrian facilities in the public right-of-way.
- Sec. 1606. Highway formula modernization report.
- Sec. 1607. Consolidation of programs.
- Sec. 1608. Student outreach report to Congress.

- Sec. 1609. Task force on developing a 21st century surface transportation workforce.
- Sec. 1610. On-the-job training and supportive services.
- Sec. 1611. Appalachian development highway system funding flexibility.
- Sec. 1612. Transportation education development program.
- Sec. 1613. Working group on construction resources.
- Sec. 1614. Numbering system of highway interchanges.
- Sec. 1615. Toll credits.
- Sec. 1616. Transportation construction materials procurement.
- Sec. 1617. Nationwide road safety assessment.
- Sec. 1618. Climate resilient transportation infrastructure study.
- Sec. 1619. Natural gas, electric battery, and zero emission vehicles.
- Sec. 1620. Guidance on evacuation routes.
- Sec. 1621. High priority corridors on National Highway System.
- Sec. 1622. Guidance on inundated and submerged roads.
- Sec. 1623. Dry bulk weight tolerance.
- Sec. 1624. Highway use tax evasion projects.
- Sec. 1625. Labor standards.
- Sec. 1626. Climate resiliency report by GAO.
- Sec. 1627. Designation of John R. Lewis Voting Rights Highway.
- Sec. 1628. GAO study on capital needs of public ferries.
- Sec. 1629. Use of modeling and simulation technology.
- Sec. 1630. GAO study on per-mile user fee equity.
- Sec. 1631. GAO review of equity considerations at state DOTs.
- Sec. 1632. Study on effectiveness of suicide prevention nets and barriers for structures other than bridges.
- Sec. 1633. Repeal of pilot program.
- Sec. 1634. Technical corrections.

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 years 2022 and 2023 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. Certification requirements.
- Sec. 2112. Hold harmless.
- Sec. 2113. Study on accessibility of public transportation.

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. Spare ratio waiver.

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.
- Sec. 2405. Workforce development training grants.

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.
- Sec. 2504. Equity in transit service planning.
- Sec. 2505. GAO study on fare-free 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.
- Sec. 2806. Public transportation innovation.
- Sec. 2807. Transit vehicle battery recycling and reuse.

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.
- Sec. 2917. Best practices for the application of National Environmental Policy Act of 1969 to federally funded bus shelters.
- Sec. 2918. Capital investment grant streamlining.

TITLE III—HIGHWAY TRAFFIC SAFETY

- Sec. 3001. Authorization of appropriations.
- Sec. 3002. Highway safety programs.
- Sec. 3003. Fair and equitable traffic safety enforcement.
- Sec. 3004. Highway safety research and development.
- Sec. 3005. Grant program to prohibit racial profiling.
- Sec. 3006. National safety campaigns.
- 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. Motorcycle Advisory Council.
- Sec. 3014. Report on marijuana research.
- Sec. 3015. Comptroller General study on national DUI reporting.

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. Operation of small commercial vehicles study.

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.
- Sec. 4207. Broker guidance.

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.
- Sec. 4310. Application of commercial motor vehicle safety.
- Sec. 4311. Use of data.

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.
- Sec. 4409. Universal electronic identifier.

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. Transportation equity research program.
- Sec. 5110. Surface transportation research, development, and technology.
- Sec. 5111. Metropolitan planning research pilot program.

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. 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. Surface transportation workforce retraining grant program.
- Sec. 5307. Third-party data integration pilot program.
- Sec. 5308. Third-party data planning integration pilot program.

Sec. 5309. Automated Commercial Vehicle Reporting.

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. Advisory council on transportation statistics.

Sec. 5505. GAO Review of Discretionary Grant Programs.

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.

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.

Sec. 8204. Lithium battery approval.

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. Bridges, stations, and tunnels (BeST) grant program.

Sec. 9106. Buy America.

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. Access to recreational trails.
- Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.
- Sec. 9218. Amtrak and private cars.
- Sec. 9219. Amtrak Office of Community Outreach.
- Sec. 9220. Long-distance customer enhancement program.
- Sec. 9221. Amtrak carbon-free and renewable energy initiatives.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 9301. Northeast Corridor Commission.
- Sec. 9302. Northeast Corridor planning.
- Sec. 9303. Protective arrangements.
- Sec. 9304. Interstate rail compacts.
- Sec. 9305. High-speed rail updates.
- Sec. 9306. State rail planning formula 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.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

- Sec. 9501. Study on safety impact of long trains.
- Sec. 9502. FRA safety reporting.
- Sec. 9503. Waiver notice requirements.
- Sec. 9504. Notice of FRA comprehensive safety culture assessments.
- Sec. 9505. FRA accident and incident investigations.
- Sec. 9506. Freight train crew size safety standards.
- Sec. 9507. Border crossings.
- Sec. 9508. Yardmasters hours of service.
- Sec. 9509. Leaking brakes.
- Sec. 9510. Report on PTC system failures.
- Sec. 9511. Fatigue reduction management plans.
- Sec. 9512. Assault prevention and response plans.
- Sec. 9513. Critical incident stress plans.
- Sec. 9514. Crewmember certification and qualification.
- Sec. 9515. Safety management team communication.
- Sec. 9516. GAO study on reorganization of Office of Railroad Safety.

- Sec. 9517. Open-top rail car public input.
- Sec. 9518. New passenger service pre-revenue safety validation plan.
- Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.

Subtitle B—Grade Crossing Safety

- Sec. 9551. Highway-rail grade crossing separation grants.
- Sec. 9552. Rail safety public awareness grant.
- Sec. 9553. Establishment of 10-minute time limit for blocking public highway-rail grade crossings.
- Sec. 9554. National blocked crossing database.
- Sec. 9555. Railroad point of contact for blocked crossing matters.
- Sec. 9556. National highway-rail crossing inventory review.
- Sec. 9557. Railroad trespassing enforcement grants.
- Sec. 9558. Railroad trespassing suicide prevention grants.
- Sec. 9559. Including railroad suicides.
- Sec. 9560. Report on safety measures required for Quiet Zones.

TITLE VI—MISCELLANEOUS

- Sec. 9601. Rail network climate change vulnerability assessment.
- Sec. 9602. Advance acquisition.
- Sec. 9603. University rail climate innovation grant program.
- Sec. 9604. Workforce diversity and development.
- Sec. 9605. Requirements for railroad freight cars entering service in United States.

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—FEDERAL SURFACE**
7 **TRANSPORTATION PRO-**
8 **GRAMS FOR FISCAL YEAR**
9 **2022**

10 **SEC. 101. DEFINITIONS.**

11 In this division, the following definitions apply:

- 12 (1) **HIGHWAY ACCOUNT.**—The term “Highway
13 Account” means the portion of the Highway Trust
14 Fund that is not the Mass Transit Account.

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

5 (3) MEMBER DESIGNATED PROJECT.—The
6 term “member designated project” means a project
7 listed in the table in section 107.

8 (4) MEMBER DESIGNATED PROJECT FUNDS.—
9 The term “member designated project funds” means
10 funds reserved under subsections (d)(1)(B)(i),
11 (f)(1)(A), and (g)(1)(A) to carry out member des-
12 ignated projects listed in the table in section 107(e).

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of Transportation.

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

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

19 (A) American Samoa.

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

22 (C) Guam.

23 (D) The United States Virgin Islands.

1 **SEC. 102. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
2 **TATION PROGRAMS.**

3 (a) EXTENSION OF FEDERAL SURFACE TRANSPOR-
4 TATION PROGRAMS.—

5 (1) IN GENERAL.—Unless otherwise provided in
6 this division, the requirements, authorities, condi-
7 tions, eligibilities, limitations, and other provisions
8 authorized under the covered laws, which would oth-
9 erwise expire on or cease to apply after September
10 30, 2021, are incorporated by reference and shall
11 continue in effect through September 30, 2022.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 (A) HIGHWAY TRUST FUND.—

14 (i) HIGHWAY ACCOUNT.—

15 (I) IN GENERAL.—Except as pro-
16 vided in subclause (II), there is au-
17 thorized to be appropriated from the
18 Highway Account for fiscal year 2022,
19 for each program under the covered
20 laws with respect to which amounts
21 are authorized to be appropriated
22 from such account for fiscal year
23 2021, an amount equal to the amount
24 authorized for appropriation with re-
25 spect to the program from such ac-
26 count for fiscal year 2021.

1 (II) ADMINISTRATIVE EX-
2 PENSES.—Notwithstanding any other
3 provision of this division, there is au-
4 thorized to be appropriated from the
5 Highway Account for fiscal year
6 2022—

7 (aa) \$516,000,000 for ad-
8 ministrative expenses of the Fed-
9 eral Highway Administration, as
10 described in section 104(a) of
11 title 23, United States Code; and

12 (bb) \$30,086,000 for grant
13 administrative expenses of the
14 National Highway Traffic Safety
15 Administration, as described in
16 section 4001(a)(6) of the FAST
17 Act (Public Law 114–94).

18 (ii) MASS TRANSIT ACCOUNT.—

19 (I) IN GENERAL.—There is au-
20 thorized to be appropriated from the
21 Mass Transit Account for fiscal year
22 2022, for each program under the
23 covered laws with respect to which
24 amounts are authorized to be appro-
25 priated from such account for fiscal

1 year 2021, an amount equal to the
2 amount authorized for appropriation
3 with respect to the program from such
4 account for fiscal year 2021.

5 (II) CONDITION FOR APPORTION-
6 MENT.—No funds authorized in this
7 division or any other Act may be used
8 to adjust Mass Transit Account ap-
9 portionments or withhold funds from
10 Mass Transit Account apportionments
11 pursuant to section 9503(e)(4) of the
12 Internal Revenue Code of 1986 in fis-
13 cal year 2022.

14 (B) GENERAL FUND.—

15 (i) IN GENERAL.—Except as provided
16 in clauses (ii) and (iii), there is authorized
17 to be appropriated for fiscal year 2022, for
18 each program under covered laws with re-
19 spect to which amounts are authorized to
20 be appropriated for fiscal year 2021 from
21 an account other than the Highway Ac-
22 count or the Mass Transit Account, an
23 amount not less than the amount author-
24 ized for appropriation with respect to the

1 program under the covered laws for fiscal
2 year 2021.

3 (ii) ADMINISTRATIVE EXPENSES.—
4 Notwithstanding any other provision of
5 this division, there is authorized to be ap-
6 propriated from the general fund of the
7 Treasury for fiscal year 2022
8 \$131,500,000 for necessary administrative
9 expenses of the Federal Transit Adminis-
10 tration.

11 (iii) CAPITAL INVESTMENT GRANTS.—
12 Notwithstanding any other provision of
13 this division, there is authorized to be ap-
14 propriated from the general fund of the
15 Treasury for fiscal year 2022
16 \$3,250,000,000 to carry out section 5309
17 of title 49, United States Code.

18 (3) USE OF FUNDS.—Except as otherwise pro-
19 vided in this division, amounts authorized to be ap-
20 propriated for fiscal year 2022 with respect to a pro-
21 gram under paragraph (2) shall be distributed, ad-
22 ministered, limited, and made available for obliga-
23 tion in the same manner as amounts authorized to
24 be appropriated with respect to the program for fis-
25 cal year 2021 under the covered laws.

1 (4) OBLIGATION LIMITATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), a program for which
4 amounts are authorized to be appropriated
5 under paragraph (2)(A) shall be subject to a
6 limitation on obligations for fiscal year 2022 in
7 the same amount and in the same manner as
8 the limitation applicable with respect to the
9 program for fiscal year 2021 under the title I
10 of the Transportation, Housing and Urban De-
11 velopment, and Related Agencies Appropria-
12 tions Act, 2021 (Public Law 116–260).

13 (B) FEDERAL-AID HIGHWAY AND HIGHWAY
14 SAFETY CONSTRUCTION PROGRAMS.—

15 (i) IN GENERAL.—Notwithstanding
16 any other provision of this section, section
17 1102 of the FAST Act (Public Law 114–
18 94), section 1101 of title I of division B of
19 the Continuing Appropriations Act, 2021
20 and Other Extensions Act (Public Law
21 116–159), or title I of the Transportation,
22 Housing and Urban Development, and Re-
23 lated Agencies Appropriations Act, 2021
24 (Public Law 116–260), for fiscal year
25 2022, the obligations for Federal-aid high-

1 way and highway safety construction pro-
2 grams shall not exceed \$46,400,294,311.

3 (ii) LIMITATION ON FEDERAL HIGH-
4 WAY ADMINISTRATION ADMINISTRATIVE
5 EXPENSES.—Notwithstanding any other
6 provision of this section, of the amount de-
7 scribed in clause (i), for fiscal year 2022
8 an amount not to exceed \$492,000,000 to-
9 gether with advances and reimbursements
10 received by the Federal Highway Adminis-
11 tration, shall be obligated for necessary ex-
12 penses for administration and operation of
13 the Federal Highway Administration or
14 transferred to the Appalachian Regional
15 Commission for administrative activities
16 associated with the Appalachian Develop-
17 ment Highway System.

18 (b) NATIONALLY SIGNIFICANT FREIGHT AND HIGH-
19 WAY PROJECTS.—Section 117(d)(2)(A) of title 23, United
20 States Code, is amended in the matter preceding clause
21 (i)—

- 22 (1) by striking “\$600,000,000” and inserting
23 “\$700,000,000”; and
24 (2) by striking “2021” and inserting “2022”.

1 (c) DISADVANTAGED BUSINESS ENTERPRISES.—Sec-
2 tion 1101(b) of the FAST Act (Public Law 114–94) (ex-
3 cept for the requirements related to gross receipts under
4 paragraph (2)(A)(ii) of such section) shall apply to
5 amounts made available under sections 102, 103, 104 of
6 this division.

7 (d) DEFINITIONS.—In this section, the term “covered
8 laws” means the following:

9 (1) Section 1101 of title I of division B of the
10 Continuing Appropriations Act, 2021 and Other Ex-
11 tensions Act (Public Law 116–159).

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

14 (3) Division A, division B, subtitle A of title I
15 and title II of division C, and division E of MAP-
16 21 (Public Law 112–141).

17 (4) Titles I, II, and III of the SAFETEA–LU
18 Technical Corrections Act of 2008 (Public Law 110–
19 244).

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

22 (6) Titles I, II, III, IV, and V of the Transpor-
23 tation Equity Act for the 21st Century (Public Law
24 105–178).

1 (7) Titles II, III, and IV of the National High-
2 way System Designation Act of 1995 (Public Law
3 104–59).

4 (8) Title I, part A of title II, title III, title IV,
5 title V, and title VI of the Intermodal Surface
6 Transportation Efficiency Act of 1991 (Public Law
7 102–240).

8 (9) Title 23, United States Code.

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

12 **SEC. 103. ADDITIONAL AMOUNTS FOR THE FEDERAL-AID**
13 **HIGHWAY PROGRAM AND MEMBER DES-**
14 **IGNATED PROJECTS.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—In addition to amounts au-
17 thorized under section 102, there is authorized to be
18 appropriated from the Highway Account for fiscal
19 year 2022, for activities under this section,
20 \$14,742,808,640.

21 (2) CONTRACT AUTHORITY.—Amounts author-
22 ized to be appropriated under paragraph (1) shall be
23 available for obligation as if apportioned under chap-
24 ter 1 of title 23, United States Code.

25 (b) OBLIGATION AUTHORITY.—

1 (1) IN GENERAL.—

2 (A) AMOUNT.—Notwithstanding any other
3 provision of law, for fiscal year 2022, obliga-
4 tions for activities authorized under subsection
5 (a) shall not exceed \$14,742,808,640.

6 (B) PERIOD OF AVAILABILITY.—

7 (i) IN GENERAL.—Except as provided
8 in clause (ii), obligation authority made
9 available under this paragraph shall—

10 (I) remain available until Sep-
11 tember 30, 2025; and

12 (II) be in addition to the amount
13 of any limitation imposed on obliga-
14 tions for Federal-aid highway and
15 highway safety construction programs
16 for fiscal year 2022 under section 102
17 or future fiscal years under any other
18 provision of law.

19 (ii) EXCEPTION.—Except as provided
20 in subsection (i)(2)(E), obligation author-
21 ity associated with a member designated
22 project shall remain available until ex-
23 pended.

24 (2) DISTRIBUTION OF OBLIGATION AUTHOR-
25 ITY.—

1 (A) IN GENERAL.—Of the obligation au-
2 thority provided under paragraph (1), the Sec-
3 retary shall make available to States, Tribes,
4 Puerto Rico, the territories, and Federal land
5 management agencies, during the period of fis-
6 cal year 2022, amounts of obligation authority
7 equal to the amounts described in paragraphs
8 (1) through (5) of subsection (c), respectively.

9 (B) FURTHER DISTRIBUTION.—Each
10 State, each Tribe, Puerto Rico, each territory,
11 and each Federal land management agency re-
12 ceiving funds under paragraphs (1) through (5)
13 of subsection (c), respectively, shall receive an
14 amount of obligation authority equal to the
15 funds received under any of such paragraphs.

16 (c) DISTRIBUTION OF FUNDS.—Amounts authorized
17 to be appropriated for fiscal year 2022 under subsection
18 (a) shall be distributed as follows:

19 (1) \$14,343,545,973 to the States.

20 (2) \$167,481,814 to Tribes.

21 (3) \$52,400,251 to Puerto Rico.

22 (4) \$55,012,918 to the territories.

23 (5) \$124,367,684 to Federal land management
24 agencies.

25 (d) SUPPLEMENTAL STATE FUNDS.—

1 (1) DISTRIBUTION.—

2 (A) AMONG STATES.—Amounts distributed
3 to States under subsection (c)(1) shall be dis-
4 tributed among the States in the same ratio as
5 total State apportionments under section
6 104(c)(1) of title 23, United States Code, in fis-
7 cal year 2022.

8 (B) WITHIN A STATE.—Of the amount dis-
9 tributed to a State under subparagraph (A)—

10 (i) the amount specified in section
11 107 for each member designated project in
12 the State shall be reserved to carry out
13 such project; and

14 (ii) any remaining amount shall be
15 available to the State under paragraph (2).

16 (2) TREATMENT.—Funds made available under
17 paragraph (1)(B)(ii) shall be—

18 (A) available for activities eligible under
19 section 133(b) of title 23, United States Code,
20 subject to subsection (c) of such section; and

21 (B) administered as if apportioned under
22 chapter 1 of title 23, United States Code.

23 (e) TRIBAL FUNDS.—Amounts distributed to Tribes
24 under subsection (c)(2) shall be—

1 (1) available for activities eligible under the
2 tribal transportation program under section 202 of
3 title 23, United States Code; and

4 (2) administered as if allocated under section
5 202 of title 23, United States Code, except that the
6 set-aside described in subparagraph (C) of section
7 202(b)(3) of such title and subsections (a)(6), (c),
8 (d), and (e) of section 202 of such title shall not
9 apply to such funds.

10 (f) PUERTO RICO FUNDS.—

11 (1) DISTRIBUTION.—Of the amount distributed
12 to Puerto Rico under subsection (c)(3)—

13 (A) the amount specified in section 107 for
14 each member designated project in Puerto Rico
15 shall be reserved to carry out such project; and

16 (B) any remaining amount shall be avail-
17 able to Puerto Rico under paragraph (2).

18 (2) TREATMENT.—Funds made available under
19 paragraph (1)(B) shall be—

20 (A) administered as if allocated under sec-
21 tion 165(b) of title 23, United States Code;

22 (B) available for activities described under
23 paragraph (2)(C)(iii) of such section; and

24 (C) not subsection to subparagraph (A) or
25 (B) of paragraph (2) of such section.

1 (g) TERRITORIAL FUNDS.—

2 (1) DISTRIBUTION.—Of the amount distributed
3 to a territory under subsection (c)(4)—

4 (A) the amount specified in section 107 for
5 each member designated project in the territory
6 shall be reserved to carry out such project;

7 (B) of amounts remaining after the dis-
8 tribution under subparagraph (A), not more
9 than \$1,392,918 shall be made available to
10 American Samoa; and

11 (C) any remaining amount shall be avail-
12 able to the territories as described under para-
13 graph (2).

14 (2) TREATMENT.—Funds made available under
15 subparagraphs (B) and (C) of paragraph (1) shall
16 be administered as if allocated under, and available
17 for activities described under, section 165(c) of title
18 23, United States Code.

19 (h) FEDERAL LAND MANAGEMENT AGENCY
20 FUNDS.—

21 (1) DISTRIBUTION.—Amounts distributed
22 under subsection (c)(5) shall be distributed among
23 the Federal land management agencies as follows:

24 (A) \$99,494,147 for the National Park
25 Service.

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

3 (C) \$6,301,296 for the United States For-
4 est Service.

5 (D) \$8,622,826 to be allocated to the re-
6 maining Federal land management agencies de-
7 scribed in section 203(b) of title 23, United
8 States Code.

9 (2) TREATMENT.—Funds made available under
10 paragraph (1) shall be—

11 (A) available for activities eligible under
12 the Federal lands transportation program under
13 section 203 of title 23, United States Code; and

14 (B) administered as if allocated under sec-
15 tion 203 of title 23, United States Code.

16 (i) MEMBER DESIGNATED PROJECTS.—

17 (1) TREATMENT.—

18 (A) IN GENERAL.—Member designated
19 project funds shall be available until expended,
20 except as specified in paragraph (2)(C)(iv).

21 (B) REQUIREMENTS.—

22 (i) IN GENERAL.—Except as specified
23 in paragraph (2)(C)(iv) or clauses (ii) or
24 (iii), member designated project funds
25 shall be administered as if apportioned—

1 (I) for a project eligible under
2 chapter 1 of title 23, United States
3 Code, under such chapter;

4 (II) for a project eligible under
5 chapter 2 of title 23, United States
6 Code, under such chapter; or

7 (III) for a project eligible under
8 chapter 53 of title 49, United States
9 Code, under such chapter.

10 (ii) FEDERAL SHARE.—Notwith-
11 standing any other provision of law, the
12 Federal share of the cost of a project as-
13 sisted with member designated project
14 funds shall be determined in accordance
15 with section 120 of title 23, United States
16 Code, or, in the case of a transit capital
17 project, may be determined in accordance
18 with section 5323(i)(1) of title 49, United
19 States Code, if applicable.

20 (iii) TRANSIT PROJECTS.—

21 (I) TRANSFERS.—Member des-
22 igned project funds made available
23 for transit capital and planning
24 projects may be transferred to, and
25 administered by, the Secretary in ac-

1 cordance with section 104(f) of title
2 23, United States Code.

3 (II) DESIGNATED RECIPIENTS.—
4 Member designated project authoriza-
5 tions specified in section 107 distrib-
6 uted to a State for transit capital and
7 planning projects shall be made avail-
8 able for obligation to a designated or
9 direct recipient or subrecipient under
10 chapter 53 of title 49, United States
11 Code, as specified in section 107 or, if
12 no such eligible recipient is identified,
13 to the designated recipient in the loca-
14 tion specified in such section.

15 (2) REPURPOSING OF FUNDS.—

16 (A) IN GENERAL.—

17 (i) REQUEST.—Beginning on October
18 1, 2025, except as described in clause (ii),
19 if less than 10 percent of the amount re-
20 served for a member designated project for
21 a State, Puerto Rico, or territory has been
22 obligated, the State, Puerto Rico, or a ter-
23 ritory, respectively, may submit to the Sec-
24 retary, a request to use, under subpara-
25 graph (B)—

1 (I) the unobligated amount re-
2 served for the member designated
3 project; and

4 (II) the obligation authority that
5 is associated with such amount.

6 (ii) COMPLETED PROJECTS.—If the
7 project has been completed and an unobli-
8 gated amount remains reserved for a mem-
9 ber designated project, a State, Puerto
10 Rico, or territory may submit to the Sec-
11 retary certification that such project has
12 been completed (and the Secretary shall
13 verify such completion). Upon verification,
14 the State, Puerto Rico, or territory, respec-
15 tively, may use, under subparagraph (B)—

16 (I) the unobligated amount re-
17 served for the member designated
18 project; and

19 (II) the obligation authority that
20 is associated with such amount.

21 (B) CONSIDERATIONS.—In making the de-
22 termination under subparagraph (A)(i), the
23 Secretary shall—

24 (i) consider whether the member des-
25 ignated project can be completed with the

1 amount reserved for the member des-
2 ignated project and other committed funds;

3 (ii) determine whether the public enti-
4 ty serving as the project sponsor listed in
5 the Committee Report, or any subsequent
6 report superceding such Committee Re-
7 port, accompanying this Act supports the
8 proposed repurposing; and

9 (iii) ensure that the proposed
10 repurposing would be used for a project
11 with the same eligible project type.

12 (C) TREATMENT.—Funds for which the
13 Secretary approves a request or verifies a com-
14 pleted project under subparagraph (A)—

15 (i) may be used and shall be treated—

16 (I) for a request by a State, as if
17 such amount was made available
18 under subsection (d)(1)(B)(ii);

19 (II) for a request by Puerto Rico,
20 as if such amount was made available
21 under subsection (f)(1)(B); and

22 (III) for a request by a territory,
23 as if such amount was made available
24 under subsection (g)(1)(C);

1 (ii) shall be used within the location
2 described in subparagraph (D)(ii);

3 (iii) shall be subject to the Federal
4 share specified in section 120 of title 23,
5 United States Code, or, in the case of a
6 transit capital project, may be determined
7 in accordance with section 5323(i)(1) of
8 title 49, United States Code, as applicable;
9 and

10 (iv) notwithstanding paragraph
11 (1)(A)(ii), shall remain available for obliga-
12 tion for a period of 3 fiscal years after the
13 last day of the fiscal year in which the Sec-
14 retary approves the request.

15 (D) LOCATION OF PROJECTS.—Funds for
16 which the Secretary approves a request under
17 subparagraph (A) shall—

18 (i) for funds specified in section 107
19 to be used within a metropolitan planning
20 area (as such term is defined in section
21 134(b) of title 23, United States Code),
22 applied to an activity within or predomi-
23 nantly serving such metropolitan area;

24 (ii) for funds specified in section 107
25 to be used within a political subdivision of

1 a State, applied to an activity within or
2 predominantly serving such political sub-
3 division;

4 (iii) for funds specified in section 107
5 to be used within Puerto Rico, applied to
6 an activity within Puerto Rico; and

7 (iv) for funds specified in section 107
8 to be used within a territory, applied to an
9 activity within such territory.

10 (E) OBLIGATION AUTHORITY.—Notwith-
11 standing subsection (b)(1)(B)(ii), obligation au-
12 thority that is repurposed under this paragraph
13 shall remain available for obligation for a period
14 of 3 fiscal years after the last day of the fiscal
15 year in which the Secretary approves the re-
16 quest or verifies the completed project under
17 subparagraph (A).

18 **SEC. 104. FEDERAL TRANSIT ADMINISTRATION.**

19 (a) ALL STATIONS ACCESSIBILITY PROGRAM.—

20 (1) IN GENERAL.—The Secretary may make
21 grants under this subsection to assist eligible entities
22 in financing capital projects to upgrade accessibility
23 for persons with disabilities by increasing the num-
24 ber of covered stations that meet (including exceed-
25 ing) the new construction standards of title II of the

1 Americans with Disabilities Act of 1990 (42 U.S.C.
2 12131 et seq.).

3 (2) ELIGIBLE COSTS.—A grant awarded under
4 this section shall be used on a covered system for
5 the purpose described in paragraph (1) only—

6 (A) for a project to repair, improve, or re-
7 locate station infrastructure at a covered sta-
8 tion;

9 (B) to develop or modify a plan for pur-
10 suing public transportation accessibility
11 projects; or

12 (C) to carry out other projects at covered
13 stations that meet (including exceeding) the
14 new construction standards of title II of the
15 Americans with Disabilities Act of 1990 (42
16 U.S.C. 12131 et seq.).

17 (3) ELIGIBLE FACILITIES.—The Secretary—

18 (A) may not provide a grant awarded
19 under this subsection to upgrade a station that
20 is accessible to and usable by individuals with
21 disabilities, including individuals who use wheel-
22 chairs, consistent with current new construction
23 standards under title II the Americans with
24 Disabilities Act of 1990 (42 U.S.C. 1231 et
25 seq.); and

1 (B) may provide a grant to upgrade a sta-
2 tion that is not accessible and usable as de-
3 scribed in paragraph (1), even if related serv-
4 ices, programs, or activities, when viewed in en-
5 tirety, are readily accessible and usable as so
6 described.

7 (4) APPLICATION.—To apply for a grant under
8 this subsection, an applicant shall provide to the
9 Secretary such information as the Secretary may re-
10 quire, including, at a minimum, information on—

11 (A) the extent to which the proposed
12 project will increase the accessibility of a cov-
13 ered system;

14 (B) projected improvements in access to
15 jobs, community activities, and essential des-
16 tinations provided by such project;

17 (C) the applicant's plans to—

18 (i) enhance the customer experience
19 and maximize accessibility of rolling stock
20 and stations for individuals with disabil-
21 ities;

22 (ii) improve the operations of, provide
23 efficiencies of service to, and enhance the
24 public transportation system for individ-
25 uals with disabilities; and

1 (iii) address equity of service to all
2 riders regardless of ability, including for
3 riders of differing abilities that are low-in-
4 come, seniors, or riders from communities
5 of color; and

6 (D) coordination between the applicant
7 and disability advocacy entities.

8 (5) FEDERAL SHARE.—The Federal share of
9 the net project cost of a grant provided under this
10 subsection shall be 90 percent. The recipient may
11 provide additional local matching amounts.

12 (6) GRANT REQUIREMENTS.—Except as other-
13 wise provided under this subsection, a grant pro-
14 vided under this subsection shall be subject to the
15 requirements of section 5307 of title 49, United
16 States Code.

17 (7) GRANT SOLICITATION.—The Secretary may
18 provide funds authorized under this subsection
19 through 1 or more notices of funding opportunity.

20 (8) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated from the
22 Mass Transit Account \$1,000,000,000 for fiscal
23 year 2022 to provide grants under this subsection.

24 (9) AVAILABILITY OF AMOUNTS.—Amounts
25 made available under this subsection shall be avail-

1 able for a period of 4 fiscal years after the fiscal
2 year in which the amount is made available.

3 (10) DEFINITIONS.—In this section:

4 (A) COVERED STATION.—The term “cov-
5 ered station” means a rail fixed guideway pub-
6 lic transportation station for passenger use con-
7 structed prior to the date of enactment of this
8 Act.

9 (B) COVERED SYSTEM.—The term “cov-
10 ered system” means a rail fixed guideway pub-
11 lic transportation system that was in operation
12 before July 26, 1990.

13 (C) DISABILITY.—The term “disability”
14 has the meaning given such term in section 3
15 of the Americans with Disabilities Act of 1990
16 (42 U.S.C. 12102).

17 (D) ELIGIBLE ENTITY.—The term “eligi-
18 ble entity” means a State or local governmental
19 authority that operates a rail fixed guideway
20 public transportation system that was in oper-
21 ation before July 26, 1990.

22 (b) REDUCING TRANSIT DESERTS.—

23 (1) IN GENERAL.—The Secretary may make
24 grants under this subsection to eligible recipients for

1 eligible projects to establish new bus service or in-
2 crease the frequency of bus service.

3 (2) ELIGIBLE PROJECTS.—Eligible projects
4 under this subsection are projects in eligible areas—

5 (A) to establish or enhance bus service
6 with headways equal to or shorter than 20 min-
7 utes for at least 18 hours per day in neighbor-
8 hoods lacking such service; or

9 (B) to establish or increase express lane
10 transit service that connects communities to
11 jobs and essential destinations, as long as such
12 service will improve mobility or expand afford-
13 able transportation options in underserved com-
14 munities.

15 (3) ELIGIBLE COSTS.—Eligible costs under this
16 section include—

17 (A) acquisition of vehicles;

18 (B) acquisition, installation, and construc-
19 tion of bus stops, stations, and related infra-
20 structure;

21 (C) construction or expansion of mainte-
22 nance facilities to support the new or enhanced
23 service;

24 (D) maintenance activities to support the
25 expanded service; and

1 (E) operating expenses for up to 2 years
2 beginning on the first day of revenue service.

3 (4) APPLICATION.—To apply for a grant under
4 this subsection, an applicant shall provide to the
5 Secretary such information as the Secretary may re-
6 quire, including information on the extent to which
7 the project will—

8 (A) provide reliable and frequent connec-
9 tions to jobs and essential destinations;

10 (B) reduce air pollution and greenhouse
11 gas emissions; and

12 (C) support unserved and underserved pop-
13 ulations and communities.

14 (5) FEDERAL SHARE.—

15 (A) IN GENERAL.—The Federal share of
16 the net project cost of a capital project carried
17 out using a grant under this subsection shall be
18 80 percent. The recipient may provide addi-
19 tional local matching amounts.

20 (B) OPERATING COSTS.—The Federal
21 share of net operating costs for a project car-
22 ried out using a grant under this subsection
23 shall be not more than 50 percent.

24 (6) GRANT REQUIREMENTS.—

1 (A) IN GENERAL.—A grant under this sub-
2 section shall be subject to the requirements of
3 section 5307 of title 49, United States Code,
4 for eligible recipients, except operating expenses
5 shall be eligible for funding under this sub-
6 section for 2 years beginning on the first day
7 of revenue service in urbanized areas with popu-
8 lations greater than 200,000.

9 (B) NEW OR ENHANCED SERVICE.—The
10 new or enhanced service funded under this sub-
11 section shall be operated for a period of at least
12 5 years.

13 (7) GRANT SOLICITATION.—The Secretary may
14 provide funds authorized under this subsection
15 through 1 or more notices of funding opportunity.

16 (8) JUSTICE40 INITIATIVE.—In making com-
17 petitive grants under this subsection, the Secretary
18 shall, to the extent practicable, have a goal that 40
19 percent of the overall benefits of the Federal invest-
20 ment flow to disadvantaged communities, consistent
21 with sections 219 and 223 of Executive Order 14008
22 and related regulations, Executive Orders, and ad-
23 ministrative guidance.

24 (9) AVAILABILITY OF AMOUNTS.—Any amounts
25 made available under this subsection—

1 (A) shall remain available for 2 fiscal years
2 after the fiscal year for which the amount is
3 made available; and

4 (B) that remain unobligated at the end of
5 the period described in subparagraph (A) shall
6 be made available to other eligible projects.

7 (10) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated out of the
9 Mass Transit Account \$1,000,000,000 for fiscal
10 year 2022 to provide grants under this subsection.

11 (11) DEFINITIONS.—In this subsection:

12 (A) ELIGIBLE AREA.—The term “eligible
13 area” means a neighborhood or service area, as
14 defined by the Secretary, within an urbanized
15 area that has a population of more than
16 100,000 where fewer than 45,000 annual fixed
17 route bus vehicle revenue miles per square mile
18 are operated.

19 (B) ELIGIBLE RECIPIENT.—The term “eli-
20 gible recipient” means—

21 (i) designated recipients that allocate
22 funds to fixed route bus operators or ex-
23 press lane transit operators; or

24 (ii) State or local governmental enti-
25 ties that operate or propose to operate

1 fixed route bus service or express lane
2 transit.

3 (C) EXPRESS LANE TRANSIT.—The term
4 “express lane transit” means an integrated
5 combination of bus rapid transit and tolled
6 managed lanes that allows for limited access
7 entry of toll paying vehicles to restricted lanes,
8 while prioritizing transit’s need and use of
9 available capacity in order to improve transit
10 performance.

11 (c) FEDERAL SHARE ADJUSTMENTS.—

12 (1) IN GENERAL.—In addition to amounts
13 made available under section 5338(b) of title 49,
14 United States Code, and section 102(a)(2)(B)(iii) of
15 this division, there are authorized to be appropriated
16 for fiscal year 2022 such sums as may be necessary
17 to increase the Federal share, at the request of the
18 project sponsor, of a new fixed guideway, a core ca-
19 pacity improvement, or a small starts project that is
20 not open to revenue service and that has received an
21 allocation of funding in fiscal years 2019, 2020, or
22 2021.

23 (2) CONSIDERATIONS.—In making allocations
24 under subparagraph (1), the Secretary shall take
25 into consideration the extent to which the project

1 sponsor demonstrates a need for a higher Federal
2 share, including the extent to which—

3 (A) a project sponsor made a local finan-
4 cial commitment that exceeded the required
5 non-Federal share of the cost of the project;

6 (B) a project sponsor has experienced, as
7 a result of the coronavirus public health emer-
8 gency, a loss of non-Federal revenues that were
9 intended to support the project.

10 (3) ADJUSTMENT.—Notwithstanding any other
11 provision of law, the Secretary may increase the
12 Federal share of a project under this section by up
13 to 30 percent, up to a maximum of an 80 percent
14 Federal share.

15 (4) AMOUNT.—Amounts distributed under this
16 subsection shall be provided notwithstanding the lim-
17 itation of any calculation of the maximum amount of
18 Federal financial assistance for the project for a new
19 fixed guideway, a core capacity improvement, or a
20 small start project.

21 **SEC. 105. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
22 **TRATION.**

23 (a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

24 (1) IN GENERAL.—

1 (A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—In addition to amounts authorized
3 under section 102, there is authorized to be ap-
4 propriated from the Highway Account for fiscal
5 year 2022, for activities under this subsection,
6 \$244,514,000.

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

12 (C) OBLIGATION LIMITATION.—Notwith-
13 standing any other provision of law, for fiscal
14 year 2022, obligations for activities authorized
15 under this paragraph and obligations for activi-
16 ties authorized under section
17 102(a)(2)(A)(i)(II)(bb) that exceed amounts au-
18 thorized under section 4001(a)(6) of the FAST
19 Act (Public Law 114–94) shall not exceed
20 \$247,783,000.

21 (2) DISTRIBUTION OF FUNDS.—Amounts au-
22 thorized to be appropriated for fiscal year 2022
23 under paragraph (1) shall be distributed as follows:

24 (A) \$105,000,000 for carrying out section
25 402 of title 23, United States Code.

1 (B) \$15,312,000 for carrying out section
2 403 of title 23, United States Code.

3 (C) \$19,202,000 for carrying out section
4 404 of title 23, United States Code.

5 (D) \$105,000,000 for carrying out section
6 405 of title 23, United States Code.

7 (b) COOPERATIVE RESEARCH AND EVALUATION.—
8 Notwithstanding the apportionment formula set forth in
9 section 402(c)(2) of title 23, United States Code, and sec-
10 tion 403(f)(1) of title 23, United States Code, \$2,500,000
11 of the total amount available for apportionment to the
12 States for highway safety programs under section
13 402(c)(2) of title 23, United States Code, fiscal year 2022,
14 shall be available for expenditure by the Secretary, acting
15 through the Administrator of the National Highway Traf-
16 fic Safety Administration, for a cooperative research and
17 evaluation program to research and evaluate priority high-
18 way safety countermeasures.

19 **SEC. 106. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
20 **TION.**

21 (a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—

23 (A) IN GENERAL.—In addition to amounts
24 authorized under section 102, there is author-
25 ized to be appropriated from the Highway Ac-

1 count for fiscal year 2022, for activities under
2 this subsection, \$209,900,000.

3 (B) OBLIGATION LIMITATION.—Notwith-
4 standing any other provision of law, for fiscal
5 year 2022, obligations for activities authorized
6 under this paragraph shall not exceed
7 \$209,900,000.

8 (2) DISTRIBUTION OF FUNDS.—Amounts au-
9 thorized to be appropriated for fiscal year 2022
10 under paragraph (1) shall be distributed as follows:

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

13 (i) \$80,512,000 for carrying out sec-
14 tion 31102 (except subsection (l)) of title
15 49, United States Code);

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

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

21 (B) \$91,500,000 for carrying out section
22 31110 of title 49, United States Code.

23 (3) TREATMENT OF FUNDS.—Amounts made
24 available under this section shall be made available

1 for obligation and administered as if made available
2 under chapter 311 of title 49, United States Code.

3 (b) ADMINISTRATIVE EXPENSES.—The Adminis-
4 trator of the Federal Motor Carrier Safety Administration
5 shall ensure that funds made available under subsection
6 (a)(2)(B) are used, to the maximum extent practicable,
7 to support—

8 (1) the acceleration of planned investments to
9 modernize the Administration’s information tech-
10 nology and information management systems;

11 (2) the completion of outstanding statutory
12 mandates required by MAP–21 (112–141) and the
13 FAST Act (114–94); and

14 (3) a Large Truck Crash Causal Factors Study
15 of the Administration.

16 **SEC. 107. MEMBER DESIGNATED PROJECT AUTHORIZA-**
17 **TIONS.**

18 (a) MEMBER DESIGNATED PROJECTS.—The amount
19 listed for each member designated project in the table in
20 subsection (c) shall be available (from amounts made
21 available by paragraphs (1), (3), and (4) of section 103(c))
22 for fiscal year 2022 to carry out each such project.

23 (b) SAVINGS CLAUSE.—

24 (1) ADDITIONAL INFORMATION.—In admin-
25 istering member designated projects, the Secretary

1 shall consider the additional information provided in
2 the Committee Report, or any subsequent report
3 superceding such Committee Report, accompanying
4 this Act.

5 (2) SUBSEQUENT PHASES.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), nothing in the table in subsection
8 (c), or in the Committee Report, or any subse-
9 quent report superceding such Committee Re-
10 port, accompanying this Act, shall prevent the
11 Secretary, at the discretion of the Secretary,
12 from allowing a subsequent phase of a member
13 designated project to be carried out with funds
14 reserved for such project under subsection (c).

15 (B) PROJECT SPONSOR CONCURRENCE.—

16 The Secretary shall only allow under this para-
17 graph a subsequent phase of a member des-
18 ignated project to be carried out with funds re-
19 served for such project under subsection (c)
20 with the concurrence of the project sponsor for
21 such project listed in the Committee Report ac-
22 companying this Act,

23 (3) REPURPOSING.—Nothing in the table in
24 subsection (c), or the Committee Report, or any sub-
25 sequent report superceding such Committee Report,

1 accompanying this Act, shall prevent funds reserved
2 for a member designated project from being
3 repurposed as described in section 103(i)(2), pro-
4 vided that all requirements in such section are satis-
5 fied.

6 (c) PROJECT DESIGNATIONS.—【To be supplied.】

7 **DIVISION B—SURFACE**
8 **TRANSPORTATION**

9 **SEC. 1001. APPLICABILITY OF DIVISION.**

10 (a) APPLICABILITY.—This division, including the
11 amendments made by this division, applies beginning on
12 October 1, 2022.

13 (b) REFERENCE TO DATE OF ENACTMENT.—In this
14 division and the amendments made by this division, any
15 reference to—

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

17 (2) the date of enactment of a provision of this
18 division;

19 (3) the date of enactment of a provision added
20 to law by an amendment made by this division; or

21 (4) the date of enactment of the INVEST in
22 America Act added to law by an amendment made
23 by this division,

24 shall be treated as a reference to October 1, 2022.

1 (c) EXCEPTION FOR IMMEDIATE APPLICATION.—
2 Subsections (a) and (b) shall not apply to the following
3 sections and any amendments made by such sections:

4 (1) Section 1105.

5 (2) Section 1107.

6 (3) Section 1305.

7 (4) Subsections (c)(1) and (d) of section 2104.

8 (5) Section 2106.

9 (6) Section 2112.

10 (7) Section 2204(1)(A).

11 (8) Section 2305.

12 (9) Section 2307.

13 (10) Section 2902(2).

14 **TITLE I—FEDERAL-AID**
15 **HIGHWAYS**

16 **Subtitle A—Authorizations and**
17 **Program Conditions**

18 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

22 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
23 the national highway performance program under
24 section 119 of title 23, United States Code, the pre-
25 disaster mitigation program under section 124 of

1 such title, the railway crossings program under sec-
2 tion 130 of such title, the surface transportation
3 program under section 133 of such title, the high-
4 way safety improvement program under section 148
5 of such title, the congestion mitigation and air qual-
6 ity improvement program under section 149 of such
7 title, the clean corridors program under section 151
8 of such title, the national highway freight program
9 under section 167 of such title, the carbon pollution
10 reduction program under section 171 of such title,
11 and metropolitan planning under section 134 of such
12 title—

13 (A) \$56,522,048,429 for fiscal year 2023;

14 (B) \$57,480,646,776 for fiscal year 2024;

15 (C) \$58,595,359,712 for fiscal year 2025;

16 and

17 (D) \$59,618,666,186 for fiscal year 2026.

18 (2) TRANSPORTATION INFRASTRUCTURE FI-
19 NANCE AND INNOVATION PROGRAM.—For credit as-
20 sistance under the transportation infrastructure fi-
21 nance and innovation program under chapter 6 of
22 title 23, United States Code, \$250,000,000 for each
23 of fiscal years 2023 through 2026.

24 (3) CONSTRUCTION OF FERRY BOATS AND
25 FERRY TERMINAL FACILITIES.—For construction of

1 ferry boats and ferry terminal facilities under sec-
2 tion 147 of title 23, United States Code,
3 \$120,000,000 for each of fiscal years 2023 through
4 2026.

5 (4) FEDERAL LANDS AND TRIBAL TRANSPOR-
6 TATION PROGRAMS.—

7 (A) TRIBAL TRANSPORTATION PRO-
8 GRAM.—For the tribal transportation program
9 under section 202 of title 23, United States
10 Code, \$800,000,000 for each of fiscal years
11 2023 through 2026.

12 (B) FEDERAL LANDS TRANSPORTATION
13 PROGRAM.—

14 (i) IN GENERAL.—For the Federal
15 lands transportation program under sec-
16 tion 203 of title 23, United States Code,
17 \$555,000,000 for each of fiscal years 2023
18 through 2026.

19 (ii) ALLOCATION.—Of the amount
20 made available for a fiscal year under
21 clause (i)—

22 (I) the amount for the National
23 Park Service is \$400,000,000 for each
24 of fiscal years 2023 through 2026;

1 (II) the amount for the United
2 States Fish and Wildlife Service is
3 \$50,000,000 for each of fiscal years
4 2023 through 2026;

5 (III) the amount for the United
6 States Forest Service is \$50,000,000
7 for each of fiscal years 2023 through
8 2026;

9 (IV) the amount for the Corps of
10 Engineers is \$16,000,000 for each of
11 fiscal years 2023 through 2026;

12 (V) the amount for the Bureau
13 of Land Management is \$16,000,000
14 for each of fiscal years 2023 through
15 2026;

16 (VI) the amount for the Bureau
17 of Reclamation is \$16,000,000 for
18 each of fiscal years 2023 through
19 2026; and

20 (VII) the amount for independent
21 Federal agencies with natural re-
22 source and land management respon-
23 sibilities is \$7,000,000 for each of fis-
24 cal years 2023 through 2026.

1 (C) FEDERAL LANDS ACCESS PROGRAM.—

2 For the Federal lands access program under
3 section 204 of title 23, United States Code,
4 \$345,000,000 for each of fiscal years 2023
5 through 2026.

6 (D) FEDERAL LANDS AND TRIBAL MAJOR
7 PROJECTS GRANTS.—To carry out section 208
8 of title 23, United States Code, \$400,000,000
9 for each of fiscal years 2023 through 2026.

10 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
11 PROGRAM.—For the territorial and Puerto Rico
12 highway program under section 165 of title 23,
13 United States Code, the amounts specified in para-
14 graphs (1) and (2) of section 165(a) for each of fis-
15 cal years 2023 through 2026.

16 (6) PROJECTS OF NATIONAL AND REGIONAL
17 SIGNIFICANCE.—For projects of national and re-
18 gional significance under section 117 of title 23,
19 United States Code, \$3,000,000,000 for each of fis-
20 cal years 2023 through 2026.

21 (7) COMMUNITY TRANSPORTATION INVESTMENT
22 GRANTS.—To carry out section 173 of title 23,
23 United States Code, \$600,000,000 for each of fiscal
24 years 2023 through 2026.

1 (8) COMMUNITY CLIMATE INNOVATION
2 GRANTS.—To carry out section 172 of title 23,
3 United States Code, \$250,000,000 for each of fiscal
4 years 2023 through 2026.

5 (9) NATIONAL SCENIC BYWAYS PROGRAM.—To
6 carry out section 162 of title 23, United States
7 Code, \$16,000,000 for each of fiscal year 2023
8 through 2026.

9 (10) REBUILD RURAL BRIDGES PROGRAM.— To
10 carry out section 1307 of this Act, \$250,000,000 for
11 each of fiscal years 2023 through 2026.

12 (11) PARKING FOR COMMERCIAL MOTOR VEHI-
13 CLES.—To carry out section 1308 of this Act,
14 \$250,000,000 for each of fiscal years 2023 through
15 2026.

16 (12) ACTIVE CONNECTED TRANSPORTATION
17 GRANT PROGRAM.—To carry out section 1309 of
18 this Act, \$250,000,000 for each of fiscal years 2023
19 through 2026.

20 (13) WILDLIFE CROSSINGS PROGRAM.—To
21 carry out section 1310 of this Act, \$100,000,000 for
22 each of fiscal years 2023 through 2026.

23 (14) RECONNECTING NEIGHBORHOODS PRO-
24 GRAM.—To carry out section 1311 of this Act,

1 \$750,000,000 for each of fiscal years 2023 through
2 2026.

3 (15) METRO PERFORMANCE PROGRAM.—To
4 carry out section 1305 of this Act, \$250,000,000 for
5 each of fiscal years 2023 through 2026.

6 (16) GRIDLOCK REDUCTION GRANT PRO-
7 GRAM.—To carry out section 1306 of this Act,
8 \$500,000,000 for fiscal year 2023.

9 (b) TREATMENT OF FUNDS.—Amounts made avail-
10 able under paragraphs (10) through (14) of subsection (a)
11 shall be administered as if apportioned under chapter 1
12 of title 23, United States Code.

13 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

14 (1) FINDINGS.—Congress finds that—

15 (A) despite the real improvements caused
16 by the disadvantaged business enterprise pro-
17 gram, minority- and women-owned businesses
18 across the country continue to confront serious
19 and significant obstacles to success caused by
20 race and gender discrimination in the federally
21 assisted surface transportation market and re-
22 lated markets across the United States;

23 (B) the continuing race and gender dis-
24 crimination described in subparagraph (A) mer-

1 its the continuation of the disadvantaged busi-
2 ness enterprise program;

3 (C) recently, the disparities cause by dis-
4 crimination against African American, Hispanic
5 American, Asian American, Native American,
6 and women business owners have been further
7 exacerbated by the coronavirus pandemic and
8 its disproportionate effects on minority- and
9 women-owned businesses across the nation;

10 (D) Congress has received and reviewed
11 testimony and documentation of race and gen-
12 der discrimination from numerous sources, in-
13 cluding congressional hearings and other inves-
14 tigative activities, scientific reports, reports
15 issued by public and private agencies at every
16 level of government, news reports, academic
17 publications, reports of discrimination by orga-
18 nizations and individuals, and discrimination
19 lawsuits, which continue to demonstrate that
20 race- and gender-neutral efforts alone are insuf-
21 ficient to address the problem;

22 (E) the testimony and documentation de-
23 scribed in subparagraph (D) demonstrate that
24 discrimination across the United States poses
25 an injurious and enduring barrier to full and

1 fair participation in surface transportation-re-
2 lated businesses of women business owners and
3 minority business owners and has negatively af-
4 fected firm formation, development and success
5 in many aspects of surface transportation-re-
6 lated business in the public and private mar-
7 kets; and

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

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

19 (A) SMALL BUSINESS CONCERN.—The
20 term “small business concern” means a small
21 business concern (as the term is used in section
22 3 of the Small Business Act (15 U.S.C. 632)).

23 (B) SOCIALLY AND ECONOMICALLY DIS-
24 ADVANTAGED INDIVIDUALS.—The term “so-
25 cially and economically disadvantaged individ-

1 uals” has the meaning given the term in section
2 8(d) of the Small Business Act (15 U.S.C.
3 637(d)) and relevant subcontracting regulations
4 issued pursuant to that Act, except that women
5 shall be presumed to be socially and economi-
6 cally disadvantaged individuals for purposes of
7 this subsection.

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

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

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

23 (B) notify the Secretary, in writing, of the
24 percentage of the small business concerns that
25 are controlled by—

- 1 (i) women;
- 2 (ii) socially and economically dis-
- 3 advantaged individuals (other than
- 4 women); and
- 5 (iii) individuals who are women and
- 6 are otherwise socially and economically dis-
- 7 advantaged individuals.

8 (5) UNIFORM CERTIFICATION.—

9 (A) IN GENERAL.—The Secretary of

10 Transportation shall establish minimum uni-

11 form criteria for use by State governments in

12 certifying whether a concern qualifies as a small

13 business concern for the purpose of this sub-

14 section.

15 (B) INCLUSIONS.—The minimum uniform

16 criteria established under subparagraph (A)

17 shall include, with respect to a potential small

18 business concern—

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

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

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

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

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

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

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

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

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

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

18 (d) LIMITATION ON FINANCIAL ASSISTANCE FOR
19 STATE-OWNED ENTERPRISES.—

20 (1) IN GENERAL.—Funds provided under this
21 section may not be used in awarding or exercising
22 an option on a previously awarded contract, a con-
23 tract, subcontract, grant, or loan to an entity that
24 is owned or controlled by, is a subsidiary of, or is

1 otherwise related legally or financially to a corpora-
2 tion based in a country that—

3 (A) is identified as a nonmarket economy
4 country (as defined in section 771(18) of the
5 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
6 the date of enactment of this Act;

7 (B) was identified by the United States
8 Trade Representative in the most recent report
9 required by section 182 of the Trade Act of
10 1974 (19 U.S.C. 2242) as a priority foreign
11 country under subsection (a)(2) of that section;
12 and

13 (C) is subject to monitoring by the Trade
14 Representative under section 306 of the Trade
15 Act of 1974 (19 U.S.C. 2416).

16 (2) EXCEPTION.—For purposes of paragraph
17 (1), the term “otherwise related legally or finan-
18 cially” does not include a minority relationship or in-
19 vestment.

20 (3) INTERNATIONAL AGREEMENTS.—This sub-
21 section shall be applied in a manner consistent with
22 the obligations of the United States under inter-
23 national agreements.

1 **SEC. 1102. OBLIGATION LIMITATION.**

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

- 6 (1) **【To be supplied.】** for fiscal year 2023;
7 (2) **【To be supplied.】** for fiscal year 2024;
8 (3) **【To be supplied.】** for fiscal year 2025; and
9 (4) **【To be supplied.】** for fiscal year 2026.

10 (b) EXCEPTIONS.—The limitations under subsection
11 (a) shall not apply to obligations under or for—

- 12 (1) section 125 of title 23, United States Code;
13 (2) section 147 of the Surface Transportation
14 Assistance Act of 1978 (23 U.S.C. 144 note; 92
15 Stat. 2714);
16 (3) section 9 of the Federal-Aid Highway Act
17 of 1981 (95 Stat. 1701);
18 (4) subsections (b) and (j) of section 131 of the
19 Surface Transportation Assistance Act of 1982 (96
20 Stat. 2119);
21 (5) subsections (b) and (c) of section 149 of the
22 Surface Transportation and Uniform Relocation As-
23 sistance Act of 1987 (101 Stat. 198);
24 (6) sections 1103 through 1108 of the Inter-
25 modal Surface Transportation Efficiency Act of
26 1991 (Public Law 102–240);

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

3 (8) section 105 of title 23, United States Code
4 (as in effect for fiscal years 1998 through 2004, but
5 only in an amount equal to \$639,000,000 for each
6 of those fiscal years);

7 (9) Federal-aid highway programs for which ob-
8 ligation authority was made available under the
9 Transportation Equity Act for the 21st Century
10 (112 Stat. 107) or subsequent Acts for multiple
11 years or to remain available until expended, but only
12 to the extent that the obligation authority has not
13 lapsed or been used;

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

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

24 (12) section 119 of title 23, United States Code
25 (as in effect for fiscal years 2013 through 2015, but

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

3 (13) section 119 of title 23, United States Code
4 (but, for fiscal years 2016 through 2022, only in an
5 amount equal to \$639,000,000 for each of those fis-
6 cal years);

7 (14) section 203 of title 23, United States Code
8 (but, for fiscal years 2023 through 2026, only in an
9 amount equal to \$550,000,000 for each of those fis-
10 cal years); and

11 (15) section 133(d)(1)(B) of title 23, United
12 States Code (but, for fiscal years 2023 through
13 2026, only in an amount equal to \$89,000,000 for
14 each of those fiscal years).

15 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
16 Subject to paragraph (1)(B), for each of fiscal years 2023
17 through 2026, the Secretary of Transportation—

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

20 (i) amounts authorized for administrative
21 expenses and programs by section 104(a) of
22 title 23, United States Code;

23 (ii) amounts authorized for the Bureau of
24 Transportation Statistics;

1 (iii) amounts authorized for the tribal
2 transportation program under section 202 of
3 title 23, United States Code; and

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

7 (B) for each of fiscal years 2023 through 2026,
8 in addition to the amounts described in subpara-
9 graph (A), shall not distribute obligation authority
10 provided by subsection (a) for the fiscal year for
11 amounts authorized for the metro performance pro-
12 gram under section 1305 of this Act;

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

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

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

1 (3) shall determine the proportion that—

2 (A) the obligation authority provided by
3 subsection (a) for the fiscal year, less the aggregate
4 of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

5
6 (B) the total of—

7 (i) the sums authorized to be appropriated
8 for the Federal-aid highway and highway safety construction programs,
9 other than sums authorized to be appropriated for—
10
11

12 (I) provisions of law described in
13 paragraphs (1) through (13) of subsection (b);
14

15 (II) section 203 of title 23,
16 United States Code, equal to the amount referred to in subsection
17 (b)(14) for the fiscal year; and
18

19 (III) section 133(d)(1)(B) of title
20 23, United States Code, equal to the amount referred to in subsection
21 (b)(15) for the fiscal year; less
22

23 (ii) the aggregate of the amounts not
24 distributed under paragraphs (1) and (2)
25 of this subsection;

1 (4) shall distribute the obligation authority pro-
2 vided by subsection (a), less the aggregate amounts
3 not distributed under paragraphs (1) and (2), for
4 each of the programs (other than programs to which
5 paragraph (1) applies) that are allocated by the Sec-
6 retary under this Act and title 23, United States
7 Code, or apportioned by the Secretary under section
8 202 or 204 of such title, by multiplying—

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

11 (B) the amounts authorized to be appro-
12 priated for each such program for the fiscal
13 year; and

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

1 tioned under sections 202 and 204 of such title) in
2 the proportion that—

3 (A) amounts authorized to be appropriated
4 for the programs that are apportioned under
5 title 23, United States Code, to each State for
6 the fiscal year; bears to

7 (B) the total of the amounts authorized to
8 be appropriated for the programs that are ap-
9 portioned under title 23, United States Code, to
10 all States for the fiscal year.

11 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
12 THORITY.—Notwithstanding subsection (c), the Secretary
13 of Transportation shall, after August 1 of each of fiscal
14 years 2023 through 2026—

15 (1) revise a distribution of the obligation au-
16 thority made available under subsection (c) if an
17 amount distributed cannot be obligated during that
18 fiscal year; and

19 (2) redistribute sufficient amounts to those
20 States able to obligate amounts in addition to those
21 previously distributed during that fiscal year, giving
22 priority to those States having large unobligated bal-
23 ances of funds apportioned under section 104 of title
24 23, United States Code.

25 (e) SPECIAL LIMITATION.—

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

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

7 (B) the metro performance program under
8 section 1305 of this Act.

9 (2) EXCEPTION.—Obligation authority made
10 available under paragraph (1) shall—

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

13 (B) be in addition to the amount of any
14 limitation imposed on obligations for Federal-
15 aid highway and highway safety construction
16 programs for future fiscal years.

17 (f) LOP-OFF.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date of distribution of obligation authority under
20 subsection (c) for each of fiscal years 2023 through
21 2026, the Secretary of Transportation shall dis-
22 tribute to the States any funds that—

23 (A) are authorized to be appropriated for
24 the fiscal year for Federal-aid highway pro-
25 grams; and

1 (B) the Secretary determines will not be
2 allocated to the States (or will not be appor-
3 tioned to the States under section 204 of title
4 23, United States Code), and will not be avail-
5 able for obligation, for the fiscal year because
6 of the imposition of any obligation limitation for
7 the fiscal year.

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

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

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

17 Section 101 of title 23, United States Code, is
18 amended—

19 (1) in subsection (a)—

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

1 (14), (15), (17), (18), (19), (20), (21), (22),
2 (24), (25), (26), (27), (29), (30), (33), (34),
3 (35), (36), (37), (38), (39), (43), (44), (45),
4 (46), and (47), respectively;

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

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

12 (C) by inserting before paragraph (4), as
13 so redesignated, the following:

14 “(3) AREAS OF PERSISTENT POVERTY.—The
15 term ‘areas of persistent poverty’ means—

16 “(A) any county that has had 20 percent
17 or more of the population of such county living
18 in poverty over the past 30 years, as measured
19 by the 1990 and 2000 decennial censuses and
20 the most recent Small Area Income and Poverty
21 Estimates;

22 “(B) any census tract with a poverty rate
23 of at least 20 percent, as measured by the most
24 recent 5-year data series available from the

1 American Community Survey of the Bureau of
2 the Census for all States and Puerto Rico; or
3 “(C) any other territory or possession of
4 the United States that has had 20 percent or
5 more of its population living in poverty over the
6 past 30 years, as measured by the 1990, 2000,
7 and 2010 decennial censuses, or equivalent
8 data, of the Bureau of the Census.”.

9 (D) by inserting after paragraph (5), as so
10 redesignated, the following:

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

18 (E) in paragraph (7)(A), as so redesign-
19 ated, by inserting “assessing resilience,” after
20 “surveying,”;

21 (F) by inserting after paragraph (7), as so
22 redesignated, the following:

23 “(8) CONTEXT SENSITIVE DESIGN PRIN-
24 CIPLES.—The term ‘context sensitive design prin-

1 principles' means principles for the design of a public
2 road that—

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

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

13 (G) by inserting after paragraph (9), as so
14 redesignated, the following:

15 “(10) EVACUATION ROUTE.—The term ‘evacu-
16 ation route’ means a transportation route or system
17 that—

18 “(A) is used to transport—

19 “(i) the public away from an emer-
20 gency event; or

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

23 “(B) is identified, consistent with sections
24 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
25 eligible entity with jurisdiction over the area in

1 which the route is located for the purposes de-
2 scribed in subparagraph (A).”;

3 (H) by inserting after paragraph (15), as
4 so redesignated, the following:

5 “(16) GREENHOUSE GAS.—The term ‘green-
6 house gas’ has the meaning given the term in section
7 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(G)).”;

9 (I) by inserting after paragraph (21), as so
10 redesignated, the following:

11 “(23) NATURAL INFRASTRUCTURE.—

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

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

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

22 “(iii) involves the use of plants, soils,
23 and other natural features, including
24 through the creation, restoration, or pres-
25 ervation of vegetated areas using materials

1 appropriate to the region to manage
2 stormwater and runoff, to attenuate flood-
3 ing and storm surges, and for other related
4 purposes.

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

8 (J) by inserting after paragraph (27), as
9 so redesignated, the following:

10 “(28) PROTECTIVE FEATURE.—

11 “(A) IN GENERAL.—The term ‘protective
12 feature’ means an improvement to a highway,
13 bridge, or other transportation facility designed
14 to increase resilience or mitigate the risk of re-
15 curring damage or the cost of future repairs
16 from climate change effects (including sea level
17 rise), flooding, and extreme events or other nat-
18 ural disasters (including wildfires, seismic activ-
19 ity, and landslides).

20 “(B) INCLUSIONS.—The term ‘protective
21 feature’ includes—

22 “(i) raising roadway grades;

23 “(ii) relocating roadways to higher
24 ground above projected flood elevation lev-
25 els or away from slide prone areas;

- 1 “(iii) stabilizing slide areas;
- 2 “(iv) stabilizing slopes;
- 3 “(v) lengthening or raising bridges to
- 4 increase waterway openings;
- 5 “(vi) increasing the size or number of
- 6 drainage structures;
- 7 “(vii) replacing culverts with bridges
- 8 or upsizing culverts;
- 9 “(viii) installing seismic retrofits on
- 10 bridges;
- 11 “(ix) scour, stream stability, coastal,
- 12 and other hydraulic countermeasures;
- 13 “(x) the use of natural infrastructure;
- 14 “(xi) integration of the use of tradi-
- 15 tional and natural infrastructure features;
- 16 “(xii) undergrounding public utilities
- 17 in the course of other infrastructure im-
- 18 provements eligible under this title; and
- 19 “(xiii) permeable pavements for
- 20 stormwater management.”;

21 (K) by inserting after paragraph (30), as

22 so redesignated, the following:

23 “(31) REPEATEDLY DAMAGED FACILITY.—The

24 term ‘repeatedly damaged facility’ means a road,

25 highway, or bridge that has required repair and re-

1 construction activities on 2 or more occasions due to
2 natural disasters or catastrophic failures resulting in
3 emergencies declared by the Governor of the State
4 in which the road, highway, or bridge is located or
5 emergencies or major disasters declared by the
6 President under the Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C. 5121
8 et seq.).

9 “(32) RESILIENCE.—

10 “(A) IN GENERAL.—The term ‘resilience’
11 means, with respect to a facility, the ability
12 to—

13 “(i) anticipate, prepare for, or adapt
14 to conditions; or

15 “(ii) withstand, respond to, or recover
16 rapidly from disruptions.

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

19 “(i) resist hazards or withstand im-
20 pacts from disruptions;

21 “(ii) reduce the magnitude, duration,
22 or impact of a disruption; or

23 “(iii) have the absorptive capacity,
24 adaptive capacity, and recoverability to de-
25 crease vulnerability to a disruption.”; and

1 (L) by inserting after paragraph (36), as
2 so redesignated, the following:

3 “(40) TRANSPORTATION DEMAND MANAGE-
4 MENT; TDM.—The terms ‘transportation demand
5 management’ and ‘TDM’ mean the use of strategies
6 to inform and encourage travelers to maximize the
7 efficiency of a transportation system leading to im-
8 proved mobility, reduced congestion, and lower vehi-
9 cle emissions.

10 “(41) TRANSPORTATION DEMAND MANAGE-
11 MENT STRATEGIES.—The term ‘transportation de-
12 mand management strategies’ means the use of
13 planning, programs, policy, marketing, communica-
14 tions, incentives, pricing, data, and technology to
15 shift travel mode, routes used, departure times,
16 number of trips, and location and design work space
17 or public attractions.

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

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

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

6 (2) in subsection (b)—

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

9 (B) in paragraph (3)—

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

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

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

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

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

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

1 transportation system to the Nation’s total car-
2 bon pollution is critical; and

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

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

10 **SEC. 1104. APPORTIONMENT.**

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

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

15 “(A) \$530,000,000 for fiscal year 2023;

16 “(B) \$543,000,000 for fiscal year 2024;

17 “(C) \$557,000,000 for fiscal year 2025;

18 and

19 “(D) \$572,000,000 for fiscal year 2026.”;

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

22 “(b) DIVISION AMONG PROGRAMS OF STATE’S
23 SHARE OF BASE APPORTIONMENT.—The Secretary shall
24 distribute the amount of the base apportionment appor-

1 tioned to a State for a fiscal year under subsection (c)
2 among the covered programs as follows:

3 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
4 GRAM.—For the national highway performance pro-
5 gram, 55.09 percent of the amount remaining after
6 distributing amounts under paragraphs (4), (6), (7),
7 and (10).

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

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

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

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

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

1 “(i) \$2,913,925,833 for fiscal year
2 2023;

3 “(ii) \$2,964,919,535 for fiscal year
4 2024;

5 “(iii) \$3,024,217,926 for fiscal year
6 2025; and

7 “(iv) \$3,078,653,849 for fiscal year
8 2026.

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

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

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

22 “(5) NATIONAL HIGHWAY FREIGHT PRO-
23 GRAM.—For the national highway freight program,
24 3.38 percent of the amount remaining after distrib-

1 uting amounts under paragraphs (4), (6), (7), and
2 (10).

3 “(6) METROPOLITAN PLANNING.—

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

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

10 “(i) \$507,500,000 for fiscal year
11 2023;

12 “(ii) \$516,381,250 for fiscal year
13 2024;

14 “(iii) \$526,708,875 for fiscal year
15 2025; and

16 “(iv) \$536,189,635 for fiscal year
17 2026.

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

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

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

4 “(7) RAILWAY CROSSINGS.—

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

8 “(B) TOTAL AMOUNT.—The total amount
9 for the railway crossings program for all States
10 shall be \$245,000,000 for each of fiscal years
11 2023 through 2026.

12 “(C) STATE SHARE.—

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

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

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

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

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

12 “(8) PREDISASTER MITIGATION PROGRAM.—
13 For the predisaster mitigation program, 2.96 per-
14 cent of the amount remaining after distributing
15 amounts under paragraphs (4), (6), (7), and (10).

16 “(9) CARBON POLLUTION REDUCTION PRO-
17 GRAM.—For the carbon pollution reduction program,
18 3.95 percent of the amount remaining after distrib-
19 uting amounts under paragraphs (4), (6), (7), and
20 (10).

21 “(10) CLEAN CORRIDORS.—

22 “(A) IN GENERAL.—For the clean cor-
23 ridors program, an amount determined for the
24 State under subparagraphs (B) and (C).

1 “(B) TOTAL AMOUNT.—The total amount
2 for the clean corridors program for all States
3 shall be \$1,000,000,000 for each of fiscal years
4 2023 through 2026.

5 “(C) STATE SHARE.—For each fiscal year,
6 the Secretary shall distribute among the States
7 the total amount for the clean corridors pro-
8 gram under subparagraph (B) so that each
9 State receives the amount equal to the propor-
10 tion that—

11 “(i) the total base apportionment de-
12 termined for the State under subsection
13 (c); bears to

14 “(ii) the total base apportionments for
15 all States under subsection (c).

16 “(c) CALCULATION OF AMOUNTS.—

17 “(1) STATE SHARE.—For each of fiscal years
18 2023 through 2026, the amount for each State shall
19 be determined as follows:

20 “(A) INITIAL AMOUNTS.—The initial
21 amounts for each State shall be determined by
22 multiplying—

23 “(i) each of—

24 “(I) the base apportionment; and

1 “(II) supplemental funds re-
2 served under subsection (h)(1) for the
3 highway safety improvement program;
4 by

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

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

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

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

23 “(2) STATE APPORTIONMENT.—On October 1
24 of fiscal years 2023 through 2026, the Secretary
25 shall apportion the sums authorized to be appro-

1 priated for expenditure on the covered programs in
2 accordance with paragraph (1).”;

3 (3) in subsection (d)(1)(A)—

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

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

10 (4) by striking subsections (h) and (i) and in-
11 sserting the following:

12 “(h) SUPPLEMENTAL FUNDS.—

13 “(1) AMOUNT.—Before making an apporportion-
14 ment for a fiscal year under subsection (c), the Sec-
15 retary shall reserve for the highway safety improve-
16 ment program under section 148 \$500,000,000 for
17 each of fiscal years 2023 through 2026 for the pur-
18 pose of the safe streets set-aside under section
19 148(m).

20 “(2) TREATMENT OF FUNDS.—Funds reserved
21 under paragraph (1) and apportioned to a State
22 under subsection (c) shall be treated as if appor-
23 tioned under subsection (b)(3), and shall be in addi-
24 tion to amounts apportioned under such subsection.

25 “(i) DEFINITIONS.—In this section:

1 “(1) BASE APPORTIONMENT.—The term ‘base
2 apportionment’ means—

3 “(A) the combined amount authorized for
4 the covered programs; minus

5 “(B) the supplemental funds reserved
6 under subsection (h) for the highway safety im-
7 provement program.

8 “(2) COVERED PROGRAMS.—The term ‘covered
9 programs’ means—

10 “(A) the national highway performance
11 program under section 119;

12 “(B) the surface transportation program
13 under section 133;

14 “(C) the highway safety improvement pro-
15 gram under section 148;

16 “(D) the congestion mitigation and air
17 quality improvement program under section
18 149;

19 “(E) the national highway freight program
20 under section 167;

21 “(F) metropolitan planning under section
22 134;

23 “(G) the railway crossings program under
24 section 130;

1 “(H) the predisaster mitigation program
2 under section 124;

3 “(I) the carbon pollution reduction pro-
4 gram under section 171; and

5 “(J) the clean corridors program under
6 section 151.”.

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

9 (1) in subparagraph (A) by striking “(5)(D),”;
10 and

11 (2) in subparagraph (C)(i) by striking
12 “(5)(D),”.

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

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

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

1 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
2 **FUND.**

3 Section 105 of title 23, United States Code, is
4 amended—

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

7 (2) in subsection (c)—

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

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

11 “(4) SPECIAL RULE.—

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

18 “(i) determine the ratio that—

19 “(I) the amount authorized to be
20 appropriated for the allocation, res-
21 ervation, or set-aside from the account
22 for the fiscal year; bears to

23 “(II) the total amount authorized
24 to be appropriated for such fiscal year
25 for all programs under such account;

1 “(ii) multiply the ratio determined
2 under clause (i) by the amount of the ad-
3 justment determined under subsection
4 (b)(1)(B); and

5 “(iii) adjust the amount that the Sec-
6 retary would have allocated for the alloca-
7 tion, reservation, or set-aside for such fis-
8 cal year but for this section by the amount
9 calculated under clause (ii).

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

13 “(i) from the amount made available
14 for a fiscal year for the Federal lands
15 transportation program under section 203,
16 the amounts allocated for a fiscal year for
17 the National Park Service, the United
18 States Fish and Wildlife Service, the
19 United States Forest Service, the Corps of
20 Engineers, the Bureau of Land Manage-
21 ment, the Bureau of Reclamation, and
22 independent Federal agencies with natural
23 resource and land management responsibil-
24 ities;

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

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

7 “(iv) from the amounts made avail-
8 able for a fiscal year for the urbanized
9 areas formula grants under section 5307
10 of title 49, the amounts allocated for a fis-
11 cal year for the passenger ferry grant pro-
12 gram under section 5307(h) of such title;

13 “(v) from the amounts made available
14 for a fiscal year for the formula grants for
15 rural areas under section 5311 of such
16 title, the amounts allocated for a fiscal
17 year for public transportation on Indian
18 reservations;

19 “(vi) from the amounts made avail-
20 able for a fiscal year for the public trans-
21 portation innovation program under sec-
22 tion 5312 of such title—

23 “(I) the amounts allocated for
24 the zero emission vehicle component

1 assessment under section 5312(h) of
2 such title; and

3 “(II) the amounts allocated for
4 the transit cooperative research pro-
5 gram under section 5312(i) of such
6 title;

7 “(vii) from the amounts made avail-
8 able for a fiscal year for the technical as-
9 sistance and workforce development pro-
10 gram of section 5314 of such title, the
11 amounts allocated for the national transit
12 institute under section 5314(c) of such
13 title;

14 “(viii) from the amounts made avail-
15 able for a fiscal year for the bus and bus
16 facilities program under section 5339 of
17 such title, the amounts allocated for a fis-
18 cal year for the zero emission grants under
19 section 5339(c) of such title;

20 “(ix) the amounts made available for
21 growing States under section 5340(c) of
22 such title; and

23 “(x) the amounts made available for
24 high density states under section 5340(d)
25 of such title.”;

1 (3) in subsection (d) by inserting “and section
2 5324 of title 49” after “section 125”;

3 (4) in subsection (e)—

4 (A) by striking “There is authorized” and
5 inserting “For fiscal year 2023 and each fiscal
6 year thereafter, there is authorized”; and

7 (B) by striking “for any of fiscal years
8 2017 through 2020”; and

9 (5) in subsection (f)(1) by striking “section
10 1102 or 3018 of the FAST Act” and inserting “any
11 other provision of law”.

12 **SEC. 1106. TRANSPARENCY.**

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

16 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
17 ACCOUNTABILITY REPORTS.—

18 “(1) REQUIREMENT.—

19 “(A) IN GENERAL.—The Secretary shall
20 compile data in accordance with this subsection
21 on the use of Federal-aid highway funds made
22 available under this title.

23 “(B) USER FRIENDLY DATA.—The data
24 compiled under subparagraph (A) shall be in a
25 user friendly format that can be searched,

1 downloaded, disaggregated, and filtered by data
2 category.

3 “(2) PROJECT DATA.—

4 “(A) IN GENERAL.—Not later than 120
5 days after the end of each fiscal year, the Sec-
6 retary shall make available on the website of
7 the Department of Transportation a report that
8 describes—

9 “(i) the location of each active project
10 within each State during such fiscal year,
11 including in which congressional district or
12 districts such project is located;

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

14 “(iii) the amount of Federal funding
15 obligated for such project;

16 “(iv) the program or programs from
17 which Federal funds have been obligated
18 for such project;

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

21 “(I) less than 5,000 individuals;

22 “(II) 5,000 or more individuals
23 but less than 50,000 individuals;

24 “(III) 50,000 or more individuals
25 but less than 200,001 individuals; or

1 “(IV) greater than 200,000 indi-
2 viduals;

3 “(vi) whether such project is located
4 in an area of persistent poverty;

5 “(vii) the type of improvement being
6 made by such project, including catego-
7 rizing such project as—

8 “(I) a road reconstruction
9 project;

10 “(II) a new road construction
11 project;

12 “(III) a new bridge construction
13 project;

14 “(IV) a bridge rehabilitation
15 project; or

16 “(V) a bridge replacement
17 project; and

18 “(viii) the functional classification of
19 the roadway on which such project is lo-
20 cated.

21 “(B) INTERACTIVE MAP.—In addition to
22 the data made available under subparagraph
23 (A), the Secretary shall make available on the
24 website of the Department of Transportation an
25 interactive map that displays, for each active

1 project, the information described in clauses (i)
2 through (v) of subparagraph (A).

3 “(3) STATE DATA.—

4 “(A) APPORTIONED AND ALLOCATED PRO-
5 GRAMS.—The website described in paragraph
6 (2)(A) shall be updated annually to display the
7 Federal-aid highway funds apportioned and al-
8 located to each State under this title, includ-
9 ing—

10 “(i) the amount of funding available
11 for obligation by the State, including prior
12 unobligated balances, at the start of the
13 fiscal year;

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

16 “(iii) the amount of funding remain-
17 ing available for obligation by the State at
18 the end of such fiscal year; and

19 “(iv) changes in the obligated, unex-
20 pended balance for the State.

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

23 “(i) the amount of funding by each
24 apportioned and allocated program for

1 which the State received funding under
2 this title;

3 “(ii) the amount of funding trans-
4 ferred between programs by the State dur-
5 ing the fiscal year using the authority pro-
6 vided under section 126; and

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

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

11 “(A) ACTIVE PROJECT.—

12 “(i) IN GENERAL.—The term ‘active
13 project’ means a Federal-aid highway
14 project using funds made available under
15 this title on which those funds were obli-
16 gated or expended during the fiscal year
17 for which the estimated total cost as of the
18 start of construction is greater than
19 \$5,000,000.

20 “(ii) EXCLUSION.—The term ‘active
21 project’ does not include any project for
22 which funds are transferred to agencies
23 other than the Federal Highway Adminis-
24 tration.

1 “(B) INTERACTIVE MAP.—The term ‘inter-
2 active map’ means a map displayed on the pub-
3 lic website of the Department of Transportation
4 that allows a user to select and view informa-
5 tion for each active project, State, and congres-
6 sional district.

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

9 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
10 106 of title 23, United States Code, is amended—

11 (1) in subsection (g)—

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

14 “(B) ASSISTANCE TO STATES.—The Sec-
15 retary shall—

16 “(i) develop criteria for States to use
17 to make the determination required under
18 subparagraph (A); and

19 “(ii) provide training, guidance, and
20 other assistance to States and subrecipi-
21 ents as needed to ensure that projects ad-
22 ministered by subrecipients comply with
23 the requirements of this title.

24 “(C) PERIODIC REVIEW.—The Secretary
25 shall review, not less frequently than every 2

1 years, the monitoring of subrecipients by the
2 States.”; and

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

4 “(6) FEDERAL FUNDING EXCHANGE PRO-
5 GRAMS.—

6 “(A) IN GENERAL.—If a State allows a
7 subrecipient to exchange Federal funds pro-
8 vided under this title that are allocated to such
9 subrecipient for State or local funds, the State
10 must certify to the Secretary that the State—

11 “(i) has prevailing wage requirements
12 that are comparable to the requirements
13 under section 113 that apply to the use of
14 such State or local funds; and

15 “(ii) shall ensure that the prevailing
16 wage requirements described in clause (i)
17 apply to the use of such State or local
18 funds.

19 “(B) APPLICABILITY.—The requirements
20 of this paragraph shall apply only if the re-
21 quirements of section 113 would be applicable
22 to a covered project if such project was carried
23 out using Federal funds.

24 “(C) COVERED PROJECT DEFINED.—In
25 this paragraph, the term ‘covered project’

1 means a project carried out with exchanged
2 State or local funds as described in subpara-
3 graph (A).”;

4 (2) in subsection (h)(3)—

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

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

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

14 “(k) MEGAPROJECTS.—

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

21 “(A) a description of the process by which
22 the recipient will identify, quantify, and monitor
23 the risks, including natural hazards, that might
24 result in cost overruns, project delays, reduced

1 construction quality, or reductions in benefits
2 with respect to the megaproject;

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

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

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

10 “(i) regularly submit to the Secretary
11 updated cost estimates; and

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

15 “(2) PEER REVIEW GROUP.—

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

1 and project management aspects of the
2 megaproject.

3 “(B) MEMBERSHIP.—

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

9 “(I) recruit and select members
10 for a peer review group established
11 under such subparagraph; and

12 “(II) make publicly available the
13 criteria for such selection and identify
14 the members so selected.

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

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

23 “(i) meet annually until completion of
24 the megaproject;

1 “(ii) not later than 90 days after the
2 date of the establishment of the peer re-
3 view group and not later than 90 days
4 after the date of any significant change, as
5 determined by the Secretary, to the scope,
6 schedule, or budget of the megaproject, re-
7 view the scope, schedule, and budget of the
8 megaproject, including planning, engineer-
9 ing, financing, and any other elements de-
10 termined appropriate by the Secretary; and

11 “(iii) submit to the Secretary, Con-
12 gress, and such recipient a report on the
13 findings of each review under clause (ii).

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

18 “(4) MEGAPROJECT DEFINED.—In this sub-
19 section, the term ‘megaproject’ means a project
20 under this title that has an estimated total cost of
21 \$2,000,000,000 or more, and such other projects as
22 may be identified by the Secretary.

23 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

24 “(1) PUBLIC AVAILABILITY.—The Secretary
25 shall publish on the website of the Department of

1 Transportation a copy of all letters of interest, pro-
2 posals, workplans, and reports related to the special
3 experimental project authority pursuant to section
4 502(b). The Secretary shall redact confidential busi-
5 ness information, as necessary, from any such infor-
6 mation published.

7 “(2) NOTIFICATION.—Not later than 3 days be-
8 fore making a determination to proceed with an ex-
9 periment under a letter of interest described in para-
10 graph (1), the Secretary shall provide notification
11 and a description of the proposed experiment to 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.

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

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

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

3 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
4 AND ACCOUNTABILITY.—

5 “(1) IN GENERAL.—To ensure the account-
6 ability and oversight of the discretionary grant selec-
7 tion process administered by the Secretary, a cov-
8 ered program shall be subject to the requirements of
9 this section, in addition to the requirements applica-
10 ble to each covered program.

11 “(2) APPLICATION PROCESS.—The Secretary
12 shall—

13 “(A) develop a template for applicants to
14 use to summarize—

15 “(i) project needs and benefits; and

16 “(ii) any factors, requirements, or
17 considerations established for the applica-
18 ble covered program;

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

23 “(C) make a determination, based on the
24 evaluation made pursuant to subparagraph (B),
25 on any ratings, rankings, scores, or similar

1 metrics for applications made to the covered
2 program.

3 “(3) NOTIFICATION OF CONGRESS.—Not less
4 than 15 days before making a grant for a covered
5 program, the Secretary shall notify, in writing, the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives and the Committee on
8 the Environment and Public Works of the Senate
9 of—

10 “(A) the amount for each project proposed
11 to be selected;

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

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

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

17 “(4) NOTIFICATION OF APPLICANTS.—Not later
18 than 30 days after making a grant for a project
19 under a covered program, the Secretary shall send
20 to all applicants under such covered program, and
21 publish on the website of the Department of Trans-
22 portation—

23 “(A) a summary of each application made
24 to the covered program for the given round of
25 funding; and

1 “(B) the evaluation and justification for
2 the project selection, including all ratings,
3 rankings, scores, or similar metrics for applica-
4 tions made to the covered program for the given
5 round of funding during each phase of the
6 grant selection process.

7 “(5) BRIEFING.—The Secretary shall provide,
8 at the request of a grant applicant of a covered pro-
9 gram, the opportunity to receive a briefing to explain
10 any reasons the grant applicant was not awarded a
11 grant.

12 “(6) TEMPLATE.—The Secretary shall, to the
13 extent practicable, develop a template as described
14 in paragraph (2)(A) for any discretionary program
15 administered by the Secretary that is not a covered
16 program.

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

20 “(A) Community climate innovation grants
21 under section 172.

22 “(B) Federal lands and tribal major
23 projects grants under section 208.

24 “(C) Mobility through advanced tech-
25 nologies grants under section 503(c)(4).

1 “(D) Rebuild rural bridges program under
2 section 1307 of the INVEST in America Act.

3 “(E) Parking for commercial motor vehicle
4 grants under section 1308 of the INVEST in
5 America Act.

6 “(F) Active connected transportation
7 grants under section 1309 of the INVEST in
8 America Act.

9 “(G) Wildlife crossings grants under sec-
10 tion 1310 of the INVEST in America Act.

11 “(H) Reconnecting neighborhoods capital
12 construction grants under section 1311(d) of
13 the INVEST in America Act.”.

14 (c) DIVISION OFFICE CONSISTENCY.—Not later than
15 1 year after the date of enactment of this Act, the Comp-
16 troller General of the United States shall submit to Con-
17 gress a report that—

18 (1) analyzes the consistency of determinations
19 among division offices of the Federal Highway Ad-
20 ministration; and

21 (2) makes recommendations to improve the con-
22 sistency of such determinations.

23 (d) IMPROVING RISK BASED STEWARDSHIP AND
24 OVERSIGHT.—Not later than 180 days after the date of
25 enactment of this Act, the Administrator of the Federal

1 Highway Administration shall reference U.S. DOT Office
2 of Inspector General Report No. ST2020035 and take the
3 following actions, as necessary, to improve the risk based
4 stewardship and oversight of the Federal Highway Admin-
5 istration:

6 (1) Update and implement Federal Highway
7 Administration guidance for risk-based project in-
8 volvement to clarify the requirements for its project
9 risk-assessment process, including expectations for
10 conducting and documenting the risk assessment
11 and criteria to guide the reevaluation of project
12 risks.

13 (2) Identify and notify division offices of the
14 Federal Highway Administration about sources of
15 information that can inform the project risk-assess-
16 ment process.

17 (3) Update and implement Federal Highway
18 Administration guidance for risk-based project in-
19 volvement to clarify how the link between elevated
20 risks and associated oversight activities, changes to
21 oversight actions, and the results of its risk-based
22 involvement should be documented in project over-
23 sight plans.

24 (4) Develop and implement a process to rou-
25 tinely monitor the implementation and evaluate the

1 effectiveness of Federal Highway Administration
2 risk-based project involvement.

3 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
4 **DESIGN.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1) by striking “planned
9 future traffic of the highway in a manner that
10 is conducive to” and inserting “future oper-
11 ational performance of the facility in a manner
12 that enhances”; and

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

16 (2) in subsection (b)—

17 (A) by striking “The geometric” and in-
18 serting “DESIGN CRITERIA FOR THE INTER-
19 STATE SYSTEM.—The geometric”; and

20 (B) by striking “the types and volumes of
21 traffic anticipated for such project for the twen-
22 ty-year period commencing on the date of ap-
23 proval by the Secretary, under section 106 of
24 this title, of the plans, specifications, and esti-
25 mates for actual construction of such project”

1 and inserting “the existing and future oper-
2 ational performance of the facility”;

3 (3) in subsection (c)(1)—

4 (A) in subparagraph (C) by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (D) by striking the
7 period and inserting “; and”; and

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

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

10 (4) by striking subsection (o) and inserting the
11 following:

12 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
13 NHS PROJECTS.—

14 “(1) IN GENERAL.—Projects (other than high-
15 way projects on the National Highway System)
16 shall—

17 “(A) be designed, constructed, operated,
18 and maintained in accordance with State laws,
19 regulations, directives, safety standards, design
20 standards, and construction standards; and

21 “(B) take into consideration context sen-
22 sitive design principles.

23 “(2) DESIGN FLEXIBILITY.—

24 “(A) IN GENERAL.—

1 “(i) IN GENERAL.—A local jurisdic-
2 tion may select the most appropriate de-
3 sign publication for the roadway context in
4 which the local jurisdiction is located for
5 the design of a project on a roadway (other
6 than a highway on the National Highway
7 System) if—

8 “(I) the local jurisdiction pro-
9 vides notification and justification of
10 the use of such design publication to
11 any State in which the project is lo-
12 cated; and

13 “(II) the design complies with all
14 other applicable Federal and State
15 laws.

16 “(ii) REVIEW.—If a State rejects a
17 local jurisdiction’s selection of a design
18 publication under this subparagraph, the
19 local jurisdiction may submit notification
20 and justification of such use to the Sec-
21 retary. The Secretary shall make a deter-
22 mination to approve or deny such submis-
23 sion not later than 90 days after receiving
24 such submission.

1 “(B) STATE-OWNED ROADS.—In the case
2 of a roadway under the ownership of the State,
3 the local jurisdiction may select the most appro-
4 priate design publication only with the concur-
5 rence of the State.

6 “(C) PROGRAMMATIC BASIS.—The Sec-
7 retary may consider the use of a design publica-
8 tion under this paragraph on a programmatic
9 basis.”; and

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

11 “(s) CONTEXT SENSITIVE DESIGN.—

12 “(1) CONTEXT SENSITIVE DESIGN PRIN-
13 CIPLES.—The Secretary shall consult with State and
14 local officials prior to approving any roadway design
15 publications under this section to ensure that the de-
16 sign publications provide adequate flexibility for a
17 project sponsor to select the appropriate design of a
18 roadway, consistent with context sensitive design
19 principles.

20 “(2) POLICIES OR PROCEDURES.—

21 “(A) IN GENERAL.—Not later than 1 year
22 after the Secretary publishes the final guidance
23 described in paragraph (3), each State shall
24 adopt policies or procedures to evaluate the con-
25 text of a proposed roadway and select the ap-

1 appropriate design, consistent with context sen-
2 sitive design principles.

3 “(B) LOCAL GOVERNMENTS.—The Sec-
4 retary and States shall encourage local govern-
5 ments to adopt policies or procedures described
6 under subparagraph (A).

7 “(C) CONSIDERATIONS.—The policies or
8 procedures developed under this paragraph
9 shall take into consideration the guidance devel-
10 oped by the Secretary under paragraph (3).

11 “(3) GUIDANCE.—

12 “(A) IN GENERAL.—

13 “(i) NOTICE.—Not later than 1 year
14 after the date of enactment of this sub-
15 section, the Secretary shall publish guid-
16 ance on the official website of the Depart-
17 ment of Transportation on context sen-
18 sitive design.

19 “(ii) PUBLIC REVIEW AND COM-
20 MENT.—The guidance described in this
21 paragraph shall be finalized following an
22 opportunity for public review and com-
23 ment.

24 “(iii) UPDATE.—The Secretary shall
25 periodically update the guidance described

1 in this paragraph, including the model
2 policies or procedures described under sub-
3 paragraph (B)(v).

4 “(B) CONTENTS.—The guidance described
5 in this paragraph shall—

6 “(i) provide best practices for States,
7 metropolitan planning organizations, re-
8 gional transportation planning organiza-
9 tions, local governments, or other project
10 sponsors to implement context sensitive de-
11 sign principles;

12 “(ii) identify opportunities to modify
13 planning, scoping, design, and development
14 procedures to more effectively combine
15 modes of transportation into integrated fa-
16 cilities that meet the needs of each of such
17 modes of transportation in an appropriate
18 balance;

19 “(iii) identify metrics to assess the
20 context of the facility, including sur-
21 rounding land use or roadside characteris-
22 ties;

23 “(iv) assess the expected operational
24 and safety performance of facility design;
25 and

1 “(v) establish model policies or proce-
2 dures, consistent with the findings of such
3 guidance, for a State or other project spon-
4 sor to evaluate the context of a proposed
5 facility and select the appropriate facility
6 design for the context.

7 “(C) TOPICS OF EMPHASIS.—In addition
8 to the contents in subparagraph (B), the guid-
9 ance shall emphasize—

10 “(i) procedures for identifying the
11 needs of users of all ages and abilities of
12 a particular roadway;

13 “(ii) procedures for identifying the
14 types and designs of facilities needed to
15 serve various modes of transportation;

16 “(iii) safety and other benefits pro-
17 vided by carrying out context sensitive de-
18 sign principles;

19 “(iv) common barriers to carrying out
20 context sensitive design principles;

21 “(v) procedures for overcoming the
22 most common barriers to carrying out con-
23 text sensitive design principles;

1 “(vi) procedures for identifying the
2 costs associated with carrying out context
3 sensitive design principles;

4 “(vii) procedures for maximizing local
5 cooperation in the introduction of context
6 sensitive design principles and carrying out
7 those principles; and

8 “(viii) procedures for assessing and
9 modifying the facilities and operational
10 characteristics of existing roadways to im-
11 prove consistency with context sensitive de-
12 sign principles.

13 “(4) FUNDING.—Amounts made available
14 under sections 104(b)(6) and 505 of this title may
15 be used for States, local governments, metropolitan
16 planning organizations, or regional transportation
17 planning organizations to adopt policies or proce-
18 dures to evaluate the context of a proposed roadway
19 and select the appropriate design, consistent with
20 context sensitive design principles.”.

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

1 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
2 **SHARE.**

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

5 (1) by striking clauses (i) and (ii) and inserting
6 the following:

7 “(i) prefabricated bridge elements and
8 systems, innovative materials, and other
9 technologies to reduce bridge construction
10 time, extend service life, and reduce preser-
11 vation costs, as compared to conventionally
12 designed and constructed bridges;

13 “(ii) innovative construction equip-
14 ment, materials, techniques, or practices,
15 including the use of in-place recycling tech-
16 nology, digital 3-dimensional modeling
17 technologies, and advanced digital con-
18 struction management systems;”;

19 (2) by redesignating clause (vi) as clause (ix);

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

21 and

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

23 “(vi) innovative pavement materials
24 that demonstrate reductions in—

1 “(I) greenhouse gas emissions
2 through sequestration or innovative
3 manufacturing processes; or

4 “(II) local air pollution,
5 stormwater runoff, or noise pollution;

6 “(vii) innovative culvert materials that
7 are made with recycled content and dem-
8 onstrate reductions in greenhouse gas
9 emissions;

10 “(viii) contractual provisions that pro-
11 vide safety contingency funds to incor-
12 porate safety enhancements to work zones
13 prior to or during roadway construction
14 and maintenance activities; or”.

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

18 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
19 **FUNDS.**

20 Section 126(b) of title 23, United States Code, is
21 amended—

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

1 (2) in paragraph (1) by striking “and
2 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
3 133(h), 148(m), 149, 151(f), and 171”; and

4 (3) by striking paragraph (2) and inserting the
5 following:

6 “(2) ENVIRONMENTAL PROGRAMS.—With re-
7 spect to an apportionment under either paragraph
8 (4) or paragraph (9) of section 104(b), and notwith-
9 standing paragraph (1), a State may only transfer
10 not more than 50 percent from the amount of the
11 apportionment of either such paragraph to the ap-
12 portionment under the other such paragraph in a
13 fiscal year.”.

14 **SEC. 1110. TOLLING.**

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

18 (1) in subsection (a)—

19 (A) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) IN GENERAL.—

22 “(A) AUTHORIZATION.—Subject to the
23 provisions of this section, Federal participation
24 shall be permitted on the same basis and in the

1 same manner as construction of toll-free high-
2 ways is permitted under this chapter in the—

3 “(i) initial construction of a toll high-
4 way, bridge, or tunnel or approach to the
5 highway, bridge, or tunnel;

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

16 “(iii) initial construction of 1 or more
17 lanes or other improvements that increase
18 the capacity of a highway, bridge, or tun-
19 nel on the Interstate System and conver-
20 sion of that highway, bridge, or tunnel to
21 a tolled facility, if the number of toll-free
22 non-HOV lanes, excluding auxiliary lanes,
23 after such construction is not less than the
24 number of toll-free non-HOV lanes, exclud-

1 ing auxiliary lanes, before such construc-
2 tion;

3 “(iv) reconstruction, resurfacing, res-
4 toration, rehabilitation, or replacement of a
5 toll highway, bridge, or tunnel or approach
6 to the highway, bridge, or tunnel;

7 “(v) reconstruction or replacement of
8 a toll-free bridge or tunnel and conversion
9 of the bridge or tunnel to a toll facility;

10 “(vi) reconstruction of a toll-free Fed-
11 eral-aid highway (other than a highway on
12 the Interstate System) and conversion of
13 the highway to a toll facility;

14 “(vii) reconstruction, restoration, or
15 rehabilitation of a highway on the Inter-
16 state System if the number of toll-free
17 non-HOV lanes, excluding auxiliary lanes,
18 after reconstruction, restoration, or reha-
19 bilitation is not less than the number of
20 toll-free non-HOV lanes, excluding auxil-
21 iary lanes, before reconstruction, restora-
22 tion, or rehabilitation;

23 “(viii) conversion of a high occupancy
24 vehicle lane on a highway, bridge, or tun-

1 nel to a toll facility, subject to the require-
2 ments of section 166; and

3 “(ix) preliminary studies to determine
4 the feasibility of a toll facility for which
5 Federal participation is authorized under
6 this paragraph.

7 “(B) AGREEMENT TO TOLL.—

8 “(i) IN GENERAL.—Before the Sec-
9 retary may authorize tolling under this
10 subsection, the public authority with juris-
11 diction over a highway, bridge, or tunnel
12 shall enter into an agreement with the Sec-
13 retary to ensure compliance with the re-
14 quirements of this subsection.

15 “(ii) APPLICABILITY.—

16 “(I) IN GENERAL.—The require-
17 ments of this subparagraph shall
18 apply to—

19 “(aa) Federal participation
20 under subparagraph (A);

21 “(bb) any prior Federal par-
22 ticipation in the facility proposed
23 to be tolled; and

24 “(cc) conversion, with or
25 without Federal participation, of

1 a non-tolled lane on the National
2 Highway System to a toll facility
3 under subparagraph (E).

4 “(II) HOV FACILITY.—Except as
5 otherwise provided in this subsection
6 or section 166, the provisions of this
7 paragraph shall not apply to a high
8 occupancy vehicle facility.

9 “(iii) MAJOR FEDERAL ACTION.—Ap-
10 proval by the Secretary of an agreement to
11 toll under this paragraph shall be consid-
12 ered a major Federal action under the Na-
13 tional Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.).

15 “(C) AGREEMENT CONDITIONS.—Prior to
16 entering into an agreement to toll under sub-
17 paragraph (B), the public authority shall certify
18 to the Secretary that—

19 “(i) the public authority has estab-
20 lished procedures to ensure the toll meets
21 the purposes and requirements of this sub-
22 section;

23 “(ii) the facility shall provide for ac-
24 cess at no cost to public transportation ve-

1 hicles and over-the-road buses serving the
2 public; and

3 “(iii) the facility shall provide for the
4 regional interoperability of electronic toll
5 collection, including through technologies
6 or business practices.

7 “(D) CONSIDERATION OF IMPACTS.—

8 “(i) IN GENERAL.—Prior to entering
9 into an agreement to toll under subpara-
10 graph (B), the Secretary shall ensure the
11 public authority has adequately considered,
12 including by providing an opportunity for
13 public comment, the following factors with-
14 in the corridor:

15 “(I) Congestion impacts on both
16 the toll facility and in the corridor or
17 cordon (including adjacent toll-free fa-
18 cilities).

19 “(II) In the case of a non-attain-
20 ment or maintenance area, air quality
21 impacts.

22 “(III) Planned investments to
23 improve public transportation or other
24 non-tolled alternatives in the corridor.

1 “(IV) Environmental justice and
2 equity impacts.

3 “(V) Impacts on freight move-
4 ment.

5 “(VI) Economic impacts on busi-
6 nesses.

7 “(ii) CONSIDERATION IN ENVIRON-
8 MENTAL REVIEW.—Nothing in this sub-
9 paragraph shall limit a public authority
10 from meeting the requirements of this sub-
11 paragraph through the environmental re-
12 view process, as applicable.

13 “(E) CONGESTION PRICING.—

14 “(i) IN GENERAL.—The Secretary
15 may authorize conversion of a non-tolled
16 lane on the National Highway System to a
17 toll facility to utilize pricing to manage the
18 demand to use the facility by varying the
19 toll amount that is charged.

20 “(ii) REQUIREMENT.—Prior to enter-
21 ing into an agreement to convert a non-
22 tolled lane on the National Highway Sys-
23 tem to a toll facility, the Secretary shall
24 ensure (in addition to the requirements
25 under subparagraphs (B), (C), and (D))

1 that such toll facility and the planned in-
2 vestments to improve public transportation
3 or other non-tolled alternatives in the cor-
4 ridor are reasonably expected to improve
5 the operation of the cordon or corridor, as
6 described in clauses (iii) and (iv).

7 “(iii) PERFORMANCE MONITORING.—
8 A public authority that enters into an
9 agreement to convert a non-tolled lane to
10 a toll facility under this subparagraph
11 shall—

12 “(I) establish, monitor, and sup-
13 port a performance monitoring, eval-
14 uation, and reporting program—

15 “(aa) for the toll facility
16 that provides for continuous
17 monitoring, assessment, and re-
18 porting on the impacts that the
19 pricing structure may have on
20 the operation of the facility; and

21 “(bb) for the corridor or cor-
22 don that provides for continuous
23 monitoring, assessment, and re-
24 porting on the impacts of conges-

1 tion pricing on the operation of
2 the corridor or cordon;

3 “(II) submit to the Secretary an-
4 nual reports of the impacts described
5 in subclause (I); and

6 “(III) if the facility or the cor-
7 ridor or cordon becomes degraded, as
8 described in clause (iv), submit to the
9 Secretary an annual update that de-
10 scribes the actions proposed to bring
11 the toll facility into compliance and
12 the progress made on such actions.

13 “(iv) DETERMINATION.—

14 “(I) DEGRADED OPERATION.—

15 For purposes of clause (iii)(III), the
16 operation of a toll facility shall be
17 considered to be degraded if vehicles
18 operating on the facility are failing to
19 maintain a minimum average oper-
20 ating speed 90 percent of the time
21 over a consecutive 180-day period
22 during peak hour periods.

23 “(II) DEGRADED CORRIDOR OR
24 CORDON.—For the purposes of clause
25 (iii)(III), a corridor or cordon shall be

1 considered to be degraded if conges-
2 tion pricing or investments to improve
3 public transportation or other non-
4 tolled alternatives have not resulted
5 in—

6 “(aa) an increase in person
7 or freight throughput in the cor-
8 ridor or cordon; or

9 “(bb) a reduction in person
10 hours of delay in the corridor or
11 cordon, as determined by the
12 Secretary.

13 “(III) DEFINITION OF MINIMUM
14 AVERAGE OPERATING SPEED.—In this
15 subparagraph, the term ‘minimum av-
16 erage operating speed’ means—

17 “(aa) 35 miles per hour, in
18 the case of a toll facility with a
19 speed limit of 45 miles per hour
20 or greater; and

21 “(bb) not more than 10
22 miles per hour below the speed
23 limit, in the case of a toll facility
24 with a speed limit of less than 50
25 miles per hour.

1 “(v) MAINTENANCE OF OPERATING
2 PERFORMANCE.—

3 “(I) IN GENERAL.—Not later
4 than 180 days after the date on which
5 a facility or a corridor or cordon be-
6 comes degraded under clause (iv), the
7 public authority with jurisdiction over
8 the facility shall submit to the Sec-
9 retary for approval a plan that details
10 the actions the public authority will
11 take to make significant progress to-
12 ward bringing the facility or corridor
13 or cordon into compliance with this
14 subparagraph.

15 “(II) NOTICE OF APPROVAL OR
16 DISAPPROVAL.—Not later than 60
17 days after the date of receipt of a
18 plan under subclause (I), the Sec-
19 retary shall provide to the public au-
20 thority a written notice indicating
21 whether the Secretary has approved
22 or disapproved the plan based on a
23 determination of whether the imple-
24 mentation of the plan will make sig-
25 nificant progress toward bringing the

1 facility or corridor or cordon into
2 compliance with this subparagraph.

3 “(III) UPDATE.—Until the date
4 on which the Secretary determines
5 that the public authority has brought
6 the facility or corridor or cordon into
7 compliance with this subparagraph,
8 the public authority shall submit an-
9 nual updates that describe—

10 “(aa) the actions taken to
11 bring the facility into compliance;

12 “(bb) the actions taken to
13 bring the corridor or cordon into
14 compliance; and

15 “(cc) the progress made by
16 those actions.

17 “(IV) COMPLIANCE.—If a public
18 authority fails to bring a facility into
19 compliance under this subparagraph,
20 the Secretary may subject the public
21 authority to appropriate program
22 sanctions under section 1.36 of title
23 23, Code of Federal Regulations (or
24 successor regulations), until the per-
25 formance is no longer degraded.

1 “(vi) CONSULTATION OF MPO.—If a
2 toll facility authorized under this subpara-
3 graph is located on the National Highway
4 System and in a metropolitan planning
5 area established in accordance with section
6 134, the public authority shall consult with
7 the metropolitan planning organization for
8 the area.

9 “(vii) INCLUSION.—For the purposes
10 of this paragraph, the corridor or cordon
11 shall include toll-free facilities that are ad-
12 jacent to the toll facility.”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (A)—

15 (I) in clause (iv) by striking
16 “and” at the end; and

17 (II) by striking clause (v) and in-
18 serting the following:

19 “(v) any project eligible under this
20 title or chapter 53 of title 49 that improves
21 the operation of the corridor or cordon by
22 increasing person or freight throughput
23 and reducing person hours of delay;

24 “(vi) toll discounts or rebates for
25 users of the toll facility that have no rea-

1 sonable alternative transportation method
2 to the toll facility; and

3 “(vii) if the public authority certifies
4 annually that the tolled facility is being
5 adequately maintained and the cordon or
6 corridor is not degraded under paragraph
7 (1)(E), any revenues remaining after fund-
8 ing the activities described in clauses (i)
9 through (vi) shall be considered surplus
10 revenue and may be used for any other
11 purpose for which Federal funds may be
12 obligated by a State under this title or
13 chapter 53 of title 49.”;

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) TRANSPARENCY.—

17 “(i) ANNUAL AUDIT.—

18 “(I) IN GENERAL.—A public au-
19 thority with jurisdiction over a toll fa-
20 cility shall conduct or have an inde-
21 pendent auditor conduct an annual
22 audit of toll facility records to verify
23 adequate maintenance and compliance
24 with subparagraph (A), and report the
25 results of the audits to the Secretary.

1 “(II) RECORDS.—On reasonable
2 notice, the public authority shall make
3 all records of the public authority per-
4 taining to the toll facility available for
5 audit by the Secretary.

6 “(ii) USE OF REVENUES.—A State or
7 public authority that obligates amounts
8 under clauses (v), (vi), or (vii) of subpara-
9 graph (A) shall annually report to the Sec-
10 retary a list of activities funded with such
11 amounts and the amount of funding pro-
12 vided for each such activity.”;

13 (C) in paragraph (8) by striking “as of the
14 date of enactment of the MAP–21, before com-
15 mencing any activity authorized” and inserting
16 “, before commencing any activity authorized”;

17 (D) in paragraph (9)—

18 (i) by striking “bus” and inserting
19 “vehicle”; and

20 (ii) by striking “buses” and inserting
21 “vehicles”; and

22 (E) by striking paragraph (10) and insert-
23 ing the following:

24 “(10) INTEROPERABILITY OF ELECTRONIC
25 TOLL COLLECTION.—

1 “(A) IN GENERAL.—All toll facilities on
2 Federal-aid highways shall provide for the re-
3 gional interoperability of electronic toll collec-
4 tion, including through technologies or business
5 practices.

6 “(B) PROHIBITION ON RESTRICTION.—No
7 State, or any political subdivision thereof, shall
8 restrict the information that is shared across
9 public and private toll facility operators or their
10 agents or contractors for purposes of facili-
11 tating, operating, or maintaining electronic toll
12 collection programs.

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
16 may require the public authority to discontinue col-
17 lecting tolls until the public authority and the Sec-
18 retary enter into an agreement for the public author-
19 ity to achieve compliance with such requirements.

20 “(12) DEFINITIONS.—In this subsection, the
21 following 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 occu-
4 pants.

5 “(C) INITIAL CONSTRUCTION.—

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

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

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

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

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

1 “(G) TOLL FACILITY.—The term ‘toll fa-
2 cility’ means a toll highway, bridge, or tunnel or
3 approach to the highway, bridge, or tunnel con-
4 structed or authorized to be tolled under this
5 subsection.”.

6 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
7 TION AND REHABILITATION PILOT PROGRAM.—Section
8 1216 of the Transportation Equity Act for the 21st Cen-
9 tury (23 U.S.C. 129 note), and the item related to such
10 section in the table of contents in section 1(b) of such Act,
11 are repealed.

12 (c) VALUE PRICING PILOT PROGRAM.—Section
13 1012(b) of the Intermodal Surface Transportation Effi-
14 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
15 adding at the end the following:

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

19 (d) SAVINGS CLAUSE.—

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

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

4 (A) operating;

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

6 (C) in the construction phase.

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

13 **SEC. 1111. HOV FACILITIES.**

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

16 (1) in subsection (b)—

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

20 (B) in paragraph (5)(B) by striking
21 “2019” and inserting “2025”; and

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

23 “(6) EMERGENCY VEHICLES.—The public au-
24 thority may allow the following vehicles to use the

1 HOV facility if the authority establishes require-
2 ments for clearly identifying the vehicles:

3 “(A) An emergency vehicle that is respond-
4 ing to an existing emergency.

5 “(B) A blood transport vehicle that is
6 transporting blood between collection points and
7 hospitals or storage centers.”.

8 (2) in subsection (d)(2)(A)(i) by striking “45
9 miles per hour, in the case of a HOV facility with
10 a speed limit of 50 miles per hour or greater” and
11 inserting “35 miles per hour, in the case of a HOV
12 facility with a speed limit of 45 miles per hour or
13 greater”;

14 (3) in subsection (d)(2)(B) by striking “morn-
15 ing or evening weekday peak hour periods (or both)”
16 and inserting “peak hour periods”;

17 (4) in subsection (e)—

18 (A) by striking “Not later than 180 days
19 after the date of enactment of this section, the
20 Administrator” and inserting “The Adminis-
21 trator”;

22 (B) in paragraph (1) by striking “and” at
23 the end;

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

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

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

5 and

6 (5) in subsection (f)—

7 (A) in paragraph (1)—

8 (i) by striking subparagraphs (C),
9 (D), and (F); and

10 (ii) by redesignating subparagraphs
11 (E), (G), (H), and (I) as subparagraphs
12 (C), (D), (E), and (F), respectively; and

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

17 **SEC. 1112. BUY AMERICA.**

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

20 (1) in subsection (a)—

21 (A) by striking “Notwithstanding” and in-
22 serting “IN GENERAL.—Notwithstanding”;

23 (B) by striking “Secretary of Transpor-
24 tation” and inserting “Secretary”;

1 (C) by striking “the Surface Transpor-
2 tation Assistance Act of 1982 (96 Stat. 2097)
3 or”; and

4 (D) by striking “and manufactured prod-
5 ucts” and inserting “manufactured products,
6 and construction materials”;

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

9 (3) in subsection (c) by striking “For purposes”
10 and inserting “CALCULATION.—For purposes”;

11 (4) in subsection (d)—

12 (A) by striking “The Secretary of Trans-
13 portation” and inserting “REQUIREMENTS.—
14 The Secretary”; and

15 (B) by striking “the Surface Transpor-
16 tation Assistance Act of 1982 (96 Stat. 2097)
17 or”; and

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

19 “(h) WAIVER PROCEDURE.—

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

25 “(2) PUBLIC NOTIFICATION AND COMMENT.—

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

7 “(B) NOTIFICATION REQUIREMENTS.—The
8 notification required under subparagraph (A)
9 shall—

10 “(i) describe whether the application
11 is being made for a determination de-
12 scribed in subsection (b)(1); and

13 “(ii) be provided to the public by elec-
14 tronic means, including on the public
15 website of the Department of Transpor-
16 tation.

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

22 “(A) on the public website of the Depart-
23 ment of Transportation; and

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

4 “(i) REVIEW OF NATIONWIDE WAIVERS.—

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

11 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
12 FOR COMMENT.—

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

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

23 “(3) DETAILED JUSTIFICATION IN FEDERAL
24 REGISTER.—After the completion of a review under
25 paragraph (1), the Secretary shall publish in the

1 Federal Register a detailed justification for the de-
2 termination made under paragraph (1) that address-
3 es all public comments received under paragraph
4 (2).

5 “(4) CONSIDERATION.—In conducting the re-
6 view under paragraph (1), the Secretary shall con-
7 sider the research on supply chains carried out
8 under section 1112(c) of the INVEST in America
9 Act.

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

19 “(k) CONSTRUCTION MATERIALS DEFINED.—In this
20 section, the term ‘construction materials’ means primary
21 materials that are commonly used in highway construc-
22 tion, as determined by the Secretary.”.

23 (b) CONSTRUCTION MATERIALS.—

24 (1) ESTABLISHMENT OF REQUIREMENTS.—The
25 Secretary shall issue such regulations as are nec-

1 essary to implement the amendment made sub-
2 section (a)(1)(D). Such regulations shall ensure the
3 continued availability of construction materials to
4 carry out projects under title 23, United States
5 Code.

6 (2) CONSIDERATIONS.—The requirements of
7 this section, and the amendments made by this sec-
8 tion—

9 (A) shall seek to maximize jobs located in
10 the United States;

11 (B) may establish domestic content re-
12 quirements that increase over time, based on
13 the current and expected future domestic avail-
14 ability of construction materials; and

15 (C) shall take into consideration the re-
16 search conducted under subsection (c).

17 (3) APPLICABILITY.—The amendment made by
18 subsection (a)(1)(D) shall take effect beginning on
19 the date that the Secretary establishes the require-
20 ments described under paragraph (1).

21 (c) RESEARCH ON SUPPLY CHAINS.—

22 (1) IN GENERAL.—The Secretary shall conduct
23 research on covered items that are commonly used
24 or acquired under title 23, United States Code, in-
25 cluding—

- 1 (A) construction materials;
- 2 (B) manufactured products;
- 3 (C) vehicles; and
- 4 (D) alternative fuel infrastructure and
- 5 electric vehicle supply equipment.

6 (2) CONSIDERATIONS.—The research under
7 paragraph (1) shall consider—

- 8 (A) the domestic availability of covered
- 9 items;
- 10 (B) the supply chain for covered items.

11 (C) the estimated market share of covered
12 items from—

- 13 (i) procurement under the Federal-aid
- 14 highway program;
- 15 (ii) procurement under other pro-
- 16 grams administered by the Secretary of
- 17 Transportation; and

18 (iii) other Federal procurement; and

19 (D) the cost differential, if any, of domesti-
20 cally produced covered items as compared to
21 non-domestically produced covered items.

22 (3) DOMESTIC SUPPLIERS.—As part of the re-
23 view under this paragraph, the Secretary may estab-
24 lish and maintain a list of known domestic suppliers
25 of covered items.

1 funds, shall be paid wages at rates not less than those
2 prevailing on projects of a character similar in the locality,
3 as determined by the Secretary of Labor in accordance
4 with subchapter IV of chapter 31 of title 40. With respect
5 to the labor standards specified in this section, the Sec-
6 retary of Labor shall have the authority and functions set
7 forth in Reorganization Plan Numbered 14 of 1950 (64
8 Stat. 1267) and section 3145 of title 40.”;

9 (2) by redesignating subsection (c) as sub-
10 section (b); and

11 (3) in subsection (b), as so redesignated, by in-
12 sserting “APPRENTICESHIP AND SKILL TRAINING
13 PROGRAMS.—” before “The provisions”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 133 of title 23, United States Code,
16 is amended by striking subsection (i).

17 (2) Section 167 of title 23, United States Code,
18 is amended by striking subsection (l).

19 (3) Section 1401 of the MAP–21 (23 U.S.C.
20 137 note) is amended by striking subsection (e).

21 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
22 **CATEGORICAL EXCLUSIONS.**

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

1 (1) by striking subparagraph (A) and inserting
2 the following:

3 “(A) except as provided under subpara-
4 graph (C), have a term of not more than 3
5 years;”;

6 (2) in subparagraph (B) by striking the period
7 at the end and inserting “; and”; and

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

9 “(C) for any State that has assumed the
10 responsibility for categorical exclusions under
11 this section for at least 10 years, have a term
12 of 5 years.”.

13 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIV-**
14 **ERY PROGRAM WRITTEN AGREEMENTS.**

15 Section 327 of title 23, United States Code, is
16 amended—

17 (1) in subsection (a)(2)(G) by inserting “, in-
18 cluding the payment of fees awarded under section
19 2412 of title 28” after “with the project”.

20 (2) in subsection (c)—

21 (A) by striking paragraph (5) and insert-
22 ing the following:

23 “(5) except as provided under paragraph (7),
24 have a term of not more than 5 years;”;

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

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

4 “(7) for any State that has participated in a
5 program under this section (or under a predecessor
6 program) for at least 10 years, have a term of 10
7 years.”;

8 (3) in subsection (g)(1)—

9 (A) in subparagraph (C) by striking “an-
10 nual”;

11 (B) in subparagraph (B) by striking “and”
12 at the end;

13 (C) by redesignating subparagraph (C) as
14 subparagraph (D); and

15 (D) by inserting after subparagraph (B)
16 the following:

17 “(C) in the case of an agreement period of
18 greater than 5 years under subsection (c)(7),
19 conduct an audit covering the first 5 years of
20 the agreement period; and”;

21 (4) by adding at the end the following:

22 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—
23 A State agency that is assigned a responsibility under an
24 agreement under this section shall be deemed to be an

1 agency of the United States for the purposes of section
2 2412 of title 28.”.

3 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPLICABLE BRIDGE PROJECTS.—The term
6 “applicable bridge projects” means a project for con-
7 struction, replacement, rehabilitation, preservation,
8 or protection, other than de minimis work, as deter-
9 mined by the applicable State department of trans-
10 portation, on a bridge project that receives financial
11 assistance under title 23, United States Code.

12 (2) CERTIFIED CONTRACTOR.—The term “cer-
13 tified contractor” means a contracting or subcon-
14 tracting firm that has been certified by an industry-
15 wide recognized third party organization that evalu-
16 ates the capability of the contractor or subcontractor
17 to properly perform 1 or more specified aspects of
18 applicable bridge projects described in subsection

19 (b)(2).

20 (3) QUALIFIED TRAINING PROGRAM.—The term
21 “qualified training program” means a training pro-
22 gram in corrosion control, mitigation, and prevention
23 that is either—

24 (A) offered or accredited by an organiza-
25 tion that sets industry corrosion standards; or

1 (B) an industrial coatings applicator train-
2 ing program registered under the Act of August
3 16, 1937 (29 U.S.C. 50 et seq.; commonly
4 known as the “National Apprenticeship Act”)
5 that meets the standards of subpart A of part
6 29 and part 30 of title 29, Code of Federal
7 Regulations.

8 (b) APPLICABLE BRIDGE PROJECTS.—

9 (1) QUALITY CONTROL.—A certified contractor
10 shall carry out aspects of an applicable bridge
11 project described in paragraph (2).

12 (2) ASPECTS OF APPLICABLE BRIDGE
13 PROJECTS.—Aspects of an applicable bridge project
14 referred to in paragraph (1) shall include—

15 (A) surface preparation or coating applica-
16 tion on steel or rebar of an applicable bridge
17 project;

18 (B) removal of a lead-based or other haz-
19 ardous coating from steel of an existing applica-
20 ble bridge project; and

21 (C) shop painting of structural steel or
22 rebar fabricated for installation on an applica-
23 ble bridge project.

1 (3) CORROSION MANAGEMENT SYSTEM.—In
2 carrying out an applicable bridge project, a State de-
3 partment of transportation shall—

4 (A) implement a corrosion management
5 system that utilizes industry-recognized stand-
6 ards and corrosion mitigation and prevention
7 methods to address—

8 (i) surface preparation;

9 (ii) protective coatings;

10 (iii) materials selection;

11 (iv) cathodic protection;

12 (v) corrosion engineering;

13 (vi) personnel training; and

14 (vii) best practices in environmental
15 protection to prevent environmental deg-
16 radation and uphold public health.

17 (B) require certified contractors, for the
18 purpose of carrying out aspects of applicable
19 bridge projects described in paragraph (2), to
20 employ a substantial number of individuals that
21 are trained and certified by a qualified training
22 program as meeting the ANSI/NACE Number
23 13/SSPC–ACS–1 standard or future versions of
24 this standard.

1 (4) CERTIFICATION.—The applicable State de-
2 partment of transportation shall only accept bids for
3 projects that include aspects of applicable bridge
4 projects described in paragraph (2) from a certified
5 contractor that presents written proof that the cer-
6 tification of such contractor meets the standards of
7 SSPC QP1, QP2, and QP3 or future versions of
8 these standards.

9 (c) TRAINING PROGRAM.—As a condition of entering
10 into a contract for an applicable bridge project, each cer-
11 tified contractor shall provide training, through a qualified
12 training program, for each individual who is not a certified
13 coating applicator but that the certified contractor em-
14 ploys to carry out aspects of applicable bridge projects as
15 described in subsection (b)(2).

16 **SEC. 1117. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) States should utilize life-cycle cost analysis
19 to evaluate the total economic cost of a transpor-
20 tation project over its expected lifetime; and

21 (2) data indicating that future repair costs as-
22 sociated with a transportation project frequently
23 total more than half of the initial cost of the project,
24 and that conducting life-cycle cost analysis prior to
25 construction will help States identify the most cost-

1 effective option, improve their economic perform-
2 ance, and lower the total cost of building and main-
3 taining the project.

4 **SEC. 1118. ACCOMMODATION OF CERTAIN FACILITIES IN**
5 **RIGHT-OF-WAY.**

6 (a) IN GENERAL.—Notwithstanding chapter 1 of title
7 23, United States Code, electric vehicle charging infra-
8 structure, renewable energy generation facilities, electrical
9 transmission and distribution infrastructure, and
10 broadband infrastructure and conduit shall be treated as
11 a facility covered under part 645 of title 23, Code of Fed-
12 eral Regulations (or successor regulations), for purposes
13 of being accommodated under section 109(l) of title 23,
14 United States Code.

15 (b) STATE APPROVAL.—A State, on behalf of the
16 Secretary of Transportation, may approve the accommo-
17 dation of the infrastructure and facilities described in sub-
18 section (a) within any right-of-way on a Federal-aid high-
19 way pursuant to section 109(l) of title 23, United States
20 Code.

21 **SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE**
22 **SAFETY IMPROVEMENTS.**

23 (a) IN GENERAL.—Notwithstanding any provision of
24 title 23, United States Code, or any regulation issued by
25 the Secretary of Transportation, section 129(a)(3) of such

1 title shall not apply to a covered public authority that re-
2 ceives funding under such title for pedestrian and bike
3 safety improvements.

4 (b) NO TOLL.—A covered public authority may not
5 charge a toll, fee, or other levy for use of such improve-
6 ments.

7 (c) EFFECTIVE DATE.—A covered public authority
8 shall be eligible for the exemption under subsection (a)
9 for 10 years after the date of enactment of this Act. Any
10 such exemption granted shall remain in effect after the
11 effective date described in this section.

12 (d) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) COVERED PUBLIC AUTHORITY.—The term
15 “covered public authority” means a public authority
16 with jurisdiction over a toll facility located within
17 both—

18 (A) a National Scenic Area; and

19 (B) the National Trail System.

20 (2) NATIONAL SCENIC AREA.—The term “Na-
21 tional Scenic Area” means an area of the National
22 Forest System federally designated as a National
23 Scenic Area in recognition of the outstanding nat-
24 ural, scenic, and recreational values of the area.

1 (3) NATIONAL TRAIL SYSTEM.—The term “Na-
2 tional Trail System” means an area described in sec-
3 tion 3 of the National Trails System Act (16 U.S.C.
4 1242).

5 (4) PUBLIC AUTHORITY; TOLL FACILITY.—The
6 terms “public authority” and “toll facility” have the
7 meanings such terms would have if such terms were
8 included in chapter 1 of title 23, United States
9 Code.

10 **Subtitle B—Programmatic** 11 **Infrastructure Investment**

12 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

13 Section 119 of title 23, United States Code, is
14 amended—

15 (1) by striking subsection (b) and inserting the
16 following:

17 “(b) PURPOSES.—The purposes of the national high-
18 way performance program shall be—

19 “(1) to provide support for the condition and
20 performance of the National Highway System, con-
21 sistent with the asset management plans of States;

22 “(2) to support progress toward the achieve-
23 ment of performance targets of States established
24 under section 150;

1 “(3) to increase the resilience of Federal-aid
2 highways and bridges; and

3 “(4) to provide support for the construction of
4 new facilities on the National Highway System, con-
5 sistent with subsection (d)(3).”;

6 (2) in subsection (d)—

7 (A) in paragraph (1)(A) by striking “or
8 freight movement on the National Highway
9 System” and inserting “freight movement, envi-
10 ronmental sustainability, transportation system
11 access, or combating climate change”;

12 (B) in paragraph (1)(B) by striking “and”
13 at the end;

14 (C) in paragraph (2)—

15 (i) in subparagraph (G)—

16 (I) in clause (i) by inserting
17 “and” at the end;

18 (II) in clause (ii) by striking “;
19 and” and inserting a period; and

20 (III) by striking clause (iii);

21 (ii) in subparagraph (I) by inserting
22 “, including the installation of safety bar-
23 riers and nets on bridges on the National
24 Highway System” after “National High-
25 way System”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(Q) Projects on or off the National High-
4 way System to reduce greenhouse gas emissions
5 that are eligible under section 171, including
6 the installation of electric vehicle charging in-
7 frastructure.

8 “(R) Projects on or off the National High-
9 way System to enhance resilience of a transpor-
10 tation facility eligible under section 124, includ-
11 ing protective features and natural infrastruc-
12 ture.

13 “(S) Projects and strategies to reduce ve-
14 hicle-caused wildlife mortality related to, or to
15 restore and maintain connectivity among terres-
16 trial or aquatic habitats affected by, a transpor-
17 tation facility eligible for assistance under this
18 section.

19 “(T) Projects on or off the National High-
20 way System to improve an evacuation route eli-
21 gible under section 124(b)(1)(C).

22 “(U) The removal, retrofit, repurposing,
23 remediation, or replacement of a highway on
24 the National Highway System that creates a
25 barrier to community connectivity to improve

1 access for multiple modes of transportation.”;

2 and

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

4 “(3) a project that is otherwise eligible under
5 this subsection to construct new capacity for single
6 occupancy passenger vehicles only if the State—

7 “(A) has demonstrated progress in achiev-
8 ing a state of good repair, as defined in the
9 State’s asset management plan, on the National
10 Highway System;

11 “(B) demonstrates that the project—

12 “(i) supports the achievement of per-
13 formance targets of the State established
14 under section 150; and

15 “(ii) is more cost effective, as deter-
16 mined by benefit-cost analysis, than—

17 “(I) an operational improvement
18 to the facility or corridor;

19 “(II) the construction of a public
20 transportation project eligible for as-
21 sistance under chapter 53 of title 49;

22 or

23 “(III) the construction of a non-
24 single occupancy passenger vehicle

1 project that improves freight move-
2 ment; and

3 “(C) has a public plan for maintaining and
4 operating the new asset while continuing its
5 progress in achieving a state of good repair
6 under subparagraph (A).”;

7 (3) in subsection (e)—

8 (A) in the heading by inserting “ASSET
9 AND” after “STATE”;

10 (B) in paragraph (4)(D) by striking “anal-
11 ysis” and inserting “analyses, both of which
12 shall take into consideration climate change ad-
13 aptation and resilience;”; and

14 (C) in paragraph (8) by striking “Not later
15 than 18 months after the date of enactment of
16 the MAP-21, the Secretary” and inserting
17 “The Secretary”; and

18 (4) by adding at the end the following:

19 “(k) BENEFIT-COST ANALYSIS.—In carrying out
20 subsection (d)(3)(B)(ii), the Secretary shall establish a
21 process for analyzing the cost and benefits of projects
22 under such subsection, ensuring that—

23 “(1) the benefit-cost analysis includes a calcula-
24 tion of all the benefits addressed in the performance
25 measures established under section 150;

1 “(2) the benefit-cost analysis includes a consid-
2 eration of the total maintenance cost of an asset
3 over the lifecycle of the asset; and

4 “(3) the State demonstrates that any transpor-
5 tation demand modeling used to calculate the ben-
6 efit-cost analysis has a documented record of accu-
7 racy.”.

8 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
9 **TATION ASSETS.**

10 (a) PREDISASTER MITIGATION PROGRAM.—

11 (1) IN GENERAL.—Chapter 1 of title 23, United
12 States Code, is amended by inserting after section
13 123 the following:

14 **“§ 124. Predisaster mitigation program**

15 “(a) ESTABLISHMENT.—The Secretary shall estab-
16 lish and implement a predisaster mitigation program to
17 enhance the resilience of the transportation system of the
18 United States, mitigate the impacts of covered events, and
19 ensure the efficient use of Federal resources.

20 “(b) ELIGIBLE ACTIVITIES.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 funds apportioned to the State under section
23 104(b)(8) may be obligated for—

1 “(A) construction activities, including con-
2 struction of natural infrastructure or protective
3 features—

4 “(i) to increase the resilience of a sur-
5 face transportation infrastructure asset to
6 withstand a covered event;

7 “(ii) to relocate or provide a reason-
8 able alternative to a repeatedly damaged
9 facility; and

10 “(iii) for an evacuation route identi-
11 fied in the vulnerability assessment re-
12 quired under section 134(i)(2)(I)(iii) or
13 section 135(f)(10)(C) to—

14 “(I) improve the capacity or op-
15 eration of such evacuation route
16 through communications and intel-
17 ligent transportation system equip-
18 ment and infrastructure, counterflow
19 measures, and shoulders; and

20 “(II) relocate such evacuation
21 route or provide a reasonable alter-
22 native to such evacuation route to ad-
23 dress the risk of a covered event;

24 “(B) resilience planning activities, includ-
25 ing activities described in sections 134(i)(2)(I)

1 and 135(f)(10) of this title and sections
2 5303(i)(2)(I) and 5304(f)(10) of title 49; and

3 “(C) the development of projects and pro-
4 grams that help States, territories, and regions
5 recover from covered events that significantly
6 disrupt the transportation system, including—

7 “(i) predisaster training programs
8 that help agencies and regional stake-
9 holders plan for and prepare multimodal
10 recovery efforts; and

11 “(ii) the establishment of region-wide
12 telework training and programs.

13 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
14 TATION.—No funds shall be obligated to a project
15 under this section unless the project meets each of
16 the following criteria:

17 “(A) The project is designed to ensure re-
18 siliance over the anticipated service life of the
19 surface transportation infrastructure asset.

20 “(B) The project is identified in the metro-
21 politan or statewide transportation improve-
22 ment program as a project to address resilience
23 vulnerabilities, consistent with section
24 134(j)(3)(E) or 135(g)(5)(B)(iii).

1 “(3) PRIORITIZATION OF PROJECTS.—A State
2 shall develop a process to prioritize projects under
3 this section based on the degree to which the pro-
4 posed project would—

5 “(A) be cost effective in the long-term;

6 “(B) reduce the risk of disruption to a sur-
7 face transportation infrastructure asset consid-
8 ered critical to support population centers,
9 freight movement, economic activity, evacu-
10 ation, recovery, national security functions, or
11 critical infrastructure; and

12 “(C) ease disruptions to vulnerable, at-
13 risk, or transit-dependant populations.

14 “(c) GUIDANCE.—The Secretary shall provide guid-
15 ance to States to assist with the implementation of para-
16 graphs (2) and (3) of subsection (b).

17 “(d) DEFINITIONS.—In this section:

18 “(1) COVERED EVENT.—The term ‘covered
19 event’ means a climate change effect (including sea
20 level rise), flooding, and an extreme event or other
21 natural disaster (including wildfires, seismic activity,
22 and landslides).

23 “(2) SURFACE TRANSPORTATION INFRASTRUC-
24 TURE ASSET.—The term ‘surface transportation in-

1 frastructure asset’ means a facility eligible for as-
2 sistance under this title or chapter 53 of title 49.”.

3 (2) CONFORMING AMENDMENT.—The analysis
4 for chapter 1 of title 23, United States Code, is
5 amended by inserting after the item relating to sec-
6 tion 123 the following:

“124. Predisaster mitigation program.”.

7 (b) PROJECTS IN FLOOD-PRONE AREAS.—Section
8 109 of title 23, United States Code, is further amended
9 by adding at the end the following:

10 “(t) PROJECTS IN FLOOD-PRONE AREAS.—For
11 projects and actions that, in whole or in part, encroach
12 within the limits of a flood-prone area, the Secretary shall
13 ensure that such projects and actions are—

14 “(1) designed and constructed in a way that
15 takes into account, and mitigates where appropriate,
16 flood risk by using hydrologic, hydraulic, and hydro-
17 dynamic data, methods, and analysis that integrate
18 current and projected changes in flooding based on
19 climate science over the anticipated service life of
20 the asset and future forecasted land use changes;
21 and

22 “(2) designed using analysis that considers the
23 capital costs, risks, and other economic, engineering,
24 social and environmental concerns of constructing a
25 project in a flood-prone area.”.

1 (c) METROPOLITAN TRANSPORTATION PLANNING.—

2 (1) AMENDMENTS TO TITLE 23.—

3 (A) CLIMATE CHANGE AND RESILIENCE.—

4 Section 134(i)(2) of title 23, United States
5 Code, is amended by adding at the end the fol-
6 lowing:

7 “(I) CLIMATE CHANGE AND RESILIENCE.—

8 “(i) IN GENERAL.—The transpor-
9 tation planning process shall assess strate-
10 gies to reduce the climate change impacts
11 of the surface transportation system and
12 conduct a vulnerability assessment to iden-
13 tify opportunities to enhance the resilience
14 of the surface transportation system and
15 ensure the efficient use of Federal re-
16 sources.

17 “(ii) CLIMATE CHANGE MITIGATION
18 AND IMPACTS.—A long-range transpor-
19 tation plan shall—

20 “(I) identify investments and
21 strategies to reduce transportation-re-
22 lated sources of greenhouse gas emis-
23 sions per capita;

24 “(II) identify investments and
25 strategies to manage transportation

1 demand and increase the rates of pub-
2 lic transportation ridership, walking,
3 bicycling, and carpools; and

4 “(III) recommend zoning and
5 other land use policies that would sup-
6 port infill, transit-oriented develop-
7 ment, and mixed use development.

8 “(iii) VULNERABILITY ASSESSMENT.—
9 A long-range transportation plan shall in-
10 corporate a vulnerability assessment that—

11 “(I) includes a risk-based assess-
12 ment of vulnerabilities of critical
13 transportation assets and systems to
14 covered events (as such term is de-
15 fined in section 124);

16 “(II) considers, as applicable, the
17 risk management analysis in the
18 State’s asset management plan devel-
19 oped pursuant to section 119, and the
20 State’s evaluation of reasonable alter-
21 natives to repeatedly damaged facili-
22 ties conducted under part 667 of title
23 23, Code of Federal Regulations;

24 “(III) at the discretion of the
25 metropolitan planning organization,

1 identifies evacuation routes, assesses
2 the ability of any such routes to pro-
3 vide safe passage for evacuation, ac-
4 cess to health care and public health
5 facilities, and emergency response
6 during an emergency event, and iden-
7 tifies any improvements or redundant
8 facilities necessary to adequately fa-
9 cilitate safe passage;

10 “(IV) describes the metropolitan
11 planning organization’s adaptation
12 and resilience improvement strategies
13 that will inform the transportation in-
14 vestment decisions of the metropolitan
15 planning organization; and

16 “(V) is consistent with and com-
17 plementary of the State, Tribal, and
18 local mitigation plans required under
19 section 322 of the Robert T. Stafford
20 Disaster Relief and Emergency Assist-
21 ance Act (42 U.S.C. 5165).

22 “(iv) CONSULTATION.—The assess-
23 ment described in this subparagraph shall
24 be developed in consultation with, as ap-
25 propriate, State, local, and Tribal officials

1 responsible for land use, housing, resil-
2 ience, hazard mitigation, and emergency
3 management.”.

4 (B) RESILIENCE PROJECTS.—Section
5 134(j)(3) of title 23, United States Code, is
6 amended by adding at the end the following:

7 “(E) RESILIENCE PROJECTS.—The TIP
8 shall—

9 “(i) identify any projects that address
10 the vulnerabilities identified by the assess-
11 ment in subsection (i)(2)(I)(iii); and

12 “(ii) describe how each project identi-
13 fied under clause (i) would improve the re-
14 siliance of the transportation system.”.

15 (2) AMENDMENTS TO TITLE 49.—

16 (A) CLIMATE CHANGE AND RESILIENCE.—
17 Section 5303(i)(2) of title 49, United States
18 Code, is amended by adding at the end the fol-
19 lowing:

20 “(I) CLIMATE CHANGE AND RESILIENCE.—

21 “(i) IN GENERAL.—The transpor-
22 tation planning process shall assess strate-
23 gies to reduce the climate change impacts
24 of the surface transportation system and
25 conduct a vulnerability assessment to iden-

1 tify opportunities to enhance the resilience
2 of the surface transportation system and
3 ensure the efficient use of Federal re-
4 sources.

5 “(ii) CLIMATE CHANGE MITIGATION
6 AND IMPACTS.—A long-range transpor-
7 tation plan shall—

8 “(I) identify investments and
9 strategies to reduce transportation-re-
10 lated sources of greenhouse gas emis-
11 sions per capita;

12 “(II) identify investments and
13 strategies to manage transportation
14 demand and increase the rates of pub-
15 lic transportation ridership, walking,
16 bicycling, and carpools; and

17 “(III) recommend zoning and
18 other land use policies that would sup-
19 port infill, transit-oriented develop-
20 ment, and mixed use development.

21 “(iii) VULNERABILITY ASSESSMENT.—
22 A long-range transportation plan shall in-
23 corporate a vulnerability assessment that—

24 “(I) includes a risk-based assess-
25 ment of vulnerabilities of critical

1 transportation assets and systems to
2 covered events (as such term is de-
3 fined in section 124 of title 23);

4 “(II) considers, as applicable, the
5 risk management analysis in the
6 State’s asset management plan devel-
7 oped pursuant to section 119 of title
8 23, and the State’s evaluation of rea-
9 sonable alternatives to repeatedly
10 damaged facilities conducted under
11 part 667 of title 23, Code of Federal
12 Regulations;

13 “(III) at the discretion of the
14 metropolitan planning organization,
15 identifies evacuation routes, assesses
16 the ability of any such routes to pro-
17 vide safe passage for evacuation, ac-
18 cess to health care and public health
19 facilities, and emergency response
20 during an emergency event, and iden-
21 tifies any improvements or redundant
22 facilities necessary to adequately fa-
23 cilitate safe passage;

24 “(IV) describes the metropolitan
25 planning organization’s adaptation

1 and resilience improvement strategies
2 that will inform the transportation in-
3 vestment decisions of the metropolitan
4 planning organization; and

5 “(V) is consistent with and com-
6 plementary of the State, Tribal, and
7 local mitigation plans required under
8 section 322 of the Robert T. Stafford
9 Disaster Relief and Emergency Assist-
10 ance Act (42 U.S.C. 5165).

11 “(iv) CONSULTATION.—The assess-
12 ment described in this subparagraph shall
13 be developed in consultation, as appro-
14 priate, with State, local, and Tribal offi-
15 cials responsible for land use, housing, re-
16 siliance, hazard mitigation, and emergency
17 management.”.

18 (B) RESILIENCE PROJECTS.—Section
19 5303(j)(3) of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(E) RESILIENCE PROJECTS.—The TIP
22 shall—

23 “(i) identify any projects that address
24 the vulnerabilities identified by the assess-
25 ment in subsection (i)(2)(I)(iii); and

1 “(ii) describe how each project identi-
2 fied under clause (i) would improve the re-
3 silience of the transportation system.”.

4 (d) STATEWIDE AND NONMETROPOLITAN PLAN-
5 NING.—

6 (1) AMENDMENTS TO TITLE 23.—

7 (A) CLIMATE CHANGE AND RESILIENCE.—

8 Section 135(f) of title 23, United States Code,
9 is amended by adding at the end the following:

10 “(10) CLIMATE CHANGE AND RESILIENCE.—

11 “(A) IN GENERAL.—The transportation
12 planning process shall assess strategies to re-
13 duce the climate change impacts of the surface
14 transportation system and conduct a vulner-
15 ability assessment to identify opportunities to
16 enhance the resilience of the surface transpor-
17 tation system and ensure the efficient use of
18 Federal resources.

19 “(B) CLIMATE CHANGE MITIGATION AND
20 IMPACTS.—A long-range transportation plan
21 shall—

22 “(i) identify investments and strate-
23 gies to reduce transportation-related
24 sources of greenhouse gas emissions per
25 capita;

1 “(ii) identify investments and strate-
2 gies to manage transportation demand and
3 increase the rates of public transportation
4 ridership, walking, bicycling, and carpools;
5 and

6 “(iii) recommend zoning and other
7 land use policies that would support infill,
8 transit-oriented development, and mixed
9 use development.

10 “(C) VULNERABILITY ASSESSMENT.—A
11 long-range transportation plan shall incorporate
12 a vulnerability assessment that—

13 “(i) includes a risk-based assessment
14 of vulnerabilities of critical transportation
15 assets and systems to covered events (as
16 such term is defined in section 124);

17 “(ii) considers, as applicable, the risk
18 management analysis in the State’s asset
19 management plan developed pursuant to
20 section 119, and the State’s evaluation of
21 reasonable alternatives to repeatedly dam-
22 aged facilities conducted under part 667 of
23 title 23, Code of Federal Regulations;

24 “(iii) identifies evacuation routes, as-
25 sesses the ability of any such routes to pro-

1 vide safe passage for evacuation, access to
2 health care and public health facilities, and
3 emergency response during an emergency
4 event, and identifies any improvements or
5 redundant facilities necessary to ade-
6 quately facilitate safe passage;

7 “(iv) describes the States’s adaptation
8 and resilience improvement strategies that
9 will inform the transportation investment
10 decisions of the State; and

11 “(v) is consistent with and com-
12 plementary of the State, Tribal, and local
13 mitigation plans required under section
14 322 of the Robert T. Stafford Disaster Re-
15 lief and Emergency Assistance Act (42
16 U.S.C. 5165).

17 “(D) CONSULTATION.—The assessment
18 described in this paragraph shall be developed
19 in consultation with, as appropriate, metropoli-
20 tan planning organizations and State, local, and
21 Tribal officials responsible for land use, hous-
22 ing, resilience, hazard mitigation, and emer-
23 gency management.”.

1 (B) RESILIENCE PROJECTS.—Section
2 135(g)(5)(B) of title 23, United States Code, is
3 amended by adding at the end the following:

4 “(iii) RESILIENCE PROJECTS.—The
5 STIP shall—

6 “(I) identify projects that ad-
7 dress the vulnerabilities identified by
8 the assessment in subsection
9 (i)(10)(B); and

10 “(II) describe how each project
11 identified under subclause (I) would
12 improve the resilience of the transpor-
13 tation system.”.

14 (2) AMENDMENTS TO TITLE 49.—

15 (A) CLIMATE CHANGE AND RESILIENCE.—
16 Section 5304(f) of title 49, United States Code,
17 is amended by adding at the end the following:

18 “(10) CLIMATE CHANGE AND RESILIENCE.—

19 “(A) IN GENERAL.—The transportation
20 planning process shall assess strategies to re-
21 duce the climate change impacts of the surface
22 transportation system and conduct a vulner-
23 ability assessment to identify opportunities to
24 enhance the resilience of the surface transpor-

1 tation system and ensure the efficient use of
2 Federal resources.

3 “(B) CLIMATE CHANGE MITIGATION AND
4 IMPACTS.—A long-range transportation plan
5 shall—

6 “(i) identify investments and strate-
7 gies to reduce transportation-related
8 sources of greenhouse gas emissions per
9 capita;

10 “(ii) identify investments and strate-
11 gies to manage transportation demand and
12 increase the rates of public transportation
13 ridership, walking, bicycling, and carpools;
14 and

15 “(iii) recommend zoning and other
16 land use policies that would support infill,
17 transit-oriented development, and mixed
18 use development.

19 “(C) VULNERABILITY ASSESSMENT.—A
20 long-range transportation plan shall incorporate
21 a vulnerability assessment that—

22 “(i) includes a risk-based assessment
23 of vulnerabilities of critical transportation
24 assets and systems to covered events (as

1 such term is defined in section 124 of title
2 23);

3 “(ii) considers, as applicable, the risk
4 management analysis in the State’s asset
5 management plan developed pursuant to
6 section 119 of title 23, and the State’s
7 evaluation of reasonable alternatives to re-
8 peatedly damaged facilities conducted
9 under part 667 of title 23, Code of Federal
10 Regulations;

11 “(iii) identifies evacuation routes, as-
12 sesses the ability of any such routes to pro-
13 vide safe passage for evacuation, access to
14 health care and public health facilities, and
15 emergency response during an emergency
16 event, and identifies any improvements or
17 redundant facilities necessary to ade-
18 quately facilitate safe passage;

19 “(iv) describes the State’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 com-
24 plementary of the State, Tribal, and local
25 mitigation plans required under section

1 322 of the Robert T. Stafford Disaster Re-
2 lief and Emergency Assistance Act (42
3 U.S.C. 5165).

4 “(D) CONSULTATION.—The assessment
5 described in this paragraph shall be developed
6 in consultation with, as appropriate, metropoli-
7 tan planning organizations and State, local, and
8 Tribal officials responsible for land use, hous-
9 ing, resilience, hazard mitigation, and emer-
10 gency management.”.

11 (B) RESILIENCE PROJECTS.—Section
12 5304(g)(5)(B) of title 49, United States Code,
13 is amended by adding at the end the following:

14 “(iii) RESILIENCE PROJECTS.—The
15 STIP shall—

16 “(I) identify projects that ad-
17 dress the vulnerabilities identified by
18 the assessment in subsection
19 (i)(10)(B); and

20 “(II) describe how each project
21 identified under subclause (I) would
22 improve the resilience of the transpor-
23 tation system.”.

1 **SEC. 1203. EMERGENCY RELIEF.**

2 (a) IN GENERAL.—Section 125 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1) by inserting “wildfire,”
5 after “severe storm,”;

6 (2) by striking subsection (b);

7 (3) in subsection (c)(2)(A) by striking “in any
8 1 fiscal year commencing after September 30,
9 1980,” and inserting “in any fiscal year”;

10 (4) in subsection (d)—

11 (A) in paragraph (3)(C) by striking “(as
12 defined in subsection (e)(1))”;

13 (B) by redesignating paragraph (3) as
14 paragraph (4); and

15 (C) by striking paragraphs (1) and (2) and
16 inserting the following:

17 “(1) IN GENERAL.—The Secretary may expend
18 funds from the emergency fund authorized by this
19 section only for the repair or reconstruction of high-
20 ways on Federal-aid highways in accordance with
21 this chapter.

22 “(2) RESTRICTIONS.—

23 “(A) IN GENERAL.—No funds shall be ex-
24 pended from the emergency fund authorized by
25 this section unless—

1 “(i) an emergency has been declared
2 by the Governor of the State with concur-
3 rence by the Secretary, unless the Presi-
4 dent has declared the emergency to be a
5 major disaster for the purposes of the Rob-
6 ert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5121 et
8 seq.) for which concurrence of the Sec-
9 retary is not required; and

10 “(ii) the Secretary has received an ap-
11 plication from the State transportation de-
12 partment that includes a comprehensive
13 list of all eligible project sites and repair
14 costs by not later than 2 years after the
15 natural disaster or catastrophic failure.

16 “(B) COST LIMITATION.—The total cost of
17 a project funded under this section may not ex-
18 ceed the cost of repair or reconstruction of a
19 comparable facility unless the Secretary deter-
20 mines that the project incorporates economi-
21 cally justified betterments, including protective
22 features to increase the resilience of the facility.

23 “(C) REPEATEDLY DAMAGED FACILI-
24 TIES.—An application submitted under this sec-
25 tion for the permanent repair or reconstruction

1 of a repeatedly damaged facility shall include
2 consideration and, if feasible, incorporation of
3 economically justifiable betterments, including
4 protective features, to increase the resilience of
5 such facility.

6 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—

7 In no case shall funds be used under this section for
8 the repair or reconstruction of a bridge—

9 “(A) that has been permanently closed to
10 all vehicular traffic by the State or responsible
11 local official because of imminent danger of col-
12 lapse due to a structural deficiency or physical
13 deterioration; or

14 “(B) if a construction phase of a replace-
15 ment structure is included in the approved
16 statewide transportation improvement program
17 at the time of an event described in subsection
18 (a).”;

19 (5) in subsection (e)—

20 (A) by striking paragraph (1);

21 (B) in paragraph (2) by striking “sub-
22 section (d)(1)” and inserting “subsection
23 (e)(1)”; and

1 (C) by redesignating paragraphs (2) and
2 (3), as amended, as paragraphs (1) and (2), re-
3 spectively;

4 (6) by redesignating subsections (c) through
5 (g), as amended, as subsections (b) through (f), re-
6 spectively; and

7 (7) by adding at the end the following:

8 “(g) IMPOSITION OF DEADLINE.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, the Secretary may not require any
11 project funded under this section to advance to the
12 construction obligation stage before the date that is
13 the last day of the sixth fiscal year after the later
14 of—

15 “(A) the date on which the Governor de-
16 clared the emergency, as described in subsection
17 (c)(2)(A)(i); or

18 “(B) the date on which the President de-
19 clared the emergency to be a major disaster, as
20 described in such subsection.

21 “(2) EXTENSION OF DEADLINE.—If the Sec-
22 retary imposes a deadline for advancement to the
23 construction obligation stage pursuant to paragraph
24 (1), the Secretary may, upon the request of the Gov-
25 ernor of the State, issue an extension of not more

1 than 1 year to complete such advancement, and may
2 issue additional extensions after the expiration of
3 any extension, if the Secretary determines the Gov-
4 ernor of the State has provided suitable justification
5 to warrant such an extension.

6 “(h) HAZARD MITIGATION PILOT PROGRAM.—

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a hazard mitigation pilot program for the pur-
9 pose of mitigating future hazards posed to Federal-
10 aid highways, Federal lands transportation facilities,
11 and Tribal transportation facilities.

12 “(2) ALLOCATION OF FUNDS.—

13 “(A) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appropriated
15 such sums as may be necessary for the pilot
16 program established under this subsection.

17 “(B) CALCULATION.—Annually, the Sec-
18 retary shall calculate the total amount of out-
19 standing eligible repair costs under the emer-
20 gency relief program under this section, includ-
21 ing the emergency relief backlog, for each
22 State, territory, and Indian Tribe.

23 “(C) ALLOCATION.—Any amounts made
24 available under this subsection shall be distrib-

1 uted to each State, territory, or Indian Tribe
2 based on—

3 “(i) the ratio that the total amount of
4 outstanding eligible repair costs for such
5 State, territory, or Indian Tribe, as de-
6 scribed under subparagraph (B); bears to

7 “(ii) the total amount of outstanding
8 eligible repair costs for all States, terri-
9 tories, and Indian Tribes, as described
10 under subparagraph (B).

11 “(D) LIMITATION.—The allocation to a
12 State, territory, or Indian Tribe described
13 under subparagraph (C) shall not exceed 5 per-
14 cent of the total amount of outstanding eligible
15 repair costs under the emergency relief program
16 for such State, territory, or Indian Tribe, as de-
17 scribed in subparagraph (B).

18 “(3) ELIGIBLE ACTIVITIES.—Amounts made
19 available under this subsection shall be used for pro-
20 tective features or other hazard mitigation activities
21 that—

22 “(A) the Secretary determines are cost ef-
23 fective and that reduce the risk of, or increase
24 the resilience to, future damage to existing as-
25 sets as a result of natural disasters; and

1 “(B) are eligible under section 124.

2 “(4) REPORT.—For each fiscal year in which
3 funding is made available for the program under this
4 subsection, the Secretary shall submit to the Com-
5 mittee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on En-
7 vironment and Public Works of the Senate a report
8 detailing—

9 “(A) a description of the activities carried
10 out under the pilot program;

11 “(B) an evaluation of the effectiveness of
12 the pilot program in meeting purposes described
13 in paragraph (1); and

14 “(C) policy recommendations to improve
15 the effectiveness of the pilot program.

16 “(5) SUNSET.—The authority provided under
17 this subsection shall terminate on October 1, 2025.

18 “(i) IMPROVING THE EMERGENCY RELIEF PRO-
19 GRAM.—Not later than 1 year after the date of enactment
20 of the INVEST in America Act, the Secretary shall—

21 “(1) revise the emergency relief manual of the
22 Federal Highway Administration—

23 “(A) to include and reflect the definition of
24 the term ‘resilience’ (as defined in section
25 101(a));

1 “(B) to identify procedures that States
2 may use to incorporate resilience into emer-
3 gency relief projects; and

4 “(C) to consider economically justified bet-
5 terments in emergency relief projects, such as—

6 “(i) protective features that increase
7 the resilience of the facility; and

8 “(ii) incorporation of context sensitive
9 design principles and other planned better-
10 ments that improve the safety of the facil-
11 ity;

12 “(2) consider transportation system access for
13 moderate and low-income families impacted by a
14 major disaster or emergency declared by the Presi-
15 dent under section 401 of the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act (42
17 U.S.C. 5170);

18 “(3) develop best practices for improving the
19 use of resilience in—

20 “(A) the emergency relief program under
21 this section; and

22 “(B) emergency relief efforts;

23 “(4) provide to division offices of the Federal
24 Highway Administration and State departments of

1 transportation information on the best practices de-
2 veloped under paragraph (2); and

3 “(5) develop and implement a process to
4 track—

5 “(A) the consideration of resilience as part
6 of the emergency relief program under this sec-
7 tion; and

8 “(B) the costs of emergency relief projects.

9 “(j) DEFINITIONS.—In this section:

10 “(1) COMPARABLE FACILITY.—The term ‘com-
11 parable facility’ means a facility that meets the cur-
12 rent geometric and construction standards required
13 for the types and volume of traffic that the facility
14 will carry over its design life.

15 “(2) CONSTRUCTION PHASE.—The term ‘con-
16 struction phase’ means the phase of physical con-
17 struction of a highway or bridge facility that is sepa-
18 rate from any other identified phases, such as plan-
19 ning, design, or right-of-way phases, in the State
20 transportation improvement program.

21 “(3) OPEN TO PUBLIC TRAVEL.—The term
22 ‘open to public travel’ means with respect to a road,
23 that, except during scheduled periods, extreme
24 weather conditions, or emergencies, the road—

25 “(A) is maintained;

1 “(B) is open to the general public; and

2 “(C) can accommodate travel by a stand-
3 ard passenger vehicle, without restrictive gates
4 or prohibitive signs or regulations, other than
5 for general traffic control or restrictions based
6 on size, weight, or class of registration.

7 “(4) STANDARD PASSENGER VEHICLE.—The
8 term ‘standard passenger vehicle’ means a vehicle
9 with 6 inches of clearance from the lowest point of
10 the frame, body, suspension, or differential to the
11 ground.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) FEDERAL LANDS AND TRIBAL TRANSPOR-
14 TATION PROGRAMS.—Section 201(c)(8)(A) of title
15 23, United States Code, is amended by striking
16 “section 125(e)” and inserting “section 125(j)”.

17 (2) TRIBAL TRANSPORTATION PROGRAM.—Sec-
18 tion 202(b)(6)(A) of title 23, United States Code, is
19 amended by striking “section 125(e)” and inserting
20 “section 125(d)”.

21 (c) REPEAL.—Section 668.105(h) of title 23, Code
22 of Federal Regulations, is repealed.

23 **SEC. 1204. RAILWAY CROSSINGS.**

24 (a) IN GENERAL.—Section 130 of title 23, United
25 States Code, is amended—

1 (1) in the section heading by striking “**Rail-**
2 **way-highway crossings**” and inserting “**Rail-**
3 **way crossings**”;

4 (2) in subsection (a)—

5 (A) by striking “Subject to section 120
6 and subsection (b) of this section, the entire”
7 and inserting “IN GENERAL.—The”;

8 (B) by striking “then the entire” and in-
9 serting “the”; and

10 (C) by striking “, subject to section 120
11 and subsection (b) of this section,”;

12 (3) by amending subsection (b) to read as fol-
13 lows:

14 “(b) CLASSIFICATION.—

15 “(1) IN GENERAL.—The construction of
16 projects for the elimination of hazards at railway
17 crossings represents a benefit to the railroad. The
18 Secretary shall classify the various types of projects
19 involved in the elimination of hazards of railway-
20 highway crossings, and shall set for each such classi-
21 fication a percentage of the total project cost that
22 represent the benefit to the railroad or railroads for
23 the purpose of determining the railroad’s share of
24 the total project cost. The Secretary shall determine
25 the appropriate classification of each project.

1 “(2) NONCASH CONTRIBUTIONS.—

2 “(A) IN GENERAL.—Not more than 5 per-
3 cent of the cost share described in paragraph
4 (1) may be attributable to noncash contribu-
5 tions of materials and labor furnished by the
6 railroad in connection with the construction of
7 such project.

8 “(B) REQUIREMENT.—The requirements
9 under section 200.306 and 200.403(g) of title
10 2, Code of Federal Regulations (or successor
11 regulations), shall apply to any noncash con-
12 tributions under this subsection.

13 “(3) TOTAL PROJECT COST.—For the purposes
14 of this subsection, the determination of the rail-
15 road’s share of the total project cost shall include
16 environment, design, right-of-way, utility accommo-
17 dation, and construction phases of the project.”;

18 (4) in subsection (c)—

19 (A) by striking “Any railroad involved”
20 and inserting “BENEFIT.—Any railroad in-
21 volved”;

22 (B) by striking “the net benefit” and in-
23 serting “the cost associated with the benefit”;
24 and

1 (C) by striking “Such payment may con-
2 sist in whole or in part of materials and labor
3 furnished 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 appor-
9 tioned to a State under section 104(b)(7) may be ob-
10 ligated for the following:

11 “(A) The elimination of hazards at rail-
12 way-highway crossings, including technology or
13 protective upgrades.

14 “(B) Construction or installation of protec-
15 tive devices (including replacement of function-
16 ally obsolete protective devices) at railway-high-
17 way crossings.

18 “(C) Infrastructure and noninfrastructure
19 projects and strategies to prevent or reduce sui-
20 cide or trespasser fatalities and injuries along
21 railroad rights-of-way and at or near railway-
22 highway crossings.

23 “(D) Projects to mitigate any degradation
24 in the level of access from a highway-grade
25 crossing 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
9 if such amounts were made available to
10 carry 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
13 of a project carried out under such section.

14 “(2) SPECIAL RULE.—If a State demonstrates
15 to the satisfaction of the Secretary that the State
16 has met all its needs for installation of protective de-
17 vices at railway-highway crossings, the State may
18 use funds made available by this section for other
19 highway safety improvement program purposes.”;

20 (6) by striking subsection (f) and inserting the
21 following:

22 “(f) FEDERAL SHARE.—Notwithstanding section
23 120, the Federal share payable on account of any project
24 financed 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 re-
9 port on the progress being made to implement
10 the railway crossings program authorized by
11 this section and the effectiveness of projects to
12 improve railway crossing safety.

13 “(B) CONTENTS.—Each State report
14 under subparagraph (A) shall contain an as-
15 sessment of the costs of the various treatments
16 employed and subsequent accident experience at
17 improved locations.

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
23 of Transportation a report on the progress
24 being made by the State in implementing
25 projects to improve railway crossings.

1 “(B) CONTENTS.—The report under sub-
2 paragraph (A) shall include—

3 “(i) the number of projects under-
4 taken;

5 “(ii) distribution of such projects by
6 cost range, road system, nature of treat-
7 ment, and subsequent accident experience
8 at improved locations;

9 “(iii) an analysis and evaluation of
10 each State program;

11 “(iv) the identification of any State
12 found not to be in compliance with the
13 schedule of improvements required by sub-
14 section (d); and

15 “(v) recommendations for future im-
16 plementation of the railway crossings pro-
17 gram.”;

18 (8) in subsection (j)—

19 (A) in the heading by inserting “AND PE-
20 DESTRIAN” after “BICYCLE”; and

21 (B) by inserting “and pedestrian” after
22 “bicycle”; and

23 (9) in subsection (l)—

24 (A) in paragraph (1) by striking “Not
25 later than” and all that follows through “each

1 State” and inserting “Not later than 6 months
2 after a new railway crossing becomes oper-
3 ational, each State”; and

4 (B) in paragraph (2) by striking “On a
5 periodic” and all that follows through “every
6 year thereafter” and inserting “On or before
7 September 30 of each year”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 1 of title 23, United States Code, is amended by
10 amending the item relating to section 130 to read as fol-
11 lows:

“130. Railway crossings.”.

12 (c) GAO STUDY.—Not later than 2 years after the
13 date of enactment of this Act, the Comptroller General
14 of the United States shall submit to Congress a report
15 that includes an analysis of the effectiveness of the railway
16 crossing program under section 130 of title 23, United
17 States Code.

18 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
19 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
20 sense of Congress that the Department of Transportation
21 should, where feasible, coordinate departmental efforts to
22 prevent or reduce trespasser deaths along railroad rights-
23 of-way and at or near railway-highway crossings.

1 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

2 (a) IN GENERAL.—Section 133 of title 23, United
3 States Code, is amended—

4 (1) in the heading by striking “**block grant**”;

5 (2) in subsection (a) by striking “block grant”;

6 (3) in subsection (b)—

7 (A) by striking “block grant”;

8 (B) in paragraph (4) by striking “railway-
9 highway grade crossings” and inserting
10 “projects eligible under section 130 and instal-
11 lation of safety barriers and nets on bridges”;

12 (C) in paragraph (6)—

13 (i) by striking “Recreational” and in-
14 serting “Transportation alternatives
15 projects eligible under subsection (h), rec-
16 reational”; and

17 (ii) by striking “1404 of SAFETEA-
18 LU (23 U.S.C. 402 note)” and inserting
19 “211”;

20 (D) in paragraph (12) by striking “travel”
21 and inserting “transportation”; and

22 (E) by adding at the end the following:

23 “(16) Protective features (including natural in-
24 frastructure and vegetation control and clearance) to
25 enhance the resilience of a transportation facility
26 otherwise eligible for assistance under this section.

1 “(17) Projects to reduce greenhouse gas emis-
2 sions eligible under section 171, including the instal-
3 lation of electric vehicle charging infrastructure.

4 “(18) Projects and strategies to reduce vehicle-
5 caused wildlife mortality related to, or to restore and
6 maintain connectivity among terrestrial or aquatic
7 habitats affected by, a transportation facility other-
8 wise eligible for assistance under this section.

9 “(19) A surface transportation project carried
10 out in accordance with the national travel and tour-
11 ism infrastructure strategic plan under section
12 1431(e) of the FAST Act (49 U.S.C. 301 note).

13 “(20) roads in rural areas that primarily serve
14 to transport agricultural products from a farm or
15 ranch to a marketplace.

16 “(21) The removal, retrofit, repurposing, reme-
17 diation, or replacement of a highway or other trans-
18 portation facility that creates a barrier to commu-
19 nity connectivity to improve access for multiple
20 modes of transportation.”;

21 (4) in subsection (c)—

22 (A) by striking “block grant” and inserting
23 “program”;

24 (B) by striking paragraph (3) and insert-
25 ing the following:

1 “(3) for a project described in—

2 “(A) subsection (h); or

3 “(B) section 101(a)(29), as in effect on
4 the day before the date of enactment of the
5 FAST Act;”;

6 (C) by redesignating paragraph (4) as
7 paragraph (5); and

8 (D) by inserting after paragraph (3) the
9 following:

10 “(4) for a project described in section 5308 of
11 title 49; and”;

12 (5) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) by inserting “each fiscal year”
15 after “apportioned to a State”;

16 (ii) by striking “the reservation of”
17 and inserting “setting aside”; and

18 (iii) in subparagraph (A)—

19 (I) by striking “the percentage
20 specified in paragraph (6) for a fiscal
21 year” and inserting “57 percent for
22 fiscal year 2023, 58 percent for fiscal
23 year 2024, 59 percent for fiscal year
24 2025, and 60 percent for fiscal year
25 2026”;

1 (II) in clause (i) by striking “of
2 over” and inserting “greater than”;
3 and

4 (III) by striking clauses (ii) and
5 (iii) and inserting the following:

6 “(ii) in urbanized areas of the State
7 with an urbanized area population greater
8 than 49,999 and less than 200,001;

9 “(iii) in urban areas of the State with
10 a population greater than 4,999 and less
11 than 50,000; and

12 “(iv) in other areas of the State with
13 a population less than 5,000; and”;

14 (B) by striking paragraph (3) and insert-
15 ing the following:

16 “(3) LOCAL COORDINATION AND CONSULTA-
17 TION.—

18 “(A) COORDINATION WITH METROPOLITAN
19 PLANNING ORGANIZATIONS.—For purposes of
20 paragraph (1)(A)(ii), a State shall—

21 “(i) establish a process to coordinate
22 with all metropolitan planning organiza-
23 tions in the State that represent an urban-
24 ized area described in such paragraph; and

1 “(ii) describe how funds described
2 under paragraph (1)(A)(ii) will be allo-
3 cated equitably among such urbanized
4 areas during the period of fiscal years
5 2023 through 2026.

6 “(B) JOINT RESPONSIBILITY.—Each State
7 and the Secretary shall jointly ensure compli-
8 ance with subparagraph (A).

9 “(C) CONSULTATION WITH REGIONAL
10 TRANSPORTATION PLANNING ORGANIZA-
11 TIONS.—For purposes of clauses (iii) and (iv)
12 of paragraph (1)(A), before obligating funding
13 attributed to an area with a population less
14 than 50,000, a State shall consult with the re-
15 gional transportation planning organizations
16 that represent the area, if any.”;

17 (C) in the heading for paragraph (4) by
18 striking “OVER 200,000” and inserting “GREAT-
19 ER THAN 200,000”;

20 (D) by striking paragraph (6) and insert-
21 ing the following:

22 “(6) TECHNICAL ASSISTANCE.—

23 “(A) IN GENERAL.—The State and all
24 metropolitan planning organizations in the
25 State that represent an urbanized area with a

1 population of greater than 200,000 may jointly
2 establish a program to improve the ability of
3 applicants to deliver projects under this sub-
4 section in an efficient and expeditious manner
5 and reduce the period of time between the selec-
6 tion of the project and the obligation of funds
7 for the project by providing—

8 “(i) technical assistance and training
9 to applicants for projects under this sub-
10 section; and

11 “(ii) funding for one or more full-time
12 State, regional, or local government em-
13 ployee positions to administer this sub-
14 section.

15 “(B) ELIGIBLE FUNDS.—To carry out this
16 paragraph, a State or metropolitan planning or-
17 ganization may use funds made available under
18 paragraphs (2) or (6) of section 104(b)

19 “(C) USE OF FUNDS.—Amounts used
20 under this paragraph may be expended—

21 “(i) directly by the State or metropoli-
22 tan planning organization; or

23 “(ii) through contracts with State
24 agencies, private entities, or nonprofit or-
25 ganizations.”;

1 (6) in subsection (e)—

2 (A) in paragraph (1)—

3 (i) by striking “over 200,000” and in-
4 serting “greater than 200,000”; and

5 (ii) by striking “2016 through 2020”
6 and inserting “2023 through 2026”; and

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

8 “(3) ANNUAL AMOUNTS.—To the extent prac-
9 ticable, each State shall annually notify each af-
10 fected metropolitan planning organization as to the
11 amount of obligation authority that will be made
12 available under paragraph (1) to each affected met-
13 ropolitan planning organization for the fiscal year.”;

14 (7) by striking subsection (f) and inserting the
15 following:

16 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

17 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
18 this subsection, the term ‘off-system bridge’ means
19 a bridge located on a public road, other than a
20 bridge on a Federal-aid highway.

21 “(2) SPECIAL RULE.—

22 “(A) SET ASIDE.—Of the amounts appor-
23 tioned to a State for each fiscal year under this
24 section other than the amounts described in
25 subparagraph (C), the State shall obligate for

1 activities described in subsection (b)(2) (as in
2 effect on the day before the date of enactment
3 of the FAST Act) for off-system bridges an
4 amount that is not less than 20 percent of the
5 amounts available to such State under this sec-
6 tion in fiscal year 2020, not including the
7 amounts described in subparagraph (C).

8 “(B) REDUCTION OF EXPENDITURES.—
9 The Secretary, after consultation with State
10 and local officials, may reduce the requirement
11 for expenditures for off-system bridges under
12 subparagraph (A) with respect to the State if
13 the Secretary determines that the State has in-
14 adequate needs to justify the expenditure.

15 “(C) LIMITATIONS.—The following
16 amounts shall not be used for the purposes of
17 meeting the requirements of subparagraph (A):

18 “(i) Amounts described in section
19 133(d)(1)(A).

20 “(ii) Amounts set aside under section
21 133(h).

22 “(iii) Amounts described in section
23 505(a).

24 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
25 AID HIGHWAYS.—Notwithstanding any other provi-

1 sion of law, with respect to any project not on a
2 Federal-aid highway for the replacement of a bridge
3 or rehabilitation of a bridge that is wholly funded
4 from State and local sources, is eligible for Federal
5 funds under this section, is certified by the State to
6 have been carried out in accordance with all stand-
7 ards applicable to such projects under this section,
8 and is determined by the Secretary upon completion
9 to be no longer a deficient bridge—

10 “(A) any amount expended after the date
11 of enactment of this subsection from State and
12 local sources for the project in excess of 20 per-
13 cent of the cost of construction of the project
14 may be credited to the non-Federal share of the
15 cost of other bridge projects in the State that
16 are eligible for Federal funds under this sec-
17 tion; and

18 “(B) that crediting shall be conducted in
19 accordance with procedures established by the
20 Secretary.”; and

21 (8) in subsection (g)—

22 (A) in the heading by striking “5,000” and
23 inserting “50,000”; and

24 (B) in paragraph (1) by striking “sub-
25 section (d)(1)(A)(ii)” and all that follows

1 through the period at the end and inserting
2 “clauses (iii) and (iv) of subsection (d)(1)(A)
3 for each fiscal year may be obligated on roads
4 functionally classified as rural minor collectors
5 or local roads or on critical rural freight cor-
6 ridors designated under section 167(e).”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 1 of title 23, United States Code, is amended by strik-
9 ing the item relating to section 133 and inserting the fol-
10 lowing:

“133. Surface transportation program.”.

11 (c) CONFORMING AMENDMENTS.—

12 (1) ADVANCE ACQUISITION OF REAL PROP-
13 erty.—Section 108(c) of title 23, United States
14 Code, is amended—

15 (A) in paragraph (2)(A) by striking “block
16 grant”; and

17 (B) in paragraph (3) by striking “block
18 grant”.

19 (2) PUBLIC TRANSPORTATION.—Section
20 142(e)(2) of title 23, United States Code, is amend-
21 ed by striking “block grant”.

22 (3) HIGHWAY USE TAX EVASION PROJECTS.—
23 Section 143(b)(8) of title 23, United States Code, is
24 amended in the heading by striking “BLOCK
25 GRANT”.

1 (4) CONGESTION MITIGATION AND AIR QUALITY
2 IMPROVEMENT PROGRAM.—Section 149(d) of title
3 23, United States Code, is amended—

4 (A) in paragraph (1)(B) by striking “block
5 grant”; and

6 (B) in paragraph (2)(A) by striking “block
7 grant”.

8 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
9 PROGRAM.—Section 165 of title 23, United States
10 Code, is amended—

11 (A) in subsection (b)(2)(A)(ii) by striking
12 “block grant” each time such term appears;
13 and

14 (B) in subsection (c)(6)(A)(i) by striking
15 “block grant”.

16 (6) MAGNETIC LEVITATION TRANSPORTATION
17 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
18 322(h)(3) of title 23, United States Code, is amend-
19 ed by striking “block grant”.

20 (7) TRAINING AND EDUCATION.—Section
21 504(a)(4) of title 23, United States Code, is amend-
22 ed by striking “block grant”.

23 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

24 Section 133(h) of title 23, United States Code, is
25 amended to read as follows:

1 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
2 SET-ASIDE.—

3 “(1) SET ASIDE.—For each fiscal year, of the
4 total funds apportioned to all States under section
5 104(b)(2) for a fiscal year, the Secretary shall set
6 aside an amount such that—

7 “(A) the Secretary sets aside a total
8 amount under this subsection for a fiscal year
9 equal to 10 percent of such total funds; and

10 “(B) the State’s share of the amount set
11 aside under subparagraph (A) is determined by
12 multiplying the amount set aside under sub-
13 paragraph (A) by the ratio that—

14 “(i) the amount apportioned to the
15 State for the transportation enhancement
16 program for fiscal year 2009 under section
17 133(d)(2), as in effect on the day before
18 the date of enactment of MAP–21; bears
19 to

20 “(ii) the total amount of funds appor-
21 tioned to all States for the transportation
22 enhancements program for fiscal year
23 2009.

24 “(2) ALLOCATION WITHIN A STATE.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), funds set aside for a State
3 under paragraph (1) shall be obligated within
4 that State in the manner described in sub-
5 sections (d) and (e), except that, for purposes
6 of this paragraph (after funds are made avail-
7 able under paragraph (5))—

8 “(i) for each fiscal year, the percent-
9 age referred to in paragraph (1)(A) of sub-
10 section (d) shall be deemed to be 66 per-
11 cent; and

12 “(ii) paragraph (3) of subsection (d)
13 shall not apply.

14 “(B) LOCAL CONTROL.—

15 “(i) IN GENERAL.—A State may make
16 available up to 100 percent of the funds
17 set aside under paragraph (1) to the enti-
18 ties described in subclause (I) if the State
19 submits to the Secretary, and the Sec-
20 retary approves, a plan that describes—

21 “(I) how such funds shall be
22 made available to metropolitan plan-
23 ning organizations, regional transpor-
24 tation planning organizations, coun-

1 ties, or other regional transportation
2 authorities;

3 “(II) how the entities described
4 in subclause (I) shall select projects
5 for funding and how such entities
6 shall report selected projects to the
7 State;

8 “(III) the legal, financial, and
9 technical capacity of such entities; and

10 “(IV) the procedures in place to
11 ensure such entities comply with the
12 requirements of this title.

13 “(ii) REQUIREMENT.—A State that
14 makes funding available under a plan ap-
15 proved under this subparagraph shall make
16 available an equivalent amount of obliga-
17 tion authority to an entity described in
18 clause (i)(I) to whom funds are made
19 available under this subparagraph.

20 “(3) ELIGIBLE PROJECTS.—Funds set aside
21 under this subsection may be obligated for any of
22 the following projects or activities:

23 “(A) Construction, planning, and design of
24 on-road and off-road trail facilities for pedes-
25 trians, bicyclists, and other nonmotorized forms

1 of transportation, including sidewalks, bicycle
2 infrastructure, pedestrian and bicycle signals,
3 traffic calming techniques, lighting and other
4 safety-related infrastructure, and transportation
5 projects to achieve compliance with the Ameri-
6 cans with Disabilities Act of 1990 (42 U.S.C.
7 12101 et seq.).

8 “(B) Construction, planning, and design of
9 infrastructure-related projects and systems that
10 will provide safe routes for nondrivers, includ-
11 ing children, older adults, and individuals with
12 disabilities to access daily needs.

13 “(C) Conversion and use of abandoned
14 railroad corridors for trails for pedestrians,
15 bicyclists, or other nonmotorized transportation
16 users.

17 “(D) Construction of turnouts, overlooks,
18 and viewing areas.

19 “(E) Community improvement activities,
20 including—

21 “(i) inventory, control, or removal of
22 outdoor advertising;

23 “(ii) historic preservation and reha-
24 bilitation of historic transportation facili-
25 ties;

1 “(iii) vegetation management prac-
2 tices in transportation rights-of-way to im-
3 prove roadway safety, prevent against
4 invasive species, facilitate wildfire control,
5 and provide erosion control; and

6 “(iv) archaeological activities relating
7 to impacts from implementation of a trans-
8 portation project eligible under this title.

9 “(F) Any environmental mitigation activ-
10 ity, including pollution prevention and pollution
11 abatement activities and mitigation to address
12 stormwater management, control, and water
13 pollution prevention or abatement related to
14 highway construction or due to highway runoff,
15 including activities described in sections 328(a)
16 and 329.

17 “(G) Projects and strategies to reduce ve-
18 hicle-caused wildlife mortality related to, or to
19 restore and maintain connectivity among terres-
20 trial or aquatic habitats affected by, a transpor-
21 tation facility otherwise eligible for assistance
22 under this subsection.

23 “(H) The recreational trails program
24 under section 206.

1 “(I) The safe routes to school program
2 under section 211.

3 “(J) Activities in furtherance of a vulner-
4 able road user assessment described in section
5 148.

6 “(K) Any other projects or activities de-
7 scribed in section 101(a)(29) or section 213, as
8 such sections were in effect on the day before
9 the date of enactment of the FAST Act (Public
10 Law 114–94).

11 “(4) ACCESS TO FUNDS.—

12 “(A) IN GENERAL.—A State, metropolitan
13 planning organization required to obligate funds
14 in accordance with paragraph (2)(A), or an en-
15 tity required to obligate funds in accordance
16 with paragraph (2)(B) shall develop a competi-
17 tive process to allow eligible entities to submit
18 projects for funding that achieve the objectives
19 of this subsection. A metropolitan planning or-
20 ganization for an area described in subsection
21 (d)(1)(A)(i) shall select projects under such
22 process in consultation with the relevant State.

23 “(B) PRIORITY.—The processes described
24 in subparagraph (A) shall prioritize project lo-

1 cation and impact in low-income, transit-de-
2 pendent, or other high-need areas.

3 “(C) ELIGIBLE ENTITY DEFINED.—In this
4 paragraph, the term ‘eligible entity’ means—

5 “(i) a local government, including a
6 county or multi-county special district;

7 “(ii) a regional transportation author-
8 ity;

9 “(iii) a transit agency;

10 “(iv) a natural resource or public land
11 agency;

12 “(v) a school district, local education
13 agency, or school;

14 “(vi) a tribal government;

15 “(vii) a metropolitan planning organi-
16 zation that serves an urbanized area with
17 a population of 200,000 or fewer;

18 “(viii) a nonprofit organization car-
19 rying out activities related to transpor-
20 tation;

21 “(ix) any other local or regional gov-
22 ernmental entity with responsibility for or
23 oversight of transportation or recreational
24 trails (other than a metropolitan planning
25 organization that serves an urbanized area

1 with a population of over 200,000 or a
2 State agency) that the State determines to
3 be eligible, consistent with the goals of this
4 subsection; and

5 “(x) a State, at the request of any en-
6 tity listed in clauses (i) through (ix).

7 “(5) CONTINUATION OF CERTAIN REC-
8 REATIONAL TRAILS PROJECTS.—

9 “(A) IN GENERAL.—For each fiscal year, a
10 State shall—

11 “(i) obligate an amount of funds set
12 aside under this subsection equal to 175
13 percent of the amount of the funds appor-
14 tioned to the State for fiscal year 2009
15 under section 104(h)(2), as in effect on the
16 day before the date of enactment of MAP-
17 21, for projects relating to recreational
18 trails under section 206;

19 “(ii) return 1 percent of the funds de-
20 scribed in clause (i) to the Secretary for
21 the administration of such program; and

22 “(iii) comply with the provisions of
23 the administration of the recreational trails
24 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 no-
6 tifies 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
15 with paragraph (2)(A), to improve the ability of
16 applicants to access funding for projects under
17 this subsection in an efficient and expeditious
18 manner 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 one or more full-time
2 State employee positions to administer this
3 subsection.

4 “(B) USE OF FUNDS.—Amounts used
5 under 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 “(C) IMPROVING PROJECT DELIVERY.—

11 “(i) IN GENERAL.—The Secretary
12 shall take such action as may be necessary,
13 consistent with Federal requirements, to
14 facilitate efficient and timely delivery of
15 projects under this subsection that are
16 small, low impact, and constructed within
17 an existing built environment.

18 “(ii) CONSIDERATIONS.—The Sec-
19 retary shall consider the use of pro-
20 grammatic agreements, expedited or alter-
21 native procurement processes (including
22 project bundling), and other effective prac-
23 tices to facilitate the goals of this para-
24 graph.

25 “(7) FEDERAL SHARE.—

1 “(A) FLEXIBLE MATCH.—

2 “(i) IN GENERAL.—Notwithstanding
3 section 120—

4 “(I) the non-Federal share for a
5 project under this subsection may be
6 calculated on a project, multiple-
7 project, or program basis; and

8 “(II) the Federal share of the
9 cost of an individual project in this
10 subsection may be up to 100 percent.

11 “(ii) AGGREGATE NON-FEDERAL
12 SHARE.—The average annual non-Federal
13 share of the total cost of all projects for
14 which funds are obligated under this sub-
15 section in a State for a fiscal year shall be
16 not less than the non-Federal share au-
17 thORIZED for the State under section 120.

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 “(8) 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—

21 “(I) that the State held a com-
22 petition in compliance with the re-
23 quirements of this subsection in such
24 form as the Secretary determines ap-
25 propriate;

1 “(II) that the State offered tech-
2 nical assistance to all eligible entities
3 and provided such assistance upon re-
4 quest by an eligible entity; and

5 “(III) that there were not suffi-
6 cient suitable applications from eligi-
7 ble entities to use the funds described
8 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 “(9) 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 by eli-
18 gibility category to be carried out, ex-
19 pressed as percentages of the total ap-
20 portionment of the State under this
21 subsection; and

22 “(ii) the list of each project selected
23 for funding for each fiscal year, including
24 specifying the fiscal year for which the
25 project was selected, the fiscal year in

1 which the project is anticipated to be fund-
2 ed, the recipient, the funding sources (in-
3 cluding non-Federal match), the project
4 status, the specific location, the congress-
5 sional district, the type by eligibility cat-
6 egory, and a brief description.

7 “(B) PUBLIC AVAILABILITY.—The Sec-
8 retary shall make available to the public, in a
9 user-friendly format on the website of the De-
10 partment of Transportation, a copy of each an-
11 nual report submitted under subparagraph
12 (A).”.

13 **SEC. 1207. BRIDGE INVESTMENT.**

14 (a) IN GENERAL.—Section 144 of title 23, United
15 States Code, is amended—

16 (1) in the section heading by striking “**Na-**
17 **tional bridge and tunnel inventory and**
18 **inspection standards**” and inserting
19 “**Bridges and tunnels**”;

20 (2) in subsection (a)(1)(B) by striking “defi-
21 cient”;

22 (3) in subsection (b)(5) by striking “struc-
23 turally deficient bridge” and inserting “bridge classi-
24 fied as in poor condition”;

25 (4) in subsection (d)—

1 (A) in paragraph (2) by striking “Not
2 later than 2 years after the date of enactment
3 of the MAP-21, each” and inserting “Each”;
4 and

5 (B) by striking paragraph (4);
6 (5) in subsection (j)—

7 (A) in paragraph (2) by inserting “, 124,”
8 after “section 119”;

9 (B) in paragraph (3)(A) by inserting “,
10 124,” after “section 119”; and

11 (C) in paragraph (5) by striking “financial
12 characteristics” and all that follows through the
13 end and inserting “Federal share.”; and

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

15 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
16 BILITATION.—

17 “(1) GOALS.—The goals of this subsection shall
18 be to—

19 “(A) support the achievement of a state of
20 good repair for the Nation’s bridges;

21 “(B) improve the safety, efficiency, and re-
22 liability of the movement of people and freight
23 over bridges; and

24 “(C) improve the condition of bridges in
25 the United States by reducing—

- 1 “(i) the number of bridges—
2 “(I) in poor condition; or
3 “(II) in fair condition and at risk
4 of falling into poor condition;
5 “(ii) the total person miles traveled
6 over bridges—
7 “(I) in poor condition; or
8 “(II) in fair condition and at risk
9 of falling into poor condition;
10 “(iii) the number of bridges that—
11 “(I) do not meet current geo-
12 metric design standards; or
13 “(II) cannot meet the load and
14 traffic requirements typical of the re-
15 gional transportation network; and
16 “(iv) the total person miles traveled
17 over bridges that—
18 “(I) do not meet current geo-
19 metric design standards; or
20 “(II) cannot meet the load and
21 traffic requirements typical of the re-
22 gional transportation network.

23 “(2) BRIDGES ON PUBLIC ROADS.—

24 “(A) MINIMUM BRIDGE INVESTMENT.—

25 Excluding the amounts described in subpara-

1 graph (C), of the total funds apportioned to a
2 State under paragraphs (1) and (2) of section
3 104(b) for fiscal years 2023 to 2026, a State
4 shall obligate not less than 20 percent for
5 projects described in subparagraph (E).

6 “(B) PROGRAM FLEXIBILITY.—A State re-
7 quired to obligate funds under subparagraph
8 (A) may use any combination of funds appor-
9 tioned to a State under paragraphs (1) and (2)
10 of section 104(b).

11 “(C) LIMITATION.—Amounts described
12 below may not be used for the purposes of cal-
13 culating or meeting the minimum bridge invest-
14 ment requirement under subparagraph (A)—

15 “(i) amounts described in section
16 133(d)(1)(A);

17 “(ii) amounts set aside under section
18 133(h); and

19 “(iii) amounts described in section
20 505(a).

21 “(D) RULE OF CONSTRUCTION.—Nothing
22 in this section shall be construed to prohibit the
23 expenditure of funds described in subparagraph
24 (C) for bridge projects eligible under such sec-
25 tion.

1 “(E) ELIGIBLE PROJECTS.—Funds re-
2 quired to be obligated in accordance with para-
3 graph (2)(A) may be obligated for projects or
4 activities that—

5 “(i) are otherwise eligible under either
6 section 119 or section 133, as applicable;

7 “(ii) support the achievement of per-
8 formance targets of the State established
9 under section 150, are consistent with the
10 transportation asset management plan of
11 the State, or provide support for the condi-
12 tion and performance of bridges on public
13 roads within the State; and

14 “(iii) remove, replace, reconstruct, re-
15 habilitate, preserve, or protect a bridge in-
16 cluded on the national bridge inventory au-
17 thorized by subsection (b), including
18 through—

19 “(I) seismic retrofits;

20 “(II) systematic preventive main-
21 tenance;

22 “(III) installation of scour coun-
23 termeasures;

24 “(IV) the use of innovative mate-
25 rials that extend the service life of the

1 bridge and reduce preservation costs,
2 as compared to conventionally de-
3 signed and constructed bridges;

4 “(V) the use of nontraditional
5 production techniques, including fac-
6 tory prefabrication;

7 “(VI) painting for purposes of
8 bridge protection;

9 “(VII) application of calcium
10 magnesium acetate, sodium acetate/
11 formate, or other environmentally ac-
12 ceptable, minimally corrosive anti-
13 icing and deicing compositions;

14 “(VIII) corrosion control;

15 “(IX) construction of protective
16 features (including natural infrastruc-
17 ture) alone or in combination with
18 other activities eligible under this
19 paragraph to enhance resilience of a
20 bridge;

21 “(X) bridge security counter-
22 measures;

23 “(XI) impact protection meas-
24 ures for bridges;

1 “(XII) inspection and evaluation
2 of bridges;

3 “(XIII) training for bridge in-
4 spectors consistent with subsection (i);
5 and

6 “(XIV) removal of a bridge clas-
7 sified as in poor condition in order to
8 improve community connectivity.

9 “(F) BUNDLES OF PROJECTS.—A State
10 may use a bundle of projects as described in
11 subsection (j) to satisfy the requirements of
12 subparagraph (A), if each project in the bundle
13 is otherwise eligible under subparagraph (E).

14 “(G) FLEXIBILITY.—The Secretary may,
15 at the request of a State, reduce the required
16 obligation under subparagraph (A) if—

17 “(i) the reduction is consistent with a
18 State’s asset management plan for the Na-
19 tional Highway System;

20 “(ii) the reduction will not limit a
21 State’s ability to meet its performance tar-
22 gets under section 150 or to improve the
23 condition and performance of bridges on
24 public roads within the State; and

1 “(iii) the State demonstrates that it
2 has inadequate needs to justify the expend-
3 iture.

4 “(H) BRIDGE INVESTMENT REPORT.—The
5 Secretary shall annually publish on the website
6 of the Department of Transportation a bridge
7 investment report that includes—

8 “(i) the total Federal funding obli-
9 gated for bridge projects in the most re-
10 cent fiscal year, on a State-by-State basis
11 and broken out by Federal program;

12 “(ii) the total Federal funding obli-
13 gated, on a State-by-State basis and bro-
14 ken out by Federal program, for bridge
15 projects carried out pursuant to the min-
16 imum bridge investment requirements
17 under subparagraph (A);

18 “(iii) the progress made by each State
19 toward meeting the minimum bridge in-
20 vestment requirement under subparagraph
21 (A) for such State, both cumulatively and
22 for the most recent fiscal year;

23 “(iv) a summary of—

24 “(I) each request made under
25 subparagraph (G) by a State for a re-

1 duction in the minimum bridge invest-
2 ment requirement under subpara-
3 graph (A); and

4 “(II) for each request described
5 in subclause (I) that is granted by the
6 Secretary—

7 “(aa) the percentage and
8 dollar amount of the reduction;
9 and

10 “(bb) an explanation of how
11 the State met each of the criteria
12 described in subparagraph (G);
13 and

14 “(v) a summary of—

15 “(I) each request made by a
16 State for a reduction in the obligation
17 requirements under section 133(f);
18 and

19 “(II) for each request that is
20 granted by the Secretary—

21 “(aa) the percentage and
22 dollar amount of the reduction;
23 and

24 “(bb) an explanation of how
25 the Secretary made the deter-

1 mination under section
2 133(f)(2)(B).

3 “(I) OFF-SYSTEM BRIDGES.—A State may
4 apply amounts obligated under this subsection
5 or section 133(f)(2)(A) to the obligation re-
6 quirements of both this subsection and section
7 133(f).

8 “(J) NHS PENALTY.—A State may apply
9 amounts obligated under this subsection or sec-
10 tion 119(f)(2) to the obligation requirements of
11 both this subsection and section 119(f)(2).

12 “(K) COMPLIANCE.—If a State fails to
13 satisfy the requirements of subparagraph (A)
14 by the end of fiscal year 2025, the Secretary
15 may subject the State to appropriate program
16 sanctions under section 1.36 of title 23, Code of
17 Federal Regulations (or successor regula-
18 tions).”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code, is amended by strik-
21 ing the item relating to section 144 and inserting the fol-
22 lowing:

“144. Bridges and tunnels.”.

1 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
2 **TERMINAL FACILITIES.**

3 Section 147 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsections (i) and (j) as
7 subsections (h) and (i), respectively.

8 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

9 (a) **IN GENERAL.**—Section 148 of title 23, United
10 States Code, is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (4)(B)—

13 (i) by striking “only includes a
14 project” and inserting “includes a
15 project”;

16 (ii) in clause (xiii) by inserting “, in-
17 cluding the development of a vulnerable
18 road user safety assessment or a vision
19 zero plan under section 1601 of the IN-
20 VEST in America Act” after “safety plan-
21 ning”;

22 (iii) by amending clause (xviii) to read
23 as follows:

24 “(xviii) Safe routes to school infra-
25 structure-related projects eligible under
26 section 211.”;

1 (iv) in clause (xxvi) by inserting “or
2 leading pedestrian intervals” after “hybrid
3 beacons”; and

4 (v) by striking clause (xxviii) and in-
5 serting the following:

6 “(xxviii) A pedestrian security feature
7 designed to slow or stop a motor vehicle.

8 “(xxix) Installation of infrastructure
9 improvements, including sidewalks, cross-
10 walks, signage, and bus stop shelters or
11 protected waiting areas.”;

12 (B) in paragraph (11)—

13 (i) in subparagraph (A)—

14 (I) in clause (ix) by striking
15 “and” at the end;

16 (II) by redesignating clause (x)
17 as clause (xi); and

18 (III) by inserting after clause (ix)
19 the following:

20 “(x) State or local representatives of
21 educational agencies to address safe routes
22 to school and schoolbus safety; and”;

23 (ii) in subparagraph (E) by inserting
24 “Tribal,” after “State,”;

1 (iii) by redesignating subparagraphs
2 (G), (H), and (I) as subparagraphs (H),
3 (I), and (J), respectively; and

4 (iv) by inserting after subparagraph
5 (F) the following:

6 “(G) includes a vulnerable road user safety
7 assessment described under paragraph (16);”;

8 (C) by redesignating paragraphs (10),
9 (11), and (12) as paragraphs (12), (13), and
10 (14), respectively;

11 (D) by inserting after paragraph (9) the
12 following:

13 “(10) SAFE SYSTEM APPROACH.—The term
14 ‘safe system approach’ means a roadway design that
15 emphasizes minimizing the risk of injury or fatality
16 to road users and that—

17 “(A) takes into consideration the possi-
18 bility and likelihood of human error;

19 “(B) accommodates human injury toler-
20 ance by taking into consideration likely crash
21 types, resulting impact forces, and the human
22 body’s ability to withstand such forces; and

23 “(C) takes into consideration vulnerable
24 road users.

25 “(11) SPECIFIED SAFETY PROJECT.—

1 “(A) IN GENERAL.—The term ‘specified
2 safety project’ means a project carried out for
3 the purpose of safety under any other section of
4 this title that is consistent with the State stra-
5 tegic highway safety plan.

6 “(B) INCLUSION.—The term ‘specified
7 safety project’ includes a project that—

8 “(i) promotes public awareness and
9 informs the public regarding highway safe-
10 ty matters (including safety for motorcy-
11 clists, bicyclists, pedestrians, individuals
12 with disabilities, and other road users);

13 “(ii) facilitates enforcement of traffic
14 safety laws;

15 “(iii) provides infrastructure and in-
16 frastructure-related equipment to support
17 emergency services;

18 “(iv) conducts safety-related research
19 to evaluate experimental safety counter-
20 measures or equipment; or

21 “(v) supports safe routes to school
22 noninfrastructure-related activities de-
23 scribed under section 211(e)(2).”;

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

1 “(15) TRANSPORTATION MANAGEMENT AREA.—
2 The term ‘transportation management area’ means
3 an area designated under section 134(k).

4 “(16) VULNERABLE ROAD USER.—The term
5 ‘vulnerable road user’ means a nonmotorist—

6 “(A) with a fatality analysis reporting sys-
7 tem person attribute code that is included in
8 the definition of the term ‘number of non-mo-
9 torized fatalities’ in section 490.205 of title 23,
10 Code of Federal Regulations (or successor regu-
11 lation); or

12 “(B) described in the term ‘number of
13 non-motorized serious injuries’ in such section.

14 “(17) VULNERABLE ROAD USER SAFETY AS-
15 SESSMENT.—The term ‘vulnerable road user safety
16 assessment’ means an assessment of the safety per-
17 formance of the State or a metropolitan planning or-
18 ganization within the State with respect to vulner-
19 able road users and the plan of the State or metro-
20 politan planning organization to improve the safety
21 of vulnerable road users described in subsection
22 (1).”;

23 (2) in subsection (c)—

24 (A) in paragraph (1) by striking “(a)(11)”
25 and inserting “(a)(13)”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (A)(vi) by insert-
3 ing “, consistent with the vulnerable road
4 user safety assessment” after “non-
5 motorized crashes”;

6 (ii) in subparagraph (B)(i)—

7 (I) by inserting “, consistent with
8 a safe system approach,” after “iden-
9 tify”;

10 (II) by inserting “excessive de-
11 sign speeds and speed limits,” after
12 “crossing needs,”; and

13 (III) by striking “motorists (in-
14 cluding motorcycleists), bicyclists, pe-
15 destrians, and other highway users”
16 and inserting “road users”; and

17 (iii) in subparagraph (D)(iii) by strik-
18 ing “motorists (including motorcycleists),
19 bicyclists, pedestrians, persons with disabil-
20 ities, and other highway users” and insert-
21 ing “road users”;

22 (3) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A) by striking
25 “Not later than 1 year after the date of

1 enactment of the MAP-21, the” and in-
2 serting “The”; and

3 (ii) in subparagraph (B)—

4 (I) in clause (iv) by inserting
5 “and serious injury” after “fatality”;

6 (II) in clause (vii) by striking “;
7 and” and inserting a semicolon;

8 (III) by redesignating clause
9 (viii) as clause (ix); and

10 (IV) by inserting after clause
11 (vii) the following:

12 “(viii) the findings of a vulnerable
13 road user safety assessment of the State;
14 and”; and

15 (B) in paragraph (2)(B)(i) by striking
16 “subsection (a)(11)” and inserting “subsection
17 (a)(13)”;

18 (4) in subsection (e)—

19 (A) in paragraph (1)(C) by striking “,
20 without regard to whether the project is in-
21 cluded in an applicable State strategic highway
22 safety plan”; and

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

24 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
25 TY PROJECTS.—

1 “(A) IN GENERAL.—To advance the imple-
2 mentation of a State strategic highway safety
3 plan, a State may use not more than 10 percent
4 of the amounts apportioned to the State under
5 section 104(b)(3) for a fiscal year to carry out
6 specified safety projects.

7 “(B) RULE OF STATUTORY CONSTRU-
8 TION.—Nothing in this paragraph shall be con-
9 strued to require a State to revise any State
10 process, plan, or program in effect on the date
11 of enactment of this paragraph.

12 “(C) EFFECT OF PARAGRAPH.—

13 “(i) REQUIREMENTS.—A project
14 funded under this paragraph shall be sub-
15 ject to all requirements under this section
16 that apply to a highway safety improve-
17 ment project.

18 “(ii) OTHER APPORTIONED PRO-
19 GRAMS.—Subparagraph (A) shall not apply
20 to amounts that may be obligated for non-
21 infrastructure projects apportioned under
22 any other paragraph of section 104(b).”;

23 (5) in subsection (g)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) HIGH-RISK RURAL ROAD SAFETY.—

2 “(A) IN GENERAL.—If the Secretary deter-
3 mines that the fatality rate on rural roads in a
4 State for the most recent 2-year period for
5 which data are available exceeds the median fa-
6 tality rate for rural roads among all States,
7 such State shall be required to—

8 “(i) obligate over the 2 fiscal years
9 following the fiscal year in which such de-
10 termination is made for projects on high-
11 risk rural roads an amount not less than
12 7.5 percent of the amounts apportioned to
13 the State under section 104(b)(3) for fiscal
14 year 2020; and

15 “(ii) include, in the subsequent update
16 to the State strategic highway safety plan,
17 strategies to reduce the fatality rate.

18 “(B) SOURCE OF FUNDS.—Any amounts
19 obligated under subparagraph (A) shall be from
20 amounts described under section 133(d)(1)(B).

21 “(C) ANNUAL DETERMINATION.—The de-
22 termination described under subparagraph (A)
23 shall be made on an annual basis.

24 “(D) CONSULTATION.—In carrying out a
25 project with an amount obligated under sub-

1 paragraph (A), a State shall consult with, as
2 applicable, local governments, metropolitan
3 planning organizations, and regional transpor-
4 tation planning organizations.”;

5 (B) in paragraph (2)—

6 (i) in the heading by striking “DRIV-
7 ERS” and inserting “ROAD USERS”;

8 (ii) by striking “drivers and pedes-
9 trians” and inserting “road users”; and

10 (iii) by striking “address the increases
11 in” and inserting “reduce”; and

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

13 “(3) VULNERABLE ROAD USER SAFETY.—

14 “(A) HIGH RISK STATES.—

15 “(i) ANNUAL DETERMINATION.—Be-
16 ginning on the date of enactment of the
17 INVEST in America Act, the Secretary
18 shall determine on an annual basis whether
19 the number of vulnerable road user fatali-
20 ties and serious injuries per capita in a
21 State over the most recent 2-year period
22 for which data are available exceeds the
23 median number fatalities in all such areas
24 over such 2-year period.

1 “(ii) OBLIGATION REQUIREMENT.—If
2 the Secretary determines that the number
3 of vulnerable road user fatalities and seri-
4 ous injuries per capita in a State over the
5 most recent 2-year period for which data
6 are available exceeds the median number of
7 such fatalities and serious injuries per cap-
8 ita over such 2-year period among all
9 States, that State shall be required to obli-
10 gate over the 2 fiscal years following the
11 fiscal year in which such determination is
12 made an amount that is not less than 50
13 percent of the amount set aside in such
14 State under section 133(h)(1) for fiscal
15 year 2020 (less any amounts obligated for
16 projects in that State as required by sub-
17 paragraph (B)(ii)) for—

18 “(I) in the first two fiscal years
19 after the enactment of the INVEST
20 in America Act—

21 “(aa) performing the vulner-
22 able road user safety assessment
23 as required by subsection (l);

24 “(bb) providing matching
25 funds for transportation alter-

1 natives safety projects as identi-
2 fied in section 133(h)(7)(B); or

3 “(cc) projects eligible under
4 subparagraphs (A), (B), (C), or
5 (I) of section 133(h); and

6 “(II) in each 2-year period there-
7 after, projects identified in the pro-
8 gram of projects described in sub-
9 section (l)(2)(C).

10 “(B) HIGH RISK AREAS.—

11 “(i) ANNUAL DETERMINATION.—The
12 Secretary shall determine on an annual
13 basis whether the number of vulnerable
14 road user fatalities per capita in a trans-
15 portation management area over the most
16 recent 2-year period for which data are
17 available exceeds the median number fa-
18 talities in all such areas over such 2-year
19 period.

20 “(ii) OBLIGATION REQUIREMENT.—If
21 the Secretary determines that the number
22 of vulnerable road user fatalities per capita
23 in the transportation management area
24 over the most recent 2-year period for
25 which data are available exceeds the me-

1 dian number of such fatalities over such 2-
2 year period among all such areas, then
3 there shall be required to be obligated over
4 the 2 fiscal years following the fiscal year
5 in which such determination is made, for
6 projects identified in the program of
7 projects described in subsection (l)(7)(C),
8 an amount that is not less than 50 percent
9 of the amount set aside for that urbanized
10 area under section 133(h)(2) for fiscal
11 year 2020.

12 “(iii) APPLICABILITY.—The obligation
13 requirement described in clause (ii) shall
14 not take effect until the subject metropoli-
15 tan planning organization has developed
16 the vulnerable road user safety assessment
17 described in subsection (l)(7).

18 “(C) SOURCE OF FUNDS.—

19 “(i) IN GENERAL.—Any amounts re-
20 quired to be obligated under this para-
21 graph shall be from amounts apportioned
22 under section 104(b) except for—

23 “(I) amounts described in section
24 133(d)(1)(A); and

1 “(II) amounts set aside under
2 section 133(h).

3 “(ii) AREAS IN A HIGH RISK STATE.—

4 If an area subject to the obligation require-
5 ment described in subparagraph (B)(ii) is
6 located in a State required to obligate
7 funds to vulnerable road user safety under
8 subparagraph (A)(ii), any obligations in
9 such State for projects identified in the
10 program of projects described in subsection
11 (1)(7)(C) shall count toward such State’s
12 obligation requirement under subparagraph
13 (A)(ii).”;

14 (6) in subsection (h)(1)(A)—

15 (A) by inserting “, including any efforts to
16 reduce vehicle speed” after “under this sec-
17 tion”; and

18 (B) by inserting “and projects identified
19 under a vulnerable road user safety assess-
20 ment” after “projects”; and

21 (7) by adding at the end the following:

22 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
23 MENT.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 date of enactment of the INVEST in America Act,

1 each State shall create a vulnerable road user safety
2 assessment.

3 “(2) CONTENTS.—A vulnerable road user safety
4 assessment required under paragraph (1) shall in-
5 clude—

6 “(A) a description of the location within
7 the State of each vulnerable road user fatality
8 and serious injury, including, if available, the
9 design speed of the roadway at any such loca-
10 tion;

11 “(B) a description of any corridors identi-
12 fied by a State, in coordination with local gov-
13 ernments, metropolitan planning organizations,
14 and regional transportation planning organiza-
15 tions that pose a high risk of a vulnerable road
16 user fatality or serious injury, including, if
17 available, the design speeds of such corridors;
18 and

19 “(C) a program of projects or strategies to
20 reduce safety risks to vulnerable road users in
21 corridors identified under subparagraph (B), in
22 coordination with local governments, metropoli-
23 tan planning organizations, and regional trans-
24 portation planning organizations that represent

1 a high-risk area identified under subparagraph
2 (B).

3 “(3) ANALYSIS.—In creating a vulnerable road
4 user safety assessment under this subsection, a
5 State shall assess the last 5 years of available data.

6 “(4) REQUIREMENTS.—In creating a vulnerable
7 road user safety assessment under this subsection, a
8 State shall—

9 “(A) take into consideration a safe system
10 approach; and

11 “(B) coordinate with local governments,
12 metropolitan planning organizations, and re-
13 gional transportation planning organizations
14 that represent a high-risk area identified under
15 paragraph (2)(B).

16 “(5) UPDATE.—A State shall update a vulner-
17 able road user safety assessment on the same sched-
18 ular as the State updates the State strategic highway
19 safety plan.

20 “(6) TRANSPORTATION SYSTEM ACCESS.—The
21 program of projects developed under paragraph
22 (2)(C) may not degrade transportation system ac-
23 cess for vulnerable road users.

24 “(7) URBANIZED AREA ASSESSMENTS.—

1 “(A) IN GENERAL.—A metropolitan plan-
2 ning organization representing a transportation
3 management area shall, in consultation with
4 local governments in such area, complete a vul-
5 nerable road user safety assessment based on
6 the most recent 5 years of available data at
7 least once every 4 years.

8 “(B) CONTENTS.—The assessment com-
9 pleted under subparagraph (A) shall include—

10 “(i) a description of the location with-
11 in the area of each vulnerable road user fa-
12 tality and, if available, serious injury;

13 “(ii) a description of any corridors
14 that represent a high-risk area identified
15 under paragraph (2)(B) or have otherwise
16 been identified by the metropolitan plan-
17 ning organization or local government that
18 pose a high risk of a vulnerable road user
19 fatality or serious injury; and

20 “(iii) a program of projects or strate-
21 gies to reduce safety risks to vulnerable
22 road users in corridors identified under
23 subparagraph (B).”.

24 (b) TECHNICAL AMENDMENT.—Section 148 of title
25 23, United States Code, is amended—

1 (1) in the heading for subsection (a)(8) by
2 striking “ROAD USERS” and inserting “ROAD
3 USER”; and

4 (2) in subsection (i)(2)(D) by striking “safety
5 safety” and inserting “safety”.

6 (c) HIGH-RISK RURAL ROADS.—

7 (1) STUDY.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary of
9 Transportation shall update the study described in
10 paragraph (1) of section 1112(b) of MAP–21 (23
11 U.S.C. 148 note).

12 (2) PUBLICATION OF REPORT.—Not later than
13 2 years after the date of enactment of this Act, the
14 Secretary shall publish on the website of the Depart-
15 ment of Transportation an updated report of the re-
16 port described in paragraph (2) of section 1112(b)
17 of MAP–21 (23 U.S.C. 148 note).

18 (3) BEST PRACTICES MANUAL.—Not later than
19 180 days after the date of submission of the report
20 described in paragraph (2), the Secretary shall up-
21 date the best practices manual described in section
22 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

1 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
2 **PROVEMENT PROGRAM.**

3 Section 149 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(A)(ii) by striking
7 “subsection (h)” and inserting “subsection (i)”;

8 (B) in paragraph (7) by inserting “shared
9 micromobility (including bikesharing and shared
10 scooter systems), publicly accessible charging
11 stations, docks, and storage for electric bicycles
12 and micromobility devices,” after “carsharing”;

13 (C) in paragraph (8)(B) by striking “; or”
14 and inserting a semicolon;

15 (D) in paragraph (9) by striking the period
16 and inserting “; or”; and

17 (E) by adding at the end the following:

18 “(10) if the project or program mitigates sea-
19 sonal or temporary traffic congestion from long-haul
20 travel or tourism.”;

21 (2) in subsection (c)—

22 (A) in paragraph (2)—

23 (i) in the heading by inserting “, HY-
24 DROGEN VEHICLE,” after “ELECTRIC VE-
25 HICLE”;

1 (ii) by inserting “hydrogen or” after
2 “charging stations or”; and

3 (iii) by inserting “, hydrogen-pow-
4 ered,” after “battery powered”; and

5 (B) in paragraph (3) by inserting “, and is
6 consistent with section 166” after “travel
7 times”; and

8 (3) by striking subsection (m) and inserting the
9 following:

10 “(m) OPERATING ASSISTANCE.—

11 “(1) PROJECTS.—A State may obligate funds
12 apportioned under section 104(b)(4) in an area of
13 such State that is otherwise eligible for obligations
14 of such funds for operating costs under chapter 53
15 of title 49 or on a system for which CMAQ funding
16 was made available, obligated, or expended in fiscal
17 year 2012, or, notwithstanding subsection (b), on a
18 State-supported Amtrak route with a cost-sharing
19 agreement under section 209 of the Passenger Rail
20 Investment and Improvement Act of 2008 or alter-
21 native cost allocation under section 24712(g)(3) of
22 title 49.

23 “(2) TIME LIMITATION.—In determining the
24 amount of time for which a State may obligate funds
25 under paragraph (1) for operating assistance for an

1 area of a State or on a system, the Secretary shall
2 allow such obligations to occur, in such area or on
3 such system—

4 “(A) with a time limitation of not less than
5 3 years; and

6 “(B) in the case of projects that dem-
7 onstrate continued net air quality benefits be-
8 yond 3 years, as determined annually by the
9 Secretary in consultation with the Adminis-
10 trator of the Environmental Protection Agency,
11 with no imposed time limitation.”.

12 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

13 (a) ELECTRIC VEHICLE CHARGING STATIONS.—
14 Chapter 1 of title 23, United States Code, is amended by
15 inserting after section 154 the following new section:

16 **“§ 155. Electric vehicle charging stations**

17 “(a) IN GENERAL.—Any electric vehicle charging in-
18 frastructure funded under this title shall be subject to the
19 requirements of this section.

20 “(b) INTEROPERABILITY.—An electric vehicle charg-
21 ing station funded under this title shall—

22 “(1) provide a charging connector type or
23 means to transmit electricity to vehicles that meets
24 applicable industry accepted practices and safety
25 standards; and

1 “(2) have the ability to serve vehicles produced
2 by more than one vehicle manufacturer.

3 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
4 charging stations shall provide payment methods available
5 to all members of the public to ensure secure, convenient,
6 and equal access and shall not be limited by membership
7 to a particular payment provider.

8 “(d) NETWORK CAPABILITY.—An electric vehicle
9 charging station funded under this title shall be capable
10 of being remotely monitored.

11 “(e) STANDARDS AND GUIDANCE.—Not less than
12 180 days after enactment of the INVEST in America Act,
13 the Secretary of Transportation, in coordination with the
14 Secretary of Energy, shall, as appropriate, develop stand-
15 ards and guidance applicable to any electric vehicle charg-
16 ing station funded in whole or in part under this title re-
17 lated to—

18 “(1) the installation, operation, or maintenance
19 by qualified technicians of electric vehicle charging
20 infrastructure;

21 “(2) the physical, software, and payment inter-
22 operability of electric vehicle charging infrastructure;

23 “(3) any traffic control device or on-premises
24 sign acquired, installed, or operated related to an

1 electric vehicle charging station funded under this
2 title; and

3 “(4) network connectivity of electric vehicle
4 charging, including measures to protect personal pri-
5 vacy and ensure cybersecurity.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 1 of title 23, United States Code, is amended by insert-
8 ing after the item relating to section 154 the following
9 new item:

“155. Electric vehicle charging stations.”.

10 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
11 Secretary of Transportation shall update the Manual on
12 Uniform Traffic Control Devices to—

13 (1) ensure uniformity in providing road users
14 direction to electric charging stations that are open
15 to the public; and

16 (2) allow the use of a comprehensive system of
17 signs for electric vehicle charging providers to help
18 drivers identify the type of charging and connector
19 types available at the location.

20 (d) AGREEMENTS RELATING TO THE USE AND AC-
21 CESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYS-
22 TEM.—Section 111 of title 23, United States Code, is
23 amended by adding at the end the following:

24 “(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (a) or (b), the Secretary shall permit, consistent
3 with section 155, the charging of electric vehicles on
4 rights-of-way of the Interstate System, including
5 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
13 with this subsection.”.

14 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

15 (a) IN GENERAL.—Section 167 of title 23, United
16 States Code, is amended—

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 insert-
21 ing 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, including local pol-
2 lution derived from vehicles idling at railway
3 crossings;

4 “(C) minimizing, capturing, or treating
5 stormwater runoff and addressing other adverse
6 impacts to water quality; and

7 “(D) wildlife habitat loss; and

8 “(8) to decrease any adverse impact of freight
9 transportation on communities located near freight
10 facilities or freight corridors.”;

11 (2) in subsection (e)(2) by striking “150 miles”
12 and inserting “300 miles”;

13 (3) in subsection (f)(4) by striking “75 miles”
14 and inserting “150 miles”;

15 (4) in subsection (h) by striking “Not later
16 than” and all that follows through “shall prepare”
17 and inserting “As part of the report required under
18 section 503(b)(8), the Administrator shall biennially
19 prepare”;

20 (5) in subsection (i)—

21 (A) by striking paragraphs (2) and (3);

22 (B) by amending paragraph (4) to read as
23 follows:

24 “(4) **FREIGHT PLANNING.**—Notwithstanding
25 any other provision of law, a State may not obligate

1 funds apportioned to the State under section
2 104(b)(5) unless the State has developed, updated,
3 or amended, as applicable, a freight plan in accord-
4 ance with section 70202 of title 49.”;

5 (C) in paragraph (5)—

6 (i) by striking subparagraph (B) and
7 inserting the following:

8 “(B) LIMITATION.—The Federal share of
9 a project described in subparagraph (C)(xxiii)
10 shall fund only elements of such project that
11 provide public benefits.”; and

12 (ii) in subparagraph (C)—

13 (I) in clause (iii) by inserting
14 “and freight management and oper-
15 ations systems” after “freight trans-
16 portation systems”; and

17 (II) by amending clause (xxiii) to
18 read as follows:

19 “(xxiii) Freight intermodal or freight
20 rail projects, including—

21 “(I) projects within the bound-
22 aries of public or private freight rail
23 or water facilities (including ports);

24 “(II) projects that provide sur-
25 face transportation infrastructure nec-

1 essary to facilitate direct intermodal
2 interchange, transfer, and access into
3 or out of the facility; and

4 “(III) any other surface trans-
5 portation project to improve the flow
6 of freight into or out of a facility de-
7 scribed in subclause (I) or (II).”;

8 (D) in paragraph (6) by striking “para-
9 graph (5)” and inserting “paragraph (3)”; and

10 (E) by redesignating paragraphs (4), (5),
11 (6), and (7) as paragraphs (2), (3), (4), and
12 (5), respectively; and

13 (6) in subsection (k)(1)(A)(ii) by striking
14 “ports-of entry” and inserting “ports-of-entry”.

15 (b) NATIONAL HIGHWAY FREIGHT NETWORK.—If a
16 congressionally designated future Interstate, or any por-
17 tion thereof, is included in a State Freight Plan (regard-
18 less of whether such project is included in the freight in-
19 vestment plan of the State) approved by the Department
20 of Transportation prior to October 1, 2021, such route
21 shall be considered to be on the National Highway Freight
22 Network established under section 167(c) of title 23,
23 United States Code.

1 **SEC. 1213. CARBON POLLUTION REDUCTION.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 171. Carbon pollution reduction**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a carbon pollution reduction program to support the
8 reduction of greenhouse gas emissions from the surface
9 transportation system.

10 “(b) ELIGIBLE PROJECTS.—A project is eligible for
11 funding under this section if such project—

12 “(1) is expected to yield a significant reduction
13 in greenhouse gas emissions from the surface trans-
14 portation system;

15 “(2) will help a State meet the greenhouse gas
16 emissions performance targets established under sec-
17 tion 150(d); and

18 “(3) is—

19 “(A) eligible for assistance under this title
20 or under chapter 53 of title 49 or is a capital
21 project for vehicles and facilities (whether pub-
22 licly or privately owned) that are used to pro-
23 vide intercity passenger service by bus; or

24 “(B) a capital project, as such term is de-
25 fined in section 22906 of title 49, to improve
26 intercity rail passenger transportation, provided

1 that the project will yield a significant reduction
2 in single occupant vehicle trips and improve
3 mobility on public roads.

4 “(c) GUIDANCE.—The Secretary shall issue guidance
5 on methods of determining the reduction of single occu-
6 pant vehicle trips and improvement of mobility on public
7 roads as those factors relate to intercity rail passenger
8 transportation projects under subsection (b)(4).

9 “(d) OPERATING EXPENSES.—A State may use not
10 more than 10 percent of the funds provided under section
11 104(b)(9) for the operating expenses of public transpor-
12 tation and passenger rail transportation projects.

13 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
14 CILITIES.—None of the funds provided under this section
15 may be used for a project that will result in the construc-
16 tion of new capacity available to single occupant vehicles
17 unless the project consists of a high occupancy vehicle fa-
18 cility and is consistent with section 166.

19 “(f) EVALUATION.—

20 “(1) IN GENERAL.—The Secretary shall annu-
21 ally evaluate the progress of each State in carrying
22 out the program under this section by comparing the
23 percent change in carbon dioxide emissions per cap-
24 ita on public roads in the State calculated as—

1 “(A) the annual carbon dioxide emissions
2 per capita on public roads in the State for the
3 most recent year for which there is data; di-
4 vided by

5 “(B) the average annual carbon dioxide
6 emissions per capita on public roads in the
7 State in calendar years 2015 through 2019.

8 “(2) MEASURES.—In conducting the evaluation
9 under paragraph (1), the Secretary shall—

10 “(A) prior to the effective date of the
11 greenhouse gas performance measures under
12 section 150(c)(7)(A), use such data as are
13 available, which may include data on motor
14 fuels usage published by the Federal Highway
15 Administration and information on emissions
16 factors or coefficients published by the Energy
17 Information Administration of the Department
18 of Energy; and

19 “(B) following the effective date of the
20 greenhouse gas performance measures under
21 section 150(c)(7)(A), use such measures.

22 “(g) PROGRESS REPORT.—The Secretary shall annu-
23 ally issue a carbon pollution reduction progress report, to
24 be made publicly available on the website of the Depart-
25 ment of Transportation, that includes—

1 “(1) the results of the evaluation under sub-
2 section (f) for each State; and

3 “(2) a ranking of all the States by the criteria
4 under subsection (f), with the States that, for the
5 year covered by such report, have the largest per-
6 centage reduction in annual carbon dioxide emissions
7 per capita on public roads being ranked the highest.

8 “(h) HIGH-PERFORMING STATES.—

9 “(1) DESIGNATION.—For purposes of this sec-
10 tion, each State that is 1 of the 15 highest ranked
11 States, as determined under subsection (g)(2), and
12 that achieves a reduction in carbon dioxide emissions
13 per capita on public roads, as determined by the
14 evaluation in subsection (f), shall be designated as a
15 high-performing State for the following fiscal year.

16 “(2) USE OF FUNDS.—For each State that is
17 designated as a high-performing State under para-
18 graph (1)—

19 “(A) notwithstanding section 120, the
20 State may use funds made available under this
21 title to pay the non-Federal share of a project
22 under this section during any year for which
23 such State is designated as a high-performing
24 State; and

1 “(B) notwithstanding section 126, the
2 State may transfer up to 50 percent of funds
3 apportioned under section 104(b)(9) to the pro-
4 gram under section 104(b)(2) in any year for
5 which such State is designated as a high-per-
6 forming State.

7 “(3) TRANSFER.—For each State that is 1 of
8 the 15 lowest ranked States, as determined under
9 subsection (g)(2), the Secretary shall transfer 10
10 percent of the amount apportioned to the State
11 under section 104(b)(2) in the fiscal year following
12 the year in which the State is so ranked, not includ-
13 ing amounts set aside under section 133(d)(1)(A)
14 and under section 133(h) or 505(a), to the appor-
15 tionment of the State under section 104(b)(9).

16 “(4) LIMITATION.—The Secretary shall not
17 conduct a transfer under paragraph (3)—

18 “(A) until the first fiscal year following the
19 effective date of greenhouse gas performance
20 measures under section 150(c)(7)(A); and

21 “(B) with respect to a State in any fiscal
22 year following the year in which such State
23 achieves a reduction in carbon dioxide emissions
24 per capita on public roads in such year as de-
25 termined by the evaluation under subsection (f).

1 “(i) REPORT.—Not later than 2 years after the date
2 of enactment of this section and periodically thereafter,
3 the Secretary, in consultation with the Administrator of
4 the Environmental Protection Agency, shall issue a re-
5 port—

6 “(1) detailing, based on the best available
7 science, what types of projects eligible for assistance
8 under this section are expected to provide the most
9 significant greenhouse gas emissions reductions from
10 the surface transportation sector; and

11 “(2) detailing, based on the best available
12 science, what types of projects eligible for assistance
13 under this section are not expected to provide sig-
14 nificant greenhouse gas emissions reductions from
15 the surface transportation sector.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 1 of title 23, United States Code, is amended by add-
18 ing at the end the following new item:

“171. Carbon pollution reduction.”.

19 (c) APPLICABILITY.—Subsection (b)(2) of section
20 171 of title 23, United States Code, as added by this sec-
21 tion, shall apply to a State beginning on the first fiscal
22 year following the fiscal year in which the State sets green-
23 house gas performance targets under section 150(d) of
24 title 23, United States Code.

1 **SEC. 1214. RECREATIONAL TRAILS.**

2 Section 206 of title 23, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by striking “except
6 for” and all that follows and inserting the fol-
7 lowing: “except for—

8 “(A) a motorized wheelchair; and

9 “(B) in any case in which applicable laws
10 and regulations permit use, an electric bicycle,
11 as defined in section 217(j).”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (F) by striking
14 “and” at the end;

15 (ii) in subparagraph (G) by striking
16 the period and inserting “; and”; and

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

19 “(F) electric bicycling.”; and

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

21 “(j) SPECIAL RULE.—Section 113 shall not apply to
22 projects under this section.”.

23 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

24 (a) IN GENERAL.—Chapter 2 of title 23, United
25 States Code, is amended by inserting after section 210 the
26 following:

1 **“§ 211. Safe routes to school program**

2 “(a) PROGRAM.—The Secretary shall carry out a safe
3 routes to school program for the benefit of children in pri-
4 mary, middle, and high schools.

5 “(b) PURPOSES.—The purposes of the program shall
6 be—

7 “(1) to enable and encourage children, includ-
8 ing those with disabilities, to walk and bicycle to
9 school;

10 “(2) to make bicycling and walking to school a
11 safer and more appealing transportation alternative,
12 thereby encouraging a healthy and active lifestyle
13 from an early age; and

14 “(3) to facilitate the planning, development,
15 and implementation of projects and activities that
16 will improve safety and reduce traffic, fuel consump-
17 tion, and air pollution in the vicinity of schools.

18 “(c) USE OF FUNDS.—Amounts apportioned to a
19 State under paragraphs (2) and (3) of section 104(b) may
20 be used to carry out projects, programs, and other activi-
21 ties under this section.

22 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
23 activities funded under this section may be carried out by
24 eligible entities described under section 133(h)(4)(B) that
25 demonstrate an ability to meet the requirements of this
26 section.

1 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

2 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

3 “(A) IN GENERAL.—A State may obligate
4 funds under this section for the planning, de-
5 sign, and construction of infrastructure-related
6 projects that will substantially improve the abil-
7 ity of students to walk and bicycle to school, in-
8 cluding sidewalk improvements, traffic calming
9 and speed reduction improvements, pedestrian
10 and bicycle crossing improvements, on-street bi-
11 cycle facilities, off-street bicycle and pedestrian
12 facilities, secure bicycle parking facilities, and
13 traffic diversion improvements in the vicinity of
14 schools.

15 “(B) LOCATION OF PROJECTS.—Infra-
16 structure-related projects under subparagraph
17 (A) may be carried out on any public road or
18 any bicycle or pedestrian pathway or trail in the
19 vicinity of schools.

20 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
21 TIES.—In addition to projects described in para-
22 graph (1), a State may obligate funds under this
23 section for noninfrastructure-related activities to en-
24 courage walking and bicycling to school, including—

1 “(A) public awareness campaigns and out-
2 reach to press and community leaders;

3 “(B) traffic education and enforcement in
4 the vicinity of schools;

5 “(C) student sessions on bicycle and pedes-
6 trian safety, health, and environment;

7 “(D) programs that address personal safe-
8 ty; and

9 “(E) funding for training, volunteers, and
10 managers of safe routes to school programs.

11 “(3) SAFE ROUTES TO SCHOOL COORDI-
12 NATOR.—Each State receiving an apportionment
13 under paragraphs (2) and (3) of section 104(b) shall
14 use a sufficient amount of the apportionment to
15 fund a full-time position of coordinator of the
16 State’s safe routes to school program.

17 “(4) RURAL SCHOOL DISTRICT OUTREACH.—A
18 coordinator described in paragraph (3) shall conduct
19 outreach to ensure that rural school districts in the
20 State are aware of such State’s safe routes to school
21 program and any funds authorized by this section.

22 “(f) FEDERAL SHARE.—The Federal share of the
23 cost of a project, program, or activity under this section
24 shall be 100 percent.

25 “(g) CLEARINGHOUSE.—

1 “(1) IN GENERAL.—The Secretary shall main-
2 tain a national safe routes to school clearinghouse
3 to—

4 “(A) develop information and educational
5 programs on safe routes to school; and

6 “(B) provide technical assistance and dis-
7 seminate techniques and strategies used for
8 successful safe routes to school programs.

9 “(2) FUNDING.—The Secretary shall carry out
10 this subsection using amounts authorized to be ap-
11 propriated for administrative expenses under section
12 104(a).

13 “(h) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) IN THE VICINITY OF SCHOOLS.—The term
16 ‘in the vicinity of schools’ means, with respect to a
17 school, the area within bicycling and walking dis-
18 tance of the school (approximately 2 miles).

19 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
20 The term ‘primary, middle, and high schools’ means
21 schools providing education from kindergarten
22 through twelfth grade.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) REPEAL.—Section 1404 of SAFETEA-LU
25 (Public Law 109–59; 119 Stat. 1228–1230), and

1 the item relating to such section in the table of con-
2 tents in section 1(b) of such Act, are repealed.

3 (2) ANALYSIS.—The analysis for chapter 2 of
4 title 23, United States Code, is amended by insert-
5 ing after the item relating to section 210 the fol-
6 lowing:

“211. Safe routes to school program.”.

7 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
8 **WALKWAYS.**

9 Section 217 of title 23, United States Code, is
10 amended—

11 (1) in subsection (d)—

12 (A) by striking “104(b)(3)” and inserting
13 “104(b)(4)”; and

14 (B) by striking “a position” and inserting
15 “at least one full-time positions”;

16 (2) in subsection (e) by striking “bicycles” and
17 inserting “pedestrians or bicyclists” each place such
18 term appears;

19 (3) in subsection (j)—

20 (A) in paragraph (1) by inserting “or oper-
21 ators of micromobility devices” after
22 “bicyclists”;

23 (B) by striking paragraph (2) and insert-
24 ing the following:

1 “(2) ELECTRIC BICYCLE.—The term ‘electric
2 bicycle’ means mean a bicycle equipped with fully
3 operable pedals, a saddle or seat for the rider, and
4 an electric motor of less than 750 watts that can
5 safely share a bicycle transportation facility with
6 other users of such facility and meets the require-
7 ments of one of the following three classes:

8 “(A) CLASS 1 ELECTRIC BICYCLE.—The
9 term ‘class 1 electric bicycle’ means an electric
10 bicycle equipped with a motor that provides as-
11 sistance only when the rider is pedaling, and
12 that ceases to provide assistance when the bicy-
13 cle reaches the speed of 20 miles per hour.

14 “(B) CLASS 2 ELECTRIC BICYCLE.—The
15 term ‘class 2 electric bicycle’ means an electric
16 bicycle equipped with a motor that may be used
17 exclusively to propel the bicycle, and that is not
18 capable of providing assistance when the bicycle
19 reaches the speed of 20 miles per hour.

20 “(C) CLASS 3 ELECTRIC BICYCLE.—The
21 term ‘class 3 electric bicycle’ means an electric
22 bicycle equipped with a motor that provides as-
23 sistance only when the rider is pedaling, and
24 that ceases to provide assistance when the bicy-
25 cle reaches the speed of 28 miles per hour.

1 “(3) MICROMOBILITY DEVICE.—The term
2 ‘micromobility device’ means any wheeled vehicle
3 equipped with a low powered electric motor—

4 “(A) that is designed primarily for human
5 transport;

6 “(B) that weighs not more than 100
7 pounds; and

8 “(C) that has a top speed of 20 miles per
9 hour or less.”.

10 **SEC. 1217. NOISE BARRIERS.**

11 (a) PERMITTING USE OF HIGHWAY TRUST FUND
12 FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—

13 Section 339(b)(1) of the National Highway System Des-
14 ignation Act of 1995 (23 U.S.C. 109 note) is amended
15 to read as follows:

16 “(1) GENERAL RULE.—No funds made avail-
17 able out of the Highway Trust Fund may be used
18 to construct a Type II noise barrier (as defined by
19 section 772.5(I) of title 23, Code of Federal Regula-
20 tions) pursuant to subsections (h) and (I) of section
21 109 of title 23, United States Code, unless—

22 “(A) such a barrier is part of a project ap-
23 proved by the Secretary before November 28,
24 1995; or

1 “(B) such a barrier separates a highway or
2 other noise corridor from a group of structures
3 of which the majority of those closest to the
4 highway or noise corridor—

5 “(i) are residential in nature; and

6 “(ii) either—

7 “(I) were constructed before the
8 construction or most recent widening
9 of the highway or noise corridor; or

10 “(II) are at least 10 years old.”.

11 (b) ELIGIBILITY FOR SURFACE TRANSPORTATION
12 BLOCK GRANT FUNDS.—Section 133 of title 23, United
13 States Code, is amended—

14 (1) in subsection (b) by adding at the end the
15 following:

16 “(20) Planning, design, or construction of a
17 Type II noise barrier (as described in section 772.5
18 of title 23, Code of Federal Regulations).”; and

19 (2) in subsection (c)(2) by inserting “and para-
20 graph (20)” after “(11)”.

21 **SEC. 1218. SAFE STREETS FOR ALL.**

22 Section 148 of title 23, United States Code, is further
23 amended by adding at the end the following:

24 “(m) SAFE STREETS FOR ALL.—

25 “(1) SAFE STREETS SET-ASIDE.—

1 “(A) ESTABLISHMENT.—The Secretary
2 shall establish a safe streets program to elimi-
3 nate the occurrence of transportation-related fa-
4 talities and serious injuries on public roads,
5 with a focus on vulnerable road users.

6 “(B) AMOUNT.—Of the funds apportioned
7 to a State under section 104(b)(3) for each fis-
8 cal year, the Secretary shall reserve an amount
9 such that—

10 “(i) the Secretary reserves a total
11 under this subsection of \$500,000,000 for
12 each of fiscal years 2023 through 2026;
13 and

14 “(ii) the State’s share of that total is
15 distributed in the same manner as the
16 amount apportioned to the State under
17 section 104(b)(3) for each fiscal year bears
18 to the total amount of funds apportioned
19 to all States under such section.

20 “(2) SUBALLOCATION.—For each fiscal year for
21 which funds are set aside under this subsection,
22 such funds shall be obligated within a State in the
23 manner described in subsections (d) and (e) of sec-
24 tion 133, except that, for the purposes of this sub-

1 section, the percentage referred to in section
2 133(d)(1)(A) shall be treated as 100 percent.

3 “(3) USE OF FUNDS.—

4 “(A) IN GENERAL.—Funds set aside under
5 this subsection shall be available for obliga-
6 tion—

7 “(i) for a complete streets project that
8 supports the safe, comfortable, convenient,
9 and independent movement of all users of
10 the transportation system, of all ages and
11 abilities, consistent with context sensitive
12 design principles;

13 “(ii) for activities eligible under the
14 safe routes to school program under sec-
15 tion 211;

16 “(iii) to develop and implement the
17 policies and procedures described in section
18 109(s);

19 “(iv) for any element of vision zero
20 planning described under section 1601 of
21 the INVEST in America Act and to imple-
22 ment an existing vision zero plan;

23 “(v) for other activities in furtherance
24 of the vulnerable road user safety assess-
25 ment of the State or the metropolitan

1 planning organization described under sub-
2 section (l); and

3 “(vi) for any other project, program,
4 or plan eligible under this section that pro-
5 vides for the safe and adequate accommo-
6 dation of all users of the surface transpor-
7 tation network, as determined by the Sec-
8 retary.

9 “(B) SPECIAL RULE.—If a State or metro-
10 politan planning organization demonstrates to
11 the satisfaction of the Secretary that such State
12 or metropolitan planning organization has met
13 all its needs for vulnerable road user safety
14 under this section, the State or metropolitan
15 planning organization may use funds made
16 available under this subsection for other high-
17 way safety improvement program purposes,
18 subject to the suballocation under paragraph
19 (2). The Secretary may not make a determina-
20 tion under this subparagraph if the State or
21 metropolitan planning organization has been
22 subject to the special rule described in sub-
23 section (g)(3) within the last 5 years.”.

1 **SEC. 1219. YOUTH SERVICE AND CONSERVATION CORPS.**

2 (a) IN GENERAL.—Chapter 2 of title 23, United
3 States Code, is amended by inserting after section 211 (as
4 added by this Act) the following:

5 **“§ 212. Use of youth service and conservation corps**

6 “(a) IN GENERAL.—The Secretary may allow and
7 shall encourage project sponsors to enter into contracts
8 and cooperative agreements with qualified youth service
9 or conservation corps, as described in sections 122(a)(2)
10 of the National and Community Service Act of 1990 (42
11 U.S.C. 12572(a)(2)) and 106(c)(3) of the National and
12 Community Service Trust Act of 1993 (42 U.S.C.
13 12656(c)(3)) to perform appropriate projects eligible
14 under sections 133(h), 162, 206, and 211.

15 “(b) REQUIREMENTS.—Under any contract or coop-
16 erative agreement entered into with a qualified youth serv-
17 ice or conservation corps under this section, the Secretary
18 shall—

19 “(1) set the amount of a living allowance or
20 rate of pay for each participant in such corps at—

21 “(A) such amount or rate as required
22 under State law in a State with such require-
23 ments; or

24 “(B) for corps in States not described in
25 subparagraph (A), at such amount or rate as
26 determined by the Secretary, not to exceed the

1 maximum living allowance authorized by section
2 140 of the National and Community Service
3 Act of 1990 (42 U.S.C. 12594); and

4 “(2) not subject such corps to the requirements
5 of section 112 or 113.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 2 of title 23, United States Code, is amended by insert-
8 ing after the item relating to section 211 (as added by
9 this Act) the following:

“212. Use of youth service and conservation corps.”.

10 **Subtitle C—Project-Level** 11 **Investments**

12 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-** 13 **NIFICANCE.**

14 (a) IN GENERAL.—Section 117 of title 23, United
15 States Code, is amended to read as follows:

16 **“§ 117. Projects of national and regional significance**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish a projects of national and regional significance pro-
19 gram under which the Secretary may make grants to, and
20 establish multiyear grant agreements with, eligible entities
21 in accordance with this section.

22 “(b) APPLICATIONS.—To be eligible for a grant
23 under this section, an eligible entity shall submit to the
24 Secretary an application in such form, in such manner,

1 and containing such information as the Secretary may re-
2 quire.

3 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

4 “(1) IN GENERAL.—Each grant made under
5 this section—

6 “(A) shall be in an amount that is at least
7 \$25,000,000; and

8 “(B) shall be for a project that has eligible
9 project costs that are reasonably anticipated to
10 equal or exceed the lesser of—

11 “(i) \$100,000,000; or

12 “(ii) in the case of a project—

13 “(I) located in 1 State or terri-
14 tory, 30 percent of the amount appor-
15 tioned under this chapter to the State
16 or territory in the most recently com-
17 pleted fiscal year; or

18 “(II) located in more than 1
19 State or territory, 50 percent of the
20 amount apportioned under this chap-
21 ter to the participating State or terri-
22 tory with the largest apportionment
23 under this chapter in the most re-
24 cently completed fiscal year.

1 “(2) LARGE PROJECTS.—For a project that has
2 eligible project costs that are reasonably anticipated
3 to equal or exceed \$500,000,000, a grant made
4 under this section—

5 “(A) shall be in an amount sufficient to
6 fully fund the project, or in the case of a public
7 transportation project, a minimum operable
8 segment, in combination with other funding
9 sources, including non-Federal financial com-
10 mitment, identified in the application; and

11 “(B) may be awarded pursuant to the
12 process under subsection (d), as necessary
13 based on the amount of the grant.

14 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
15 PROJECTS.—

16 “(1) IN GENERAL.—A large project that re-
17 ceives a grant under this section may be carried out
18 through a multiyear grant agreement in accordance
19 with this subsection.

20 “(2) REQUIREMENTS.—A multiyear grant
21 agreement for a large project shall—

22 “(A) establish the terms of participation by
23 the Federal Government in the project;

24 “(B) establish the amount of Federal fi-
25 nancial assistance for the project;

1 “(C) establish a schedule of anticipated
2 Federal obligations for the project that provides
3 for obligation of the full grant amount by not
4 later than 4 fiscal years after the fiscal year in
5 which the initial amount is provided; and

6 “(D) determine the period of time for com-
7 pleting the project, even if such period extends
8 beyond the period of an authorization.

9 “(3) SPECIAL RULES.—

10 “(A) IN GENERAL.—A multiyear grant
11 agreement under this subsection—

12 “(i) shall obligate an amount of avail-
13 able budget authority specified in law; and

14 “(ii) may include a commitment, con-
15 tingent on amounts to be specified in law
16 in advance for commitments under this
17 paragraph, to obligate an additional
18 amount from future available budget au-
19 thority specified in law.

20 “(B) CONTINGENT COMMITMENT.—A con-
21 tingent commitment under this subsection is
22 not an obligation of the Federal Government
23 under section 1501 of title 31.

24 “(C) INTEREST AND OTHER FINANCING
25 COSTS.—

1 “(i) IN GENERAL.—Interest and other
2 financing costs of carrying out a part of
3 the project within a reasonable time shall
4 be considered a cost of carrying out the
5 project under a multiyear grant agreement,
6 except that eligible costs may not be more
7 than the cost of the most favorable financ-
8 ing terms reasonably available for the
9 project at the time of borrowing.

10 “(ii) CERTIFICATION.—The applicant
11 shall certify to the Secretary that the ap-
12 plicant has shown reasonable diligence in
13 seeking the most favorable financing
14 terms.

15 “(4) ADVANCE PAYMENT.—An eligible entity
16 carrying out a large project under a multiyear grant
17 agreement—

18 “(A) may use funds made available to the
19 eligible entity under this title or title 49 for eli-
20 gible project costs of the large project; and

21 “(B) shall be reimbursed, at the option of
22 the eligible entity, for such expenditures from
23 the amount made available under the multiyear
24 grant agreement for the project in that fiscal
25 year or a subsequent fiscal year.

1 “(e) ELIGIBLE PROJECTS.—

2 “(1) IN GENERAL.—The Secretary may make a
3 grant under this section only for a project that is a
4 project eligible for assistance under this title or
5 chapter 53 of title 49 and is—

6 “(A) a bridge project carried out on the
7 National Highway System, or that is eligible to
8 be carried out under section 165;

9 “(B) a project to improve person through-
10 put that is—

11 “(i) a highway project carried out on
12 the National Highway System, or that is
13 eligible to be carried out under section
14 165;

15 “(ii) a public transportation project;
16 or

17 “(iii) a capital project, as such term is
18 defined in section 22906 of title 49, to im-
19 prove intercity rail passenger transpor-
20 tation; or

21 “(C) a project to improve freight through-
22 put that is—

23 “(i) a highway freight project carried
24 out on the National Highway Freight Net-

1 work established under section 167 or on
2 the National Highway System;

3 “(ii) a freight intermodal, freight rail,
4 or railway-highway grade crossing or grade
5 separation project; or

6 “(iii) within the boundaries of a public
7 or private freight rail, water (including
8 ports), or intermodal facility and that is a
9 surface transportation infrastructure
10 project necessary to facilitate direct inter-
11 modal interchange, transfer, or access into
12 or out of the facility.

13 “(2) LIMITATION.—

14 “(A) CERTAIN FREIGHT PROJECTS.—
15 Projects described in clauses (ii) and (iii) of
16 paragraph (1)(C) may receive a grant under
17 this section only if—

18 “(i) the project will make a significant
19 improvement to the movement of freight
20 on the National Highway System; and

21 “(ii) the Federal share of the project
22 funds only elements of the project that
23 provide public benefits.

24 “(B) CERTAIN PROJECTS FOR PERSON
25 THROUGHPUT.—Projects described in clauses

1 (ii) and (iii) of paragraph (1)(B) may receive a
2 grant under this section only if the project will
3 make a significant improvement in mobility on
4 public roads.

5 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
6 receiving a grant under this section may use such grant
7 for—

8 “(1) development phase activities, including
9 planning, feasibility analysis, revenue forecasting,
10 environmental review, preliminary engineering and
11 design work, and other preconstruction activities;
12 and

13 “(2) construction, reconstruction, rehabilitation,
14 acquisition of real property (including land related
15 to the project and improvements to the land), envi-
16 ronmental mitigation, construction contingencies, ac-
17 quisition of equipment, and operational improve-
18 ments directly related to improving system perform-
19 ance.

20 “(g) PROJECT REQUIREMENTS.—The Secretary may
21 select a project described under this section for funding
22 under this section only if the Secretary determines that
23 the project—

1 “(1) generates significant regional or national
2 economic, mobility, safety, resilience, or environ-
3 mental benefits;

4 “(2) is cost effective;

5 “(3) is based on the results of preliminary engi-
6 neering;

7 “(4) has secured or will secure acceptable levels
8 of non-Federal financial commitments, including—

9 “(A) one or more stable and dependable
10 sources of funding and financing to construct,
11 maintain, and operate the project; and

12 “(B) contingency amounts to cover unan-
13 ticipated cost increases;

14 “(5) cannot be easily and efficiently completed
15 without additional Federal funding or financial as-
16 sistance available to the project sponsor, beyond ex-
17 isting Federal apportionments; and

18 “(6) is reasonably expected to begin construc-
19 tion not later than 18 months after the date of obli-
20 gation of funds for the project.

21 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

22 “(1) MERIT CRITERIA.—In awarding a grant
23 under this section, the Secretary shall evaluate the
24 following merit criteria:

1 “(A) The extent to which the project sup-
2 ports achieving a state of good repair.

3 “(B) The level of benefits the project is ex-
4 pected to generate, including—

5 “(i) the costs avoided by the preven-
6 tion of closure or reduced use of the asset
7 to be improved by the project;

8 “(ii) reductions in maintenance costs
9 over the life of the asset;

10 “(iii) safety benefits, including the re-
11 duction of accidents and related costs;

12 “(iv) improved person or freight
13 throughput, including congestion reduction
14 and reliability improvements;

15 “(v) national and regional economic
16 benefits;

17 “(vi) resilience benefits, including the
18 ability to withstand disruptions from a
19 seismic event;

20 “(vii) environmental benefits, includ-
21 ing reduction in greenhouse gas emissions
22 and air quality benefits; and

23 “(viii) benefits to all users of the
24 project, including pedestrian, bicycle, non-

1 vehicular, railroad, and public transpor-
2 tation users.

3 “(C) How the benefits compare to the
4 costs of the project.

5 “(D) The average number of people or vol-
6 ume of freight, as applicable, supported by the
7 project, including visitors based on travel and
8 tourism.

9 “(2) ADDITIONAL CONSIDERATIONS.—In
10 awarding a grant under this section, the Secretary
11 shall consider the following:

12 “(A) Whether the project spans at least 1
13 border between 2 States.

14 “(B) Whether the project serves low-in-
15 come residents of low-income communities, in-
16 cluding areas of persistent poverty, while not
17 displacing such residents.

18 “(C) Whether the project uses innovative
19 technologies, innovative design and construction
20 techniques, or pavement materials that dem-
21 onstrate reductions in greenhouse gas emissions
22 through sequestration or innovative manufac-
23 turing processes and, if so, the degree to which
24 such technologies, techniques, or materials are
25 used.

1 “(D) Whether the project improves
2 connectivity between modes of transportation
3 moving people or goods in the Nation or region.

4 “(E) Whether the project provides new or
5 improved connections between at least two met-
6 ropolitan areas with a population of at least
7 500,000.

8 “(F) Whether the project would replace,
9 reconstruct, or rehabilitate a high-commuter
10 corridor (as such term is defined in section
11 203(a)(6)) that is in poor condition.

12 “(i) PROJECT SELECTION.—

13 “(1) EVALUATION.—To evaluate applications
14 for funding under this section, the Secretary shall—

15 “(A) determine whether a project is eligible
16 for a grant under this section;

17 “(B) evaluate, through a methodology that
18 is discernible and transparent to the public,
19 how each application addresses the merit cri-
20 teria pursuant to subsection (h);

21 “(C) assign a quality rating for each merit
22 criteria for each application based on the eval-
23 uation in subparagraph (B);

24 “(D) ensure that applications receive final
25 consideration by the Secretary to receive an

1 award under this section only on the basis of
2 such quality ratings and that the Secretary
3 gives final consideration only to applications
4 that meet the minimally acceptable level for
5 each of the merit criteria; and

6 “(E) award grants only to projects rated
7 highly under the evaluation and rating process.

8 “(2) CONSIDERATIONS FOR LARGE
9 PROJECTS.—In awarding a grant for a large project,
10 the Secretary shall—

11 “(A) consider the amount of funds avail-
12 able in future fiscal years for the program
13 under this section; and

14 “(B) assume the availability of funds in fu-
15 ture fiscal years for the program that extend
16 beyond the period of authorization based on the
17 amount made available for the program in the
18 last fiscal year of the period of authorization.

19 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
20 grants under this section, the Secretary shall ensure
21 geographic diversity and a balance between rural
22 and urban communities among grant recipients over
23 fiscal years 2023 through 2026.

24 “(4) PUBLICATION OF METHODOLOGY.—

1 “(A) IN GENERAL.—Prior to the issuance
2 of any notice of funding opportunity for grants
3 under this section, the Secretary shall publish
4 and make publicly available on the Depart-
5 ment’s website—

6 “(i) a detailed explanation of the
7 merit criteria developed under subsection
8 (h);

9 “(ii) a description of the evaluation
10 process under this subsection; and

11 “(iii) how the Secretary shall deter-
12 mine whether a project satisfies each of
13 the requirements under subsection (g).

14 “(B) UPDATES.—The Secretary shall up-
15 date and make publicly available on the website
16 of the Department of Transportation such in-
17 formation at any time a revision to the informa-
18 tion described in subparagraph (A) is made.

19 “(C) INFORMATION REQUIRED.—The Sec-
20 retary shall include in the published notice of
21 funding opportunity for a grant under this sec-
22 tion detailed information on the rating method-
23 ology and merit criteria to be used to evaluate
24 applications, or a reference to the information

1 on the website of the Department of Transpor-
2 tation, as required by subparagraph (A).

3 “(j) FEDERAL SHARE.—

4 “(1) IN GENERAL.—The Federal share of the
5 cost of a project carried out with a grant under this
6 section may not exceed 60 percent.

7 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
8 eral assistance other than a grant under this section
9 may be used to satisfy the non-Federal share of the
10 cost of a project for which such a grant is made, ex-
11 cept that the total Federal assistance provided for a
12 project receiving a grant under this section may not
13 exceed 80 percent of the total project cost.

14 “(k) BRIDGE INVESTMENTS.—Of the amounts made
15 available to carry out this section, the Secretary shall re-
16 serve not less than \$1,000,000,000 in each fiscal year to
17 make grants for projects described in subsection (e)(1)(A).

18 “(l) 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
23 highway project;

24 “(B) the requirements of chapter 53 of
25 title 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
3 project.

4 “(2) MULTIMODAL PROJECTS.—

5 “(A) IN GENERAL.—Except as otherwise
6 provided in this paragraph, if an eligible project
7 is a multimodal project, the Secretary shall—

8 “(i) determine the predominant modal
9 component of the project; and

10 “(ii) apply the applicable requirements
11 of such predominant modal component to
12 the project.

13 “(B) EXCEPTIONS.—

14 “(i) PASSENGER OR FREIGHT RAIL
15 COMPONENT.—For any passenger or
16 freight rail component of a project, the re-
17 quirements of section 22907(j)(2) of title
18 49 shall apply.

19 “(ii) PUBLIC TRANSPORTATION COM-
20 PONENT.—For any public transportation
21 component of a project, the requirements
22 of section 5333 of title 49 shall apply.

23 “(C) BUY AMERICA.—In applying the Buy
24 America requirements under section 313 of this
25 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 com-
4 ponents of the project; and

5 “(ii) seek to maximize domestic jobs.

6 “(m) TIFIA PROGRAM.—At the request of an eligible
7 entity under this section, the Secretary may use amounts
8 awarded to the entity to pay subsidy and administrative
9 costs necessary to provide the entity Federal credit assist-
10 ance under chapter 6 with respect to the project for which
11 the grant was awarded.

12 “(n) ADMINISTRATION.—Of the amounts made avail-
13 able to carry out this section, the Secretary may use up
14 to \$5,000,000 for the costs of administering the program
15 under this section.

16 “(o) TECHNICAL ASSISTANCE.—Of the amounts
17 made available to carry out this section, the Secretary may
18 reserve up to \$5,000,000 to provide technical assistance
19 to eligible entities.

20 “(p) CONGRESSIONAL REVIEW.—

21 “(1) NOTIFICATION.—Not less than 60 days be-
22 fore making an award under this section, the Sec-
23 retary shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-
25 atives and the Committee on Environment and Pub-

1 lic Works, the Committee on Banking, Housing, and
2 Urban Affairs, and the Committee on Commerce,
3 Science, and Transportation of the Senate—

4 “(A) a list of all applications determined to
5 be eligible for a grant by the Secretary;

6 “(B) the quality ratings assigned to each
7 application pursuant to subsection (i);

8 “(C) a list of applications that received
9 final consideration by the Secretary to receive
10 an award under this section;

11 “(D) each application proposed to be se-
12 lected for a grant award;

13 “(E) proposed grant amounts, including
14 for each new multiyear grant agreement, the
15 proposed payout schedule for the project; and

16 “(F) an analysis of the impacts of any
17 large projects proposed to be selected on exist-
18 ing commitments and anticipated funding levels
19 for the next 4 fiscal years, based on information
20 available to the Secretary at the time of the re-
21 port.

22 “(2) COMMITTEE REVIEW.—Before the last day
23 of the 60-day period described in paragraph (1),
24 each Committee described in paragraph (1) shall re-
25 view the Secretary’s list of proposed projects.

1 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
2 retary may not make a grant or any other obligation
3 or commitment to fund a project under this section
4 if a joint resolution is enacted disapproving funding
5 for the project before the last day of the 60-day pe-
6 riod described in paragraph (1).

7 “(q) TRANSPARENCY.—

8 “(1) IN GENERAL.—Not later than 30 days
9 after awarding a grant for a project under this sec-
10 tion, the Secretary shall send to all applicants, and
11 publish on the website of the Department of Trans-
12 portation—

13 “(A) a summary of each application made
14 to the program for the grant application period;
15 and

16 “(B) the evaluation and justification for
17 the project selection, including ratings assigned
18 to all applications and a list of applications that
19 received final consideration by the Secretary to
20 receive an award under this section, for the
21 grant application period.

22 “(2) BRIEFING.—The Secretary shall provide,
23 at the request of a grant applicant under this sec-
24 tion, the opportunity to receive a briefing to explain

1 any reasons the grant applicant was not awarded a
2 grant.

3 “(r) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
4 tion, the term ‘eligible entity’ means—

5 “(1) a State or a group of States;

6 “(2) a unit of local government, including a
7 metropolitan planning organization, or a group of
8 local governments;

9 “(3) a political subdivision of a State or local
10 government;

11 “(4) a special purpose district or public author-
12 ity with a transportation function, including a port
13 authority;

14 “(5) an Indian Tribe or Tribal organization;

15 “(6) a Federal agency eligible to receive funds
16 under section 201, 203, or 204, including the Army
17 Corps of Engineers, Bureau of Reclamation, and the
18 Bureau of Land Management, that applies jointly
19 with a State or group of States;

20 “(7) a territory; and

21 “(8) a multistate or multijurisdictional group of
22 entities described in this paragraph.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by strik-

1 ing the item relating to section 117 and inserting the fol-
2 lowing:

“117. Projects of national and regional significance.”.

3 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
4 **GRANT PROGRAM.**

5 (a) IN GENERAL.—Chapter 1 of title 23, United
6 States Code, as amended by this title, is further amended
7 by adding at the end the following:

8 **“§ 173. Community transportation investment grant**
9 **program**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a community transportation investment grant pro-
12 gram to improve surface transportation safety, state of
13 good repair, accessibility, and environmental quality
14 through infrastructure investments.

15 “(b) GRANT AUTHORITY.—

16 “(1) IN GENERAL.—In carrying out the pro-
17 gram established under subsection (a), the Secretary
18 shall make grants, on a competitive basis, to eligible
19 entities in accordance with this section.

20 “(2) GRANT AMOUNT.—The maximum amount
21 of a grant under this section shall be \$25,000,000.

22 “(c) APPLICATIONS.—To be eligible for a grant under
23 this section, an eligible entity shall submit to the Secretary
24 an application in such form, at such time, and containing
25 such information as the Secretary may require.

1 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
2 an eligible project carried out under this section may be
3 used for—

4 “(1) development phase activities, including
5 planning, feasibility analysis, revenue forecasting,
6 environmental review, preliminary engineering and
7 design work, and other preconstruction activities;
8 and

9 “(2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to such land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments.

15 “(e) RURAL AND COMMUNITY SETASIDES.—

16 “(1) IN GENERAL.—The Secretary shall re-
17 serve—

18 “(A) not less than 25 percent of the
19 amounts made available to carry out this sec-
20 tion for projects located in rural areas; and

21 “(B) not less than 25 percent of the
22 amounts made available to carry out this sec-
23 tion for projects located in urbanized areas with
24 a population greater than 49,999 individuals
25 and fewer than 200,001 individuals.

1 “(2) DEFINITION OF RURAL AREA.—In this
2 subsection, the term ‘rural area’ means all areas of
3 a State or territory not included in urbanized areas.

4 “(3) EXCESS FUNDING.—If the Secretary de-
5 termines that there are insufficient qualified appli-
6 cants to use the funds set aside under this sub-
7 section, the Secretary may use such funds for grants
8 for any projects eligible under this section.

9 “(f) EVALUATION.—To evaluate applications under
10 this section, the Secretary shall—

11 “(1) develop a process to objectively evaluate
12 applications on the benefits of the project proposed
13 in such application—

14 “(A) to transportation safety, including re-
15 ductions in traffic fatalities and serious injuries;

16 “(B) to state of good repair, including im-
17 proved condition of bridges and pavements;

18 “(C) to transportation system access, in-
19 cluding improved access to jobs and services;
20 and

21 “(D) in reducing greenhouse gas emis-
22 sions;

23 “(2) develop a rating system to assign a nu-
24 meric value to each application, based on each of the
25 criteria described in paragraph (1);

1 “(3) for each application submitted, compare
2 the total benefits of the proposed project, as deter-
3 mined by the rating system developed under para-
4 graph (2), with the costs of such project, and rank
5 each application based on the results of the compari-
6 son; and

7 “(4) ensure that only such applications that are
8 ranked highly based on the results of the comparison
9 conducted under paragraph (3) are considered to re-
10 ceive a grant under this section.

11 “(g) WEIGHTING.—In establishing the evaluation
12 process under subsection (f), the Secretary may assign dif-
13 ferent weights to the criteria described in subsection (f)(1)
14 based on project type, population served by a project, and
15 other context-sensitive considerations, provided that—

16 “(1) each application is rated on all criteria de-
17 scribed in subsection (f)(1); and

18 “(2) each application has the same possible
19 minimum and maximum rating, regardless of any
20 differences in the weighting of criteria.

21 “(h) TRANSPARENCY.—

22 “(1) PUBLICLY AVAILABLE INFORMATION.—
23 Prior to the issuance of any notice of funding oppor-
24 tunity under this section, the Secretary shall make
25 publicly available on the website of the Department

1 of Transportation a detailed explanation of the eval-
2 uation and rating process developed under sub-
3 section (f), including any differences in the
4 weighting of criteria pursuant to subsection (g), if
5 applicable, and update such website for each revision
6 of the evaluation and rating process.

7 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
8 retary shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Represent-
10 atives, the Committee on Environment and Public
11 Works of the Senate, the Committee on Banking,
12 Housing, and Urban Affairs of the Senate, and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate the following written notifica-
15 tions:

16 “(A) A notification when the Secretary
17 publishes or updates the information required
18 under paragraph (1).

19 “(B) Not later than 30 days prior to the
20 date on which the Secretary awards a grant
21 under this section, a notification that in-
22 cludes—

23 “(i) the ratings of each application
24 submitted pursuant to subsection (f)(2);

1 “(ii) the ranking of each application
2 submitted pursuant to subsection (f)(3);
3 and

4 “(iii) a list of all applications that re-
5 ceive final consideration by the Secretary
6 to receive an award under this section pur-
7 suant to subsection (f)(4).

8 “(C) Not later than 3 business days prior
9 to the date on which the Secretary announces
10 the award of a grant under this section, a noti-
11 fication describing each grant to be awarded,
12 including the amount and the recipient.

13 “(i) TECHNICAL ASSISTANCE.—Of the amounts
14 made available to carry out this section, the Secretary may
15 reserve up to \$3,000,000 to provide technical assistance
16 to eligible entities.

17 “(j) ADMINISTRATION.—Of the amounts made avail-
18 able to carry out this section, the Secretary may reserve
19 up to \$5,000,000 for the administrative costs of carrying
20 out the program under this section.

21 “(k) TREATMENT OF PROJECTS.—

22 “(1) FEDERAL REQUIREMENTS.—The Secretary
23 shall, with respect to a project funded by a grant
24 under this section, apply—

1 “(A) the requirements of this title to a
2 highway project;

3 “(B) the requirements of chapter 53 of
4 title 49 to a public transportation project; and

5 “(C) the requirements of section 22905 of
6 title 49 to a passenger rail or freight rail
7 project.

8 “(2) MULTIMODAL PROJECTS.—

9 “(A) IN GENERAL.—Except as otherwise
10 provided in this paragraph, if an eligible project
11 is a multimodal project, the Secretary shall—

12 “(i) determine the predominant modal
13 component of the project; and

14 “(ii) apply the applicable requirements
15 of such predominant modal component to
16 the project.

17 “(B) EXCEPTIONS.—

18 “(i) PASSENGER OR FREIGHT RAIL
19 COMPONENT.—For any passenger or
20 freight rail component of a project, the re-
21 quirements of section 22907(j)(2) of title
22 49 shall apply.

23 “(ii) PUBLIC TRANSPORTATION COM-
24 PONENT.—For any public transportation

1 component of a project, the requirements
2 of section 5333 of title 49 shall apply.

3 “(C) BUY AMERICA.—In applying the Buy
4 America requirements under section 313 of this
5 title and sections 5320, 22905(a), and 24305(f)
6 of title 49 to a multimodal project under this
7 paragraph, the Secretary shall—

8 “(i) consider the various modal com-
9 ponents of the project; and

10 “(ii) seek to maximize domestic jobs.

11 “(I) TRANSPARENCY.—

12 “(1) IN GENERAL.—Not later than 30 days
13 after awarding a grant for a project under this sec-
14 tion, the Secretary shall send to all applicants, and
15 publish on the website of the Department of Trans-
16 portation—

17 “(A) a summary of each application made
18 to the program for the grant application period;
19 and

20 “(B) the evaluation and justification for
21 the project selection, including ratings and
22 rankings assigned to all applications and a list
23 of applications that received final consideration
24 by the Secretary to receive an award under this
25 section, for the grant application period.

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

6 “(m) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a metropolitan planning organization;

10 “(B) a unit of local government;

11 “(C) a transit agency;

12 “(D) an Indian Tribe or Tribal organiza-
13 tion;

14 “(E) a multijurisdictional group of entities
15 described in this paragraph;

16 “(F) a special purpose district with a
17 transportation function or a port authority;

18 “(G) a territory; or

19 “(H) a State that applies for a grant
20 under this section jointly with an entity de-
21 scribed in subparagraphs (A) through (G).

22 “(2) ELIGIBLE PROJECT.—The term ‘eligible
23 project’ means any project eligible under this title or
24 chapter 53 of title 49.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is further amended
3 by adding at the end the following new item:

“173. Community transportation investment grant program.”.

4 **SEC. 1303. CLEAN CORRIDORS PROGRAM.**

5 (a) PURPOSE.—The purpose of this section is to es-
6 tablish a formula program to strategically deploy electric
7 vehicle charging infrastructure along designated alter-
8 native fuel corridors that will be accessible to all drivers
9 of electric vehicles.

10 (b) NATIONAL ELECTRIC VEHICLE CHARGING AND
11 HYDROGEN, PROPANE, AND NATURAL GAS FUELING
12 CORRIDORS.—Section 151 of title 23, United States Code,
13 is amended—

14 (1) in subsection (a) by striking “Not later
15 than 1 year after the date of enactment of the
16 FAST Act, the Secretary shall” and inserting “The
17 Secretary shall periodically”;

18 (2) in subsection (b)(2) by inserting “previously
19 designated by the Federal Highway Administration
20 or” after “fueling corridors”;

21 (3) in subsection (d)—

22 (A) by striking “5 years after the date of
23 establishment of the corridors under subsection
24 (a), and every 5 years thereafter” and inserting

1 “180 days after the date of enactment of the
2 INVEST in America Act”; and

3 (B) by inserting “establish a recurring
4 process to regularly” after “the Secretary
5 shall”;

6 (4) in subsection (e)—

7 (A) in paragraph (1) by striking “; and”
8 and inserting a semicolon;

9 (B) in paragraph (2)—

10 (i) by striking “establishes an aspira-
11 tional goal of achieving” and inserting “de-
12 scribes efforts to achieve”; and

13 (ii) by striking “by the end of fiscal
14 year 2020.” and inserting “, including
15 progress on the implementation of sub-
16 section (f); and”; and

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

18 “(3) summarizes best practices and provides
19 guidance, developed through consultation with the
20 Secretary of Energy, for project development of elec-
21 tric vehicle charging infrastructure to allow for the
22 predictable deployment of such infrastructure.”; and

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

24 “(f) CLEAN CORRIDORS PROGRAM.—

1 “(1) ESTABLISHMENT.—There is established a
2 clean corridors program (referred to in this sub-
3 section as the “Program”) to provide funding to
4 States to strategically deploy electric vehicle charg-
5 ing and hydrogen fueling infrastructure along alter-
6 native fuel corridors and to establish an inter-
7 connected network to facilitate data collection, ac-
8 cess, and reliability.

9 “(2) PURPOSE.—The purpose of the Program
10 is to provide funding for—

11 “(A) the acquisition and installation of
12 electric vehicle charging infrastructure and hy-
13 drogen fueling infrastructure to serve as a cata-
14 lyst for the deployment of such infrastructure
15 and to connect it to a network to facilitate data
16 collection, access, and reliability;

17 “(B) proper operation and maintenance of
18 electric vehicle charging infrastructure; and

19 “(C) data sharing about charging and fuel-
20 ing infrastructure to ensure the long-term suc-
21 cess of investments made through the Program.

22 “(3) ALTERNATIVE DISTRIBUTION OF FUNDS.—

23 “(A) PLAN.—The Secretary shall establish
24 a deadline by which a State shall provide a plan
25 to the Secretary, in such form and such manner

1 that the Secretary requires, describing how
2 such State intends to use its allocation under
3 this section.

4 “(B) EFFICIENT OBLIGATION OF
5 FUNDS.—If a State fails to submit the plan re-
6 quired by subparagraph (A) to the Secretary in
7 a timely manner, or if the Secretary determines
8 a State has not taken sufficient action to carry
9 out its plan, the Secretary may—

10 “(i) withdraw from the State the
11 funds that were apportioned to the State
12 for a fiscal year under section 104(b)(10);

13 “(ii) award such funds on a competi-
14 tive basis to local units of government
15 within the State for use on projects that
16 meet the eligibility requirements described
17 in paragraph (4); and

18 “(iii) ensure timely obligation of such
19 funds.

20 “(C) REDISTRIBUTION AMONG STATES.—If
21 the Secretary determines that any funds with-
22 drawn from a State under subparagraph (B)(i)
23 cannot be fully awarded to local units of gov-
24 ernment within the State under subparagraph
25 (B)(ii) in a manner consistent with the purpose

1 of this subsection, any such funds remaining
2 under subparagraph (B)(i) shall be—

3 “(i) apportioned among other States
4 (except States for which funds for that fis-
5 cal year have been withdrawn under sub-
6 paragraph (B)(i)) in the same ratio as
7 funds apportioned for that fiscal year
8 under section 104(b)(10)(C) for the Pro-
9 gram; and

10 “(ii) only available to carry out this
11 section.

12 “(4) ELIGIBLE PROJECTS.—

13 “(A) IN GENERAL.—Funding made avail-
14 able under this subsection shall be for
15 projects—

16 “(i) directly related to the electric
17 charging or hydrogen fueling of a vehicle;
18 and

19 “(ii) only for infrastructure that is
20 open to the general public or to authorized
21 commercial motor vehicle operators from
22 more than 1 company.

23 “(B) LOCATION OF INFRASTRUCTURE.—

24 “(i) IN GENERAL.—Any charging or
25 fueling infrastructure acquired or installed

1 with funding under this subsection shall be
2 located along an alternative fuel corridor.

3 “(ii) GUIDANCE.—Not later than 90
4 days after the date of enactment of the
5 INVEST in America Act, the Secretary of
6 Transportation, in coordination with the
7 Secretary of Energy, shall develop guid-
8 ance for States and localities to strategi-
9 cally deploy charging and fueling infra-
10 structure along alternative fuel corridors,
11 consistent with this section.

12 “(iii) ADDITIONAL CONSIDER-
13 ATIONS.—In developing the guidance re-
14 quired under clause (ii), the Secretary of
15 Transportation, in coordination with the
16 Secretary of Energy, shall consider—

17 “(I) the distance between publicly
18 available charging and fueling infra-
19 structure eligible under this section;

20 “(II) connections to the electric
21 grid or fuel distribution system, in-
22 cluding electric distribution upgrades,
23 vehicle-to-grid integration, including
24 smart charge management or other
25 protocols that can minimize impacts

1 to the electric grid, and alignment
2 with electric distribution interconnec-
3 tion processes;

4 “(III) plans to protect the elec-
5 tric grid from added load of charging
6 distribution systems from adverse im-
7 pacts of changing load patterns, in-
8 cluding through on site storage;

9 “(IV) plans for the use of renew-
10 able energy sources to power charg-
11 ing, energy storage, and hydrogen fuel
12 production;

13 “(V) the proximity of existing
14 off-highway travel centers, fuel retail-
15 ers, and small businesses to electric
16 vehicle charging infrastructure ac-
17 quired or funded under this sub-
18 section;

19 “(VI) the need for publicly avail-
20 able electric vehicle charging infra-
21 structure in rural corridors;

22 “(VII) the long-term operation
23 and maintenance of publicly available
24 electric vehicle charging infrastructure
25 to avoid stranded assets and protect

1 the investment of public funds in that
2 infrastructure;

3 “(VIII) existing private, national,
4 State, local, Tribal, and territorial
5 government electric vehicle charging
6 infrastructure programs and incen-
7 tives;

8 “(IX) fostering enhanced, coordi-
9 nated, public-private or private invest-
10 ment in charging and fueling infra-
11 structure;

12 “(X) ensuring consumer protec-
13 tion and pricing transparency; and

14 “(XI) any other factors, as deter-
15 mined by the Secretary.

16 “(5) ELIGIBLE PROJECT COSTS.—Subject to
17 paragraph (6), funds made available under this sub-
18 section may be used for—

19 “(A) the acquisition or installation of elec-
20 tric vehicle charging or hydrogen fueling infra-
21 structure;

22 “(B) operating assistance for costs allo-
23 cable to operating and maintaining infrastruc-
24 ture acquired or installed under this subsection,
25 for a period not to exceed five years;

1 “(C) the acquisition or installation of traf-
2 fic control devices located in the right-of-way to
3 provide directional information to infrastructure
4 acquired, installed, or operated under this sub-
5 section; or

6 “(D) on-premises signs to provide informa-
7 tion about infrastructure acquired, installed, or
8 operated under this subsection.

9 “(6) PROJECT REQUIREMENTS.—Not later than
10 180 days after the date of enactment of the IN-
11 VEST in America Act, the Secretary of Transpor-
12 tation, in coordination with the Secretary of Energy,
13 shall, as appropriate, develop standards and require-
14 ments related to—

15 “(A) the installation, operation, or mainte-
16 nance by qualified technicians of electric vehicle
17 charging infrastructure under this subsection;

18 “(B) the physical, software, and payment
19 interoperability of electric vehicle charging in-
20 frastructure under this subsection;

21 “(C) any traffic control device or on-prem-
22 ises sign acquired, installed, or operated under
23 this subsection;

24 “(D) any data requested by the Secretary
25 related to a project funded under this sub-

1 section, including the format and schedule for
2 the submission of such data; and

3 “(E) network connectivity of electric vehi-
4 cle charging that includes measures to protect
5 personal privacy and ensure cybersecurity.

6 “(7) FEDERAL SHARE.—The Federal share
7 payable for the cost of a project funded under this
8 subsection shall be 80 percent.

9 “(8) PERIOD OF AVAILABILITY.—Notwith-
10 standing section 118(b), funds made available for
11 the Program shall be available until expended.

12 “(9) ADDITIONAL ASSISTANCE GRANTS.—For
13 each of fiscal years 2023 through 2026, before mak-
14 ing an apportionment under section 104(b)(10), the
15 Secretary shall set aside, from amounts made avail-
16 able to carry out the clean corridors program under
17 this subsection, \$100,000,000 for grants to States
18 or localities that require additional assistance to
19 strategically deploy infrastructure eligible under this
20 subsection along alternative fuel corridors to fill
21 gaps in the national charging network, including in
22 rural areas.

23 “(10) DEFINITION OF ALTERNATIVE FUEL COR-
24 RIDORS.—In this subsection, the term ‘alternative
25 fuel corridors’ means a fuel corridor—

1 “(A) designated under subsection (a); or
2 “(B) equivalent to a fuel corridor described
3 under such subsection that is designated, after
4 consultation with any affected Indian Tribes or
5 Tribal organizations, by a State or group of
6 States.”.

7 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

8 (a) IN GENERAL.—Chapter 1 of title 23, United
9 States Code, as amended by this title, is further amended
10 by inserting after section 171 the following:

11 **“§ 172. Community climate innovation grants**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
13 lish a community climate innovation grant program (in
14 this section referred to as the ‘Program’) to make grants,
15 on a competitive basis, for locally selected projects that
16 reduce greenhouse gas emissions while improving the mo-
17 bility, accessibility, and connectivity of the surface trans-
18 portation system.

19 “(b) PURPOSE.—The purpose of the Program shall
20 be to support communities in reducing greenhouse gas
21 emissions from the surface transportation system.

22 “(c) ELIGIBLE APPLICANTS.—The Secretary may
23 make grants under the Program to the following entities:

24 “(1) A metropolitan planning organization.

1 “(2) A unit of local government or a group of
2 local governments, or a county or multi-county spe-
3 cial district.

4 “(3) A subdivision of a local government.

5 “(4) A transit agency.

6 “(5) A special purpose district with a transpor-
7 tation function or a port authority.

8 “(6) An Indian Tribe or Tribal organization.

9 “(7) A territory.

10 “(8) A multijurisdictional group of entities de-
11 scribed in paragraphs (1) through (7).

12 “(d) APPLICATIONS.—To be eligible for a grant
13 under the Program, an entity specified in subsection (c)
14 shall submit to the Secretary an application in such form,
15 at such time, and containing such information as the Sec-
16 retary determines appropriate.

17 “(e) ELIGIBLE PROJECTS.—The Secretary may only
18 provide a grant under the Program for a project that is
19 expected to yield a significant reduction in greenhouse gas
20 emissions from the surface transportation system and—

21 “(1) is a project eligible for assistance under
22 this title or under chapter 53 of title 49, or is a cap-
23 ital project for vehicles and facilities, whether pub-
24 licly or privately owned, that are used to provide
25 intercity passenger service by bus; or

1 “(2) is a capital project as defined in section
2 22906 of title 49 to improve intercity passenger rail
3 that will yield a significant reduction in single occu-
4 pant vehicle trips and improve mobility on public
5 roads.

6 “(f) ELIGIBLE USES.—Grant amounts received for a
7 project under the Program may be used for—

8 “(1) development phase activities, including
9 planning, feasibility analysis, revenue forecasting,
10 environmental review, preliminary engineering and
11 design work, and other preconstruction activities;
12 and

13 “(2) construction, reconstruction, rehabilitation,
14 acquisition of real property (including land related
15 to the project and improvements to the land), envi-
16 ronmental mitigation, construction contingencies, ac-
17 quisition of equipment, and operational improve-
18 ments.

19 “(g) PROJECT PRIORITIZATION.—In making grants
20 for projects under the Program, the Secretary shall give
21 priority to projects that are expected to yield the most sig-
22 nificant reductions in greenhouse gas emissions from the
23 surface transportation system.

1 “(h) ADDITIONAL CONSIDERATIONS.—In making
2 grants for projects under the Program, the Secretary shall
3 consider the extent to which—

4 “(1) a project maximizes greenhouse gas reduc-
5 tions in a cost-effective manner;

6 “(2) a project reduces dependence on single-oc-
7 cupant vehicle trips or provides additional transpor-
8 tation options;

9 “(3) a project improves the connectivity and ac-
10 cessibility of the surface transportation system, par-
11 ticularly to low- and zero-emission forms of trans-
12 portation, including public transportation, walking,
13 and bicycling;

14 “(4) an applicant has adequately considered or
15 will adequately consider, including through the op-
16 portunity for public comment, the environmental jus-
17 tice and equity impacts of the project;

18 “(5) a project contributes to geographic diver-
19 sity among grant recipients, including to achieve a
20 balance between urban, suburban, and rural commu-
21 nities;

22 “(6) a project serves low-income residents of
23 low-income communities, including areas of per-
24 sistent poverty, while not displacing such residents;

1 “(7) a project uses pavement materials that
2 demonstrate reductions in greenhouse gas emissions
3 through sequestration or innovative manufacturing
4 processes;

5 “(8) a project repurposes neglected or
6 underused infrastructure, including abandoned high-
7 ways, bridges, railways, trail ways, and adjacent
8 underused spaces, into new hybrid forms of public
9 space that support multiple modes of transportation;
10 and

11 “(9) a project includes regional multimodal
12 transportation system management and operations
13 elements that will improve the effectiveness of such
14 project and encourage reduction of single occupancy
15 trips by providing the ability of users to plan, use,
16 and pay for multimodal transportation alternatives.

17 “(i) FUNDING.—

18 “(1) MAXIMUM AMOUNT.—The maximum
19 amount of a grant under the Program shall be
20 \$25,000,000.

21 “(2) TECHNICAL ASSISTANCE.—Of the amounts
22 made available to carry out the Program, the Sec-
23 retary may use up to 1 percent to provide technical
24 assistance to applicants and potential applicants.

25 “(j) 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
5 highway project;

6 “(B) the requirements of chapter 53 of
7 title 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
10 project.

11 “(2) MULTIMODAL PROJECTS.—

12 “(A) IN GENERAL.—Except as otherwise
13 provided in this paragraph, if an eligible project
14 is a multimodal project, the Secretary shall—

15 “(i) determine the predominant modal
16 component of the project; and

17 “(ii) apply the applicable requirements
18 of such predominant modal component to
19 the project.

20 “(B) EXCEPTIONS.—

21 “(i) PASSENGER OR FREIGHT RAIL
22 COMPONENT.—For any passenger or
23 freight rail component of a project, the re-
24 quirements of section 22907(j)(2) of title
25 49 shall apply.

1 “(ii) PUBLIC TRANSPORTATION COM-
2 PONENT.—For any public transportation
3 component of a project, the requirements
4 of section 5333 of title 49 shall apply.

5 “(C) BUY AMERICA.—In applying the Buy
6 America 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 com-
11 ponents of the project; and

12 “(ii) seek to maximize domestic jobs.

13 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
14 CILITIES.—None of the funds provided under this section
15 may be used for a project that will result in the construc-
16 tion of new capacity available to single occupant vehicles
17 unless the project consists of a high-occupancy vehicle fa-
18 cility and is consistent with section 166.

19 “(l) PUBLIC COMMENT.—Prior to issuing the notice
20 of funding opportunity for funding under this section for
21 fiscal year 2023, the Secretary, in consultation with the
22 Administrator of the Environmental Protection Agency,
23 shall solicit public comment on the method of determining
24 the significant reduction in greenhouse gas emissions re-
25 quired under subsection (e).

1 “(m) CONSULTATION.—Prior to making an award
2 under this section in a given fiscal year, the Secretary
3 shall consult with the Administrator of the Environmental
4 Protection Agency to determine which projects are ex-
5 pected to yield a significant reduction in greenhouse gas
6 emissions as required under subsection (e).”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 1 of title 23, United States Code, is amended by insert-
9 ing after the item relating to section 171 the following:
“172. Community climate innovation grants.”.

10 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Transpor-
12 tation shall establish a metro performance program in ac-
13 cordance with this section to enhance local decision mak-
14 ing and provide enhanced local control in transportation
15 project delivery.

16 (b) DIRECT RECIPIENT DESIGNATION.—

17 (1) IN GENERAL.—The Secretary shall des-
18 ignate high-performing metropolitan planning orga-
19 nizations based on the criteria in paragraph (3) to
20 be direct recipients of funds under this section.

21 (2) AUTHORITY.—Nothing in this section shall
22 be construed to prohibit a direct recipient from tak-
23 ing any action otherwise authorized to secure and
24 expend Federal funds authorized under chapter 1 of
25 title 23, United States Code.

1 (3) CRITERIA.—In designating an applicant
2 under this subsection, the Secretary shall consider—

3 (A) the legal, financial, and technical ca-
4 pacity of the applicant;

5 (B) the level of coordination between the
6 applicant and—

7 (i) the State department of transpor-
8 tation of the State or States in which the
9 metropolitan planning area represented by
10 the applicant is located;

11 (ii) local governments and providers of
12 public transportation within the metropoli-
13 tan planning area represented by the appli-
14 cant; and

15 (iii) if more than one metropolitan
16 planning organization is designated within
17 an urbanized area represented by the ap-
18 plicant, any other such metropolitan plan-
19 ning organization;

20 (C) in the case of an applicant that rep-
21 represents an urbanized area population of greater
22 than 200,000, the effectiveness of project deliv-
23 ery and timely obligation of funds made avail-
24 able under section 133(d)(1)(A)(i) of title 23,
25 United States Code;

1 (D) if the applicant or a local government
2 within the metropolitan planning area that the
3 applicant represents has been the recipient of a
4 discretionary grant from the Secretary within
5 the preceding 5 years, the administration of
6 such grant;

7 (E) the extent to which the planning and
8 decision making process of the applicant, in-
9 cluding the long-range transportation plan and
10 the approved transportation improvement pro-
11 gram under section 134 of such title, support—

12 (i) the performance goals established
13 under section 150(b) of such title; and

14 (ii) the achievement of metropolitan
15 or statewide performance targets estab-
16 lished under section 150(d) of such title;

17 (F) whether the applicant is a designated
18 recipient of funds as described under subpara-
19 graphs (A) and (B) of section 5302(4) of title
20 49, United States Code, or a direct recipient of
21 funds under section 5307 of such title from the
22 Federal Transit Administration; and

23 (G) any other criteria established by the
24 Secretary.

25 (4) REQUIREMENTS.—

1 (A) CALL FOR NOMINATION.—Not later
2 than February 1, 2022, the Secretary shall
3 publish in the Federal Register a notice solici-
4 ting applications for designation under this
5 subsection.

6 (B) GUIDANCE.—The notification under
7 paragraph (1) shall include guidance on the re-
8 quirements and responsibilities of a direct re-
9 cipient under this section, including imple-
10 menting regulations.

11 (C) DETERMINATION.—The Secretary
12 shall make all designations under this section
13 for fiscal year 2023 not later than June 1,
14 2022.

15 (5) TERM.—Except as provided in paragraph
16 (6), a designation under this subsection shall—

17 (A) be for a period of not less than 5
18 years; and

19 (B) be renewable.

20 (6) TERMINATION.—

21 (A) IN GENERAL.—The Secretary shall es-
22 tablish procedures for the termination of a des-
23 ignation under this subsection.

1 (B) CONSIDERATIONS.—In establishing
2 procedures under subparagraph (A), the Sec-
3 retary shall consider—

4 (i) with respect to projects carried out
5 under this section, compliance with the re-
6 quirements of title 23, United States Code,
7 or chapter 53 of title 49, United States
8 Code; and

9 (ii) the obligation rate of any funds—

10 (I) made available under this sec-
11 tion; and

12 (II) in the case of a metropolitan
13 planning organization that represents
14 a metropolitan planning area with an
15 urbanized area population of greater
16 than 200,000, made available under
17 section 133(d)(1)(A)(i) of title 23,
18 United States Code.

19 (c) USE OF FUNDS.—

20 (1) ELIGIBLE PROJECTS.—Funds made avail-
21 able under this section may be obligated for the pur-
22 poses described in section 133(b) of title 23, United
23 States Code.

24 (2) ADMINISTRATIVE EXPENSES AND TECH-
25 NICAL ASSISTANCE.—Of the amounts made available

1 under this section, the Secretary may set aside not
2 more than \$5,000,000 for program management,
3 oversight, and technical assistance to direct recipi-
4 ents.

5 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

6 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
7 withstanding title 23, United States Code, the
8 amounts made available under this section shall be
9 allocated to each direct recipient for obligation.

10 (2) DISTRIBUTION OF AMOUNTS AMONG DIRECT
11 RECIPIENTS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), on the first day of the fiscal year for
14 which funds are made available under this sec-
15 tion, the Secretary shall allocate such funds to
16 each direct recipient as the proportion of the
17 population (as determined by data collected by
18 the Bureau of the Census) of the urbanized
19 area represented by any 1 direct recipient bears
20 to the total population of all of urbanized areas
21 represented by all direct recipients.

22 (B) MINIMUM AND MAXIMUM AMOUNTS.—
23 Of funds allocated to direct recipients under
24 subparagraph (A), each direct recipient shall re-

1 ceive not less than \$10,000,000 and not more
2 than \$50,000,000 each fiscal year.

3 (C) MINIMUM GUARANTEED AMOUNT.—In
4 making a determination whether to designate a
5 metropolitan planning organization as a direct
6 recipient under subsection (b), the Secretary
7 shall ensure that each direct recipient receives
8 the minimum required allocation under sub-
9 paragraph (B).

10 (D) ADDITIONAL AMOUNTS.—If any
11 amounts remain undistributed after the dis-
12 tribution described in this subsection, such re-
13 maining amounts and an associated amount of
14 obligation limitation shall be made available as
15 if suballocated under clauses (i) and (ii) of sec-
16 tion 133(d)(1)(A) of title 23, United States
17 Code, and distributed among the States in the
18 proportion that the relative shares of the popu-
19 lation (as determined by data collected by the
20 Bureau of the Census) of the urbanized areas
21 of each State bears to the total populations of
22 all urbanized areas across all States.

23 (3) PROJECT DELIVERY.—

24 (A) IN GENERAL.—For 1 or more projects
25 carried out with funds provided under this sec-

1 tion, the direct recipient may, consistent with
2 the agreement entered into with the Secretary
3 under this paragraph, assume the Federal-aid
4 highway project approval and oversight respon-
5 sibilities vested in the State department of
6 transportation under section 106 of title 23,
7 United States Code.

8 (B) PARTNERSHIP.—The direct recipient
9 may partner with a State, unit of local govern-
10 ment, regional entity, or transit agency to carry
11 out a project under this section.

12 (C) PROCEDURAL, LEGAL, AND SUB-
13 STANTIVE REQUIREMENTS.—A direct recipient
14 entering into an agreement with the Secretary
15 under this section shall assume responsibility
16 for compliance with all procedural and sub-
17 stantive requirements as would apply if that re-
18 sponsibility were carried out by a State, unless
19 the direct recipient or the Secretary determines
20 that such assumption of responsibility for 1 or
21 more of the procedural and substantive require-
22 ments is not appropriate.

23 (D) WRITTEN AGREEMENT.—The Sec-
24 retary and the direct recipient shall enter into
25 an agreement in writing relating to the extent

1 to which the direct recipient assumes the re-
2 sponsibilities of the Secretary under this para-
3 graph. Such agreement shall be developed in
4 consultation with the State.

5 (E) USE OF FUNDS.—The direct recipient
6 may use amounts made available under this
7 section for costs incurred in implementing this
8 paragraph and to compensate a State, unit of
9 local government, or transit agency for costs in-
10 curred in providing assistance under this para-
11 graph.

12 (F) LIMITATIONS.—The direct recipient
13 may not assume responsibilities described in
14 subparagraph (A) for any project that the Sec-
15 retary determines to be in a high-risk category,
16 including projects on the National Highway
17 System.

18 (e) EXPENDITURE OF FUNDS.—

19 (1) CONSISTENCY WITH METROPOLITAN PLAN-
20 NING.—Except as otherwise provided in this section,
21 programming and expenditure of funds for projects
22 under this section shall be consistent with the re-
23 quirements of section 134 of title 23, United States
24 Code, and section 5303 of title 49, United States
25 Code.

1 (2) SELECTION OF PROJECTS.—

2 (A) IN GENERAL.—Notwithstanding sub-
3 sections (j)(5) and (k)(4) of section 134 of title
4 23, United States Code, or subsections (j)(5)
5 and (k)(4) of section 5303 of title 49, United
6 States Code, a direct recipient shall select, from
7 the approved transportation improvement pro-
8 gram under such sections, all projects to be
9 funded under this section, including projects on
10 the National Highway System.

11 (B) ELIGIBLE PROJECTS.—The project se-
12 lection process described in this subsection shall
13 apply to all federally funded projects within the
14 boundaries of a metropolitan planning area
15 served by a direct recipient that are carried out
16 under this section.

17 (C) CONSULTATION REQUIRED.—In select-
18 ing a project under this subsection, the metro-
19 politan planning organization shall consult
20 with—

21 (i) in the case of a highway project,
22 the State and locality in which such project
23 is located; and

1 (ii) in the case of a transit project,
2 any affected public transportation oper-
3 ator.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 section shall be construed to limit the ability of a di-
6 rect recipient to partner with a State department of
7 transportation or other recipient of Federal funds
8 under title 23, United States Code, or chapter 53 of
9 title 49, United States Code, to carry out a project.

10 (f) TREATMENT OF FUNDS.—

11 (1) IN GENERAL.—Except as provided in this
12 section, funds made available to carry out this sec-
13 tion shall be administered as if apportioned under
14 chapter 1 of title 23, United States Code.

15 (2) FEDERAL SHARE.—The Federal share of
16 the cost of a project carried out under this section
17 shall be determined in accordance with section 120
18 of title 23, United States Code.

19 (g) REPORT.—

20 (1) DIRECT RECIPIENT REPORT.—Not later
21 than 60 days after the end of each fiscal year, each
22 direct recipient shall submit to the Secretary a re-
23 port that includes—

24 (A) a list of projects funded with amounts
25 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
7 Committee on Environment and Public Works of the
8 Senate and the Committee on Transportation and
9 Infrastructure of the House of Representatives a re-
10 port that—

11 (A) summarizes the findings of each direct
12 recipient provided under paragraph (1);

13 (B) describes the efforts undertaken by
14 both direct recipients and the Secretary to en-
15 sure compliance with the requirements of title
16 23 and chapter 53 of title 49, United States
17 Code;

18 (C) analyzes the capacity of direct recipi-
19 ents to receive direct allocations of funds under
20 chapter 1 of title 23, United States Code; and

21 (D) provides recommendations from the
22 Secretary to—

23 (i) improve the administration, over-
24 sight, and performance of the program es-
25 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
5 authority provided under this section, in-
6 cluding to allow for the direct allocation to
7 metropolitan planning organizations of
8 funds made available to carry out clause
9 (i) or (ii) of section 133(d)(1)(A) of title
10 23, United States Code.

11 (3) UPDATE.—Not less frequently than every 2
12 years, the Secretary shall update the report de-
13 scribed 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
20 (d).

21 (2) METROPOLITAN PLANNING AREA.—The
22 term “metropolitan planning area” has the meaning
23 given such term in section 134 of title 23, United
24 States Code.

1 (3) METROPOLITAN PLANNING ORGANIZA-
2 TION.—The term “metropolitan planning organiza-
3 tion” has the meaning given such term in section
4 134 of title 23, United States Code.

5 (4) NATIONAL HIGHWAY SYSTEM.—The term
6 “National Highway System” has the meaning given
7 such term in section 101 of title 23, United States
8 Code.

9 (5) STATE.—The term “State” has the mean-
10 ing given such term in section 101 of title 23,
11 United States Code.

12 (6) URBANIZED AREA.—The term “urbanized
13 area” has the meaning given such term in section
14 134 of title 23, United States Code.

15 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

16 (a) ESTABLISHMENT.—The Secretary of Transpor-
17 tation shall establish a gridlock reduction program to
18 make grants, on a competitive basis, for projects to re-
19 duce, and mitigate the adverse impacts of, traffic conges-
20 tion.

21 (b) APPLICATIONS.—To be eligible for a grant under
22 this section, an applicant shall submit to the Secretary an
23 application in such form, at such time, and containing
24 such information as the Secretary determines appropriate.

1 (c) ELIGIBLE APPLICANTS.—The Secretary may
2 make grants under this section to an applicant that is
3 serving a combined statistical area, as defined by the Of-
4 fice of Management and Budget, with a population of not
5 less than 1,300,000 and that is—

6 (1) a metropolitan planning organization;

7 (2) a unit of local government or a group of
8 local governments;

9 (3) a multijurisdictional group of entities de-
10 scribed in paragraphs (1) and (2);

11 (4) a special purpose district or public authority
12 with a transportation function, including a port au-
13 thority; or

14 (5) a State that is in partnership with an entity
15 or group of entities described in paragraph (1), (2),
16 or (3).

17 (d) ELIGIBLE PROJECTS.—The Secretary may award
18 grants under this section to applicants that submit a com-
19 prehensive program of surface transportation-related
20 projects to reduce traffic congestion and related adverse
21 impacts, including a project for one or more of the fol-
22 lowing:

23 (1) Transportation systems management and
24 operations.

25 (2) Intelligent transportation systems.

1 (3) Real-time traveler information.

2 (4) Traffic incident management.

3 (5) Active traffic management.

4 (6) Traffic signal timing.

5 (7) Multimodal travel payment systems.

6 (8) Transportation demand management, in-
7 cluding employer-based commuting programs such
8 as carpool, vanpool, transit benefit, parking cashout,
9 shuttle, or telework programs.

10 (9) A project to provide transportation options
11 to reduce traffic congestion, including—

12 (A) a project under chapter 53 of title 49,
13 United States Code;

14 (B) a bicycle or pedestrian project, includ-
15 ing a project to provide safe and connected ac-
16 tive transportation networks; and

17 (C) a surface transportation project car-
18 ried out in accordance with the national travel
19 and tourism infrastructure strategic plan under
20 section 1431(e) of the FAST Act (49 U.S.C.
21 301 note).

22 (10) Any other project, as determined appro-
23 priate by the Secretary.

24 (e) AWARD PRIORITIZATION.—

1 (1) IN GENERAL.—In selecting grants under
2 this section, the Secretary shall prioritize applicants
3 serving urbanized areas, as described in subsection
4 (c), that are experiencing a high degree of recurrent
5 transportation congestion, as determined by the Sec-
6 retary.

7 (2) ADDITIONAL CONSIDERATIONS.—In select-
8 ing grants under this section, the Secretary shall
9 also consider the extent to which the project
10 would—

11 (A) reduce traffic congestion and improve
12 the reliability of the surface transportation sys-
13 tem;

14 (B) mitigate the adverse impacts of traffic
15 congestion on the surface transportation sys-
16 tem, including safety and environmental im-
17 pacts;

18 (C) maximize the use of existing capacity;
19 and

20 (D) employ innovative, integrated, and
21 multimodal solutions to the items described in
22 subparagraphs (A), (B), and (C).

23 (f) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share of the
2 cost of a project carried out under this section may
3 not exceed 60 percent.

4 (2) MAXIMUM FEDERAL SHARE.—Federal as-
5 sistance other than a grant for a project under this
6 section may be used to satisfy the non-Federal share
7 of the cost of such project, except that the total Fed-
8 eral assistance provided for a project receiving a
9 grant under this section may not exceed 80 percent
10 of the total project cost.

11 (g) USE OF FUNDS.—Funds made available for a
12 project under this section may be used for—

13 (1) development phase activities, including plan-
14 ning, feasibility analysis, revenue forecasting, envi-
15 ronmental review, preliminary engineering and de-
16 sign work, and other preconstruction activities; and

17 (2) construction, reconstruction, rehabilitation,
18 acquisition of real property (including land related
19 to the project and improvements to the land), envi-
20 ronmental mitigation, construction contingencies, ac-
21 quisition of equipment, and operational improve-
22 ments.

23 (h) FUNDING.—

1 (1) GRANT AMOUNT.—A grant under this sec-
2 tion shall be in an amount not less than
3 \$10,000,000 and not more than \$50,000,000.

4 (2) AVAILABILITY.—Funds made available
5 under this program shall be available until expended.

6 (i) FREIGHT PROJECT SET-ASIDE.—

7 (1) IN GENERAL.—The Secretary shall set aside
8 not less than 50 percent of the funds made available
9 to carry out this section for grants for freight
10 projects under this subsection.

11 (2) ELIGIBLE USES.—The Secretary shall pro-
12 vide funds set aside under this subsection to appli-
13 cants that submit a comprehensive program of sur-
14 face transportation-related projects to reduce
15 freight-related traffic congestion and related adverse
16 impacts, including—

17 (A) freight intelligent transportation sys-
18 tems;

19 (B) real-time freight parking information;

20 (C) real-time freight routing information;

21 (D) freight transportation and delivery
22 safety projects;

23 (E) first-mile and last-mile delivery solu-
24 tions;

1 (F) shifting freight delivery to off-peak
2 travel times;

3 (G) reducing greenhouse gas emissions and
4 air pollution from freight transportation and
5 delivery, including through the use of innovative
6 vehicles that produce fewer greenhouse gas
7 emissions;

8 (H) use of centralized delivery locations;

9 (I) designated freight vehicle parking and
10 staging areas;

11 (J) curb space management; and

12 (K) other projects, as determined appro-
13 priate by the Secretary.

14 (3) AWARD PRIORITIZATION.—

15 (A) IN GENERAL.—In providing funds set
16 aside under this section, the Secretary shall
17 prioritize applicants serving urbanized areas, as
18 described in subsection (c), that are experi-
19 encing a high degree of recurrent congestion
20 due to freight transportation, as determined by
21 the Secretary.

22 (B) ADDITIONAL CONSIDERATIONS.—In
23 providing funds set aside under this subsection,
24 the Secretary shall consider the extent to which
25 the proposed project—

1 (i) reduces freight-related traffic con-
2 gestion and improves the reliability of the
3 freight transportation system;

4 (ii) mitigates the adverse impacts of
5 freight-related traffic congestion on the
6 surface transportation system, including
7 safety and environmental impacts;

8 (iii) maximizes the use of existing ca-
9 pacity;

10 (iv) employs innovative, integrated,
11 and multimodal solutions to the items de-
12 scribed in clauses (i) through (iii);

13 (v) leverages Federal funds with non-
14 Federal contributions; and

15 (vi) integrates regional multimodal
16 transportation management and oper-
17 ational projects that address both pas-
18 senger and freight congestion.

19 (4) FLEXIBILITY.—If the Secretary determines
20 that there are insufficient qualified applicants to use
21 the funds set aside under this subsection, the Sec-
22 retary may use such funds for grants for any
23 projects eligible under this section.

24 (j) REPORT.—

1 (1) RECIPIENT REPORT.—The Secretary shall
2 ensure that not later than 2 years after the Sec-
3 retary awards grants under this section, the recipi-
4 ent of each such grant submits to the Secretary a
5 report that contains—

6 (A) information on each activity or project
7 that received funding under this section;

8 (B) a summary of any non-Federal re-
9 sources leveraged by a grant under this section;

10 (C) any statistics, measurements, or quan-
11 titative assessments that demonstrate the con-
12 gestion reduction, reliability, safety, and envi-
13 ronmental benefits achieved through activities
14 or projects that received funding under this sec-
15 tion; and

16 (D) any additional information required by
17 the Secretary.

18 (2) REPORT TO CONGRESS.—Not later than 9
19 months after the date specified in paragraph (1), the
20 Secretary shall submit to the Committee on Trans-
21 portation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Environment and
23 Public Works, the Committee on Commerce, Science,
24 and Transportation, and the Committee on Banking,
25 Housing, and Urban Affairs of the Senate, and

1 make publicly available on a website, a report detail-
2 ing—

3 (A) a summary of any information pro-
4 vided under paragraph (1); and

5 (B) recommendations and best practices
6 to—

7 (i) reduce traffic congestion, including
8 freight-related traffic congestion, and im-
9 prove the reliability of the surface trans-
10 portation system;

11 (ii) mitigate the adverse impacts of
12 traffic congestion, including freight-related
13 traffic congestion, on the surface transpor-
14 tation system, including safety and envi-
15 ronmental impacts; and

16 (iii) employ innovative, integrated,
17 and multimodal solutions to the items de-
18 scribed in clauses (i) and (ii).

19 (k) NOTIFICATION.—Not later than 3 business days
20 before awarding a grant under this section, the Secretary
21 shall notify the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Environment and Public Works, the Committee
24 on Commerce, Science, and Transportation, and the Com-

1 mittee on Banking, Housing, and Urban Affairs of the
2 Senate of the intention to award such a grant.

3 (I) TREATMENT OF PROJECTS.—

4 (1) FEDERAL REQUIREMENTS.—The Secretary
5 shall, with respect to a project funded by a grant
6 under this section, apply—

7 (A) the requirements of title 23, United
8 States Code, to a highway project;

9 (B) the requirements of chapter 53 of title
10 49, United States Code, to a public transpor-
11 tation project; and

12 (C) the requirements of section 22905 of
13 title 49, United States Code, to a passenger rail
14 or freight rail project.

15 (2) MULTIMODAL PROJECTS.—

16 (A) IN GENERAL.—Except as otherwise
17 provided in this paragraph, if an eligible project
18 is a multimodal project, the Secretary shall—

19 (i) determine the predominant modal
20 component of the project; and

21 (ii) apply the applicable requirements
22 of such predominant modal component to
23 the project.

24 (B) EXCEPTIONS.—

1 (i) PASSENGER OR FREIGHT RAIL
2 COMPONENT.—For any passenger or
3 freight rail component of a project, the re-
4 quirements of section 22907(j)(2) of title
5 49, United States Code, shall apply.

6 (ii) PUBLIC TRANSPORTATION COMPO-
7 NENT.—For any public transportation
8 component of a project, the requirements
9 of section 5333 of title 49, United States
10 Code, shall apply.

11 (C) BUY AMERICA.—In applying the Buy
12 America requirements under section 313 of title
13 23, United States Code, and sections 5320,
14 22905(a), and 24305(f) of title 49, United
15 States Code, to a multimodal project under this
16 paragraph, the Secretary shall—

17 (i) consider the various modal compo-
18 nents of the project; and

19 (ii) seek to maximize domestic jobs.

20 (m) TREATMENT OF FUNDS.—Except as provided in
21 subsection (l), funds authorized for the purposes described
22 in this section shall be available for obligation in the same
23 manner as if the funds were apportioned under chapter
24 1 of title 23, United States Code.

1 **SEC. 1307. REBUILD RURAL BRIDGES PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall establish a rebuild rural bridges program to
4 improve the safety and state of good repair of bridges in
5 rural communities.

6 (b) GRANT AUTHORITY.—In carrying out the pro-
7 gram established in subsection (a), the Secretary shall
8 make grants, on a competitive basis, to eligible applicants
9 in accordance with this section.

10 (c) APPLICATIONS.—To be eligible for a grant under
11 this section, an eligible entity shall submit to the Secretary
12 an application in such form, at such time, and containing
13 such information as the Secretary determines appropriate.

14 (d) ELIGIBLE PROJECTS.—The Secretary—

15 (1) shall provide grants under this section to
16 projects eligible under title 23, United States Code,
17 including projects on and off of the Federal-aid
18 highway system, to inspect, replace, rehabilitate, or
19 preserve—

20 (A) an off-system bridge;

21 (B) a bridge on Tribal land; or

22 (C) a bridge in poor condition located in a
23 rural community; and

24 (2) may provide a grant for a bundle of bridges
25 described in paragraph (1).

1 (e) ELIGIBLE PROJECT COSTS.—A recipient of a
2 grant under this section may use such grant for—

3 (1) development phase activities, including plan-
4 ning, feasibility analysis, revenue forecasting, envi-
5 ronmental review, preliminary engineering and de-
6 sign work, and other preconstruction activities;

7 (2) construction, reconstruction, rehabilitation,
8 acquisition of real property (including land related
9 to the project and improvements to the land), envi-
10 ronmental mitigation, and construction contin-
11 gencies; and

12 (3) bridge inspection, evaluation, and preserva-
13 tion.

14 (f) FEDERAL SHARE.—

15 (1) IN GENERAL.—The Federal share of the
16 cost of a project carried out using a grant under this
17 section may not exceed 80 percent of the total cost
18 of such project.

19 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
20 assistance other than a grant under this section may
21 be used to satisfy up to 100 percent of the total cost
22 of such project.

23 (g) CONSIDERATIONS.—In making grants under this
24 section, the Secretary shall consider—

1 (1) whether the project can be completed with-
2 out additional Federal funding or financial assist-
3 ance available to the project sponsor, beyond existing
4 Federal apportionments; and

5 (2) the level of benefits the project is expected
6 to generate, including—

7 (A) the costs avoided by the prevention of
8 closure or reduced use of the asset to be im-
9 proved by the project;

10 (B) reductions in maintenance costs over
11 the life of the asset;

12 (C) safety benefits, including the reduction
13 of accidents and related costs; and

14 (D) benefits to the economy of the rural or
15 Tribal community.

16 (h) INVESTMENTS IN COLONIAS.—

17 (1) IN GENERAL.—Of the grants made available
18 under this section, not less than \$10,000,000 for fis-
19 cal years 2023 through 2026 shall be made available
20 to provide grants that improve the safety, state of
21 good repair, or connectivity through bridge invest-
22 ments in and providing access to, colonias.

23 (2) COLONIA DEFINED.—In this section, the
24 term “colonia” means any identifiable community
25 that—

1 (A) is in the State of Arizona, California,
2 New Mexico, or Texas;

3 (B) is in the area of the United States
4 within 150 miles of the border between the
5 United States and Mexico, except that the term
6 does not include any standard metropolitan sta-
7 tistical area that has a population exceeding
8 1,000,000;

9 (C) is determined to be a colonia on the
10 basis of objective criteria, including lack of po-
11 table water supply, lack of adequate sewage sys-
12 tems, and lack of decent, safe, and sanitary
13 housing; and

14 (D) was in existence as a colonia before
15 November 28, 1990.

16 (i) NOTIFICATION.—Not later than 3 business days
17 before awarding a grant under this section, the Secretary
18 shall notify the Committee on Transportation and Infra-
19 structure of the House of Representatives and the Com-
20 mittee on Environment and Public Works of the Senate
21 of the intention to award such a grant.

22 (j) DEFINITIONS.—In this section:

23 (1) ELIGIBLE APPLICANT.—The term “eligible
24 applicant” means—

25 (A) a State;

1 (B) a metropolitan planning organization
2 or a regional transportation planning organiza-
3 tion;

4 (C) a unit of local government;

5 (D) a Federal land management agency;

6 (E) an Indian Tribe or Tribal organiza-
7 tion;

8 (F) a territory; and

9 (G) a multijurisdictional group of entities
10 described in subparagraph (A) through (F).

11 (2) OFF SYSTEM BRIDGE.—The term “off-sys-
12 tem bridge” has the meaning given such term in sec-
13 tion 133(f) of title 23, United States Code, (as
14 added by this Act).

15 (3) RURAL COMMUNITY.—The term “rural
16 community” means an area that is not an urbanized
17 area, as such term is defined in section 101(a) of
18 title 23, United States Code.

19 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

20 (a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish a program under which the Secretary
22 shall make grants, on a competitive basis, to eligible enti-
23 ties to address the shortage of parking for commercial
24 motor vehicles to improve the safety of commercial motor
25 vehicle operators.

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
6 this section are projects that—

7 (1) construct safety rest areas that include
8 parking 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
14 to, 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

1 through the use of intelligent transportation sys-
2 tems;

3 (5) construct turnouts along a Federal-aid
4 highway for commercial motor vehicles;

5 (6) make capital improvements to public com-
6 mercial motor vehicle parking facilities that are
7 closed on a seasonal basis to allow the facilities to
8 remain open year-round;

9 (7) open existing commercial motor vehicle
10 chain-up areas that are closed on a seasonal basis to
11 allow the facilities to remain open year-round for
12 commercial motor vehicle parking;

13 (8) address commercial motor vehicle parking
14 and layover needs in emergencies that strain the ca-
15 pacity of existing publicly and privately provided
16 commercial motor vehicle parking; and

17 (9) make improvements to existing commercial
18 motor vehicle parking facilities, including advanced
19 truckstop electrification systems.

20 (d) USE OF FUNDS.—

21 (1) IN GENERAL.—An eligible entity may use a
22 grant under this section for—

23 (A) development phase activities, including
24 planning, feasibility analysis, benefit-cost anal-
25 ysis, environmental review, preliminary engi-

1 neering and design work, and other
2 preconstruction activities necessary to advance
3 a project described in subsection (c); and

4 (B) construction and operational improve-
5 ments, as such terms are defined in section 101
6 of title 23, United States Code.

7 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
8 gible entity that receives a grant under this section
9 may partner with a private entity to carry out an eli-
10 gible project under this section.

11 (3) LIMITATION.—Not more than 10 percent of
12 the amounts made available to carry out this section
13 may be used to promote the availability of existing
14 commercial motor vehicle parking.

15 (e) SELECTION CRITERIA.—In making grants under
16 this section, the Secretary shall consider—

17 (1) in the case of construction of new commer-
18 cial motor vehicle parking capacity, the shortage of
19 public and private commercial motor vehicle parking
20 near the project; and

21 (2) the extent to which each project—

22 (A) would increase commercial motor vehi-
23 cle parking capacity or utilization;

24 (B) would facilitate the efficient movement
25 of freight;

1 (C) would improve safety, traffic conges-
2 tion, 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 re-
10 ceive a grant under this section, the Secretary of Trans-
11 portation shall notify the Committee on Transportation
12 and Infrastructure of the House of Representatives and
13 the Committee on Environment and Public Works of the
14 Senate of the intention to award such a grant.

15 (g) FEDERAL SHARE.—The Federal share of the cost
16 of a project under this section shall be determined in ac-
17 cordance with subsections (b) and (c) of section 120 of
18 title 23, United States Code.

19 (h) PROHIBITION ON CHARGING FEES.—To be eligi-
20 ble for a grant under this section, an eligible entity shall
21 certify that no fees will be charged for the use of a project
22 assisted with such grant.

23 (i) AMENDMENT TO MAP–21.—Section 1401(c)(1)
24 of MAP–21 (23 U.S.C. 137 note) is amended—

1 (1) by inserting “and private providers of com-
2 mercial motor vehicle parking” after “personnel”;
3 and

4 (2) in subparagraph (A) by striking “the capa-
5 bility of the State to provide” and inserting “the
6 availability of”.

7 (j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

8 (1) UPDATE.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 update the survey of each State required under sec-
11 tion 1401(c)(1) of the MAP–21 (23 U.S.C. 137
12 note).

13 (2) REPORT.—Not later than 1 year after the
14 deadline under paragraph (1), the Secretary shall
15 publish on the website of the Department of Trans-
16 portation a report that—

17 (A) evaluates the availability of adequate
18 parking and rest facilities for commercial motor
19 vehicles engaged in interstate transportation;

20 (B) evaluates the effectiveness of the
21 projects funded under this section in improving
22 access to commercial motor vehicle parking; and

23 (C) reports on the progress being made to
24 provide adequate commercial motor vehicle
25 parking facilities in the State.

1 (3) CONSULTATION.—The Secretary shall pre-
2 pare the report required under paragraph (2) in con-
3 sultation with—

4 (A) relevant State motor carrier safety
5 personnel;

6 (B) motor carriers and commercial motor
7 vehicle operators; and

8 (C) private providers of commercial motor
9 vehicle parking.

10 (k) DEFINITIONS.—In this section:

11 (1) COMMERCIAL MOTOR VEHICLE.—The term
12 “commercial motor vehicle” has the meaning given
13 such term in section 31132 of title 49, United
14 States Code.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State;

18 (B) a metropolitan planning organization;

19 (C) a unit of local government;

20 (D) a political subdivision of a State or
21 local government carrying out responsibilities
22 relating to commercial motor vehicle parking;
23 and

1 (E) a multistate or multijurisdictional
2 group of entities described in subparagraphs
3 (A) through (D).

4 (3) SAFETY REST AREA.—The term “safety
5 rest area” has the meaning given such term in sec-
6 tion 120(c) of title 23, United States Code.

7 **SEC. 1309. ACTIVE CONNECTED TRANSPORTATION GRANT**
8 **PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish an active connected transportation
11 grant program to provide for safe and connected active
12 transportation networks and active transportation connec-
13 tors.

14 (b) GRANT AUTHORITY.—In carrying out the pro-
15 gram established in subsection (a), the Secretary shall
16 make grants, on a competitive basis, in accordance with
17 this section.

18 (c) ELIGIBLE APPLICANTS.—The Secretary may
19 make a grant under this section to—

- 20 (1) a State;
- 21 (2) a metropolitan planning organization;
- 22 (3) a regional transportation authority;
- 23 (4) a unit of local government, including a
24 county or multi-county special district;
- 25 (5) a Federal land management agency;

1 (6) a natural resource or public land agency;

2 (7) an Indian Tribe or Tribal organization;

3 (8) any local or regional governmental entity
4 with responsibility for or oversight of transportation
5 or recreational trails; and

6 (9) a multistate or multijurisdictional group of
7 entities described in this subsection.

8 (d) APPLICATIONS.—To be eligible for a grant under
9 this section, an entity specified under subsection (c) shall
10 submit to the Secretary an application in such form, at
11 such time, and containing such information as the Sec-
12 retary determines appropriate.

13 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
14 vide grants under this section to projects that improve the
15 connectivity and the use of active transportation facili-
16 ties—

17 (1) including—

18 (A) active transportation networks;

19 (B) active transportation connectors; and

20 (C) planning related to the development
21 of—

22 (i) active transportation networks;

23 (ii) active transportation connectors;

24 and

1 (iii) vision zero plans or complete
2 streets prioritization plans under section
3 1601; and

4 (2) that have—

5 (A) total project costs of not less than
6 \$15,000,000; or

7 (B) in the case of planning grants under
8 subsection (f)(2), a total cost of not less than
9 \$100,000.

10 (f) USE OF FUNDS.—

11 (1) IN GENERAL.—Of the amounts made avail-
12 able to carry out this section for fiscal years 2023
13 through 2026 and except as provided in paragraph
14 (2), the Secretary shall obligate—

15 (A) not less than 30 percent to eligible
16 projects that construct active transportation
17 networks; and

18 (B) not less than 30 percent to eligible
19 projects that construct active transportation
20 connectors.

21 (2) PLANNING GRANTS.—Of the amounts made
22 available to carry out this section for fiscal years
23 2023 through 2026, the Secretary may use not more
24 than 10 percent to provide planning grants to eligi-

1 ble applicants for activities under subsection
2 (e)(1)(C).

3 (g) CONSIDERATIONS.—In making grants under this
4 section, the Secretary shall consider the extent to which—

5 (1) a project is likely to provide substantial ad-
6 ditional opportunities for active transportation, in-
7 cluding walking and bicycling, including through the
8 creation of—

9 (A) active transportation networks con-
10 necting destinations within or between commu-
11 nities, including between schools, workplaces,
12 residences, businesses, recreation areas, and
13 other community areas; and

14 (B) active transportation connectors con-
15 necting 2 or more communities, metropolitan
16 areas, or States, including greenway paths;

17 (2) an applicant has adequately considered or
18 will consider, including through the opportunity for
19 public comment, the environmental justice and eq-
20 uity impacts of the project;

21 (3) the project would improve safety for vulner-
22 able road users, including through the use of com-
23 plete street design policies or a safe system ap-
24 proach; and

1 (4) a project integrates active transportation fa-
2 cilities with public transportation services, where
3 available, to improve access to public transportation.

4 (h) LIMITATION.—

5 (1) IN GENERAL.—The share of the cost of a
6 project assisted with a grant under this section may
7 not exceed 80 percent.

8 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
9 assistance other than a grant under this section may
10 be used to satisfy up to 100 percent of the total
11 project cost.

12 (i) ELIGIBLE PROJECT COSTS.—Amounts made
13 available for a project under this section may be used
14 for—

15 (1) development phase activities, including plan-
16 ning, feasibility analysis, revenue forecasting, envi-
17 ronmental 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
21 to the project and improvements to the land), envi-
22 ronmental mitigation, construction contingencies, ac-
23 quisition of equipment, and operational improve-
24 ments.

1 (j) NOTIFICATION.—Not later than 3 business days
2 before awarding a grant under this section, the Secretary
3 of Transportation shall notify 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 of the intention to award such a grant.

7 (k) DEFINITIONS.—In this section:

8 (1) ACTIVE TRANSPORTATION NETWORK.—The
9 term “active transportation network” means facili-
10 ties built for alternative methods of transportation
11 to motor vehicles for individuals, including side-
12 walks, bikeways, and pedestrian and bicycle trails,
13 that connect destinations within an area covered by
14 a unit of local government, a county, a community,
15 including a community on Federal lands, or a metro-
16 politan area.

17 (2) ACTIVE TRANSPORTATION CONNECTOR.—
18 The term “active transportation connector” means
19 facilities built for alternative methods of transpor-
20 tation to motor vehicles for individuals, including
21 sidewalks, bikeways, and pedestrian and bicycle
22 trails, that connect 2 or more active transportation
23 networks or connect communities, areas covered by
24 a unit of local government, counties, metropolitan
25 areas, Federal lands, or States.

1 (3) GREENWAY PATH.—The term “greenway
2 path” means an active transportation connector
3 that—

4 (A) crosses jurisdictional boundaries, in-
5 cluding State lines, and provides for
6 connectivity between multiple communities,
7 counties, metropolitan areas, or States; or

8 (B) is a component of a regionally or na-
9 tionally significant network.

10 (4) SAFE SYSTEM APPROACH.—The term “safe
11 system approach” has the meaning given such term
12 in section 148(a) of title 23, United States Code.

13 (5) VULNERABLE ROAD USER.—The term “vul-
14 nerable road user” has the meaning given such term
15 in section 148(a) of title 23, United States Code.

16 **SEC. 1310. WILDLIFE CROSSINGS PROGRAM.**

17 (a) ESTABLISHMENT.—The Secretary shall establish
18 a competitive wildlife crossings grant program (referred
19 to in this section as the “program”) to provide grants for
20 projects that seek to achieve—

21 (1) a reduction in the number of wildlife-vehicle
22 collisions; and

23 (2) improved habitat connectivity for terrestrial
24 and aquatic species.

1 (b) ELIGIBLE ENTITIES.—The Secretary may make
2 grants under the program to the following entities:

3 (1) A State.

4 (2) An Indian Tribe or Tribal organization.

5 (3) A territory.

6 (4) A Federal land management agency de-
7 scribed in section 203(b) of title 23, United States
8 Code.

9 (5) A group of entities described in paragraphs
10 (1) through (4).

11 (c) APPLICATIONS.—To be eligible to receive a grant
12 under the program, an eligible entity shall submit to the
13 Secretary an application at such time, in such manner,
14 and containing such information as the Secretary may re-
15 quire.

16 (d) CONSIDERATIONS.—In selecting grant recipients
17 under the program, the Secretary shall consider the fol-
18 lowing:

19 (1) PRIMARY CRITERIA.—The extent to which
20 the proposed project is likely to protect motorists
21 and wildlife by reducing the number of wildlife-vehi-
22 cle collisions and improve habitat connectivity for
23 terrestrial and aquatic species.

24 (2) SECONDARY CRITERIA.—

25 (A) The resilience benefits of the project.

1 (B) The extent to which the project incor-
2 porates climate science, including expected
3 changes in migration patterns.

4 (C) The extent to which the project spon-
5 sor has coordinated with the relevant State
6 agency with jurisdiction over fish and wildlife,
7 if appropriate.

8 (D) In the case of a project involving spe-
9 cies listed as threatened species or endangered
10 species under the Endangered Species Act of
11 1973 (16 U.S.C. 1531 et seq.), whether the
12 project sponsor has coordinated with the United
13 States Fish and Wildlife Service.

14 (E) Other ecological benefits of the project,
15 including—

16 (i) reductions in stormwater runoff
17 and other water pollution; and

18 (ii) the benefits of improved habitat
19 connectivity for pollinators and the use of
20 natively appropriate grasses.

21 (F) Whether the project supports local eco-
22 nomic development and improvement of visita-
23 tion opportunities.

24 (G) The extent to which the project incor-
25 porates innovative technologies, including ad-

1 vanced design techniques and other strategies
2 to enhance efficiency and effectiveness in reduc-
3 ing wildlife-vehicle collisions and improving
4 habitat connectivity for terrestrial and aquatic
5 species.

6 (H) The extent to which the project pro-
7 vides educational and outreach opportunities.

8 (I) Whether the project will further re-
9 search to evaluate, compare effectiveness of,
10 and identify best practices in selected projects.

11 (J) How the benefits compare to the costs
12 of the project.

13 (K) Any other criteria relevant to reducing
14 the number of wildlife-vehicle collisions and im-
15 proving habitat connectivity for terrestrial and
16 aquatic species, as the Secretary determines to
17 be appropriate.

18 (e) ELIGIBLE PROJECT COSTS.—Grant amounts for
19 a project under this section may be used for—

20 (1) development phase activities, including plan-
21 ning, feasibility analysis, revenue forecasting, envi-
22 ronmental review, preliminary engineering and de-
23 sign work, and other preconstruction activities;

24 (2) construction (including construction of pro-
25 tective features), reconstruction, rehabilitation, ac-

1 quisition of real property (including land related to
2 the project and improvements to the land), environ-
3 mental mitigation, construction contingencies, acqui-
4 sition of equipment, and operational improvements;
5 and

6 (3) planning and technical assistance activities
7 consistent with section 5107 of title 49, United
8 States Code, including—

9 (A) data collection on wildlife-vehicle colli-
10 sions;

11 (B) integration of State, Tribal, territorial,
12 regional, or Federal wildlife conservation plans
13 and data collection with transportation planning
14 and project selection;

15 (C) technical assistance, including work-
16 force development training, on reducing wildlife-
17 vehicle collisions and improving habitat
18 connectivity for terrestrial and aquatic species;
19 and

20 (D) education and public outreach to re-
21 duce wildlife-vehicle collisions.

22 (f) PARTNERSHIPS.—

23 (1) IN GENERAL.—A grant received under the
24 program may be used to provide funds to an eligible
25 partner as a subrecipient, in accordance with the

1 terms of the project agreement and subject to the
2 requirements of this section.

3 (2) ELIGIBLE PARTNER DEFINED.—In this sec-
4 tion, the term “eligible partner” means—

5 (A) an eligible entity described in sub-
6 section (b);

7 (B) a metropolitan planning organization;

8 (C) a unit of local government;

9 (D) a regional transportation authority;

10 (E) a special purpose district or public au-
11 thority with a transportation function, including
12 a port authority;

13 (F) a non-profit entity or institution of
14 higher education; or

15 (G) a Federal, Tribal, regional, State, or
16 local governmental entity not described in sub-
17 section (b).

18 (g) REQUIREMENTS.—

19 (1) RURAL PROJECTS.—The Secretary shall re-
20 serve not less than 50 percent of the amounts made
21 available under this section for projects located in a
22 rural community.

23 (2) RESILIENCE.—A project under this section
24 shall be designed to ensure resilience over the antici-
25 pated service life of the asset.

1 (3) LIMITATION.—The Secretary may not
2 award more than 10 percent of the amounts made
3 available under this section for grants that propose
4 only activities described in subsection (e)(3).

5 (h) NOTIFICATION.—Not later than 3 business days
6 before awarding a grant under this section, the Secretary
7 shall notify the Committee on Transportation and Infra-
8 structure of the House of Representatives and the Com-
9 mittee on Environment and Public Works of the Senate
10 of the intention to award such a grant.

11 (i) ANNUAL REPORT.—

12 (1) IN GENERAL.—Not later than December 31
13 of each calendar year, the Secretary shall publish, on
14 the website of the Department of Transportation, a
15 report describing the activities under the program
16 for the fiscal year that ends during that calendar
17 year.

18 (2) CONTENTS.—The report under paragraph
19 (1) shall include—

20 (A) a detailed description of the activities
21 carried out under the program;

22 (B) an evaluation of the effectiveness of
23 the program in meeting the purposes described
24 in subsection (b); and

1 (C) policy recommendations, if any, to im-
2 prove the effectiveness of the program.

3 (j) DEFINITIONS.—In this section:

4 (1) PROTECTIVE FEATURES.—The term “pro-
5 tective features” has the meaning given such term in
6 section 101 of title 23, United States Code.

7 (2) RESILIENCE.—The term “resilience” has
8 the meaning given that term in section 101 of title
9 23, United States Code.

10 (3) RURAL COMMUNITY.—The term “rural
11 community” means any area of a State or territory
12 that is not an urbanized area, as such term is de-
13 fined in section 101 of title 23, United States Code.

14 (4) SECRETARY.—The term “Secretary” has
15 the meaning given such term in section 101 of title
16 23, United States Code.

17 (5) STATE.—The term “State” has the mean-
18 ing given such term in section 101 of title 23,
19 United States Code.

20 **SEC. 1311. RECONNECTING NEIGHBORHOODS PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary of Transpor-
22 tation shall establish a reconnecting neighborhoods pro-
23 gram under which an eligible entity may apply for funding
24 in order to identify, remove, replace, retrofit, or remediate
25 the effects from eligible facilities and restore or improve

1 connectivity, mobility, and access in disadvantaged and
2 underserved communities, including—

3 (1) studying the feasibility and impacts of re-
4 moving, retrofitting, or remediating the effects on
5 community connectivity from an existing eligible fa-
6 cility;

7 (2) conducting preliminary engineering and
8 final design activities for a project to remove, ret-
9 rofit, or remediate the effects on community
10 connectivity from an existing eligible facility; and

11 (3) conducting construction activities necessary
12 to carry out a project to remove, retrofit, or reme-
13 diate the effects on community connectivity from an
14 existing eligible facility.

15 (b) ELIGIBLE ENTITIES.—

16 (1) IN GENERAL.—The Secretary may award a
17 planning grant or a capital construction grant to—

18 (A) a State;

19 (B) a unit of local government;

20 (C) an Indian Tribe or Tribal organization;

21 (D) a territory;

22 (F) a metropolitan planning organization;

23 (G) a transit agency;

24 (H) a special purpose district with a trans-

25 portation function; and

1 (I) a group of entities described in this
2 paragraph.

3 (2) NONPROFITS.—An eligible entity may enter
4 into an agreement with a nonprofit organization to
5 carry out the eligible activities under this section.

6 (c) PLANNING GRANTS.—

7 (1) IN GENERAL.—The Secretary may award
8 grants (referred to in this section as a “planning
9 grants”) to carry out planning activities described in
10 paragraph (2).

11 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The
12 planning activities referred to in paragraph (1)
13 are—

14 (A) planning studies to evaluate the feasi-
15 bility of removing, retrofitting, or remediating
16 an existing eligible facility to restore community
17 connectivity, including evaluations of—

18 (i) current traffic patterns on the eli-
19 gible facility proposed for removal, retrofit,
20 or remediation and the surrounding street
21 network;

22 (ii) the capacity of existing transpor-
23 tation networks to maintain mobility
24 needs;

1 (iii) an analysis of alternative roadway
2 designs or other uses for the right-of-way
3 of the eligible facility, including an analysis
4 of whether the available right-of-way would
5 suffice to create an alternative roadway de-
6 sign;

7 (iv) the effect of the removal, retrofit,
8 or remediation of the eligible facility on the
9 mobility of freight and people;

10 (v) the effect of the removal, retrofit,
11 or remediation of the eligible facility on the
12 safety of the traveling public;

13 (vi) the cost to remove, retrofit, or re-
14 mediate the eligible facility—

15 (I) to restore community
16 connectivity; and

17 (II) to convert the eligible facility
18 to a roadway design or use that in-
19 creases safety, mobility, and access
20 for all users, compared to any ex-
21 pected costs for necessary mainte-
22 nance or reconstruction of the eligible
23 facility; and

24 (vii) the environmental impacts of re-
25 taining or reconstructing the eligible facil-

1 ity and the anticipated effect of the pro-
2 posed alternative use or roadway design;

3 (B) public engagement activities to provide
4 opportunities for public input into a plan to re-
5 move, replace, retrofit, or remediate the effects
6 from an eligible facility;

7 (C) other transportation planning activities
8 required in advance of a project to remove, ret-
9 rofit, or remediate an existing eligible facility to
10 restore community connectivity, as determined
11 by the Secretary;

12 (D) evaluating land use and zoning
13 changes necessary to improve equity and maxi-
14 mize transit-oriented development in connection
15 with project eligible for a capital construction
16 grant, including activities eligible under section
17 5327 of title 49, United States Code; and

18 (E) establishment of anti-displacement and
19 equitable neighborhood revitalization strategies
20 in connection with project eligible for a capital
21 construction grant, including land acquisition,
22 land banking, and equitable transit-oriented de-
23 velopment.

24 (3) TECHNICAL ASSISTANCE.—

1 (A) IN GENERAL.—The Secretary may
2 provide technical assistance described in sub-
3 paragraph (B) to an eligible entity.

4 (B) TECHNICAL ASSISTANCE DE-
5 SCRIBED.—The technical assistance referred to
6 in subparagraph (A) is technical assistance in
7 building organizational or community capaci-
8 ty—

9 (i) to conduct transportation planning;

10 and

11 (ii) to identify innovative solutions to
12 challenges posed by existing eligible facili-
13 ties, including reconnecting communities
14 that—

15 (I) are bifurcated by eligible fa-
16 cilities; or

17 (II) lack safe, reliable, and af-
18 fordable transportation choices.

19 (4) SELECTION.—The Secretary shall—

20 (A) solicit applications for—

21 (i) planning grants; and

22 (ii) technical assistance under para-
23 graph (3); and

1 (B) evaluate applications for a planning
2 grant on the basis of the demonstration by the
3 applicant that—

4 (i) the eligible facility—

5 (I) creates barriers to mobility,
6 access, or economic development; or

7 (II) is not justified by current
8 and forecast future travel demand;
9 and

10 (ii) on the basis of preliminary assess-
11 ment into the feasibility of removing, retro-
12 fitting, or remediating the eligible facility
13 to restore community connectivity, and in-
14 crease safety, mobility, and access for all
15 users, further planning activities are nec-
16 essary and likely to be productive.

17 (5) AWARD AMOUNTS.—A planning grant may
18 not exceed \$2,000,000 for any recipient.

19 (6) FEDERAL SHARE.—The total Federal share
20 of the cost of a planning activity for which a plan-
21 ning grant is used may not exceed 80 percent.

22 (7) PRIORITIES.—In selecting recipients of
23 planning grants and technical assistance under this
24 subsection, the Secretary shall give priority to an ap-
25 plication from a community that is economically dis-

1 advantaged, including an underserved community or
2 a community located in an area of persistent poverty
3 (as such term is defined in section 101 of title 23,
4 United States Code).

5 (d) CAPITAL CONSTRUCTION GRANTS.—

6 (1) ELIGIBLE ENTITIES.—The Secretary may
7 award grants (referred to in this section as a “cap-
8 ital construction grants”) to eligible entities to carry
9 out eligible projects described in paragraph (3).

10 (2) PARTNERSHIPS.—In the case that the
11 owner of an eligible facility that is the subject of the
12 capital construction grant is not an eligible entity,
13 an eligible entity shall demonstrate the existence of
14 a partnership with the owner of the eligible facility.

15 (3) ELIGIBLE PROJECTS.—A project eligible to
16 be carried out with a capital construction grant in-
17 cludes the following:

18 (A) The removal, retrofit, or remediation
19 of the effects on community connectivity from
20 of an eligible facility.

21 (B) The replacement of an eligible facility
22 with a new facility that—

23 (i) restores community connectivity;

1 (ii) employs context sensitive solutions
2 appropriate for the surrounding commu-
3 nity; and

4 (iii) is otherwise eligible for funding
5 under title 23, United States Code.

6 (C) Support for community partnerships,
7 including a community advisory board described
8 under paragraph (7), in connection with a cap-
9 ital construction grant awarded under this sub-
10 section.

11 (D) Other activities required to remove, re-
12 place, retrofit, or remediate an existing eligible
13 facility, as determined by the Secretary.

14 (4) SELECTION.—The Secretary shall—

15 (A) solicit applications for capital construc-
16 tion grants; and

17 (B) evaluate applications on the basis of—

18 (i) the degree to which the project will
19 improve mobility and access through the
20 removal of barriers;

21 (ii) the appropriateness of removing,
22 retrofitting, or remediating the effects on
23 community connectivity from the eligible
24 facility, based on current traffic patterns
25 and the ability of the project and the re-

- 1 regional transportation network to absorb
2 transportation demand and provide safe
3 mobility and access;
- 4 (iii) the impact of the project on
5 freight movement;
- 6 (iv) the results of a cost-benefit anal-
7 ysis of the project;
- 8 (v) the opportunities for inclusive eco-
9 nomic development, including the existing
10 land use and whether the zoning provides
11 for equitable and transit-oriented develop-
12 ment of underutilized land;
- 13 (vi) the degree to which the eligible
14 facility is out of context with the current
15 or planned land use;
- 16 (vii) the results of any feasibility
17 study completed for the project;
- 18 (viii) whether the eligible facility is
19 likely to need replacement or significant re-
20 construction within the 20-year period be-
21 ginning on the date of the submission of
22 the application;
- 23 (ix) whether the project is consistent
24 with the relevant long-range transportation

1 plan and included in the relevant statewide
2 transportation improvement program; and
3 (x) whether the project is consistent
4 with, and how the project would impact,
5 the relevant transportation performance
6 management targets.

7 (5) MINIMUM AWARD AMOUNTS.—A capital
8 construction grant shall be in an amount not less
9 than \$5,000,000 for each recipient.

10 (6) FEDERAL SHARE.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the Federal share of the total cost
13 of a project carried out using a capital con-
14 struction grant may not exceed 80 percent.

15 (B) MAXIMUM FEDERAL INVOLVEMENT.—
16 Federal assistance other than a capital con-
17 struction grant may be used to satisfy the non-
18 Federal share of the cost of a project for which
19 the grant is awarded.

20 (7) COMMUNITY ADVISORY BOARD.—

21 (A) IN GENERAL.—To help achieve inclu-
22 sive economic development benefits with respect
23 to the project for which a grant is awarded, a
24 grant recipient may form a community advisory
25 board, which, if formed, shall—

1 (i) facilitate community engagement
2 with respect to the project; and

3 (ii) track progress with respect to
4 commitments of the grant recipient to in-
5 clusive employment, contracting, and eco-
6 nomic development under the project.

7 (B) MEMBERSHIP.—If a grant recipient
8 forms a community advisory board under sub-
9 paragraph (A), the community advisory board
10 shall be composed of representatives of—

11 (i) the community;

12 (ii) owners of businesses that serve
13 the community;

14 (iii) labor organizations that represent
15 workers that serve the community;

16 (iv) State and local government; and

17 (v) private and non-profit organiza-
18 tions that represent local community devel-
19 opment.

20 (e) ADMINISTRATIVE EXPENSES.—Of amounts made
21 available to carry out this section, the Secretary may set
22 aside not more than \$5,000,000 in each fiscal year for
23 the costs of administering the program under this section.

24 (f) TECHNICAL ASSISTANCE.—Of amounts made
25 available to carry out this section, the Secretary may set

1 aside not more than \$5,000,000 in each fiscal year to pro-
2 vide technical assistance to eligible entities under sub-
3 section (c)(3).

4 (g) ELIGIBLE FACILITY DEFINED.—

5 (1) IN GENERAL.—In this section, the term “el-
6 ible facility” means a highway or other transpor-
7 tation facility that creates a barrier to community
8 connectivity, including barriers to mobility, access,
9 or economic development, due to high speeds, grade
10 separations, or other design factors.

11 (2) INCLUSIONS.—In this section, the term “eli-
12 gible facility” may include—

13 (A) a limited access highway;

14 (B) a railway;

15 (C) a viaduct;

16 (D) a principal arterial facility; or

17 (E) any other transportation facility for
18 which the high speeds, grade separation, or
19 other design factors create an obstacle to
20 connectivity.

21 **SEC. 1312. APPRENTICESHIP UTILIZATION.**

22 (a) IN GENERAL.—

23 (1) CERTIFICATION REQUIREMENT.—To receive
24 a grant under sections 117 and 173 of title 23,
25 United States Code, and section 1311 of this Act,

1 each applicant shall include in a grant application a
2 certification that such applicant will ensure that any
3 contractor or subcontractor utilized in carrying out
4 activities with such grant—

5 (A) meets or exceeds the apprenticeship
6 employment goal; and

7 (B) to the extent practicable, employs
8 qualified apprentices from traditionally under-
9 represented populations, including women and
10 minorities, in meeting or exceeding such goal.

11 (2) EXCEPTIONS.—The Secretary may adjust
12 the requirements of this section if the grant appli-
13 cant—

14 (A) demonstrates a lack of availability of
15 qualified apprentices in a specific geographic
16 area; or

17 (B) makes a good faith effort to comply
18 with the requirements of this section.

19 (b) REGULATIONS.—The Secretary shall have the au-
20 thority to issue such regulations or other guidance, forms,
21 instructions, and publications as may be necessary or ap-
22 propriate to carry out the requirements of this section, in-
23 cluding reporting requirements for applicants awarded a
24 grant.

1 (c) REPORT TO CONGRESS.—Not later than 3 years
2 after the date of enactment of this Act, the Secretary shall
3 submit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Environment and Public Works of the Senate
6 a report on the utilization of qualified apprentices for
7 projects carried out under sections 117 and 173 of title
8 23, United States Code, and section 1311 of this Act, that
9 includes—

10 (1) the total number of labor hours fulfilled by
11 qualified apprentices;

12 (2) the total number of qualified apprentices
13 employed;

14 (3) the total number of grant recipients that
15 met or exceeded the apprenticeship employment
16 goal; and

17 (4) best practices utilized by grant recipients
18 that met or exceeded the apprenticeship employment
19 goal.

20 (d) PUBLIC TRANSPARENCY.—At the end of each fis-
21 cal year, the Secretary shall make available on a public
22 website information on the utilization of qualified appren-
23 tices in the preceding fiscal year for each grant program
24 under sections 117 and 173 of title 23, United States
25 Code, and section 1311 of this Act, including—

1 (1) the total number of grant applicants that
2 certified they would be able to meet or exceed the
3 apprenticeship employment goal under subsection
4 (a); and

5 (2) the total number of grants awarded for
6 which applicants certified they would be able to meet
7 or exceed the apprenticeship employment goal.

8 (e) DEFINITIONS.—In this section:

9 (1) APPRENTICESHIP EMPLOYMENT GOAL.—
10 The term “apprenticeship employment goal” means
11 the utilization of qualified apprentices for not less
12 than 15 percent of the total labor hours used for
13 construction activities for a project.

14 (2) QUALIFIED APPRENTICE.—The term “quali-
15 fied apprentice” means an employee participating in
16 an apprenticeship program that—

17 (A) is registered with the Office of Appren-
18 ticeship of the Employment Training Adminis-
19 tration of the Department of Labor or a State
20 apprenticeship agency recognized by such Office
21 of Apprenticeship pursuant to the Act of Au-
22 gust 16, 1937 (29 U.S.C. 50 et seq.; commonly
23 known as the “National Apprenticeship Act”);
24 and

1 (B) satisfies the requirements of subpart A
2 of part 29 and part 30 of title 29, Code of Fed-
3 eral Regulations.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Transportation.

6 **Subtitle D—Planning, Performance**
7 **Management, and Asset Man-**
8 **agement**

9 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

10 Section 134 of title 23, United States Code, is
11 amended—

12 (1) in subsection (a) by striking “resiliency
13 needs while minimizing transportation-related fuel
14 consumption and air pollution” and inserting “resil-
15 ience and climate change adaptation needs while re-
16 ducing transportation-related fuel consumption, air
17 pollution, and greenhouse gas emissions”;

18 (2) in subsection (b)—

19 (A) by redesignating paragraphs (6) and
20 (7) as paragraphs (7) and (8), respectively; and

21 (B) by inserting after paragraph (5) the
22 following:

23 “(6) STIP.—The term ‘STIP’ means a state-
24 wide transportation improvement program developed
25 by a State under section 135(g).”;

1 (3) in subsection (c)—

2 (A) in paragraph (1) by striking “and
3 transportation improvement programs” and in-
4 serting “and TIPs”; and

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

6 “(4) CONSIDERATION.—In developing the plans
7 and TIPs, metropolitan planning organizations shall
8 consider direct and indirect emissions of greenhouse
9 gases.”;

10 (4) in subsection (d)—

11 (A) in paragraph (2) by striking “Not
12 later than 2 years after the date of enactment
13 of MAP–21, each” and inserting “Each”;

14 (B) in paragraph (3) by adding at the end
15 the following:

16 “(D) **EQUITABLE AND PROPORTIONAL**
17 **REPRESENTATION.**—

18 “(i) **IN GENERAL.**—In designating of-
19 ficials or representatives under paragraph
20 (2), the metropolitan planning organization
21 shall ensure the equitable and proportional
22 representation of the population of the
23 metropolitan planning area.

24 “(ii) **SAVINGS CLAUSE.**—Nothing in
25 this paragraph shall require a metropolitan

1 planning organization in existence on the
2 date of enactment of this subparagraph to
3 be restructured.

4 “(iii) REDESIGNATION.—Notwith-
5 standing clause (ii), the requirements of
6 this paragraph shall apply to any metro-
7 politan planning organization redesignated
8 under paragraph (6).”;

9 (C) in paragraph (6)(B) by striking “para-
10 graph (2)” and inserting “paragraphs (2) or
11 (3)(D)”;

12 (D) in paragraph (7)—

13 (i) by striking “an existing metropoli-
14 tan planning area” and inserting “an ur-
15 banized area”;

16 (ii) by striking “the existing metro-
17 politan planning area” and inserting “the
18 area”;

19 (5) in subsection (g)—

20 (A) in paragraph (1) by striking “a metro-
21 politan area” and inserting “an urbanized
22 area”;

23 (B) in paragraph (2) by striking “MPOS”
24 and inserting “METROPOLITAN PLANNING
25 AREAS”;

1 (C) in paragraph (3)(A) by inserting
2 “emergency response and evacuation, climate
3 change adaptation and resilience,” after “dis-
4 aster risk reduction,”; and

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

6 “(4) COORDINATION BETWEEN MPOS.—

7 “(A) IN GENERAL.—If more than one met-
8 ropolitan planning organization is designated
9 within an urbanized area under subsection
10 (d)(7), the metropolitan planning organizations
11 designated within the area shall ensure, to the
12 maximum extent practicable, the consistency of
13 any data used in the planning process, includ-
14 ing information used in forecasting transpor-
15 tation demand.

16 “(B) SAVINGS CLAUSE.—Nothing in this
17 paragraph requires metropolitan planning orga-
18 nizations designated within a single urbanized
19 area to jointly develop planning documents, in-
20 cluding a unified long-range transportation plan
21 or unified TIP.”;

22 (6) in subsection (h)(1)—

23 (A) by striking subparagraph (E) and in-
24 serting the following:

1 “(E) protect and enhance the environment,
2 promote energy conservation, reduce greenhouse
3 gas emissions, improve the quality of life and
4 public health, and promote consistency between
5 transportation improvements and State and
6 local planned growth and economic development
7 patterns, including housing and land use pat-
8 terns;”;

9 (B) in subparagraph (I)—

10 (i) by inserting “, sea level rise, ex-
11 treme weather, and climate change” after
12 “stormwater”; and

13 (ii) by striking “and” at the end;

14 (C) by redesignating subparagraph (J) as
15 subparagraph (M); and

16 (D) by inserting after subparagraph (I) the
17 following:

18 “(J) support emergency management, re-
19 sponse, and evacuation and hazard mitigation;

20 “(K) improve the level of transportation
21 system access;

22 “(L) support inclusive zoning policies and
23 land use planning practices that incentivize af-
24 fordable, elastic, and diverse housing supply, fa-
25 cilitate long-term economic growth by improving

1 the accessibility of housing to jobs, and prevent
2 high housing costs from displacing economically
3 disadvantaged households; and”;

4 (7) in subsection (h)(2) by striking subpara-
5 graph (A) and inserting the following:

6 “(A) IN GENERAL.—Through the use of a
7 performance-based approach, transportation in-
8 vestment decisions made as a part of the metro-
9 politan transportation planning process shall
10 support the national goals described in section
11 150(b), the achievement of metropolitan and
12 statewide targets established under section
13 150(d), the improvement of transportation sys-
14 tem access (consistent with section 150(f)), and
15 the general purposes described in section 5301
16 of title 49.”;

17 (8) in subsection (i)—

18 (A) in paragraph (2)(D)(i) by inserting
19 “reduce greenhouse gas emissions and” before
20 “restore and maintain”;

21 (B) in paragraph (2)(G) by inserting “and
22 climate change” after “infrastructure to natural
23 disasters”;

24 (C) in paragraph (2)(H) by inserting
25 “greenhouse gas emissions,” after “pollution,”;

1 (D) in paragraph (5)—

2 (i) in subparagraph (A) by inserting
3 “air quality, public health, housing, trans-
4 portation, resilience, hazard mitigation,
5 emergency management,” after “conserva-
6 tion,”; and

7 (ii) by striking subparagraph (B) and
8 inserting the following:

9 “(B) ISSUES.—The consultation shall in-
10 volve, as appropriate, comparison of transpor-
11 tation plans to other relevant plans, including,
12 if available—

13 “(i) State conservation plans or maps;
14 and

15 “(ii) inventories of natural or historic
16 resources.”; and

17 (E) by amending paragraph (6)(C) to read
18 as follows:

19 “(C) METHODS.—

20 “(i) IN GENERAL.—In carrying out
21 subparagraph (A), the metropolitan plan-
22 ning organization shall, to the maximum
23 extent practicable—

1 “(I) hold any public meetings at
2 convenient and accessible locations
3 and times;

4 “(II) employ visualization tech-
5 niques to describe plans; and

6 “(III) make public information
7 available in electronically accessible
8 format and means, such as the inter-
9 net, as appropriate to afford reason-
10 able opportunity for consideration of
11 public information under subpara-
12 graph (A).

13 “(ii) ADDITIONAL METHODS.—In ad-
14 dition to the methods described in clause
15 (i), in carrying out subparagraph (A), the
16 metropolitan planning organization shall,
17 to the maximum extent practicable—

18 “(I) use virtual public involve-
19 ment, social media, and other web-
20 based tools to encourage public par-
21 ticipation and solicit public feedback;
22 and

23 “(II) use other methods, as ap-
24 propriate, to further encourage public
25 participation of historically underrep-

1 resented individuals in the transpor-
2 tation planning process.”;

3 (9) in subsection (j) by striking “transportation
4 improvement program” and inserting “TIP” each
5 place it appears; and

6 (10) by striking “Federally” each place it ap-
7 pears and inserting “federally”.

8 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
9 **PORTATION PLANNING.**

10 Section 135 of title 23, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1) by striking “state-
14 wide transportation improvement program” and
15 inserting “STIP”;

16 (B) in paragraph (2)—

17 (i) by striking “The statewide trans-
18 portation plan and the” and inserting the
19 following:

20 “(A) IN GENERAL.—The statewide trans-
21 portation plan and the”;

22 (ii) by striking “transportation im-
23 provement program” and inserting
24 “STIP”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) CONSIDERATION.—In developing the
4 statewide transportation plans and STIPs,
5 States shall consider direct and indirect emis-
6 sions of greenhouse gases.”; and

7 (C) in paragraph (3) by striking “trans-
8 portation improvement program” and inserting
9 “STIP”;
10 (2) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E)—

13 (I) by inserting “reduce green-
14 house gas emissions,” after “promote
15 energy conservation,”;

16 (II) by inserting “and public
17 health” after “improve the quality of
18 life”; and

19 (III) by inserting “, including
20 housing and land use patterns” after
21 “economic development patterns”;

22 (ii) in subparagraph (I)—

23 (I) by inserting “, sea level rise,
24 extreme weather, and climate change”
25 after “mitigate stormwater”; and

1 (II) by striking “and” after the
2 semicolon;

3 (iii) by redesignating subparagraph
4 (J) as subparagraph (M); and

5 (iv) by inserting after subparagraph
6 (I) the following:

7 “(J) facilitate emergency management, re-
8 sponse, and evacuation and hazard mitigation;

9 “(K) improve the level of transportation
10 system access;

11 “(L) support inclusive zoning policies and
12 land use planning practices that incentivize af-
13 fordable, elastic, and diverse housing supply, fa-
14 cilitate long-term economic growth by improving
15 the accessibility of housing to jobs, and prevent
16 high housing costs from displacing economically
17 disadvantaged households; and”;

18 (B) in paragraph (2)—

19 (i) by striking subparagraph (A) and
20 inserting the following:

21 “(A) IN GENERAL.—Through the use of a
22 performance-based approach, transportation in-
23 vestment decisions made as a part of the state-
24 wide transportation planning process shall sup-
25 port—

1 “(i) the national goals described in
2 section 150(b);

3 “(ii) the consideration of transpor-
4 tation system access (consistent with sec-
5 tion 150(f));

6 “(iii) the achievement of statewide
7 targets established under section 150(d);
8 and

9 “(iv) the general purposes described
10 in section 5301 of title 49.”; and

11 (ii) in subparagraph (D) by striking
12 “statewide transportation improvement
13 program” and inserting “STIP”; and

14 (C) in paragraph (3) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP”;

17 (3) in subsection (e)(3) by striking “transpor-
18 tation improvement program” and inserting
19 “STIP”;

20 (4) in subsection (f)—

21 (A) in paragraph (2)(D)—

22 (i) in clause (i) by inserting “air qual-
23 ity, public health, housing, transportation,
24 resilience, hazard mitigation, emergency
25 management,” after “conservation,”; and

1 (ii) by amending clause (ii) to read as
2 follows:

3 “(ii) COMPARISON AND CONSIDER-
4 ATION.—Consultation under clause (i)
5 shall involve the comparison of transpor-
6 tation plans to other relevant plans and in-
7 ventories, including, if available—

8 “(I) State and tribal conservation
9 plans or maps; and

10 “(II) inventories of natural or
11 historic resources.”;

12 (B) in paragraph (3)(B)—

13 (i) by striking “In carrying out” and
14 inserting the following:

15 “(i) IN GENERAL.—in carrying out”;

16 (ii) by redesignating clauses (i)
17 through (iv) as subclauses (I) through
18 (IV), respectively; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(ii) ADDITIONAL METHODS.—In ad-
22 dition to the methods described in clause
23 (i), in carrying out subparagraph (A), the
24 State shall, to the maximum extent prac-
25 ticable—

1 “(I) use virtual public involve-
2 ment, social media, and other web-
3 based tools to encourage public par-
4 ticipation and solicit public feedback;
5 and

6 “(II) use other methods, as ap-
7 propriate, to further encourage public
8 participation of historically underrep-
9 resented individuals in the transpor-
10 tation planning process.”;

11 (C) in paragraph (4)(A) by inserting “re-
12 duce greenhouse gas emissions and” after “po-
13 tential to”; and

14 (D) in paragraph (8) by inserting “green-
15 house gas emissions,” after “pollution,”;

16 (5) in subsection (g)—

17 (A) in paragraph (1)(A) by striking “state-
18 wide transportation improvement program” and
19 inserting “STIP”;

20 (B) in paragraph (3) by striking “opera-
21 tors),,” and inserting “operators),”;

22 (C) in paragraph (4) by striking “state-
23 wide transportation improvement program” and
24 inserting “STIP” each place it appears;

25 (D) in paragraph (5)—

1 (i) in subparagraph (A) by striking
2 “transportation improvement program”
3 and inserting “STIP”;

4 (ii) in subparagraph (B)(ii) by strik-
5 ing “metropolitan transportation improve-
6 ment program” and inserting “TIP”;

7 (iii) in subparagraph (C) by striking
8 “transportation improvement program”
9 and inserting “STIP” each place it ap-
10 pears;

11 (iv) in subparagraph (E) by striking
12 “transportation improvement program”
13 and inserting “STIP”;

14 (v) in subparagraph (F)(i) by striking
15 “transportation improvement program”
16 and inserting “STIP” each place it ap-
17 pears;

18 (vi) in subparagraph (G)(ii) by strik-
19 ing “transportation improvement program”
20 and inserting “STIP”; and

21 (vii) in subparagraph (H) by striking
22 “transportation improvement program”
23 and inserting “STIP”;

24 (E) in paragraph (6)—

25 (i) in subparagraph (A)—

1 (I) by striking “transportation
2 improvement program” and inserting
3 “STIP”; and

4 (II) by striking “and projects
5 carried out under the bridge program
6 or the Interstate maintenance pro-
7 gram”; and

8 (ii) in subparagraph (B)—

9 (I) by striking “or under the
10 bridge program or the Interstate
11 maintenance program”;

12 (II) by striking “5310, 5311,
13 5316, and 5317” and inserting “5310
14 and 5311”; and

15 (III) by striking “statewide
16 transportation improvement program”
17 and inserting “STIP”;

18 (F) in paragraph (7)—

19 (i) in the heading by striking “TRANS-
20 PORTATION IMPROVEMENT PROGRAM” and
21 inserting “STIP”; and

22 (ii) by striking “transportation im-
23 provement program” and inserting
24 “STIP”;

1 (G) in paragraph (8) by striking “state-
2 wide transportation plans and programs” and
3 inserting “statewide transportation plans and
4 STIPs”; and

5 (H) in paragraph (9) by striking “trans-
6 portation improvement program” and inserting
7 “STIP”;

8 (6) in subsection (h)(2)(A) by striking “Not
9 later than 5 years after the date of enactment of the
10 MAP-21,” and inserting “Not less frequently than
11 once every 4 years,”;

12 (7) in subsection (k) by striking “transportation
13 improvement program” and inserting “STIP” each
14 place it appears; and

15 (8) in subsection (m) by striking “transpor-
16 tation improvement programs” and inserting
17 “STIPs”.

18 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
19 **MENT MEASURES.**

20 (a) IN GENERAL.—Section 150 of title 23, United
21 States Code, is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1) by inserting “or
24 elimination” after “significant reduction”;

1 (B) by redesignating paragraph (7) as
2 paragraph (8); and

3 (C) by inserting after paragraph (6) the
4 following:

5 “(7) COMBATING CLIMATE CHANGE.—To re-
6 duce carbon dioxide and other greenhouse gas emis-
7 sions and reduce the climate impacts of the trans-
8 portation system.”;

9 (2) in subsection (c)—

10 (A) in paragraph (1) by striking “Not
11 later than 18 months after the date of enact-
12 ment of the MAP–21, the Secretary” and in-
13 serting “The Secretary”; and

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

15 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
16 retary shall establish, in consultation with the Ad-
17 ministrator of the Environmental Protection Agency,
18 measures for States to use to assess—

19 “(A) carbon dioxide emissions per capita
20 on public roads;

21 “(B) carbon dioxide emissions using dif-
22 ferent parameters than described in subpara-
23 graph (A) that the Secretary determines to be
24 appropriate; and

1 “(C) any other greenhouse gas emissions
2 on public roads that the Secretary determines
3 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),
9 each” 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 es-
15 tablish a regressive target for the measures de-
16 scribed under paragraph (4) or paragraph (7)
17 of subsection (e).

18 “(B) REGRESSIVE TARGET DEFINED.—In
19 this paragraph, the term ‘regressive target’
20 means a target that fails to demonstrate con-
21 stant or improved performance for a particular
22 measure.”;

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 estab-
9 lish measures for States and metropolitan planning
10 organizations to use to assess the level of safe, reli-
11 able, and convenient transportation system access
12 to—

13 “(A) employment; and

14 “(B) services.

15 “(2) CONSIDERATIONS.—The measures estab-
16 lished pursuant to paragraph (1) shall include the
17 ability for States and metropolitan planning organi-
18 zations to assess—

19 “(A) the change in the level of transpor-
20 tation system access for various modes of trav-
21 el, including connection to other modes of
22 transportation, that would result from new
23 transportation investments;

1 “(B) the level of transportation system ac-
2 cess for economically disadvantaged commu-
3 nities, including to affordable housing; and

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

8 “(3) DEFINITION OF SERVICES.—In this sub-
9 section, the term ‘services’ includes healthcare facili-
10 ties, child care, education and workforce training,
11 food sources, banking and other financial institu-
12 tions, and other retail shopping establishments.”.

13 (b) METROPOLITAN TRANSPORTATION PLANNING;
14 TITLE 23.—Section 134 of title 23, United States Code,
15 is further amended—

16 (1) in subsection (j)(2)(D)—

17 (A) by striking “PERFORMANCE TARGET
18 ACHIEVEMENT” in the heading and inserting
19 “PERFORMANCE MANAGEMENT”;

20 (B) by striking “The TIP” and inserting
21 the following:

22 “(i) IN GENERAL.—The TIP”; and

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

24 “(ii) TRANSPORTATION MANAGEMENT
25 AREAS.—For metropolitan planning areas

1 that represent an urbanized area des-
2 ignated as a transportation management
3 area under subsection (k), the TIP shall
4 include—

5 “(I) a discussion of the antici-
6 pated effect of the TIP toward achiev-
7 ing the performance targets estab-
8 lished in the metropolitan transpor-
9 tation plan, linking investment prior-
10 ities to such performance targets; and

11 “(II) a description of how the an-
12 ticipated effect of the TIP would im-
13 prove the overall level of transpor-
14 tation system access, consistent with
15 section 150(f).”;

16 (2) in subsection (k)—

17 (A) in paragraph (3)(A)—

18 (i) by striking “shall address conges-
19 tion management” and inserting the fol-
20 lowing: “shall address—

21 “(i) congestion management”;

22 (ii) by striking the period at the end
23 and inserting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(ii) the overall level of transportation
2 system access for various modes of travel
3 within the metropolitan planning area, in-
4 cluding the level of access for economically
5 disadvantaged communities, consistent
6 with section 150(f), that is based on a co-
7 operatively developed and implemented
8 metropolitan-wide strategy, assessing both
9 new and existing transportation facilities
10 eligible for funding under this title and
11 chapter 53 of title 49.”; and

12 (B) in paragraph (5)(B)—

13 (i) in clause (i) by striking “; and”
14 and inserting a semicolon;

15 (ii) in clause (ii) by striking the pe-
16 riod and inserting “; and”; and

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

19 “(iii) the TIP approved under clause
20 (ii) makes progress towards improving the
21 level of transportation system access, con-
22 sistent with section 150(f).”; and

23 (3) in subsection (l)(2)—

24 (A) by striking “5 years after the date of
25 enactment of the MAP-21” and inserting “2

1 years after the date of enactment of the IN-
2 VEST in America Act, and every 2 years there-
3 after”;

4 (B) in subparagraph (C) by striking “and
5 whether metropolitan planning organizations
6 are developing meaningful performance targets;
7 and” and inserting a semicolon; and

8 (C) by striking subparagraph (D) and in-
9 serting the following:

10 “(D) a listing of all metropolitan planning
11 organizations that are establishing performance
12 targets and whether such performance targets
13 established by the metropolitan planning orga-
14 nization are meaningful or regressive (as de-
15 fined in section 150(d)(3)(B)); and

16 “(E) the progress of implementing the
17 measure established under section 150(f).”.

18 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
19 TATION PLANNING; TITLE 23.—Section 135(g)(4) of title
20 23, United States Code, is further amended—

21 (1) by striking “PERFORMANCE TARGET
22 ACHIEVEMENT” in the heading and inserting “PER-
23 FORMANCE MANAGEMENT”;

1 (2) by striking “shall include, to the maximum
2 extent practicable, a discussion” and inserting the
3 following: “shall include—

4 “(A) a discussion”;

5 (3) by striking the period at the end and insert-
6 ing “; and”; and

7 (4) by adding at the end the following:

8 “(B) a consideration of the anticipated ef-
9 fect of the STIP on the overall level of trans-
10 portation system access, consistent with section
11 150(f).”.

12 (d) METROPOLITAN TRANSPORTATION PLANNING;
13 TITLE 49.—Section 5303 of title 49, United States Code,
14 is amended—

15 (1) in subsection (j)(2)(D)—

16 (A) by striking “PERFORMANCE TARGET
17 ACHIEVEMENT” and inserting “PERFORMANCE
18 MANAGEMENT”;

19 (B) by striking “The transportation im-
20 provement plan” and inserting the following:

21 “(i) IN GENERAL.—The TIP”; and

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

23 “(ii) TRANSPORTATION MANAGEMENT
24 AREAS.—For metropolitan planning areas
25 that represent an urbanized area des-

1 ignated as a transportation management
2 area under subsection (k), the TIP shall
3 include—

4 “(I) a discussion of the antici-
5 pated effect of the TIP toward achiev-
6 ing the performance targets estab-
7 lished in the metropolitan transpor-
8 tation plan, linking investment prior-
9 ities to such performance targets; and

10 “(II) a description of how the an-
11 ticipated effect of the TIP would im-
12 prove the overall level of transpor-
13 tation system access, consistent with
14 section 150(f) of title 23.”;

15 (2) in subsection (k)—

16 (A) in paragraph (3)(A)—

17 (i) by striking “shall address conges-
18 tion management” and inserting the fol-
19 lowing: “shall address—

20 “(i) congestion management”;

21 (ii) by striking the period at the end
22 and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(ii) the overall level of transportation
2 system access for various modes of travel
3 within the metropolitan planning area, in-
4 cluding the level of access for economically
5 disadvantaged communities, consistent
6 with section 150(f) of title 23, that is
7 based on a cooperatively developed and im-
8 plemented metropolitan-wide strategy, as-
9 sessing both new and existing transpor-
10 tation facilities eligible for funding under
11 this chapter and title 23.”; and

12 (B) in paragraph (5)(B)—

13 (i) in clause (i) by striking “; and”
14 and inserting a semicolon;

15 (ii) in clause (ii) by striking the pe-
16 riod and inserting “; and”; and

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

19 “(iii) the TIP approved under clause
20 (ii) makes progress towards improving the
21 level of transportation system access, con-
22 sistent with section 150(f) of title 23.”;
23 and

24 (3) in subsection (l)(2)—

1 (A) by striking “5 years after the date of
2 enactment of the Federal Public Transportation
3 Act of 2012” and inserting “2 years after the
4 date of enactment of the INVEST in America
5 Act, and every 2 years thereafter,”;

6 (B) in subparagraph (C) by striking “and
7 whether metropolitan planning organizations
8 are developing meaningful performance targets;
9 and” and inserting a semicolon; and

10 (C) by striking subparagraph (D) and in-
11 serting the following:

12 “(D) a listing of all metropolitan planning
13 organizations that are establishing performance
14 targets and whether such performance targets
15 established by the metropolitan planning orga-
16 nization are meaningful or regressive (as de-
17 fined in section 150(d)(3)(B) of title 23); and

18 “(E) the progress of implementing the
19 measure established under section 150(f) of
20 title 23.”.

21 (e) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
22 TATION PLANNING; TITLE 49.—Section 5304(g)(4) of
23 title 49, United States Code, is amended—

1 (1) by striking “PERFORMANCE TARGET
2 ACHIEVEMENT” and inserting “PERFORMANCE MAN-
3 AGEMENT”;

4 (2) by striking “shall include, to the maximum
5 extent practicable, a discussion” and inserting the
6 following: “shall include

7 “(A) a discussion”;

8 (3) by striking the period at the end and insert-
9 ing “; and”;

10 (4) by striking “statewide transportation im-
11 provement program” and inserting “STIP” each
12 place it appears; and

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

14 “(B) a consideration of the anticipated ef-
15 fect of the STIP on the overall level of trans-
16 portation system access, consistent with section
17 150(f) of title 23.”.

18 (f) SAVINGS CLAUSE.—

19 (1) REGRESSIVE TARGETS.—The prohibition in
20 the amendment made by subsection (a)(3)(B) shall
21 apply to States beginning on the date that is 1 year
22 before the subsequent State target and reporting
23 deadlines related to safety performance management
24 established pursuant to section 150 of title 23,
25 United States Code.

1 (2) ACCESS PLANNING REQUIREMENTS.—The
2 requirements in the amendments made by sub-
3 sections (b), (c), (d), and (e) shall apply beginning
4 on the date on which the requirements for the meas-
5 ure described in section 150(f) of title 23, United
6 States Code, take effect.

7 (g) DEVELOPMENT OF GREENHOUSE GAS MEAS-
8 URE.—Not later than 1 year after the date of enactment
9 of this Act, the Secretary of Transportation shall issue
10 such regulations as are necessary to carry out paragraph
11 (7) of section 150(c) of title 23, United States Code, as
12 added by this Act.

13 (h) DEVELOPMENT OF TRANSPORTATION SYSTEM
14 ACCESS MEASURE.—

15 (1) ESTABLISHMENT.—Not later than 120 days
16 after the date of enactment of this Act, the Sec-
17 retary of Transportation shall establish a working
18 group to assess the provisions of paragraphs (1) and
19 (2) of section 150(f) and make recommendations re-
20 garding the establishment of measures for States
21 and metropolitan planning organizations to use to
22 assess the level of transportation system access for
23 various modes of travel, consistent with section
24 150(f) of title 23, United States Code.

1 (2) MEMBERS.—The working group established
2 pursuant to paragraph (1) shall include representa-
3 tives from—

4 (A) the Department of Transportation;

5 (B) State departments of transportation,
6 including representatives that specialize in pe-
7 destrian and bicycle safety;

8 (C) the Bureau of Transportation Statis-
9 tics;

10 (D) metropolitan planning organizations
11 representing transportation management areas
12 (as those terms are defined in section 134 of
13 title 23, United States Code);

14 (E) other metropolitan planning organiza-
15 tions or local governments;

16 (F) providers of public transportation;

17 (G) nonprofit entities related to transpor-
18 tation, including relevant safety groups;

19 (H) experts in the field of transportation
20 access data; and

21 (I) 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

1 pursuant to paragraph (1), the working group
2 shall submit to the Secretary a report of rec-
3 ommendations regarding the establishment of
4 measures for States and metropolitan planning
5 organizations to use to assess the level of trans-
6 portation system access, consistent with section
7 150(f) of title 23, United States Code.

8 (B) PUBLICATION.—Not later than 30
9 days after the date on which the Secretary re-
10 ceives the report under subparagraph (A), the
11 Secretary shall publish the report on a publicly
12 accessible website of the Department of Trans-
13 portation.

14 (4) RULEMAKING.—Not later than 2 years after
15 the date on which the Secretary receives the report
16 under paragraph (3), the Secretary shall issue such
17 regulations as are necessary to implement the re-
18 quirements of section 150(f) of title 23, United
19 States Code.

20 (5) TERMINATION.—The Secretary shall termi-
21 nate the working group established pursuant to
22 paragraph (1) on the date on which the regulation
23 issued pursuant to paragraph (4) takes effect.

24 (i) TRANSPORTATION SYSTEM ACCESS DATA.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date on which the Secretary of Transportation
3 establishes the measure required under section
4 150(f) of title 23, United States Code, the Secretary
5 shall develop or procure eligible transportation sys-
6 tem access data sets and analytical tools and make
7 such data sets and analytical tools available to State
8 departments of transportation and metropolitan
9 planning areas that represent transportation man-
10 agement areas.

11 (2) REQUIREMENTS.—An eligible transpor-
12 tation system access data set and analytical tool
13 shall have the following characteristics:

14 (A) The ability to quantify the level of
15 safe, reliable, and convenient transportation
16 system access to—

17 (i) employment;

18 (ii) services; and

19 (iii) connections to other modes of
20 transportation.

21 (B) The ability to quantify transportation
22 system access for various modes of travel, in-
23 cluding—

24 (i) driving;

25 (ii) public transportation;

1 (iii) walking (including conveyance for
2 persons with disabilities); and

3 (iv) cycling (including micromobility).

4 (C) The ability to disaggregate the level of
5 transportation system access by various trans-
6 portation modes by a variety of population cat-
7 egories, including—

8 (i) low-income populations;

9 (ii) minority populations;

10 (iii) age;

11 (iv) disability; and

12 (v) geographical location.

13 (D) The ability to assess the change in the
14 level of transportation system access that would
15 result from new transportation investments.

16 (3) CONSIDERATION.—An eligible transpor-
17 tation system access data set and analytical tool
18 shall take into consideration safe and connected net-
19 works for walking, cycling, and persons with disabil-
20 ities.

21 (j) DEFINITIONS.—In this section:

22 (1) TRANSPORTATION SYSTEM ACCESS.—The
23 term “transportation system access” has the mean-
24 ing given such term in section 101 of title 23,
25 United States Code.

1 (2) SERVICES.—The term “services” has the
2 meaning given such term in section 150(f) of title
3 23, United States Code.

4 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
5 **ELING STUDY.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Secretary of Transpor-
8 tation shall conduct a study on transportation de-
9 mand data and modeling, including transportation
10 demand forecasting, and make recommendations for
11 developing and utilizing transportation and traffic
12 demand models with a demonstrated record of accu-
13 racy.

14 (2) CONTENTS.—In carrying out the study
15 under this section, the Secretary shall—

16 (A) collect observed transportation demand
17 data and transportation demand forecasts from
18 States and metropolitan planning organizations,
19 including data and forecasts on—

20 (i) traffic counts;

21 (ii) transportation mode share and
22 public transportation ridership; and

23 (iii) vehicle occupancy measures;

24 (B) compare the transportation demand
25 forecasts with the observed transportation de-

1 mand data gathered under subparagraph (A),
2 including an analysis of the level of accuracy of
3 forecasts and possible reasons for large discrep-
4 ancies; and

5 (C) use the information described in sub-
6 paragraphs (A) and (B) to—

7 (i) develop best practices and guid-
8 ance for States and metropolitan planning
9 organizations to use in forecasting trans-
10 portation demand for future investments in
11 transportation improvements;

12 (ii) evaluate the impact of transpor-
13 tation investments, including new roadway
14 capacity, on transportation behavior and
15 transportation demand, including public
16 transportation ridership, induced highway
17 transportation, and congestion;

18 (iii) support more accurate transpor-
19 tation demand forecasting by States and
20 metropolitan planning organizations;

21 (iv) enhance the capacity of States
22 and metropolitan planning organizations
23 to—

24 (I) forecast transportation de-
25 mand; and

1 (II) track observed transpor-
2 tation behavior responses, including
3 induced transportation, to changes in
4 transportation capacity, pricing, and
5 land use patterns; and

6 (v) develop transportation demand
7 management strategies to maximize the ef-
8 ficiency of the transportation system, im-
9 prove mobility, reduce congestion, and
10 lower vehicle emissions.

11 (3) COVERED ENTITIES.—In carrying out the
12 study under this section, the Secretary shall ensure
13 that data and forecasts described in paragraph
14 (2)(A) are collected from—

15 (A) States;

16 (B) metropolitan planning organizations
17 that serve an area with a population of 200,000
18 people or fewer; and

19 (C) metropolitan planning organizations
20 that serve an area with a population of over
21 200,000 people.

22 (4) WORKING WITH THE PRIVATE SECTOR.—In
23 carrying out this section, the Secretary may, and is
24 encouraged to, procure additional data as necessary
25 from university transportation centers, private sector

1 providers, and other entities as is needed and may
2 use funds authorized under section 503(b) of title
3 23, United States Code, for carrying out this para-
4 graph.

5 (5) WORKING WITH AFFECTED COMMU-
6 NITIES.—In carrying out this section, the Secretary
7 shall consult with, and collect data and input from,
8 representatives of—

9 (A) the Department of Transportation;

10 (B) State departments of transportation;

11 (C) metropolitan planning organizations;

12 (D) local governments;

13 (E) providers of public transportation;

14 (F) nonprofit entities related to transpor-
15 tation, including safety, cycling, disability, and
16 equity groups; and

17 (G) any other stakeholders, as determined
18 by the Secretary.

19 (b) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 Congress a report containing the findings of the study
22 conducted under subsection (a).

23 (c) SECRETARIAL SUPPORT.—The Secretary shall
24 seek opportunities to support the transportation planning
25 processes under sections 134 and 135 of title 23, United

1 States Code, through the provision of data to States and
2 metropolitan planning organizations to improve the qual-
3 ity of transportation plans, models, and demand forecasts.

4 (d) UPDATE GUIDANCE AND REGULATIONS.—The
5 Secretary shall—

6 (1) update Department of Transportation guid-
7 ance and procedures to utilize best practices docu-
8 mented throughout the Federal program; and

9 (2) ensure that best practices included in the
10 report are incorporated into appropriate regulations
11 as such regulations are updated.

12 (e) CONTINUING IMPROVEMENT.—The Secretary
13 shall set out a process to repeat the study under this sec-
14 tion every 2 years as part of the conditions and perform-
15 ance report, including—

16 (1) progress in the accuracy of model projec-
17 tions;

18 (2) further recommendations for improvement;
19 and

20 (3) further changes to guidance, regulation, and
21 procedures required for the Department of Trans-
22 portation to adopt best practices.

1 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
2 **PORTATION PLANS.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary shall amend section
5 450.324(f)(11)(v) of title 23, Code of Federal Regulations,
6 to ensure that the outer years of a metropolitan transpor-
7 tation plan are defined as “beyond the first 4 years”.

8 **Subtitle E—Federal Lands, Tribes,**
9 **and Territories**

10 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Section 165 of title 23, United
13 States Code, is amended—

14 (1) by striking subsection (a) and inserting the
15 following:

16 “(a) ANNUAL ALLOCATION.—For the Puerto Rico
17 and territorial highway program, there shall be made
18 available—

19 “(1) \$340,000,000 for the Puerto Rico highway
20 program under subsection (b) for each of fiscal years
21 2023 through 2026; and

22 “(2) for the territorial highway program under
23 subsection (c)—

24 “(A) \$113,044,097 for fiscal year 2023;

25 “(B) \$114,961,294 for fiscal year 2024;

1 “(C) \$117,190,719 for fiscal year 2025;

2 and

3 “(D) \$119,237,332 for fiscal year 2026.”;

4 (2) in subsection (b)(2) by adding at the end
5 the following:

6 “(D) TRANSFERABILITY.—Of the amounts
7 described in clauses (i) and (ii) of subparagraph
8 (C) for the Puerto Rico highway program,
9 Puerto Rico may transfer not to exceed 50 per-
10 cent in a fiscal year of such amounts for activi-
11 ties described in clause (iii) of such subpara-
12 graph.”.

13 (3) in subsection (c)(6)(A)—

14 (A) by redesignating clauses (iv), (v), (vi),
15 and (vii) as clauses (v), (vi), (vii), and (viii), re-
16 spectively; and

17 (B) by inserting after clause (iii) the fol-
18 lowing:

19 “(iv) Ferry boats and terminal facili-
20 ties that are privately or majority privately
21 owned, in accordance with paragraphs (1),
22 (2), (4), (5), (6), and (7) of section 129(c),
23 that provide a substantial public benefit.”;

24 and

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

1 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-
2 TIONARY PROGRAMS.—For any program in which the Sec-
3 retary may allocate funds out of the Highway Trust Fund
4 (other than the Mass Transit Account) to a State at the
5 discretion of the Secretary, the Secretary may allocate
6 funds to one or more territory for any project or activity
7 that otherwise would be eligible under such program if
8 such project or activity was being carried out in a State.”.

9 (b) ACCESS AND DEVELOPMENT ROADS.—Section
10 118(d) of title 23, United States Code, is amended by
11 striking “and the Commonwealth of Puerto Rico” and in-
12 serting “, the Commonwealth of Puerto Rico, and any
13 other territory of the United States”.

14 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

15 Section 202 of title 23, United States Code, is
16 amended—

17 (1) in subsection (d)—

18 (A) in paragraph (1) by striking “improv-
19 ing deficient” and inserting “the construction
20 and reconstruction of”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (A) by inserting
23 “construct,” after “project to”; and

24 (ii) in subparagraph (B)—

25 (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 insert-
15 ing 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, motorcycle,
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
3 202 of title 23, United States Code, is amended—

4 (1) by redesignating subsection (f) as sub-
5 section (g); and

6 (2) by inserting after subsection (e) the fol-
7 lowing:

8 “(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
9 Before making any distribution under subsection (b), the
10 Secretary shall set aside \$50,000,000 from the funds
11 made available under the tribal transportation program
12 for each fiscal year to carry out the Tribal High Priority
13 Projects program under section 1123 of MAP–21 (23
14 U.S.C. 202 note).”.

15 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
16 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
17 ed—

18 (1) in subsection (a)(1)(C) by striking “re-
19 quired by that section” and inserting “required
20 under such program”;

21 (2) in subsection (b)(1) by striking “use
22 amounts made available under subsection (h) to”;

23 (3) in subsection (d)—

24 (A) in paragraph (2) by inserting “, in
25 consultation with the Secretary of the Interior,”
26 after “The Secretary”; and

1 (B) in paragraph (3) by striking “of the
2 Interior” 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
13 States 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 fol-
17 lowing:

18 “(6) TRANSFER FOR HIGH-COMMUTER COR-
19 RIDORS.—

20 “(A) REQUEST.—If the head of a covered
21 agency determines that a high-commuter cor-
22 ridor requires additional investment, based on
23 the criteria described in subparagraph (D), the
24 head of a covered agency, with respect to such
25 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
8 a 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
16 45 days after the date of receipt of the request
17 described 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 re-
24 quest.

1 “(C) NOTIFICATION TO THE SEC-
2 RETARY.—The head of a covered agency shall
3 provide to the Secretary a copy of any request
4 described under subparagraph (A)(iii) and re-
5 sponse described under subparagraph (B).

6 “(D) CRITERIA.—In making a determina-
7 tion under subparagraph (A), the head of a cov-
8 ered agency, with respect to the corridor, shall
9 consider—

10 “(i) the condition of roads, bridges,
11 and tunnels; and

12 “(ii) the average annual daily traffic.

13 “(E) DEFINITIONS.—In this paragraph:

14 “(i) COVERED AGENCY.—The term
15 ‘covered agency’ means a Federal agency
16 eligible to receive funds under this section,
17 section 203, or section 204, including the
18 Army Corps of Engineers, Bureau of Rec-
19 lamation, and the Bureau of Land Man-
20 agement.

21 “(ii) HIGH-COMMUTER CORRIDOR.—
22 The term ‘high-commuter corridor’ means
23 a Federal lands transportation facility that
24 has an average annual daily traffic of not
25 less than 20,000 vehicles.”.

1 (b) GAO STUDY REGARDING NPS MAINTENANCE.—

2 (1) STUDY.—The Comptroller General of the
3 United States shall study the National Park Service
4 maintenance prioritization of Federal lands trans-
5 portation facilities.

6 (2) CONTENTS.—At minimum, the study under
7 paragraph (1) shall examine—

8 (A) general administrative maintenance of
9 the National Park Service;

10 (B) how the National Park Service cur-
11 rently prioritizes maintenance of Federal facili-
12 ties covered under the Federal Lands Transpor-
13 tation Program;

14 (C) what kind of maintenance the National
15 Parkway Service is performing;

16 (D) to what degree does the National Park
17 Service prioritize high-commuter corridors; and

18 (E) how the National Park Service can
19 better service the needs of high commuter cor-
20 ridors.

21 (3) REPORT.—Not later than 1 year after the
22 date of enactment of this Act, the Comptroller Gen-
23 eral shall submit to the Committee on Transpor-
24 tation and Infrastructure of the House of Represent-
25 atives and the Committee on Environment and Pub-

1 lic Works of the Senate a report summarizing the
2 study and the results of such study, including rec-
3 ommendations for addressing the maintenance needs
4 and prioritization of high-commuter corridors.

5 (4) DEFINITION OF HIGH-COMMUTER COR-
6 RIDOR.—In this section, the term “high-commuter
7 corridor” means a Federal lands transportation fa-
8 cility that has average annual daily traffic of not less
9 than 20,000 vehicles.

10 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
11 **PROGRAM.**

12 (a) IN GENERAL.—Chapter 2 of title 23, United
13 States Code, is amended by inserting after section 207 the
14 following:

15 **“§ 208. Federal lands and Tribal major projects pro-**
16 **gram**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish a Federal lands and Tribal major projects program
19 (referred to in this section as the ‘program’) to provide
20 funding to construct, reconstruct, or rehabilitate critical
21 Federal lands and Tribal transportation infrastructure.

22 “(b) ELIGIBLE APPLICANTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), entities eligible to receive funds under

1 sections 201, 202, 203, and 204 may apply for fund-
2 ing under the program.

3 “(2) SPECIAL RULE.—A State, county, or unit
4 of local government may only apply for funding
5 under the program if sponsored by an eligible Fed-
6 eral agency or Indian Tribe.

7 “(c) ELIGIBLE PROJECTS.—An eligible project under
8 the program shall be on a Federal lands transportation
9 facility, a Federal lands access transportation facility, or
10 a tribal transportation facility, except that such facility is
11 not required to be included in an inventory described in
12 section 202 or 203, and for which—

13 “(1) the project—

14 “(A) has completed the activities required
15 under the National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.) which has been
17 demonstrated through—

18 “(i) a record of decision with respect
19 to the project;

20 “(ii) a finding that the project has no
21 significant impact; or

22 “(iii) a determination that the project
23 is categorically excluded; or

1 “(B) is reasonably expected to begin con-
2 struction not later than 18 months after the
3 date of obligation of funds for the project; and

4 “(2) the project has an estimated cost equal to
5 or exceeding—

6 “(A) \$12,500,000 if it is on a Federal
7 lands transportation facility or a Federal lands
8 access transportation facility; and

9 “(B) \$5,000,000 if it is on a Tribal trans-
10 portation facility.

11 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
12 ceived for a project under this section may be used for—

13 “(1) development phase activities, including
14 planning, feasibility analysis, revenue forecasting,
15 environmental review, preliminary engineering and
16 design work, and other preconstruction activities;
17 and

18 “(2) construction, reconstruction, and rehabili-
19 tation activities.

20 “(e) APPLICATIONS.—Eligible applicants shall submit
21 to the Secretary an application at such time, in such form,
22 and containing such information as the Secretary may re-
23 quire.

1 “(f) PROJECT REQUIREMENTS.—The Secretary may
2 select a project to receive funds under the program only
3 if the Secretary determines that the project—

4 “(1) improves the condition of critical transpor-
5 tation facilities, including multimodal facilities;

6 “(2) cannot be easily and efficiently completed
7 with amounts made available under section 202,
8 203, or 204; and

9 “(3) is cost effective.

10 “(g) MERIT CRITERIA.—In making a grant under
11 this section, the Secretary shall consider whether the
12 project—

13 “(1) will generate state of good repair, resil-
14 ience, economic competitiveness, quality of life, mo-
15 bility, or safety benefits;

16 “(2) in the case of a project on a Federal lands
17 transportation facility or a Federal lands access
18 transportation facility, has costs matched by funds
19 that are not provided under this section or this title;
20 and

21 “(3) generates benefits for land owned by mul-
22 tiple Federal land management agencies or Indian
23 Tribes, or which spans multiple States.

24 “(h) EVALUATION AND RATING.—To evaluate appli-
25 cations, the Secretary shall—

1 “(1) determine whether a project meets the re-
2 quirements under subsection (f);

3 “(2) evaluate, through a discernable and trans-
4 parent methodology, how each application addresses
5 one or more merit criteria established under sub-
6 section (g);

7 “(3) assign a rating for each merit criteria for
8 each application; and

9 “(4) consider applications only on the basis of
10 such quality ratings and which meet the minimally
11 acceptable level for each of the merit criteria.

12 “(i) COST SHARE.—

13 “(1) FEDERAL LANDS PROJECTS.—

14 “(A) IN GENERAL.—Notwithstanding sec-
15 tion 120, the Federal share of the cost of a
16 project on a Federal lands transportation facil-
17 ity or a Federal lands access transportation fa-
18 cility shall be up to 90 percent.

19 “(B) NON-FEDERAL SHARE.—Notwith-
20 standing any other provision of law, any Fed-
21 eral funds may be used to pay the non-Federal
22 share of the cost of a project carried out under
23 this section.

1 “(2) TRIBAL PROJECTS.—The Federal share of
2 the cost of a project on a Tribal transportation facil-
3 ity shall be 100 percent.

4 “(j) USE OF FUNDS.—For each fiscal year, of the
5 amounts made available to carry out this section, not more
6 than 50 percent shall be used for eligible projects on Fed-
7 eral lands transportation facilities or Federal lands access
8 transportation facilities and Tribal transportation facili-
9 ties, respectively.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 2 of title 23, United States Code, is amended by insert-
12 ing after the item relating to section 207 the following
13 new item:

 “208. Federal lands and Tribal major projects program.”.

14 (c) REPEAL.—Section 1123 of the FAST Act (23
15 U.S.C. 201 note), and the item related to such section in
16 the table of contents under section 1(b) of such Act, are
17 repealed.

18 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

19 Section 102 of title 49, United States Code, is
20 amended—

21 (1) in subsection (e)(1)—

22 (A) by striking “6 Assistant” and inserting
23 “7 Assistant”;

24 (B) in subparagraph (C) by striking “;
25 and” and inserting a semicolon;

1 (C) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (D) by inserting after subparagraph (C)
4 the following:

5 “(D) an Assistant Secretary for Tribal
6 Government Affairs, who shall be appointed by
7 the President; and”; and

8 (2) in subsection (f)—

9 (A) in the heading by striking “DEPUTY
10 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
11 MENT AFFAIRS” and inserting “OFFICE OF
12 TRIBAL GOVERNMENT AFFAIRS”; and

13 (B) by striking paragraph (1) and insert-
14 ing the following:

15 “(1) ESTABLISHMENT.—There is established in
16 the Department an Office of Tribal Government Af-
17 fairs, under the Assistant Secretary for Tribal Gov-
18 ernment Affairs, to—

19 “(A) oversee the Tribal transportation self-
20 governance program under section 207 of title
21 23;

22 “(B) plan, coordinate, and implement poli-
23 cies and programs serving Indian Tribes and
24 Tribal organizations;

1 “(C) coordinate Tribal transportation pro-
2 grams and activities in all offices and adminis-
3 trations of the Department;

4 “(D) provide technical assistance to Indian
5 Tribes and Tribal organizations;

6 “(E) be a participant in any negotiated
7 rulemakings relating to, or having an impact
8 on, projects, programs, or funding associated
9 with the tribal transportation program under
10 section 202 of title 23; and

11 “(F) ensure that Department programs
12 have in place, implement, and enforce require-
13 ments and obligations for regular and meaning-
14 ful consultation and collaboration with Tribes
15 and Tribal officials under Executive Order No.
16 13175 and to serve as the primary advisor to
17 the Secretary and other Department compo-
18 nents regarding violations of those require-
19 ments.”.

20 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

21 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
22 GOVERNMENTS.—Section 201 of title 23, United States
23 Code, is amended by adding at the end the following:

24 “(f) ALTERNATIVE CONTRACTING METHODS.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary may use a con-
3 tracting method available to a State under this title
4 on behalf 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,
18 at 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
4 this subsection—

5 “(A) affects the application of the Federal
6 share for a project carried out with a con-
7 tracting method under this subsection; or

8 “(B) modifies the point of obligation of
9 Federal salaries and expenses.”.

10 (b) USE OF ALTERNATIVE CONTRACTING METH-
11 OD.—In carrying out the amendments made by this sec-
12 tion, the 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 pro-
20 curement 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
25 use 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
4 is 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
14 States 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
23 Reclamation—

24 (1) shall not be required to transfer ownership
25 of the land on which the bridge is located or any ad-
26 jacent lands; and

1 (2) shall make arrangements with the State to
2 which ownership is being transferred to allow for
3 adequate access to such bridge, including for the
4 purposes of construction, maintenance, and bridge
5 inspections pursuant to section 144 of title 23,
6 United States Code.

7 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
8 **DIAN TRIBES.**

9 Not later than January 31 of each year, the Sec-
10 retary of Transportation shall submit to the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives and the Committee on Environment and
13 Public Works 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 main-
6 tenance of United States forest roads, including—

7 (1) the current backlog;

8 (2) the current actions on such maintenance
9 and 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
15 of enactment of this Act, the Comptroller General of the
16 United States shall submit to the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 and the Committee on Environment and Public Works of
19 the Senate a report containing the results of the study
20 conducted under subsection (a).

21 **SEC. 1511. FEDERAL LANDS ACCESS PROGRAM.**

22 Section 204(a) of title 23, United States Code, is
23 amended—

24 (1) in paragraph (1)(A)—

1 (A) in the matter preceding clause (i), by
2 inserting “context-sensitive solutions,” after
3 “restoration,”;

4 (B) in clause (i), by inserting “, including
5 interpretive panels in or adjacent to those
6 areas” after “areas”;

7 (C) in clause (v), by striking “and” at the
8 end;

9 (D) by redesignating clause (vi) as clause
10 (ix); and

11 (E) by inserting after clause (v) the fol-
12 lowing:

13 “(vi) contextual wayfinding markers;

14 “(vii) landscaping;

15 “(viii) cooperative mitigation of visual
16 blight, including screening or removal;
17 and”;

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

19 “(6) NATIVE PLANT MATERIALS.—In carrying
20 out an activity described in paragraph (1), the Sec-
21 retary shall ensure that the entity carrying out the
22 activity considers—

23 “(A) the use of locally adapted native plant
24 materials; and

1 “(B) designs that minimize runoff and
2 heat generation.”.

3 **Subtitle F—Additional Provisions**

4 **SEC. 1601. VISION ZERO.**

5 (a) IN GENERAL.—A local government, metropolitan
6 planning organization, or regional transportation planning
7 organization may develop and implement a vision zero
8 plan to significantly reduce or eliminate transportation-re-
9 lated fatalities and serious injuries within a specified time-
10 frame, not to exceed 20 years.

11 (b) USE OF FUNDS.—Amounts apportioned to a
12 State under paragraph (2) or (3) of section 104(b) of title
13 23, United States Code, may be used—

14 (1) to carry out vision zero planning under this
15 section or a vulnerable road user safety assessment;
16 and

17 (2) to implement an existing vision zero plan.

18 (c) CONTENTS OF PLAN.—A vision zero plan under
19 this section shall include—

20 (1) a description of programs, strategies, or
21 policies intended to significantly reduce or eliminate
22 transportation-related fatalities and serious injuries
23 within a specified timeframe, not to exceed 20 years,
24 that is consistent with a State strategic highway

1 safety plan and uses existing transportation data
2 and consideration of risk factors;

3 (2) plans for implementation of, education of
4 the public about, and enforcement of such programs,
5 strategies, or policies;

6 (3) a description of how such programs, strate-
7 gies, or policies, and the enforcement of such pro-
8 grams, strategies, or policies will—

9 (A) equitably invest in the safety needs of
10 low-income and minority communities;

11 (B) ensure that such communities are not
12 disproportionately targeted by law enforcement;
13 and

14 (C) protect the rights of members of such
15 communities with respect to title VI of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
17 and

18 (4) a description of a mechanism to evaluate
19 progress of the development and implementation of
20 the plan, including the gathering and use of trans-
21 portation safety and demographic data.

22 (d) INCLUSIONS.—A vision zero plan may include a
23 complete streets prioritization plan that identifies a spe-
24 cific list of projects to—

1 (1) create a connected network of active trans-
2 portation facilities, including sidewalks, bikeways, or
3 pedestrian and bicycle trails, to connect communities
4 and provide safe, reliable, affordable, and convenient
5 access to employment, housing, and services, con-
6 sistent with the goals described in section 150(b) of
7 title 23, United States Code;

8 (2) integrate active transportation facilities with
9 public transportation service or improve access to
10 public transportation; and

11 (3) improve transportation options for low-in-
12 come and minority communities.

13 (e) COORDINATION.—A vision zero plan under this
14 section shall provide for coordination of various subdivi-
15 sions of a unit of local government in the implementation
16 of the plan, including subdivisions responsible for law en-
17 forcement, public health, data collection, and public works.

18 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
19 zero plan under this section is not sufficient to dem-
20 onstrate compliance with the safety performance or plan-
21 ning requirements of section 148 or 150 of title 23, United
22 States Code.

23 (g) GUIDANCE ON SAFE SYSTEM APPROACH.—The
24 Secretary of Transportation shall develop guidance on the
25 consideration of a safe system approach in project plan-

1 ning, scoping, and design to facilitate the implementation
2 of vision zero plans under this section and vulnerable road
3 user assessments under section 148 of title 23, United
4 States Code.

5 (h) DEFINITIONS.—In this section, the terms “safe
6 system approach” and “vulnerable road user safety assess-
7 ment” have the meanings given such terms in section 148
8 of title 23, United States Code.

9 **SEC. 1602. SPEED LIMITS.**

10 (a) SPEED LIMITS.—The Secretary of Transpor-
11 tation shall revise the Manual on Uniform Traffic Control
12 Devices to provide for a safe system approach to setting
13 speed limits, consistent with the safety recommendations
14 issued by the National Transportation Safety Board on
15 August 15, 2017, numbered H–17–27 and H–17–028.

16 (b) CONSIDERATIONS.—In carrying out subpara-
17 graph (A), the Secretary shall consider—

- 18 (1) crash statistics;
- 19 (2) road geometry characteristics;
- 20 (3) roadside characteristics;
- 21 (4) traffic volume;
- 22 (5) the possibility and likelihood of human
23 error;
- 24 (6) human injury tolerance;
- 25 (7) the prevalence of vulnerable road users; and

1 (8) any other consideration, consistent with a
2 safe system approach, as determined by the Sec-
3 retary.

4 (c) REPORT ON SPEED MANAGEMENT PROGRAM
5 PLAN.—Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall update and report on the
7 implementation progress of the Speed Management Pro-
8 gram Plan of the Department of Transportation, as de-
9 scribed in the safety recommendation issued by the Na-
10 tional Transportation Safety Board on August 15, 2017,
11 numbered H–17–018.

12 (d) DEFINITIONS.—In this section, the terms “safe
13 system approach” and “vulnerable road user” have the
14 meanings given such terms in section 148(a) of title 23,
15 United States Code.

16 **SEC. 1603. DIG ONCE FOR BROADBAND INFRASTRUCTURE**
17 **DEPLOYMENT.**

18 (a) DEFINITIONS.—In this section:

19 (1) APPROPRIATE STATE AGENCY.—The term
20 “appropriate State agency” means a State govern-
21 mental agency that is recognized by the executive
22 branch of the State as having the experience nec-
23 essary to evaluate and facilitate the installation and
24 operation of broadband infrastructure within the
25 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
8 greater quality and speed) that supports the provi-
9 sion of 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, including, with respect to
17 such entity—

18 (A) a corporation, company, association,
19 firm, partnership, nonprofit organization, or
20 any other private entity;

21 (B) a State or local broadband provider;

22 (C) an Indian Tribe; and

23 (D) a partnership between any of the enti-
24 ties described in subparagraphs (A), (B), and
25 (C).

1 (6) COVERED HIGHWAY CONSTRUCTION
2 PROJECT.—

3 (A) IN GENERAL.—The term “covered
4 highway construction project” means, without
5 regard to ownership of a highway, a project
6 funded under title 23, United States Code, and
7 administered by a State department of trans-
8 portation to construct a new highway or an ad-
9 ditional lane for an existing highway, to recon-
10 struct an existing highway, or new construction,
11 including construction of a paved shoulder.

12 (B) EXCLUSIONS.—The term “covered
13 highway construction project” excludes any
14 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;

21 (iii) that is less than a mile in length;

22 or

23 (iv) that is—

1 (I) a project primarily for resur-
2 facing, restoration, rehabilitation, or
3 maintenance;

4 (II) a bicycle, pedestrian, trans-
5 portation alternatives, sidewalk, rec-
6 reational trails, or safe routes to
7 school project;

8 (III) an operational improvement
9 (as such term is defined in section
10 101 of title 23, United States Code);

11 (IV) a project primarily to install
12 signage; or

13 (V) a culvert project.

14 (7) DIG ONCE REQUIREMENT.—The term “dig
15 once requirement” means a requirement designed to
16 reduce the cost and accelerate the deployment of
17 broadband by minimizing the number and scale of
18 repeated excavations for the installation and mainte-
19 nance of broadband conduit or broadband infrastruc-
20 ture in rights-of-way.

21 (8) INDIAN TRIBE.—The term “Indian Tribe”
22 has the meaning given such term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304(e)).

1 (9) NTIA ADMINISTRATOR.—The term “NTIA
2 Administrator” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (10) PROJECT.—The term “project” has the
5 meaning given such term in section 101 of title 23,
6 United States Code.

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of Transportation.

9 (12) STATE.—The term “State” has the mean-
10 ing given such term in section 401 of title 23,
11 United States Code.

12 (13) STATE OR LOCAL BROADBAND PRO-
13 VIDER.—The term “State or local broadband pro-
14 vider” means a State or political subdivision thereof,
15 or any agency, authority, or instrumentality of a
16 State or political subdivision thereof, that provides
17 broadband to any person or facilitates the provision
18 of broadband to any person in such State.

19 (b) DIG ONCE REQUIREMENT.—Not later than 12
20 months after the date of enactment of this Act, to facili-
21 tate the installation of broadband infrastructure, the Sec-
22 retary shall issue such regulations as may be necessary
23 to ensure that each State that receives funds under chap-
24 ter 1 of title 23, United States Code, complies with the
25 following provisions:

1 (1) BROADBAND PLANNING AND NOTICE.—The
2 State department of transportation, in consultation
3 with appropriate State agencies, shall—

4 (A) review existing State broadband plans,
5 including existing dig once requirements of the
6 State, municipal governments incorporated
7 under State law, and Indian tribes within the
8 State, to determine opportunities to coordinate
9 covered highway construction projects occurring
10 within or across highway rights-of-way with
11 planned broadband infrastructure projects;

12 (B) identify a broadband coordinator, who
13 may have additional responsibilities in the State
14 department of transportation or in another
15 State agency, that is responsible for facilitating
16 the broadband infrastructure right-of-way ef-
17 forts within the State; and

18 (C) establish a process—

19 (i) for the registration of broadband
20 providers that seek to be included in the
21 advance notification of, and opportunity to
22 participate in, broadband infrastructure
23 right-of-way facilitation efforts within the
24 State; and

1 (ii) to electronically notify all
2 broadband providers registered under
3 clause (i)—

4 (I) of the State transportation
5 improvement program on at least an
6 annual basis; and

7 (II) of covered highway construc-
8 tion projects within the highway right-
9 of-way for which Federal funding is
10 expected to be obligated in the subse-
11 quent fiscal year.

12 (2) COORDINATION AND COMPLIANCE.—

13 (A) MOBILE NOW ACT.—A State depart-
14 ment of transportation shall be considered to
15 meet the requirements of subparagraphs (B)
16 and (C) of paragraph (1) if such State depart-
17 ment of transportation has been determined to
18 be in compliance with the requirements estab-
19 lished under section 607 of division P of the
20 Consolidated Appropriations Act, 2018 (47
21 U.S.C. 1504).

22 (B) WEBSITE.—A State department of
23 transportation shall be considered to meet the
24 requirements of paragraph (1)(C) if the State
25 publishes on a public website—

1 (i) the State transportation improve-
2 ment program on at least an annual basis;
3 and

4 (ii) covered highway construction
5 projects within the highway right-of-way
6 for which Federal funding is expected to be
7 obligated in the subsequent fiscal year.

8 (C) COORDINATION.—The State depart-
9 ment of transportation, in consultation with ap-
10 propriate State agencies, shall by rule or regu-
11 lation establish a process for a broadband pro-
12 vider to commit to installing broadband conduit
13 or broadband infrastructure as part of any cov-
14 ered highway construction project.

15 (D) APPROPRIATE STATE AGENCY.—In
16 lieu of the State department of transportation,
17 at the discretion of the State, an appropriate
18 State agency, in consultation with the State de-
19 partment of transportation, may carry out the
20 requirements of paragraph (1).

21 (3) REQUIRED INSTALLATION OF BROADBAND
22 CONDUIT.—

23 (A) IN GENERAL.—The State department
24 of transportation shall install broadband con-
25 duit, in accordance with this paragraph (except

1 as described in subparagraph (F)), as part of
2 any covered highway construction project, un-
3 less a broadband provider has committed to in-
4 stall broadband conduit or broadband infra-
5 structure as part of such project in a process
6 described under paragraph (2)(C).

7 (B) INSTALLATION REQUIREMENTS.—In
8 installing broadband conduit or broadband in-
9 frastructure as part of a covered highway con-
10 struction project, the State department of
11 transportation shall ensure that—

12 (i) installation pursuant to this para-
13 graph of broadband conduit, broadband in-
14 frastructure, and means or points of access
15 to such conduit or infrastructure (such as
16 poles, hand holes, manholes, pull tape, or
17 ducts) shall provide for the current and fu-
18 ture safe operation of the traveled way, is
19 consistent with part 645 of title 23, Code
20 of Federal Regulations, and any accommo-
21 dation policies of the State under such
22 part to reasonably enable deployment of
23 such conduit, infrastructure, and means or
24 points of access, and any Damage Preven-

1 tion and Underground Facilities Protection
2 or related requirements of the State;

3 (ii) an appropriate number of
4 broadband conduits, as determined in con-
5 sultation with the appropriate State agen-
6 cies, are installed along the right-of-way of
7 a covered highway construction project to
8 accommodate multiple broadband pro-
9 viders, with consideration given to the
10 availability of existing broadband conduits;

11 (iii) the size of each broadband con-
12 duit is consistent with industry best prac-
13 tices, consistent with the requirements of
14 part 645 of title 23, Code of Federal Regu-
15 lations, and sufficient to accommodate an-
16 ticipated demand, as determined in con-
17 sultation with the appropriate State agen-
18 cies;

19 (iv) any hand holes and manholes nec-
20 essary for fiber access and pulling with re-
21 spect to such conduit are placed at inter-
22 vals consistent with standards determined
23 in consultation with the appropriate State
24 agencies (which may differ by type of road,
25 topologies, and rurality) the requirements

1 of part 645 of title 23, Code of Federal
2 Regulations, and other applicable safety re-
3 quirements;

4 (v) each broadband conduit installed
5 pursuant to this paragraph includes a pull
6 tape and is capable of supporting fiber
7 optic cable placement techniques consistent
8 with best practices and the requirements of
9 part 645 of title 23, Code of Federal Regu-
10 lations;

11 (vi) broadband conduit is placed at a
12 depth consistent with requirements of the
13 covered highway construction project and
14 best practices and that, in determining the
15 depth of placement, consideration is given
16 to the location of existing utilities and
17 cable separation requirements of State and
18 local electrical codes; and

19 (vii) installation of broadband conduit
20 shall not preclude the installation of other
21 specific socially, environmentally, or eco-
22 nomically beneficial uses of the right-of-
23 way, such as planned energy transmission
24 or renewable energy generation projects.

1 (C) PROGRAMMATIC REVIEW.—The State
2 department of transportation may make deter-
3 minations on the implementation of the require-
4 ments described in subparagraph (B) on a pro-
5 grammatic basis.

6 (D) ACCESS.—

7 (i) IN GENERAL.—The State depart-
8 ment of transportation shall ensure that
9 any requesting broadband provider has ac-
10 cess to each broadband conduit installed by
11 the State pursuant to this paragraph, on a
12 competitively neutral and nondiscrim-
13 inatory basis and in accordance with State
14 permitting, licensing, leasing, or other
15 similar laws and regulations.

16 (ii) SOCIALLY BENEFICIAL USE.—The
17 installation of broadband conduit as part
18 of a covered highway construction project
19 shall be considered a socially-beneficial use
20 of the right-of-way under section 156(b) of
21 title 23, United States Code.

22 (iii) IN-KIND COMPENSATION.—The
23 State department of transportation may
24 negotiate in-kind compensation with any
25 broadband provider requesting access to

1 broadband conduit installed under the pro-
2 visions of this paragraph.

3 (iv) SAFETY CONSIDERATIONS.—The
4 State department of transportation shall
5 provide for a process for a broadband pro-
6 vider to safely access to the highway right-
7 of-way during installation and on-going
8 maintenance of the broadband conduit and
9 broadband infrastructure, including a traf-
10 fic control safety plan.

11 (v) COMMUNICATION.—A broadband
12 provider with access to the conduit in-
13 stalled pursuant to this subsection shall
14 notify, and receive permission from, the
15 relevant agencies of State responsible for
16 the installation of such broadband conduit
17 prior to accessing any highway or highway
18 right-of-way, in accordance with applicable
19 Federal requirements.

20 (E) TREATMENT OF PROJECTS.—Notwith-
21 standing any other provision of law, broadband
22 conduit and broadband infrastructure installa-
23 tion projects installed by a State under this
24 paragraph under this paragraph shall comply

1 with section 113(a) of title 23, United States
2 Code.

3 (F) WAIVER AUTHORITY.—

4 (i) IN GENERAL.—A State department
5 of transportation may waive the required
6 installation of broadband conduit for part
7 or all of any covered highway construction
8 project under this paragraph if, in the de-
9 termination of the State department of
10 transportation—

11 (I) broadband infrastructure, ter-
12 restrial broadband infrastructure, aer-
13 ial broadband fiber cables, or
14 broadband conduit is present near a
15 majority of the length of the covered
16 highway construction project;

17 (II) installation of terrestrial or
18 aerial broadband fiber cables associ-
19 ated with the covered highway con-
20 struction project is more appropriate
21 for the context or a more cost-effec-
22 tive means to facilitate broadband
23 service to an area not adequately
24 served by broadband and such instal-
25 lation is present or planned;

1 (III) the installation of
2 broadband conduit increases overall
3 costs of a covered highway construc-
4 tion project by 1.5 percent or greater;

5 (IV) the installation of
6 broadband conduit associated with the
7 covered highway construction project
8 is not reasonably expected to be uti-
9 lized or connected to future
10 broadband infrastructure in the 20
11 years following the date on which such
12 determination is made, as determined
13 by the State department of transpor-
14 tation, in consultation with appro-
15 priate State agencies and potentially
16 affected local governments and Indian
17 tribes;

18 (V) the requirements of this
19 paragraph would require installation
20 of conduit redundant with a dig once
21 requirement of a local government or
22 Indian tribe;

23 (VI) there exists a circumstance
24 involving force majeure; or

1 (VII) the installation of conduit
2 is not appropriate based on other rel-
3 evant factors established by the Sec-
4 retary in consultation with the NTIA
5 Administrator through regulation.

6 (ii) CONTENTS OF WAIVER.—A waiver
7 authorized under this subparagraph
8 shall—

9 (I) identify the covered highway
10 construction project; and

11 (II) include a brief description of
12 the determination of the State for
13 issuing such waiver.

14 (iii) AVAILABILITY OF WAIVER.—Noti-
15 fication of a waiver authorized under this
16 subparagraph shall be made publicly avail-
17 able, such as on a public website of the
18 State department of transportation de-
19 scribed in paragraph (2)(B).

20 (iv) WAIVER DETERMINATION.—

21 (I) IN GENERAL.—The State de-
22 partment of transportation shall be
23 responsible for the waiver determina-
24 tion described under this paragraph,
25 consistent with the regulation issued

1 pursuant to this subsection, and may
2 grant a programmatic waiver for cat-
3 egories of projects excluded under this
4 subparagraph.

5 (II) NO PRIVATE CAUSE OF AC-
6 TION.—The waiver determination de-
7 scribed under this paragraph shall be
8 final and conclusive. Nothing in this
9 section shall provide a private right or
10 cause of action to challenge such de-
11 termination in any court of law.

12 (4) PRIORITY.—If a State provides for the in-
13 stallation of broadband infrastructure or broadband
14 conduit in the right-of-way of a covered highway
15 construction project, the State department of trans-
16 portation, along with appropriate State agencies,
17 shall carry out appropriate measures to ensure that
18 an existing broadband provider is afforded access
19 that is non-discriminatory, competitively neutral,
20 and equal in opportunity, as compared to other
21 broadband providers, with respect to the program
22 under this subsection.

23 (c) GUIDANCE FOR THE INSTALLATION OF
24 BROADBAND CONDUIT.—The Secretary, in consultation
25 with the NTIA Administrator, shall issue guidance for

1 best practices related to the installation of broadband con-
2 duit as described in subsection (b)(2) and of conduit and
3 similar infrastructure for intelligent transportation sys-
4 tems (as such term is defined in section 501 of title 23,
5 United States Code) that may utilize broadband conduit
6 installed pursuant to subsection (b)(2).

7 (d) CONSULTATION.—

8 (1) IN GENERAL.—In issuing regulations re-
9 quired by this subsection or to implement any part
10 of this section, the Secretary shall consult—

11 (A) the NTIA Administrator;

12 (B) the Federal Communications Commis-
13 sion;

14 (C) State departments of transportation;

15 (D) appropriate State agencies;

16 (E) agencies of local governments respon-
17 sible for transportation and rights-of-way, utili-
18 ties, and telecommunications and broadband;

19 (F) Indian tribes;

20 (G) broadband providers; and

21 (H) manufacturers of optical fiber, con-
22 duit, pull tape, and related items.

23 (2) BROADBAND USERS.—The Secretary shall
24 ensure that the entities consulted under subpara-
25 graphs (C) through (F) of paragraph (1) include en-

1 tities that have expertise with rural areas and popu-
2 lations with limited access to broadband infrastruc-
3 ture.

4 (3) BROADBAND PROVIDERS.—The Secretary
5 shall ensure that the entities consulted under sub-
6 paragraph (G) of paragraph (1) include entities that
7 provide broadband to rural areas and populations
8 with limited access to broadband infrastructure.

9 (e) OVERSIGHT.—

10 (1) IN GENERAL.—The Secretary shall periodi-
11 cally review compliance with the regulations issued
12 pursuant to this section and ensure that State waiv-
13 er determinations are consistent with such regula-
14 tions.

15 (2) EFFICIENT REVIEW.—The review described
16 under paragraph (1) may be carried out through the
17 risk-based stewardship and oversight program de-
18 scribed under section 106(g) of title 23, United
19 States Code.

20 (3) EFFECT OF SUBSECTION.—Nothing in this
21 subsection shall affect or discharge any oversight re-
22 sponsibility of the Secretary specifically provided for
23 under title 23, United States Code, or any other
24 Federal law.

25 (f) ADDITIONAL PROVISIONS.—

1 (1) APPLICABILITY.—

2 (A) IN GENERAL.—The portion of the reg-
3 ulation issued pursuant to subsection (b) relat-
4 ing to the provisions under paragraph (3) of
5 such subsection shall not take effect until a
6 source of dedicated funding for the installation
7 and long term maintenance of broadband con-
8 duit described in subsection (g)(2) is estab-
9 lished.

10 (B) APPLICABILITY DATE.—Paragraphs
11 (2) through (4) of subsection (b) and subsection
12 (d) shall apply only to covered highway con-
13 struction projects for which Federal obligations
14 or expenditures are initially approved on or
15 after the date on which regulations required
16 under this subsection take effect.

17 (2) RULES OF CONSTRUCTION.—

18 (A) STATE LAW.—Nothing in this sub-
19 section shall be construed to require a State to
20 install or allow the installation of broadband
21 conduit or broadband infrastructure—

22 (i) that is otherwise inconsistent with
23 what is allowable under State law; or

24 (ii) where the State lacks the author-
25 ity for such installation, such as any prop-

1 erty right or easement necessary for such
2 installation.

3 (B) NO REQUIREMENT FOR INSTALLATION
4 OF MOBILE SERVICES EQUIPMENT.—Nothing in
5 this section shall be construed to require a
6 State, a municipal government incorporated
7 under State law, or an Indian Tribe to install
8 or allow for the installation of equipment essen-
9 tial for the provision of commercial mobile serv-
10 ices (as defined in section 332(d) of the Com-
11 munications Act of 1934 (47 U.S.C. 332(d)))
12 or commercial mobile data service (as defined in
13 section 6001 of the Middle Class Tax Relief
14 and Job Creation Act of 2012 (47 U.S.C.
15 1401)), other than broadband conduit and asso-
16 ciated equipment described in paragraph
17 (3)(B).

18 (3) RELATION TO STATE DIG ONCE REQUIRE-
19 MENTS.—Nothing in subsections (b), (c), (d), or (e)
20 or any regulations issued pursuant to subsection (b)
21 shall be construed to alter or supersede any provi-
22 sion of a State law or regulation that provides for
23 a dig once requirement that includes similar or more
24 stringent requirements to the provisions of sub-

1 sections (b), (c), (d), or (e) and any regulations pro-
2 mulgated under subsection (b).

3 (g) DIG ONCE FUNDING TASK FORCE.—

4 (1) ESTABLISHMENT.—The Secretary and the
5 NTIA Administrator shall jointly establish an inde-
6 pendent task force on funding the nationwide dig
7 once requirement described in this section to be
8 known as the “Dig Once Funding Task Force”
9 (hereinafter referred to as the “Task Force”).

10 (2) DUTIES.—The duties of the Task Force
11 shall be to—

12 (A) estimate the annual cost for imple-
13 menting, administering, and maintaining a na-
14 tionwide dig once requirement;

15 (B) propose and evaluate options for fund-
16 ing a nationwide dig once requirement described
17 in this section that includes—

18 (i) a discussion of the role and poten-
19 tial share of costs of—

20 (I) the Federal Government;

21 (II) State and local governments
22 and Indian tribes; and

23 (III) broadband providers install-
24 ing broadband conduit or broadband
25 infrastructure under this section;

1 (ii) consideration of the role of exist-
2 ing dig once requirements on States, local
3 governments, and Indian tribes and the
4 role of private broadband investment, with
5 a goal to not discourage or disincentivize
6 such dig once requirements or such invest-
7 ment; and

8 (iii) evaluating the appropriate entity
9 or entities responsible for maintaining the
10 broadband infrastructure and conduit in-
11 stalled pursuant to a dig once requirement;
12 and

13 (C) propose a cost-based model fee sched-
14 ule for a State to charge a broadband provider
15 to access and use conduit installed by such
16 State pursuant to this section that—

17 (i) shall consider costs (including ad-
18 ministrative costs) associated with installa-
19 tion and long-term maintenance of the
20 broadband conduit installed pursuant to
21 this section;

22 (ii) may vary by topography, location,
23 type of road, rurality, and other factors;
24 and

1 (iii) may consider financial and mar-
2 ket incentives for expanding broadband in-
3 frastructure.

4 (3) REPORTS.—

5 (A) INTERIM REPORT AND BRIEFING.—

6 Not later than 9 months after the appointment
7 of Members to the Task Force under paragraph
8 (4)(D), the Task Force shall—

9 (i) submit to Congress an interim re-
10 port on the findings of the Task Force;
11 and

12 (ii) provide briefings for Congress on
13 the findings of the Task Force.

14 (B) FINAL REPORT.—Not later than 3
15 months after the submission of the interim re-
16 port under subparagraph (A), the Task Force
17 shall submit to Congress a final report on the
18 findings of the Task Force.

19 (4) MEMBERS.—

20 (A) APPOINTMENTS.—The Task Force
21 shall consist of 14 members, comprising—

22 (i) 2 co-chairs described in subpara-
23 graph (B);

24 (ii) 6 members jointly appointed by
25 the Speaker and minority leader of the

1 House of Representatives, in consultation
2 with the respective Chairs and Ranking
3 Members of—

4 (I) the Committee on Transpor-
5 tation and Infrastructure of the
6 House of Representatives;

7 (II) the Committee on Energy
8 and Commerce of the House of Rep-
9 resentatives; and

10 (III) the Committee on Appro-
11 priations of the House of Representa-
12 tives; and

13 (iii) 6 members jointly appointed by
14 the majority leader and minority leader of
15 the Senate, in consultation with the respec-
16 tive Chairs and Ranking Members of the—

17 (I) the Committee on Environ-
18 ment and Public Works of the Senate;

19 (II) the Committee on Com-
20 merce, Science, and Transportation of
21 the Senate; and

22 (III) the Committee on Appro-
23 priations of the Senate.

24 (B) CO-CHAIRS.—The Task Force shall be
25 co-chaired by the Secretary and the NTIA Ad-

1 administrator, or the designees of the Secretary
2 and NTIA Administrator.

3 (C) COMPOSITION.—The Task Force shall
4 include at least—

5 (i) 1 representative from a State de-
6 partment of transportation;

7 (ii) 1 representative from a local gov-
8 ernment;

9 (iii) 1 representative from an Indian
10 tribe;

11 (iv) 1 representative from a
12 broadband provider;

13 (v) 1 representative from a State or
14 local broadband provider;

15 (vi) 1 representative from a labor
16 union; and

17 (vii) 1 representative from a public in-
18 terest organization.

19 (D) APPOINTMENT DEADLINE.—Members
20 shall be appointed to the Task Force not later
21 than 60 days after the date of enactment of
22 this Act.

23 (E) TERMS.—Members shall be appointed
24 for the life of the Task Force. A vacancy in the
25 Task Force shall not affect the powers of the

1 Task Force and the vacancy shall be filled in
2 the same manner as the initial appointment was
3 made.

4 (5) CONSULTATIONS.—In carrying out the du-
5 ties required under this subsection, the Task Force
6 shall consult, at a minimum—

7 (A) the Federal Communications Commis-
8 sion;

9 (B) agencies of States including—

10 (i) State departments of transpor-
11 tation; and

12 (ii) appropriate State agencies;

13 (C) agencies of local governments respon-
14 sible for transportation and rights-of-way, utili-
15 ties, and telecommunications and broadband;

16 (D) Indian tribes;

17 (E) broadband providers and other tele-
18 communications providers;

19 (F) labor unions; and

20 (G) State or local broadband providers and
21 Indian tribes that act as broadband providers.

22 (6) ADDITIONAL PROVISIONS.—

23 (A) EXPENSES FOR NON-FEDERAL MEM-
24 BERS.—Non-Federal members of the Task
25 Force shall be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, at rates au-
2 thorized for employees under subchapter I of
3 chapter 57 of title 5, United States Code, while
4 away from the homes or regular places of busi-
5 ness of such members in the performance of
6 services for the Task Force.

7 (B) STAFF.—Staff of the Task Force shall
8 comprise detailees with relevant expertise from
9 the Department of Transportation and the Na-
10 tional Telecommunications and Information Ad-
11 ministration, or another Federal agency that
12 the co-chairpersons consider appropriate, with
13 the consent of the head of the Federal agency,
14 and such detailees shall retain the rights, sta-
15 tus, and privileges of the regular employment of
16 such detailees without interruption.

17 (C) ADMINISTRATIVE ASSISTANCE.—The
18 Secretary and NTIA Administrator shall pro-
19 vide to the Task Force on a reimbursable basis
20 administrative support and other services for
21 the performance of the functions of the Task
22 Force.

23 (7) TERMINATION.—The Task Force shall ter-
24 minate not later than 90 days after submission of
25 the final report required under paragraph (3)(B).

1 **SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.**

2 (a) STUDY.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of Transportation and the Administrator shall
6 seek to enter into an agreement with the Transpor-
7 tation Research Board of the National Academy of
8 Sciences to under which the Transportation Re-
9 search Board shall conduct a study—

10 (A) to estimate pollutant loads from
11 stormwater runoff from highways and pedes-
12 trian facilities eligible for assistance under title
13 23, United States Code, to inform the develop-
14 ment of appropriate total maximum daily load
15 requirements;

16 (B) to provide recommendations (including
17 recommended revisions to existing laws and reg-
18 ulations) regarding the evaluation and selection
19 by State departments of transportation of po-
20 tential stormwater management and total max-
21 imum daily load compliance strategies within a
22 watershed, including environmental restoration
23 and pollution abatement carried out under sec-
24 tion 328 of title 23, United States Code;

25 (C) to examine the potential for the Sec-
26 retary to assist State departments of transpor-

1 tation in carrying out and communicating
2 stormwater management practices for highways
3 and pedestrian facilities that are eligible for as-
4 sistance under title 23, United States Code,
5 through information-sharing agreements, data-
6 base assistance, or an administrative platform
7 to provide the information described in sub-
8 paragraphs (A) and (B) to entities issued per-
9 mits under the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.); and

11 (D) to examine the benefit of concen-
12 trating stormwater retrofits in impaired water-
13 sheds and selecting such retrofits according to
14 a process that depends on a watershed manage-
15 ment plan developed in accordance with section
16 319 of the Federal Water Pollution Control Act
17 (33 U.S.C. 1329).

18 (2) REQUIREMENTS.—In conducting the study
19 under the agreement entered into pursuant to para-
20 graph (1), the Transportation Research Board
21 shall—

22 (A) review and supplement, as appropriate,
23 the methodologies examined and recommended
24 in the 2019 report of the National Academies
25 of Sciences, Engineering, and Medicine titled

1 “Approaches for Determining and Complying
2 with TMDL Requirements Related to Roadway
3 Stormwater Runoff”;

4 (B) consult with—

5 (i) the Secretary of Transportation;

6 (ii) the Secretary of Agriculture;

7 (iii) the Administrator;

8 (iv) the Secretary of the Army, acting
9 through the Chief of Engineers; and

10 (v) State departments of Transpor-
11 tation; and

12 (C) solicit input from—

13 (i) stakeholders with experience in im-
14 plementing stormwater management prac-
15 tices for projects; and

16 (ii) educational and technical
17 stormwater management groups.

18 (3) REPORT.—In carrying out the agreement
19 entered into pursuant to paragraph (1), not later
20 than 18 months after the date of enactment of this
21 Act, the Transportation Research Board shall sub-
22 mit to the Secretary of Transportation, the Adminis-
23 trator, the Committee on Transportation and Infra-
24 structure of the House of Representatives, and the

1 Committee on Environment and Public Works of the
2 Senate a report describing the results of the study.

3 (b) STORMWATER BEST MANAGEMENT PRACTICES
4 REPORTS.—

5 (1) REISSUANCE.—Not later than 180 days
6 after the date of enactment of this Act, the Adminis-
7 trator shall update and reissue the best management
8 practices reports to reflect new information and ad-
9 vancements in stormwater management.

10 (2) UPDATES.—Not less frequently than once
11 every 5 years after the date on which the Secretary
12 reissues the best management practices reports
13 under paragraph (1), the Secretary shall update and
14 reissue the best management practices reports, un-
15 less the contents of the best management practices
16 reports have been incorporated (including by ref-
17 erence) into applicable regulations of the Secretary.

18 (c) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) BEST MANAGEMENT PRACTICES RE-
23 PORTS.—The term “best management practices re-
24 ports” means—

1 (A) the 2014 report sponsored by the De-
2 partment of Transportation titled “Determining
3 the State of the Practice in Data Collection and
4 Performance Measurement of Stormwater Best
5 Management Practices” (FHWA–HEP–16–
6 021); and

7 (B) the 2000 report sponsored by the De-
8 partment of Transportation titled “Stormwater
9 Best Management Practices in an Ultra-Urban
10 Setting: Selection and Monitoring”.

11 (3) TOTAL MAXIMUM DAILY LOAD.—The term
12 “total maximum daily load” has the meaning given
13 such term in section 130.2 of title 40, Code of Fed-
14 eral Regulations (or successor regulations).

15 **SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
16 **OF-WAY.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Architectural and
19 Transportation Barriers Compliance Board under the au-
20 thority of section 502(b)(3) of the Rehabilitation Act of
21 1973 (29 U.S.C. 792(b)(3)), shall publish final accessi-
22 bility guidelines setting forth minimum standards for pe-
23 destrian facilities in the public right-of-way, including
24 shared use paths.

1 (b) ADOPTION OF REGULATIONS.—Not later than
2 180 days after the establishment of the guidelines pursu-
3 ant to subsection (a), the Secretary shall issue such regu-
4 lations as are necessary to adopt such guidelines.

5 **SEC. 1606. 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
16 and 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 avail-
20 able data, whether the apportionment method under
21 such section results in—

22 (A) an equitable distribution of funds
23 based on the estimated tax payments attrib-
24 utable to—

1 (i) highway users in the State that are
2 paid into the Highway Trust Fund; and

3 (ii) individuals in the State that are
4 paid to the Treasury, based on contribu-
5 tions to the Highway Trust Fund from the
6 general fund of the Treasury; and

7 (B) the achievement of the goals described
8 in section 101(b)(3) of title 23, United States
9 Code.

10 (3) CONSIDERATIONS.—In carrying out the as-
11 sessment under paragraph (2), the Secretary shall
12 consider the following:

13 (A) The factors described in sections
14 104(b), 104(f)(2), 104(h)(2), 130(f), and
15 144(e) of title 23, United States Code, as in ef-
16 fect on the date of enactment of SAFETEA-
17 LU (Public Law 109–59).

18 (B) The availability and accuracy of data
19 necessary to calculate formula apportionments
20 under the factors described in subparagraph
21 (A).

22 (C) The measures established under sec-
23 tion 150 of title 23, United States Code, and
24 whether such measures are appropriate for con-
25 sideration as formula apportionment factors.

1 (D) The results of the CMAQ formula
2 modernization study required under subsection
3 (b).

4 (E) Inclusion of the Commonwealth of
5 Puerto Rico in the apportionment under sub-
6 sections (b) and (c) of section 104 of such title,
7 including an estimate of the anticipated con-
8 tributions to the Highway Trust Fund from the
9 citizens of Puerto Rico if Puerto Rico was sub-
10 ject to applicable highway user fees.

11 (F) A needs-based assessment of the share
12 of Federal-aid highway funds that should be
13 made available to the territories described
14 under section 165(c) of such title.

15 (G) Any other factors that the Secretary
16 determines are appropriate.

17 (4) RECOMMENDATIONS.—The Secretary shall,
18 in consultation with the State departments of trans-
19 portation and representatives of local governments
20 (including metropolitan planning organizations), de-
21 velop recommendations on a new apportionment
22 method, including—

23 (A) the factors recommended to be in-
24 cluded in such apportionment method;

1 (B) the weighting recommended to be ap-
2 plied to the factors under subparagraph (A);
3 and

4 (C) any other recommendations to ensure
5 that the apportionment method best achieves an
6 equitable distribution of funds described under
7 paragraph (2)(A) and the goals described in
8 paragraph (2)(B).

9 (b) CMAQ FORMULA MODERNIZATION STUDY.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary of
12 Transportation, in consultation with the Adminis-
13 trator of the Environmental Protection Agency, shall
14 conduct an CMAQ formula modernization study to
15 assess whether the apportionment method under sec-
16 tion 104(b)(4) of title 23, United States Code, re-
17 sults in a distribution of funds that best achieves the
18 air quality goals of section 149 of such title.

19 (2) CONSIDERATIONS.—In providing consulta-
20 tion under this subsection, the Administrator of the
21 Environmental Protection Agency shall provide to
22 the Secretary an analysis of—

23 (A) factors that contribute to the appor-
24 tionment, including population, types of pollut-
25 ants, and severity of pollutants, as such factors

1 were determined on the date prior to the date
2 of enactment of MAP-21;

3 (B) the weighting of the factors listed
4 under subparagraph (A); and

5 (C) the recency of the data used in making
6 the apportionment under section 104(b)(4) of
7 title 23, United States Code.

8 (3) RECOMMENDATIONS.—If, in conducting the
9 study under this subsection, the Secretary finds that
10 modifying the apportionment method under section
11 104(b)(4) of title 23, United States Code, would
12 best achieve the air quality goals of section 149 of
13 title 23, United States Code, the Secretary shall, in
14 consultation with the Administrator, include in such
15 study recommendations for a new apportionment
16 method, including—

17 (A) the factors recommended to be in-
18 cluded in such apportionment method;

19 (B) the weighting recommended to be ap-
20 plied to the factors under subparagraph (A);
21 and

22 (C) any other recommendations to ensure
23 that the apportionment method best achieves
24 the air quality goals section 149 of such title.

1 (c) REPORT.—No later than 2 years after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on Envi-
5 ronment and Public Works of the Senate a report con-
6 taining the results of the highway formula modernization
7 study and the CMAQ formula modernization study.

8 **SEC. 1607. CONSOLIDATION OF PROGRAMS.**

9 Section 1519 of MAP–21 (Public Law 112–141) is
10 amended—

11 (1) in subsection (a)—

12 (A) by striking “fiscal years 2016 through
13 2020” and inserting “fiscal years 2023 through
14 2026”; and

15 (B) by striking “\$3,500,000” and insert-
16 ing “\$4,000,000”;

17 (2) by redesignating subsections (b) and (c) as
18 subsections (c) and (d), respectively; and

19 (3) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) FEDERAL SHARE.—The Federal share of the
22 cost of a project or activity carried out under subsection
23 (a) shall be 100 percent.”.

1 **SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.**

2 (a) REPORT.—Not later than 180 days after the date
3 of enactment of this Act, the Secretary of Transportation
4 shall submit to the Committee on Transportation and In-
5 frastructure of the House of Representatives and the Com-
6 mittee on Environment and Public Works of the Senate
7 a report that describes the efforts of the Department of
8 Transportation to encourage elementary, secondary, and
9 post-secondary students to pursue careers in the surface
10 transportation sector.

11 (b) CONTENTS.—The report required under sub-
12 section (a) shall include—

13 (1) a description of efforts to increase aware-
14 ness of careers related to surface transportation
15 among elementary, secondary, and post-secondary
16 students;

17 (2) a description of efforts to prepare and in-
18 spire such students for surface transportation ca-
19 reers;

20 (3) a description of efforts to support the devel-
21 opment of a diverse, well-qualified workforce for fu-
22 ture surface transportation needs; and

23 (4) the effectiveness of the efforts described in
24 paragraphs (1) through (3).

1 **SEC. 1609. TASK FORCE ON DEVELOPING A 21ST CENTURY**
2 **SURFACE TRANSPORTATION WORKFORCE.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall establish a task force on developing a 21st
6 century surface transportation workforce (in this section
7 referred to as the “Task Force”).

8 (b) DUTIES.—Not later than 12 months after the es-
9 tablishment of the Task Force under subsection (a), the
10 Task Force shall develop and submit to the Secretary rec-
11 ommendations and strategies for the Department of
12 Transportation to—

13 (1) evaluate the current and future state of the
14 surface transportation workforce, including projected
15 job needs in the surface transportation sector;

16 (2) identify factors influencing individuals pur-
17 suing careers in surface transportation, including
18 barriers to attracting individuals into the workforce;

19 (3) address barriers to retaining individuals in
20 surface transportation careers;

21 (4) identify and address potential impacts of
22 emerging technologies on the surface transportation
23 workforce;

24 (5) increase access for vulnerable or underrep-
25 resented populations, especially women and minori-

1 ties, to high-skill, in-demand surface transportation
2 careers;

3 (6) facilitate and encourage elementary, sec-
4 ondary, and post-secondary students in the United
5 States to pursue careers in the surface transpor-
6 tation sector; and

7 (7) identify and develop pathways for students
8 and individuals to secure pre-apprenticeships, reg-
9 istered apprenticeships, and other work-based learn-
10 ing opportunities in the surface transportation sector
11 of the United States.

12 (c) CONSIDERATIONS.—In developing recommenda-
13 tions and strategies under subsection (b), the Task Force
14 shall—

15 (1) identify factors that influence whether
16 young people pursue careers in surface transpor-
17 tation, especially traditionally underrepresented pop-
18 ulations, including women and minorities;

19 (2) consider how the Department, businesses,
20 industry, labor, educators, and other stakeholders
21 can coordinate efforts to support qualified individ-
22 uals in pursuing careers in the surface transpor-
23 tation sector;

24 (3) identify methods of enhancing surface
25 transportation pre-apprenticeships and registered

1 apprenticeships, job skills training, mentorship, edu-
2 cation, and outreach programs that are exclusive to
3 youth in the United States; and

4 (4) identify potential sources of funding, includ-
5 ing grants and scholarships, that may be used to
6 support youth and other qualified individuals in pur-
7 suing careers in the surface transportation sector.

8 (d) CONSULTATION.—In developing the recommenda-
9 tions and strategies required under subsection (b), the
10 Task Force may consult with—

11 (1) local educational agencies and institutes of
12 higher education, including community colleges and
13 vocational schools; and

14 (2) State workforce development boards.

15 (e) REPORT.—Not later than 60 days after the sub-
16 mission of the recommendations and strategies under sub-
17 section (b), the Secretary shall submit to the Committee
18 on Transportation and Infrastructure of the House of
19 Representatives and the Committee on Environment and
20 Public Works of the Senate a report containing such rec-
21 ommendations and strategies.

22 (f) COMPOSITION OF TASK FORCE.—The Secretary
23 shall appoint members to the Task Force whose diverse
24 background and expertise allow such members to con-
25 tribute balanced points of view and ideas in carrying out

1 this section, comprised of equal representation from each
2 of the following:

3 (1) Industries in the surface transportation sec-
4 tor.

5 (2) Surface transportation sector labor organi-
6 zations.

7 (3) Such other surface transportation stake-
8 holders and experts as the Secretary considers ap-
9 propriate.

10 (g) PERIOD OF APPOINTMENT.—Members shall be
11 appointed to the Task Force for the duration of the exist-
12 ence of the Task Force.

13 (h) COMPENSATION.—Task Force members shall
14 serve without compensation.

15 (i) SUNSET.—The Task Force shall terminate upon
16 the submission of the report required under subsection (e).

17 (j) DEFINITIONS.—In this section:

18 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
19 prenticeship” means a training model or program
20 that prepares individuals for acceptance into a reg-
21 istered apprenticeship and has a demonstrated part-
22 nership with one or more registered apprenticeships.

23 (2) REGISTERED APPRENTICESHIP.—The term
24 “registered apprenticeship” means an apprenticeship
25 program registered under the Act of August 16,

1 1937 (29 U.S.C. 50 et seq.; commonly known as the
2 “National Apprenticeship Act”), that satisfies the
3 requirements of parts 29 and 30 of title 29, Code
4 of Federal Regulations (as in effect on January 1,
5 2020).

6 **SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
7 **ICES.**

8 Section 140(b) of title 23, United States Code, is
9 amended to read as follows:

10 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

11 “(1) IN GENERAL.—The Secretary, in coopera-
12 tion with the Secretary of Labor and any other de-
13 partment or agency of the Government, State agen-
14 cy, authority, association, institution, Indian Tribe
15 or Tribal organization, corporation (profit or non-
16 profit), or any other organization or person, is au-
17 thorized to develop, conduct, and administer surface
18 transportation and technology training, including
19 skill improvement programs, and to develop and
20 fund summer transportation institutes.

21 “(2) STATE RESPONSIBILITIES.—A State de-
22 partment of transportation participating in the pro-
23 gram under this subsection shall—

24 “(A) develop an annual workforce plan
25 that identifies immediate and anticipated work-

1 force gaps and underrepresentation of women
2 and minorities and a detailed plan to fill such
3 gaps and address such underrepresentation;

4 “(B) establish an annual workforce devel-
5 opment compact with the State workforce devel-
6 opment board and appropriate agencies to pro-
7 vide a coordinated approach to workforce train-
8 ing, job placement, and identification of train-
9 ing and skill development program needs, which
10 shall be coordinated to the extent practical with
11 an institution or agency, such as a State work-
12 force development board under section 101 of
13 the Workforce Innovation and Opportunities
14 Act (29 U.S.C. 3111), that has established
15 skills training, recruitment, and placement re-
16 sources; and

17 “(C) demonstrate program outcomes, in-
18 cluding—

19 “(i) impact on areas with transpor-
20 tation workforce shortages;

21 “(ii) diversity of training participants;

22 “(iii) number and percentage of par-
23 ticipants obtaining certifications or creden-
24 tials required for specific types of employ-
25 ment;

1 “(iv) employment outcome, including
2 job placement and job retention rates and
3 earnings, using performance metrics estab-
4 lished in consultation with the Secretary of
5 Labor and consistent with metrics used by
6 programs under the Workforce Innovation
7 and Opportunity Act (29 U.S.C. 3101 et
8 seq.); and

9 “(v) to the extent practical, evidence
10 that the program did not preclude workers
11 that participate in training or registered
12 apprenticeship activities under the pro-
13 gram from being referred to, or hired on,
14 projects funded under this chapter.

15 “(3) FUNDING.—From administrative funds
16 made available under section 104(a), the Secretary
17 shall deduct such sums as necessary, not to exceed
18 \$10,000,000 in each fiscal year, for the administra-
19 tion of this subsection. Such sums shall remain
20 available until expended.

21 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
22 sections (b) through (d) of section 6101 of title 41
23 shall not apply to contracts and agreements made
24 under the authority granted to the Secretary under
25 this subsection.

1 “(5) USE OF SURFACE TRANSPORTATION PRO-
2 GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-
3 GRAM FUNDS.—Notwithstanding any other provision
4 of law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
5 tioned to a State under paragraph (1) or (2) of sec-
6 tion 104(b) may be available to carry out this sub-
7 section upon request of the State transportation de-
8 partment to the Secretary.”.

9 **SEC. 1611. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
10 **TEM FUNDING FLEXIBILITY.**

11 (a) IN GENERAL.—Any funds made available to a
12 State for the Appalachian development highway system
13 program under subtitle IV of title 40, United States Code,
14 before the date of enactment of this Act may be used, at
15 the request of such State to the Secretary of Transpor-
16 tation, for the purposes described in section 133(b) of title
17 23, United States Code.

18 (b) LIMITATION.—The authority in subsection (a)
19 may only be used by an Appalachian development highway
20 system State if all of the Appalachian development high-
21 way system corridors authorized by subtitle IV of title 40,
22 United States Code, in such State, have been fully com-
23 pleted and are open to traffic prior to the State making
24 a request to the Secretary as described in subsection (a).

1 **SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT**
2 **PROGRAM.**

3 Section 504 of title 23, United States Code, is
4 amended—

5 (1) in subsection (e)(1) by inserting “and (8)
6 through (9)” after “paragraphs (1) through (4)”;
7 and

8 (2) in subsection (f) by adding at the end the
9 following:

10 “(4) REPORTS.—The Secretary shall submit to
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives and the Committee
13 on Commerce, Science, and Transportation of the
14 Senate an annual report that includes—

15 “(A) a list of all grant recipients under
16 this subsection;

17 “(B) an explanation of why each recipient
18 was chosen in accordance with the criteria
19 under paragraph (2);

20 “(C) a summary of each recipient’s objec-
21 tive to carry out the purpose described in para-
22 graph (1) and an analysis of progress made to-
23 ward achieving each such objective;

24 “(D) an accounting for the use of Federal
25 funds obligated or expended in carrying out this
26 subsection; and

1 “(E) an analysis of outcomes of the pro-
2 gram under this subsection.”.

3 **SEC. 1613. 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 Trans-
7 portation shall establish a working group (in this section
8 referred to as the “Working Group”) to conduct a study
9 on access to covered resources for infrastructure projects.

10 (b) MEMBERSHIP.—

11 (1) APPOINTMENT.—The Secretary shall ap-
12 point to the Working Group individuals with knowl-
13 edge and expertise in the production and transpor-
14 tation of covered resources.

15 (2) REPRESENTATION.—The Working Group
16 shall include at least one representative of each of
17 the 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,
24 including small business operators and opera-
25 tors who transport covered resources.

1 (E) Covered resources producers.

2 (F) Construction contractors.

3 (G) Labor organizations.

4 (H) Metropolitan planning organizations
5 and regional planning organizations.

6 (I) Indian Tribes.

7 (J) 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 transpor-
15 tation 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 and local transportation planning
6 agencies;

7 (3) Indian Tribes;

8 (4) other relevant State, Tribal, and local agen-
9 cies, including State agencies associated with cov-
10 ered resources protection;

11 (5) members of the public with industry experi-
12 ence with respect to covered resources;

13 (6) other Federal entities that provide funding
14 for transportation projects; and

15 (7) any other stakeholder the Working Group
16 determines appropriate.

17 (e) REPORTS.—

18 (1) WORKING GROUP REPORT.—Not later than
19 2 years after the date on which the Working Group
20 is established, the Working Group shall submit to
21 the Secretary a report that includes—

22 (A) the findings of the study required
23 under subsection (a), including a summary of
24 comments received during the consultation
25 process under subsection (d); and

1 (B) any recommendations to preserve ac-
2 cess to and reduce the costs and environmental
3 impacts of covered resources for infrastructure
4 projects.

5 (2) DEPARTMENTAL REPORT.—Not later than
6 3 months after the date on which the Secretary re-
7 ceives the report under paragraph (1), the Secretary
8 shall submit to the Committee on Transportation
9 and Infrastructure of the House of Representatives
10 and the Committee on Environment and Public
11 Works of the Senate a summary of the findings
12 under such report and any recommendations, as ap-
13 propriate.

14 (f) DEFINITIONS.—In this section:

15 (1) COVERED RESOURCES.—The term “covered
16 resources” means common variety materials used in
17 transportation infrastructure construction and main-
18 tenance, including stone, sand, and gravel.

19 (2) STATE.—The term “State” means each of
20 the several States, the District of Columbia, and
21 each territory or possession of the United States.

22 **SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTER-**
23 **CHANGES.**

24 (a) IN GENERAL.—Notwithstanding section 315 of
25 title 23, United States Code, and section 1.36 of title 23,

1 Code of Federal Regulations, the Secretary of Transpor-
2 tation may not impose a penalty on a State that does not
3 comply with section 2E.31 of the Manual on Uniform
4 Traffic Control Devices (or a successor section) with re-
5 spect to the numbering of highway interchanges.

6 (b) **APPLICABILITY.**—Subsection (a) shall only apply
7 to a method of numbering of a highway interchange in
8 effect on the date of enactment of this Act.

9 **SEC. 1615. TOLL CREDITS.**

10 (a) **PURPOSES.**—The Secretary of Transportation
11 shall—

12 (1) identify the extent of the demand to pur-
13 chase toll credits;

14 (2) identify the expected cash price of toll cred-
15 its;

16 (3) analyze the impact of the exchange of toll
17 credits on transportation expenditures; and

18 (4) identify any other repercussions of estab-
19 lishing a toll credit exchange.

20 (b) **SOLICITATION.**—To carry out the requirements of
21 this section, the Secretary shall solicit information from
22 States eligible to use a credit under section 120(i) of title
23 23, United States Code, including—

24 (1) the amount of unused toll credits, includ-
25 ing—

1 (A) toll revenue generated and the sources
2 of that revenue;

3 (B) toll revenue used by public, quasi-pub-
4 lic, and private agencies to build, improve, or
5 maintain highways, bridges, or tunnels that
6 serve the public purpose of interstate commerce;
7 and

8 (C) an accounting of any Federal funds
9 used by the public, quasi-public, or private
10 agency to build, improve, or maintain the toll
11 facility, to validate that the credit has been re-
12 duced by a percentage equal to the percentage
13 of the total cost of building, improving, or
14 maintaining the facility that was derived from
15 Federal funds;

16 (2) the documentation of maintenance of effort
17 for toll credits earned by the State; and

18 (3) the accuracy of the accounting system of
19 the State to earn and track toll credits.

20 (c) WEBSITE.—The Secretary shall make available a
21 publicly accessible website on which a State eligible to use
22 a credit under section 120(i) of title 23, United States
23 Code shall publish the information described under sub-
24 section (b)(1).

1 (d) EVALUATION AND RECOMMENDATIONS TO CON-
2 GRESS.—Not later than 2 years after the date of enact-
3 ment of this Act, the Secretary shall provide to the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Environment
6 and Public Works of the Senate, and make publicly avail-
7 able on the website of the Department of Transpor-
8 tation—

9 (1) an evaluation of the accuracy of the ac-
10 counting and documentation of toll credits earned
11 under section 120(i);

12 (2) a determination whether a toll credit mar-
13 ketplace is viable and cost effective;

14 (3) estimates, to the extent possible, of the av-
15 erage sale price of toll credits; and

16 (4) recommendations on any modifications nec-
17 essary, including legislative changes, to establish and
18 implement a toll credit exchange program.

19 (e) DEFINITION.—In this section, the term “State”
20 has the meaning given the term in section 101(a) of title
21 23, United States Code.

22 **SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS**
23 **PROCUREMENT.**

24 (a) ESTABLISHMENT.—Not later than 180 days after
25 the date of enactment of this Act, the Secretary of Trans-

1 portation shall initiate a review of the procurement proc-
2 esses used by State departments of transportation to se-
3 lect construction materials on projects utilizing Federal-
4 aid highway funds.

5 (b) CONTENTS.—The review under subsection (a)
6 shall include—

7 (1) a review of competitive practices in the bid-
8 ding process for transportation construction mate-
9 rials;

10 (2) a list of States that currently issue bids
11 that include flexibility in the type of construction
12 materials used to meet the project specifications;

13 (3) any information provided by States on con-
14 siderations that influence the decision to include
15 competition by type of material in transportation
16 construction projects;

17 (4) any data on whether issuing bids that in-
18 clude flexibility in the type of construction materials
19 used to meet the project specifications will affect
20 project costs over the lifecycle of an asset;

21 (5) any data on the degree to which competition
22 leads to greater use of sustainable, innovative, or re-
23 silient materials; and

1 (6) an evaluation of any barriers to more wide-
2 spread use of competitive bidding processes for
3 transportation construction materials.

4 (c) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Transportation and Infrastructure
7 of the House of Representatives and the Committee on
8 Environment and Public Works of the Senate, and make
9 publicly available, a report on the review initiated by the
10 Secretary pursuant to this section.

11 **SEC. 1617. 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
17 under subsection (a) shall be conducted—

18 (1) by Department of Transportation field of-
19 fices from the Federal Highway Administration, the
20 National Highway Transportation Safety Adminis-
21 tration, 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
2 advocacy organizations; and

3 (C) other relevant pedestrian and bicycle
4 safety stakeholders.

5 (c) PURPOSES.—The purpose of the assessments
6 under 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 pedes-
11 trian and bicycle access to transportation infrastruc-
12 ture; and

13 (3) develop and issue recommendations de-
14 signed to effectively address specific safety and ac-
15 cess issues and enhance pedestrian and bicycle safe-
16 ty in high risk areas.

17 (d) REPORT ON STATE ASSESSMENTS.—Upon com-
18 pletion of the assessment of a State, the Secretary shall
19 issue, and make available to the public, a report con-
20 taining the assessment that includes—

21 (1) a list of locations that have been assessed
22 as presenting a danger to pedestrians or bicyclists;
23 and

24 (2) recommendations to enhance pedestrian and
25 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 ju-
5 risdictions and also present it to the congressional trans-
6 portation committees.

7 (f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY
8 DATABASE.—The Secretary, in order to enhance pedes-
9 trian and bicycle safety and improve information sharing
10 on pedestrian and bicycle safety challenges between the
11 Federal Government and State and local governments,
12 shall maintain a national pedestrian and bicycle safety
13 database that 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
19 have been implemented at the State, local, or Fed-
20 eral level to enhance pedestrian and bicyclist safety
21 at those high risk areas, including details on the na-
22 ture and date of corrective action.

23 (g) STATE DEFINED.—In this section, the term
24 “State” means each of the States, the District of Colum-
25 bia, and Puerto Rico.

1 **SEC. 1618. CLIMATE RESILIENT TRANSPORTATION INFRA-**
2 **STRUCTURE STUDY.**

3 (a) CLIMATE RESILIENT TRANSPORTATION INFRA-
4 STRUCTURE STUDY.—Not later than 180 days after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall enter into an agreement with the Transpor-
7 tation Research Board of the National Academies to con-
8 duct a study of the actions needed to ensure that Federal
9 agencies are taking into account current and future cli-
10 mate conditions in planning, designing, building, oper-
11 ating, maintaining, investing in, and upgrading any feder-
12 ally funded transportation infrastructure investments.

13 (b) METHODOLOGIES.—In conducting the study, the
14 Transportation Research Board shall build on the meth-
15 odologies examined and recommended in—

16 (1) the 2018 report issued the American Soci-
17 ety of Civil Engineers, titled “Climate-Resilient In-
18 frastructure: Adaptive Design and Risk Manage-
19 ment”; and

20 (2) the report issued by the California Climate-
21 Safe Infrastructure Working Group, titled “Paying
22 it Forward: The Path Toward Climate-Safe Infra-
23 structure in California”.

24 (c) CONTENTS OF STUDY.—The study shall include
25 specific recommendations regarding the following:

1 (1) Integrating scientific knowledge of projected
2 climate change impacts, and other relevant data and
3 information, into Federal infrastructure planning,
4 design, engineering, construction, operation and
5 maintenance.

6 (2) Addressing critical information gaps and
7 challenges.

8 (3) Financing options to help fund climate-resil-
9 ient infrastructure.

10 (4) A platform or process to facilitate commu-
11 nication between climate scientists and other experts
12 with infrastructure planners, engineers and other
13 relevant experts.

14 (5) A stakeholder process to engage with rep-
15 resentatives of State, local, tribal and community
16 groups.

17 (6) A platform for tracking Federal funding of
18 climate-resilient infrastructure.

19 (7) Labor and workforce needs to implement
20 climate-resilient transportation infrastructure
21 projects including new and emerging skills, training
22 programs, competencies and recognized postsec-
23 ondary credentials that may be required to ade-
24 quately equip the workforce.

1 (8) Outlining how Federal infrastructure plan-
2 ning, design, engineering, construction, operation,
3 and maintenance impact the environment and public
4 health of disproportionately exposed communities.
5 For purposes of this paragraph, the term “dis-
6 proportionately exposed communities” means a com-
7 munity in which climate change, pollution, or envi-
8 ronmental destruction have exacerbated systemic ra-
9 cial, regional, social, environmental, and economic
10 injustices by disproportionately affecting indigenous
11 peoples, communities of color, migrant communities,
12 deindustrialized communities, depopulated rural
13 communities, the poor, low-income workers, women,
14 the elderly, people experiencing homelessness, people
15 with disabilities, people who are incarcerated, or
16 youth.

17 (d) CONSIDERATIONS.—In carrying out the study,
18 the Transportation Research Board shall determine the
19 need for information related to climate resilient transpor-
20 tation infrastructure by considering—

21 (1) the current informational and institutional
22 barriers to integrating projected infrastructure risks
23 posed by climate change into federal infrastructure
24 planning, design, engineering, construction, oper-
25 ation and maintenance;

1 (2) the critical information needed by engineers,
2 planners and those charged with infrastructure up-
3 grades and maintenance to better incorporate cli-
4 mate change risks and impacts over the lifetime of
5 projects;

6 (3) how to select an appropriate, adaptive engi-
7 neering design for a range of future climate sce-
8 narios as related to infrastructure planning and in-
9 vestment;

10 (4) how to incentivize and incorporate systems
11 thinking into engineering design to maximize the
12 benefits of multiple natural functions and emissions
13 reduction, as well as regional planning;

14 (5) how to take account of the risks of cas-
15 cading infrastructure failures and develop more ho-
16 listic approaches to evaluating and mitigating cli-
17 mate risks;

18 (6) how to ensure that investments in infra-
19 structure resilience benefit all communities, includ-
20 ing communities of color, low-income communities
21 and Indian Tribes that face a disproportionate risk
22 from climate change and in many cases have experi-
23 enced long-standing unmet needs and underinvest-
24 ment in critical infrastructure;

1 (7) how to incorporate capital assessment and
2 planning training and techniques, including a range
3 of financing options to help local and State govern-
4 ments plan for and provide matching funds;

5 (8) how federal agencies can track and monitor
6 federally funded resilient infrastructure in a coordi-
7 nated fashion to help build the understanding of the
8 cost-benefit of resilient infrastructure and to build
9 the capacity for implementing resilient infrastruc-
10 ture; and

11 (9) the occupations, skillsets, training pro-
12 grams, competencies and recognized postsecondary
13 credentials that will be needed to implement such
14 climate-resilient transportation infrastructure
15 projects, and how to ensure that any new jobs cre-
16 ated by such projects ensure that priority hiring con-
17 siderations are given to individuals facing barriers to
18 employment, communities of color, low-income com-
19 munities and Indian Tribes that face a dispropor-
20 tionate risk from climate change and have been ex-
21 cluded from job opportunities.

22 (e) CONSULTATION.—In carrying out the study, the
23 Transportation Research Board—

24 (1) shall convene and consult with a panel of
25 national experts, including operators and users of

1 Federal transportation infrastructure and private
2 sector stakeholders; and

3 (2) is encouraged to consult with—

4 (A) representatives from the thirteen fed-
5 eral agencies that comprise the United States
6 Global Change Research Program;

7 (B) representatives from the Department
8 of 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 expe-
19 rience in infrastructure design;

20 (G) certified planners;

21 (H) representatives of State and local gov-
22 ernments and Indian Tribes;

23 (I) representatives of environmental justice
24 groups; and

1 (J) representatives of labor unions that
2 represent key trades and industries involved in
3 infrastructure projects.

4 (f) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, the Transportation Research
6 Board shall submit to the Secretary, the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives, and the Committee on Environment and
9 Public Works of the Senate a report on the results of the
10 study conducted under this section.

11 **SEC. 1619. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
12 **EMISSION VEHICLES.**

13 Subsection (s) of section 127 of title 23, United
14 States Code is amended to read as follows:

15 “(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO
16 EMISSION VEHICLES.—A vehicle, if operated by an engine
17 fueled primarily by natural gas, powered primarily by
18 means of electric battery power, or fueled primarily by
19 means of other zero emission fuel technologies, may exceed
20 the weight limit on the power unit by up to 2,000 pounds
21 (up to a maximum gross vehicle weight of 82,000 pounds)
22 under this section.”.

23 **SEC. 1620. GUIDANCE ON EVACUATION ROUTES.**

24 (a) IN GENERAL.—

1 (1) GUIDANCE.—The Administrator of the Fed-
2 eral Highway Administration, in coordination with
3 the Administrator of the Federal Emergency Man-
4 agement Agency, and consistent with guidance
5 issued by the Federal Emergency Management
6 Agency pursuant to section 1209 of the Disaster Re-
7 covery Reform Act of 2018 (Public Law 115–254),
8 shall revise existing guidance or issue new guidance
9 as appropriate for State and local governments and
10 Indian Tribes regarding the design, construction,
11 maintenance, and repair of evacuation routes.

12 (2) CONSIDERATIONS.—In revising or issuing
13 guidance under subsection (a)(1), the Administrator
14 of the Federal Highway Administration shall con-
15 sider—

16 (A) methods that assist evacuation routes
17 to—

18 (i) withstand likely risks to viability,
19 including flammability and hydrostatic
20 forces;

21 (ii) improve durability, strength (in-
22 cluding the ability to withstand tensile
23 stresses and compressive stresses), and
24 sustainability; and

1 (iii) provide for long-term cost sav-
2 ings;

3 (B) the ability of evacuation routes to ef-
4 fectively manage contraflow operations;

5 (C) for evacuation routes on public lands,
6 the viewpoints of the applicable Federal land
7 management agency regarding emergency oper-
8 ations, sustainability, and resource protection;
9 and

10 (D) such other items the Administrator of
11 the Federal Highway Administration considers
12 appropriate.

13 (3) REPORT.—In the case in which the Admin-
14 istrator of the Federal Highway Administration, in
15 consultation with the Administrator of the Federal
16 Emergency Management Agency, concludes existing
17 guidance addresses the considerations in paragraph
18 (2), The Administrator of the Federal Highway Ad-
19 ministration shall submit to the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives and the Committee on Environment
22 and Public Works of the Senate a detailed report de-
23 scribing how existing guidance addresses such con-
24 siderations.

1 (b) STUDY.—The Administrator of the Federal High-
2 way Administration, in coordination with the Adminis-
3 trator of the Federal Emergency Management Agency and
4 State, local, territorial governments, and Indian Tribes,
5 shall—

6 (1) conduct a study of the adequacy of available
7 evacuation routes to accommodate the flow of evac-
8 uees; and

9 (2) submit recommendations to Congress on
10 how to help with anticipated evacuation route flow,
11 based on the study conducted under paragraph (1).

12 **SEC. 1621. HIGH PRIORITY CORRIDORS ON NATIONAL**
13 **HIGHWAY SYSTEM.**

14 (a) IDENTIFICATION.—

15 (1) CENTRAL TEXAS CORRIDOR.—Section
16 1105(e)(84) of the Intermodal Surface Transpor-
17 tation Efficiency Act of 1991 is amended to read as
18 follows:

19 “(84) The Central Texas Corridor, including
20 the route—

21 “(A) commencing in the vicinity of Texas
22 Highway 338 in Odessa, Texas, running east-
23 ward generally following Interstate Route 20,
24 connecting to Texas Highway 158 in the vicin-
25 ity of Midland, Texas, then following Texas

1 Highway 158 eastward to United States Route
2 87 and then following United States Route 87
3 southeastward, passing in the vicinity of San
4 Angelo, Texas, and connecting to United States
5 Route 190 in the vicinity of Brady, Texas;

6 “(B) commencing at the intersection of
7 Interstate Route 10 and United States Route
8 190 in Pecos County, Texas, and following
9 United States Route 190 to Brady, Texas;

10 “(C) following portions of United States
11 Route 190 eastward, passing in the vicinity of
12 Fort Hood, Killeen, Belton, Temple, Bryan,
13 College Station, Huntsville, Livingston, Wood-
14 ville, and Jasper, to the logical terminus of
15 Texas Highway 63 at the Sabine River Bridge
16 at Burrs Crossing and including a loop gen-
17 erally encircling Bryan/College Station, Texas;

18 “(D) following United States Route 83
19 southward from the vicinity of Eden, Texas, to
20 a logical connection to Interstate Route 10 at
21 Junction, Texas;

22 “(E) following United States Route 69
23 from Interstate Route 10 in Beaumont, Texas,
24 north to United States Route 190 in the vicin-
25 ity of Woodville, Texas;

1 “(F) following United States Route 96
2 from Interstate Route 10 in Beaumont, Texas,
3 north to United States Route 190 in the vicin-
4 ity of Jasper, Texas; and

5 “(G) following United States Route 190,
6 State Highway 305, and United States Route
7 385 from Interstate Route 10 in Pecos County,
8 Texas to Interstate 20 at Odessa, Texas.”.

9 (2) CENTRAL LOUISIANA CORRIDOR.—Section
10 1105(e) of the Intermodal Surface Transportation
11 Efficiency Act of 1991 is amended by adding at the
12 end the following:

13 “(91) The Central Louisiana Corridor com-
14 mencing at the logical terminus of Louisiana High-
15 way 8 at the Sabine River Bridge at Burrs Crossing
16 and generally following portions of Louisiana High-
17 way 8 to Leesville, Louisiana, and then eastward on
18 Louisiana Highway 28, passing in the vicinity of Al-
19 exandria, Pineville, Walters, and Archie, to the log-
20 ical terminus of United States Route 84 at the Mis-
21 sissippi River Bridge at Vidalia, Louisiana.”.

22 (3) CENTRAL MISSISSIPPI CORRIDOR.—Section
23 1105(e) of the Intermodal Surface Transportation
24 Efficiency Act of 1991, as amended by this Act, is
25 further amended by adding at the end the following:

1 “(92) The Central Mississippi Corridor, includ-
2 ing the route—

3 “(A) commencing at the logical terminus
4 of United States Route 84 at the Mississippi
5 River and then generally following portions of
6 United States Route 84 passing in the vicinity
7 of Natchez, Brookhaven, Monticello, Prentiss,
8 and Collins, to Interstate 59 in the vicinity of
9 Laurel, Mississippi, and continuing on Inter-
10 state Route 59 north to Interstate Route 20
11 and on Interstate Route 20 to the Mississippi-
12 Alabama State Border; and

13 “(B) commencing in the vicinity of Laurel,
14 Mississippi, running south on Interstate Route
15 59 to United States Route 98 in the vicinity of
16 Hattiesburg, connecting to United States Route
17 49 south then following United States Route 49
18 south to Interstate Route 10 in the vicinity of
19 Gulfport and following Mississippi Route 601
20 southerly terminating near the Mississippi State
21 Port at Gulfport.”.

22 (4) MIDDLE ALABAMA CORRIDOR.—Section
23 1105(e) of the Intermodal Surface Transportation
24 Efficiency Act of 1991, as amended by this Act, is
25 further amended by adding at the end the following:

1 “(93) The Middle Alabama Corridor including
2 the route—

3 “(A) beginning at the Alabama-Mississippi
4 Border generally following portions of I-20
5 until following a new interstate extension paral-
6 leling United States Highway 80 specifically:

7 “(B) crossing Alabama Route 28 near
8 Coatopa, Alabama, traveling eastward crossing
9 United States Highway 43 and Alabama Route
10 69 near Selma, Alabama, traveling eastwards
11 closely paralleling United States Highway 80 to
12 the south crossing over Alabama Routes 22, 41,
13 and 21, until its intersection with I-65 near
14 Hope Hull, Alabama;

15 “(C) continuing east along the proposed
16 Montgomery Outer Loop south of Montgomery,
17 Alabama where it would next join with I-85
18 east of Montgomery, Alabama;

19 “(D) continuing along I-85 east bound
20 until its intersection with United States High-
21 way 280 near Opelika, Alabama or United
22 States Highway 80 near Tuskegee, Alabama;
23 and

24 “(E) generally following the most expe-
25 dient route until intersecting with existing

1 United States Highway 80 (JR Allen Parkway)
2 through Phenix City until continuing into Co-
3 lumbus, Georgia.”.

4 (5) MIDDLE GEORGIA CORRIDOR.—Section
5 1105(e) of the Intermodal Surface Transportation
6 Efficiency Act of 1991, as amended by this Act, is
7 further amended by adding at the end the following:

8 “(94) The Middle Georgia Corridor including
9 the route—

10 “(A) beginning at the Alabama-Georgia
11 Border generally following the Fall Line Free-
12 way from Columbus Georgia to Augusta, Geor-
13 gia specifically:

14 “(B) travelling along United States Route
15 80 (JR Allen Parkway) through Columbus,
16 Georgia and near Fort Benning, Georgia, east
17 to Talbot County, Georgia where it would follow
18 Georgia Route 96, then commencing on Georgia
19 Route 49C (Fort Valley Bypass) to Georgia
20 Route 49 (Peach Parkway) to its intersection
21 with Interstate route 75 in Byron, Georgia;

22 “(C) continuing north along Interstate
23 Route 75 through Warner Robins and Macon,
24 Georgia where it would meet Interstate Route
25 16. Following Interstate 16 east it would next

1 join United States Route 80 and then onto
2 State Route 57; and

3 “(D) commencing with State Route 57
4 which turns into State Route 24 near
5 Milledgeville, Georgia would then bypass Wrens,
6 Georgia with a newly constructed bypass. After
7 the bypass it would join United States Route 1
8 near Fort Gordon into Augusta, Georgia where
9 it will terminate at Interstate Route 520.”.

10 (6) LOUISIANA CAPITAL REGION.—Section
11 1105(e) of the Intermodal Surface Transportation
12 Efficiency Act of 1991, as amended by this Act, is
13 further amended by adding at the end the following:

14 “(95) The Louisiana Capital Region High Pri-
15 ority Corridor, which shall generally follow—

16 “(A) Interstate 10, between its intersec-
17 tions with Interstate 12 and Louisiana High-
18 way 415;

19 “(B) Louisiana Highway 415, between its
20 intersections with Interstate 10 and United
21 States route 190;

22 “(C) United States route 190, between its
23 intersections with Louisiana Highway 415 and
24 intersection with Interstate 110;

1 “(D) Interstate 110, between its intersec-
2 tions with United States route 190 and Inter-
3 state 10;

4 “(E) Louisiana Highway 30, near St. Ga-
5 briel, LA and its intersections with Interstate
6 10;

7 “(F) Louisiana Highway 1, near White
8 Castle, LA and its intersection with Interstate
9 10; and

10 “(G) A bridge connecting Louisiana High-
11 way 1 with Louisiana Highway 30, south of the
12 Interstate described in subparagraph (A).”.

13 (b) INCLUSION OF CERTAIN SEGMENTS ON INTER-
14 STATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal
15 Surface Transportation Efficiency Act of 1991 is amend-
16 ed—

17 (1) by inserting “subclauses (I) through (IX) of
18 subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv),”
19 after “subsection (c)(37),”;

20 (2) by inserting “subsection (c)(84),” after
21 “subsection (c)(83),”; and

22 (3) by striking “and subsection (c)(90)” and in-
23 serting “subsection (c)(90), subsection (c)(91), sub-
24 section (c)(92), subsection (c)(93), subsection
25 (c)(94), and subsection (c)(95)”.

1 (c) DESIGNATION.—Section 1105(e)(5)(C) of the
2 Intermodal Surface Transportation Efficiency Act of 1991
3 is amended by striking “The route referred to in sub-
4 section (c)(84) is designated as Interstate Route I–14.”
5 and inserting “The route referred to in subsection
6 (c)(84)(A) is designated as Interstate Route I–14 North.
7 The route referred to in subsection (c)(84)(B) is des-
8 ignated as Interstate Route I–14 South. The Bryan/Col-
9 lege Station, Texas loop referred to in subsection (c)(84)
10 is designated as Interstate Route I–214. The routes re-
11 ferred to in subparagraphs (C), (D), (E), (F), and (G)
12 of subsection (c)(84) and in subsections (c)(91), (c)(92),
13 (c)(93), and (c)(94) are designated as Interstate Route I–
14 14.”.

15 **SEC. 1622. GUIDANCE ON INUNDATED AND SUBMERGED**
16 **ROADS.**

17 The Administrator of the Federal Highway Adminis-
18 tration, in coordination with the Administrator of the Fed-
19 eral Emergency Management Agency, shall review the
20 guidance issued pursuant to section 1228 of the Disaster
21 Recovery Reform Act of 2018 (Public Law 115–254), and
22 issue guidance regarding repair, restoration, and replace-
23 ment of inundated and submerged roads damaged or de-
24 stroyed by a major disaster declared pursuant to the Rob-
25 ert T. Stafford Disaster Relief and Emergency Assistance

1 Act (42 U.S.C. 5121 et seq.) with respect to roads eligible
2 for assistance under Federal Highway Administration pro-
3 grams.

4 **SEC. 1623. DRY BULK WEIGHT TOLERANCE.**

5 Section 127 of title 23, United States Code, is
6 amended by adding at the end the following:

7 “(v) DRY BULK WEIGHT TOLERANCE.—

8 “(1) DEFINITION OF DRY BULK GOODS.—In
9 this subsection, the term ‘dry bulk goods’ means any
10 homogeneous unmarked nonliquid cargo being trans-
11 ported in a trailer specifically designed for that pur-
12 pose.

13 “(2) WEIGHT TOLERANCE.—Notwithstanding
14 any other provision of this section, except for the
15 maximum gross vehicle weight limitation, a commer-
16 cial motor vehicle transporting dry bulk goods may
17 not exceed 110 percent of the maximum weight on
18 any axle or axle group described in subsection (a),
19 including any enforcement tolerance.”.

20 **SEC. 1624. HIGHWAY USE TAX EVASION PROJECTS.**

21 Section 143(b)(2)(A) of title 23, United States Code,
22 is amended by striking “2016 through 2020” and insert-
23 ing “2023 through 2026”.

1 **SEC. 1625. LABOR STANDARDS.**

2 It is the policy of the United States that funds au-
3 thorized or made available by this Act, or the amendments
4 made by this Act, should not be used to purchase products
5 produced whole or in part through the use of child labor,
6 as such term is defined in Article 3 of the International
7 Labor Organization Convention concerning the prohibition
8 and immediate action for the elimination of the worst
9 forms of child labor (December 2, 2000), or in violation
10 of human rights.

11 **SEC. 1626. CLIMATE RESILIENCY REPORT BY GAO.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, and every 5 years there-
14 after, the Comptroller General of the United States shall
15 evaluate and issue a report to Congress on the economic
16 benefits, including avoided impacts on property and life,
17 of the use of model, consensus-based building codes,
18 standards, and provisions that support resilience to cli-
19 mate risks and impacts, including—

- 20 (1) flooding;
- 21 (2) wildfires;
- 22 (3) hurricanes;
- 23 (4) heat waves;
- 24 (5) droughts;
- 25 (6) rises in sea level; and
- 26 (7) extreme weather.

1 (b) REPORT ISSUES.—The report required under
2 subsection (a) shall include the following:

3 (1) An assessment of the status of adoption of
4 building codes, standards, and provisions within the
5 States, territories, and tribes at the State or juris-
6 dictional level; including whether the adopted codes
7 meet or exceed the most recent published edition of
8 a national, consensus-based model code.

9 (2) An analysis of the extent to which pre-dis-
10 aster mitigation measures provide benefits to the na-
11 tion and individual States, territories and tribes, in-
12 cluding—

13 (A) an economic analysis of the benefits to
14 the design and construction of new resilient in-
15 frastructure;

16 (B) losses avoided, including economic
17 losses, number of structures (buildings, roads,
18 bridges), and injuries and deaths by utilizing
19 building codes and standards that prioritize re-
20 siliency; and

21 (C) an economic analysis of the benefits to
22 using hazard resistant building codes in rebuild-
23 ing and repairing infrastructure following a dis-
24 aster.

1 (3) An assessment of the building codes and
2 standards referenced or otherwise currently incor-
3 porated into Federal policies and programs, includ-
4 ing but not limited to grants, incentive programs,
5 technical assistance and design and construction cri-
6 teria, administered by the Federal Emergency Man-
7 agement Agency (hereinafter referred to as
8 “FEMA”), including—

9 (A) the extent to which such codes and
10 standards contribute to increasing climate resil-
11 iency;

12 (B) recommendations for how FEMA could
13 improve their use of codes and standards to
14 prepare for climate change and address resil-
15 iency in housing, public buildings, and infra-
16 structure such as roads and bridges; and

17 (C) how FEMA could increase efforts to
18 support the adoption of hazard resistant codes
19 by the States, territories, and Indian Tribes.

20 (4) Recommendations for FEMA on how to bet-
21 ter incorporate climate resiliency into efforts to re-
22 build after natural disasters.

1 **SEC. 1627. DESIGNATION OF JOHN R. LEWIS VOTING**
2 **RIGHTS HIGHWAY.**

3 (a) DESIGNATION.—The portion of United States
4 Route 80 from Selma, Alabama to Montgomery, Alabama
5 shall be known as the “John R. Lewis Voting Rights
6 Highway”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the portion of United States Route 80 from
10 Selma, Alabama to Montgomery, Alabama is deemed to
11 be a reference to the “John R. Lewis Voting Rights High-
12 way”.

13 **SEC. 1628. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FER-**
14 **RIES.**

15 (a) IN GENERAL.—The Comptroller General of the
16 United States shall conduct a study on the capital invest-
17 ment needs of United States public ferries and how Fed-
18 eral funding programs are meeting such needs.

19 (b) CONSIDERATIONS.—In carrying out the study
20 under subsection (a), the Comptroller General shall exam-
21 ine the feasibility of including United States public ferries
22 in the conditions and performance report of the Depart-
23 ment of Transportation.

24 (c) REPORT TO CONGRESS.—Not later than 1 year
25 after the date of enactment of this Act, the Comptroller
26 General shall submit to Congress a report describing the

1 results of the study described in subsection (a), including
2 any recommendations for how to include ferries in the con-
3 ditions and performance report of the Department of
4 Transportation.

5 **SEC. 1629. USE OF MODELING AND SIMULATION TECH-**
6 **NOLOGY.**

7 It is the sense of Congress that the Department of
8 Transportation should utilize, to the fullest and most eco-
9 nomically feasible extent practicable, modeling and simula-
10 tion technology to analyze highway and public transpor-
11 tation projects authorized by this Act and the amendments
12 made by this Act to ensure that these projects—

13 (1) increase transportation capacity and safety,
14 alleviate congestion, and reduce travel time and envi-
15 ronmental impacts; and

16 (2) are as cost effective as practicable.

17 **SEC. 1630. GAO STUDY ON PER-MILE USER FEE EQUITY.**

18 (a) **ESTABLISHMENT.**—Not later than 2 years after
19 the date of enactment of this Act, the Comptroller General
20 of the United States shall carry out a study on the impact
21 of equity issues associated with per-mile user fee funding
22 systems on the surface transportation system.

23 (b) **CONTENTS.**—The study under subsection (a)
24 shall include the following with respect to per-mile user
25 fee systems:

1 (1) The financial, social, and other impacts of
2 per-mile user fee systems on individuals, low-income
3 individuals, and individuals of different races.

4 (2) The impact that access to alternative modes
5 of transportation, including public transportation,
6 has in carrying out per-mile user fee systems.

7 (3) The ability to access jobs and services,
8 which may include healthcare facilities, child care,
9 education and workforce training, food sources,
10 banking and other financial institutions, and other
11 retail shopping establishments.

12 (4) Equity issues for low-income individuals in
13 urban and rural areas.

14 (5) Any differing impacts on passenger vehicles
15 and commercial vehicles.

16 (c) INCLUSIONS.—In carrying out the study under
17 subsection (a), the Comptroller General shall include an
18 analysis of the following programs:

19 (1) The State surface transportation system
20 funding pilot program under section 6020 of the
21 FAST Act; and

22 (2) The national surface transportation system
23 funding pilot under section 5402 of this Act.

24 (d) REPORT.—Not later than 2 years after the date
25 of the enactment after this Act, the Comptroller General

1 shall submit to the Committee on Transportation and In-
2 frastructure of the House of Representatives and the Com-
3 mittee on Environment and Public Works of the Senate,
4 and make publicly available, a report containing the re-
5 sults of the study under subsection (a), including rec-
6 ommendations for how to equitably implement per-mile
7 user fee systems.

8 (e) DEFINITIONS.—

9 (1) PER-MILE USER FEE.—The term “per-mile
10 user fee” means a revenue mechanism that—

11 (A) is applied to road users operating
12 motor vehicles on the surface transportation
13 system; and

14 (B) is based on the number of vehicle miles
15 traveled by an individual road user.

16 (2) COMMERCIAL VEHICLE.—The term “com-
17 mercial vehicle” has the meaning given the term
18 commercial motor vehicle in section 31101 of title
19 49, United States Code.

20 **SEC. 1631. GAO REVIEW OF EQUITY CONSIDERATIONS AT**
21 **STATE DOTs.**

22 (a) REVIEW REQUIRED.—Not later than 1 year after
23 the date of enactment of this Act, the Comptroller General
24 shall undertake a review of the extent to which State de-
25 partments of transportation have in place best practices,

1 standards, and protocols designed to ensure equity consid-
2 erations in transportation planning, project selection, and
3 project delivery, including considerations of the diverse
4 transportation needs of low-income populations, minority
5 populations, and other diverse populations.

6 (b) EVALUATION.—After the completion of the review
7 under subsection (a), the Comptroller General shall issue
8 and make available on a publicly accessible Website a re-
9 port detailing—

10 (1) findings based on the review in subsection

11 (a);

12 (2) a comprehensive set of recommendations for
13 State departments of transportation to improve eq-
14 uity considerations, which may include model legisla-
15 tion, best practices, or guidance; and

16 (3) any recommendations to Congress for addi-
17 tional statutory authority needed to support State
18 department of transportation efforts to incorporate
19 equity considerations into transportation planning,
20 project selection, and project delivery.

21 (c) REPORT.—After completing the review and eval-
22 uation required under subsections (a) and (b), and not
23 later than 2 years after the date of enactment of this Act,
24 the Comptroller General shall make available on a publicly
25 accessible Website, a report that includes—

1 (1) findings based on the review conducted
2 under subsection (a);

3 (2) the outcome of the evaluation conducted
4 under subsection (b);

5 (3) a comprehensive set of recommendations to
6 improve equity considerations in the public transpor-
7 tation industry, including recommendations for stat-
8 utory changes if applicable; and

9 (4) the actions that the Secretary of Transpor-
10 tation could take to effectively address the rec-
11 ommendations provided under paragraph (3).

12 **SEC. 1632. STUDY ON EFFECTIVENESS OF SUICIDE PREVEN-**
13 **TION NETS AND BARRIERS FOR STRUCTURES**
14 **OTHER THAN BRIDGES.**

15 (a) STUDY.—The Comptroller General of the United
16 States shall conduct a study to identify—

17 (1) the types of structures, other than bridges,
18 that attract a high number of individuals attempting
19 suicide-by-jumping;

20 (2) the characteristics that distinguish struc-
21 tures identified under paragraph (1) from similar
22 structures that do not attract a high number of indi-
23 viduals attempting suicide-by-jumping;

1 (3) the types of nets or barriers that are effective at reducing suicide-by-jumping with respect to the structures identified under paragraph (1);

2 (4) methods of reducing suicide-by-jumping with respect to the structures identified under paragraph (1) other than nets and barriers;

3 (5) quantitative measures of the effectiveness of the nets and barriers identified under paragraph (3);

4 (6) quantitative measures of the effectiveness of the additional methods identified under paragraph (4);

5 (7) the entities that typically install the nets and barriers identified under paragraph (3); and

6 (8) the costs of the nets and barriers identified under paragraph (3).

7 (b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General 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 the results of the study conducted under subsection (a).

8 **SEC. 1633. REPEAL OF PILOT PROGRAM.**

9 Section 325 of title 23, United States Code, is repealed.

1 **SEC. 1634. TECHNICAL CORRECTIONS.**

2 (a) IN GENERAL.— Title 23, United States Code, is
3 amended as follows:

4 (1) NAME CORRECTION.—Section
5 101(a)(16)(C), as amended, is amended by striking
6 “United States Customs and Immigration Services”
7 and inserting “ U.S. Customs and Border Protec-
8 tion”.

9 (2) TRANSFER OF FUNDS.—Section 104(f)(3) is
10 amended—

11 (A) in subparagraph (A), by striking “the
12 Federal Highway Administration” and inserting
13 “an operating administration of the Depart-
14 ment of Transportation”; and

15 (B) in the paragraph heading, by striking
16 “Federal Highway Administration” and insert-
17 ing “an operating administration of the Depart-
18 ment of Transportation”.

19 (3) TERMS AND CONDITIONS.—Section
20 108(c)(3)(F) is amended—

21 (A) by inserting “of 1969 (42 U.S.C. 4321
22 et seq.)” after “Policy Act”; and

23 (B) by striking “this Act” and inserting
24 “this title”.

25 (4) EXCLUSION.—Section 112(b)(2) is amended
26 in subparagraph (F) by striking “(F)” and all that

1 follows through “Subparagraphs” and inserting “(F)
2 Subparagraphs”.

3 (5) REFERENCE TO STATEWIDE TRANSPOR-
4 TATION IMPROVEMENT PROGRAM.—Section 115(c) is
5 amended by striking “135(f)” and inserting
6 “135(g)”.

7 (6) OPPORTUNITY FOR COMMENT.—Section
8 134(j) is amended by striking “subsection (i)(5)”
9 both places it appears and inserting “subsection
10 (i)(6)”.

11 (7) PERFORMANCE-BASED APPROACH.—Section
12 135(f)(7)(B) is amended by striking the semicolon
13 at the end and inserting a period.

14 (8) EFFICIENT ENVIRONMENTAL REVIEWS FOR
15 PROJECT DECISIONMAKING.—Section 139 is amend-
16 ed—

17 (A) in subsection (b)(1) by inserting “(42
18 U.S.C. 4321 et seq.)” after “of 1969”;

19 (B) in subsection (c) by inserting “(42
20 U.S.C. 4321 et seq.)” after “of 1969” each
21 place it appears; and

22 (C) in subsection (k)(2) by inserting “(42
23 U.S.C. 4321 et seq.)” after “of 1969”.

1 (9) NONDISCRIMINATION.—Section 140(a) is
2 amended, in the third sentence, by inserting a
3 comma after “Secretary”.

4 (10) PUBLIC TRANSPORTATION.—Section 142
5 is amended by striking subsection (i).

6 (11) CONGESTION MITIGATION AND AIR QUAL-
7 ITY IMPROVEMENT PROGRAM.—Section 149 is
8 amended—

9 (A) in subsection (b)(1)(A)(ii) by striking
10 “; or,” and inserting “; or”; and

11 (B) in subsection (g)(2)(B) by striking the
12 semicolon at the end and inserting “; and”.

13 (12) TRIBAL TRANSPORTATION PROGRAM DATA
14 COLLECTION.—Section 201(c)(6)(A)(ii) is amended
15 by striking “(25 U.S.C. 450 et seq.)” and inserting
16 “(25 U.S.C. 5301 et seq.)”.

17 (13) TRIBAL TRANSPORTATION PROGRAM.—
18 Section 202 is amended—

19 (A) by striking “(25 U.S.C. 450 et seq.)”
20 each place it appears and inserting “(25 U.S.C.
21 5301 et seq.)”;

22 (B) in subsection (a)(10)(B) by striking
23 “(25 U.S.C. 450e(b))” and inserting “(25
24 U.S.C. 5307(b))”; and

25 (C) in subsection (b)—

1 (i) in paragraph (5) in the matter pre-
2 ceding subparagraph (A) by inserting
3 “the” after “agreement under”; and

4 (ii) in paragraph (6)(A) by inserting
5 “the” after “in accordance with”.

6 (14) PERMISSIBLE USES OF RECREATIONAL
7 TRAILS PROGRAM APPORTIONED FUNDS.—Section
8 206(d)(2)(G) is amended by striking “use of rec-
9 reational trails” and inserting “uses of recreational
10 trails”.

11 (15) TRIBAL TRANSPORTATION SELF-GOVERN-
12 ANCE PROGRAM.—Section 207 is amended—

13 (A) in subsection (g)—

14 (i) by striking “(25 U.S.C. 450j–1)”
15 and inserting “(25 U.S.C. 5325)”; and

16 (ii) by striking “(25 U.S.C. 450j-
17 1(f))” and inserting “(25 U.S.C.
18 5325(f))”;

19 (B) in subsection (l)—

20 (i) in paragraph (1), by striking “(25
21 U.S.C. 458aaa–5)” and inserting “(25
22 U.S.C. 5386)”;

23 (ii) in paragraph (2), by striking “(25
24 U.S.C. 458aaa–6)” and inserting “(25
25 U.S.C. 5387)”;

1 (iii) in paragraph (3), by striking
2 “(25 U.S.C. 458aaa-7)” and inserting
3 “(25 U.S.C. 5388)”;

4 (iv) in paragraph (4), by striking “(25
5 U.S.C. 458aaa-9)” and inserting “(25
6 U.S.C. 5390)”;

7 (v) in paragraph (5), by striking “(25
8 U.S.C. 458aaa-10)” and inserting “(25
9 U.S.C. 5391)”;

10 (vi) in paragraph (6), by striking “(25
11 U.S.C. 458aaa-11)” and inserting “(25
12 U.S.C. 5392)”;

13 (vii) in paragraph (7), by striking
14 “(25 U.S.C. 458aaa-14)” and inserting
15 “(25 U.S.C. 5395)”;

16 (viii) in paragraph (8), by striking
17 “(25 U.S.C. 458aaa-15)” and inserting
18 “(25 U.S.C. 5396)”;

19 (ix) in paragraph (9), by striking “(25
20 U.S.C. 458aaa-17)” and inserting “(25
21 U.S.C. 5398)”;

22 (C) in subsection (m)(2)—

23 (i) by striking “505” and inserting
24 “501”; and

1 (ii) by striking “(25 U.S.C. 450b;
2 458aaa)” and inserting “(25 U.S.C. 5304;
3 5381)”.

4 (16) BUY AMERICA.—Section 313 is amended—

5 (A) in subsection (e)(2) by striking
6 “States;” and inserting “States,”; and

7 (B) in subsection (f)(1) by striking “, and”
8 and inserting “; and”.

9 (17) PROCEDURES FOR A GIFT OR DONA-
10 TION.—Section 323(d) is amended in the matter
11 preceding paragraph (1) by inserting “(42 U.S.C.
12 4321 et seq.)” after “of 1969”.

13 (18) HIGHWAY SAFETY PROGRAMS.—Section
14 402(b)(1)(E) is amended by striking the semicolon
15 at the end and inserting “; and”.

16 (19) USE OF FREIGHT CAPACITY BUILDING
17 PROGRAM FUNDS.—Section 504(g)(6) is amended by
18 striking “make grants or to” and inserting “make
19 grants to”.

20 (20) DEVELOPMENT PHASE ACTIVITIES.—Sec-
21 tion 602(e) is amended by striking “601(a)(1)(A)”
22 and inserting “601(a)(2)(A)”.

23 (b) CLERICAL AMENDMENTS.—

24 (1) IN GENERAL.—The table of contents for
25 title 23, United States Code, is amended in the item

1 relating to chapter 1 by striking “**FEDERAL AID**
2 **HIGHWAYS**” and inserting “**FEDERAL-AID**
3 **HIGHWAYS**”.

4 (2) CHAPTER 3.—The analysis for chapter 3 of
5 title 23, United States Code, is amended by striking
6 the item relating to section 325.

7 **TITLE II—PUBLIC**
8 **TRANSPORTATION**

9 **Subtitle A—Federal Transit**
10 **Administration**

11 **SEC. 2101. AUTHORIZATIONS.**

12 (a) IN GENERAL.—Section 5338 of title 49, United
13 States Code, is amended to read as follows:

14 “**§ 5338. Authorizations**

15 “(a) GRANTS.—

16 “(1) IN GENERAL.—There shall be available
17 from the Mass Transit Account of the Highway
18 Trust Fund to carry out sections 5305, 5307, 5308,
19 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
20 5337, 5339, and 5340—

21 “(A) \$17,894,460,367 for fiscal year 2023;

22 “(B) \$18,201,940,770 for fiscal year 2024;

23 “(C) \$18,551,676,708 for fiscal year 2025;

24 and

1 “(D) \$18,901,573,693 for fiscal year
2 2026.

3 “(2) ALLOCATION OF FUNDS.—Of the amounts
4 made available under paragraph (1)—

5 “(A) \$189,879,151 for fiscal year 2023,
6 \$192,841,266 for fiscal year 2024,
7 \$195,926,726 for fiscal year 2025, and
8 \$199,002,776 for fiscal year 2026, shall be
9 available to carry out section 5305;

10 “(B) \$7,505,830,848 for fiscal year 2023,
11 \$7,622,921,809 for fiscal year 2024,
12 \$7,744,888,558 for fiscal year 2025, and
13 \$7,866,483,309 for fiscal year 2026 shall be al-
14 located in accordance with section 5336 to pro-
15 vide financial assistance for urbanized areas
16 under section 5307;

17 “(C) \$101,510,000 for fiscal year 2023,
18 \$103,093,556 for fiscal year 2024,
19 \$104,743,053 for fiscal year 2025, and
20 \$106,387,519 for fiscal year 2026 shall be
21 available for grants under section 5308;

22 “(D) \$434,830,298 for fiscal year 2023,
23 \$441,613,651 for fiscal year 2024,
24 \$448,679,469 for fiscal year 2025, and
25 \$455,723,737 for fiscal year 2026 shall be

1 available to carry out section 5310, of which
2 not less than—

3 “(i) \$5,075,500 for fiscal year 2023,
4 \$5,154,678 for fiscal year 2024,
5 \$5,237,153 for fiscal year 2025, and
6 \$5,319,376 for fiscal year 2026 shall be
7 available to carry out section 5310(j); and

8 “(ii) \$20,302,000 for fiscal year 2023,
9 \$20,618,711 for fiscal year 2024,
10 \$20,948,611 for fiscal year 2025, and
11 \$21,277,504 for fiscal year 2026 shall be
12 available to carry out section 5310(k);

13 “(E) \$1,025,199,724 for fiscal year 2023,
14 \$1,041,192,839 for fiscal year 2024,
15 \$1,057,851,925 for fiscal year 2025, and
16 \$1,074,460,200 for fiscal year 2026 shall be
17 available to carry out section 5311, of which
18 not less than—

19 “(i) \$55,679,500 for fiscal year 2023,
20 \$56,392,100 for fiscal year 2024,
21 \$57,134,374 for fiscal year 2025, and
22 \$57,874,383 for fiscal year 2026 shall be
23 available to carry out section 5311(c)(1);
24 and

1 “(ii) \$50,755,000 for fiscal year 2023,
2 \$51,546,778 for fiscal year 2024,
3 \$52,371,526 for fiscal year 2025, and
4 \$53,193,759 for fiscal year 2026 shall be
5 available to carry out section 5311(e)(2);

6 “(F) \$53,498,300 for fiscal year 2023;
7 \$54,020,873 for fiscal year 2024; \$54,565,207
8 for fiscal year 2025; \$55,107,881 for fiscal year
9 2026 shall be available to carry out section
10 5312, of which not less than—

11 “(i) \$5,075,500 for fiscal year 2023,
12 \$5,154,678 for fiscal year 2024,
13 \$5,237,153 for fiscal year 2025, and
14 \$5,319,376 for fiscal year 2026 shall be
15 available to carry out each of sections
16 5312(d)(3) and 5312(d)(4);

17 “(ii) \$3,045,300 for fiscal year 2023,
18 \$3,092,807 for fiscal year 2024,
19 \$3,142,292 for fiscal year 2025, and
20 \$3,191,626 for fiscal year 2026 shall be
21 available to carry out section 5312(h);

22 “(iii) \$10,151,000 for fiscal year
23 2023, \$10,309,356 for fiscal year 2024,
24 \$10,474,305 for fiscal year 2025, and

1 \$10,638,752 for fiscal year 2026 shall be
2 available to carry out section 5312(i); and

3 “ (iv) \$10,075,500 for fiscal year
4 2023, \$10,154,678 for fiscal year 2024,
5 \$10,237,153 for fiscal year 2025, and
6 \$10,319,376 shall be available to carry out
7 section 5312(j);

8 “(G) \$23,347,300 for fiscal year 2023,
9 \$23,711,518 for fiscal year 2024, \$24,090,902
10 for fiscal year 2025, and \$24,469,129 for fiscal
11 year 2026 shall be available to carry out section
12 5314, of which not less than—

13 “(i) \$4,060,400 for fiscal year 2023,
14 \$4,123,742 for fiscal year 2024,
15 \$4,189,722 for fiscal year 2025, and
16 \$4,255,501 for fiscal year 2026 shall be
17 available to carry out section of 5314(a);

18 “(ii) \$5,075,500 for fiscal year 2023,
19 \$5,154,678 for fiscal year 2024,
20 \$5,237,153 for fiscal year 2025, and
21 \$5,319,376 for fiscal year 2026 shall be
22 available to carry out section 5314(c); and

23 “(iii) \$12,181,200 for fiscal year
24 2023, \$12,371,227 for fiscal year 2024,
25 \$12,569,166 for fiscal year 2025, and

1 \$12,766,502 for fiscal year 2026 shall be
2 available to carry out section 5314(b)(2);

3 “(H) \$5,075,500 for fiscal year 2023,
4 \$5,154,678 for fiscal year 2024, \$5,237,153 for
5 fiscal year 2025, and \$5,319,376 for fiscal year
6 2026 shall be available to carry out section
7 5318;

8 “(I) \$30,453,000 for fiscal year 2023,
9 \$30,928,067 for fiscal year 2024, \$31,422,916
10 for fiscal year 2025, and \$31,916,256 for fiscal
11 year 2026 shall be available to carry out section
12 5328, of which not less than—

13 “(i) \$25,377,500 for fiscal year 2023,
14 \$25,773,389 for fiscal year 2024,
15 \$26,185,763 for fiscal year 2025, and
16 \$26,596,880 for fiscal year 2026 shall be
17 available to carry out section of 5328(b);
18 and

19 “(ii) \$2,537,750 for fiscal year 2023,
20 \$2,577,339 for fiscal year 2024,
21 \$2,618,576 for fiscal year 2025, and
22 \$2,659,688 for fiscal year 2026 shall be
23 available to carry out section 5328(e);

24 “(J) \$4,060,400 for fiscal year 2023,
25 \$4,123,742 for fiscal year 2024, \$4,189,722 for

1 fiscal year 2025, and \$4,255,501 for fiscal year
2 2026 shall be available to carry out section
3 5335;

4 “(K) \$5,366,233,728 for fiscal year 2023,
5 \$5,460,789,084 for fiscal year 2024,
6 \$5,560,170,578 for fiscal year 2025, and
7 \$5,660,288,417 for fiscal year 2026 shall be
8 available to carry out section 5337;

9 “(L) to carry out the bus formula program
10 under section 5339(a)—

11 “(i) \$1,240,328,213 for fiscal year
12 2023, \$1,259,667,334 for fiscal year 2024,
13 \$1,279,832,171 for fiscal year 2025, and
14 \$1,299,925,536 for fiscal year 2026; ex-
15 cept that

16 “(ii) 15 percent of the amounts under
17 clause (i) shall be available to carry out
18 5339(d);

19 “(M) \$437,080,000 for fiscal year 2023,
20 \$424,748,448 for fiscal year 2024,
21 \$387,944,423 for fiscal year 2025, and
22 \$351,100,151 for fiscal year 2026 shall be
23 available to carry out section 5339(b);

24 “(N) \$890,000,000 for fiscal year 2023,
25 \$950,000,000 for fiscal year 2024,

1 \$1,065,000,000 for fiscal year 2025, and
2 \$1,180,000,000 for fiscal year 2026 shall be
3 available to carry out section 5339(c); and

4 “(O) \$587,133,905 for each of fiscal years
5 2023 through 2026 shall be available to carry
6 out section 5340 to provide financial assistance
7 for urbanized areas under section 5307 and
8 rural areas under section 5311, of which—

9 “(i) \$309,688,908 for each of fiscal
10 years 2023 through 2026 shall be for
11 growing States under section 5340(c); and

12 “(ii) \$277,444,997 for each of fiscal
13 years 2023 through 2026 shall be for high
14 density States under section 5340(d).

15 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
16 thorized to be appropriated to carry out section 5309
17 \$3,500,000,000 for fiscal year 2023, \$4,250,000,000 for
18 fiscal year 2024, \$5,000,000,000 for fiscal year 2025, and
19 5,500,000,000 for fiscal year 2026.

20 “(c) ADMINISTRATION.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to carry out section 5334,
23 \$142,060,785 for fiscal year 2023, \$144,191,696 for
24 fiscal year 2024, \$146,412,248 for fiscal year 2025,
25 and 148,652,356 for fiscal year 2026.

1 “(2) SECTION 5329.—Of the amounts author-
2 ized to be appropriated under paragraph (1), not
3 less than \$6,000,000 for each of fiscal years 2023
4 through 2026 shall be available to carry out section
5 5329.

6 “(3) SECTION 5326.—Of the amounts made
7 available under paragraph (2), not less than
8 \$2,500,000 for each of fiscal years 2023 through
9 2026 shall be available to carry out section 5326.

10 “(d) OVERSIGHT.—

11 “(1) IN GENERAL.—Of the amounts made
12 available to carry out this chapter for a fiscal year,
13 the Secretary may use not more than the following
14 amounts for the activities described in paragraph
15 (2):

16 “(A) 0.5 percent of amounts made avail-
17 able to carry out section 5305.

18 “(B) 0.75 percent of amounts made avail-
19 able to carry out section 5307.

20 “(C) 1 percent of amounts made available
21 to carry out section 5309.

22 “(D) 1 percent of amounts made available
23 to carry out section 601 of the Passenger Rail
24 Investment and Improvement Act of 2008
25 (Public Law 110–432; 126 Stat. 4968).

1 “(E) 0.5 percent of amounts made avail-
2 able to carry out section 5310.

3 “(F) 0.5 percent of amounts made avail-
4 able to carry out section 5311.

5 “(G) 1 percent of amounts made available
6 to carry out section 5337, of which not less
7 than 25 percent of such amounts shall be avail-
8 able to carry out section 5329 and of which not
9 less than 10 percent of such amounts shall be
10 made available to carry out section 5320.

11 “(H) 1 percent of amounts made available
12 to carry out section 5339 of which not less than
13 10 percent of such amounts shall be made
14 available to carry out section 5320.

15 “(I) 1 percent of amounts made available
16 to carry out section 5308.

17 “(2) ACTIVITIES.—The activities described in
18 this paragraph are as follows:

19 “(A) Activities to oversee the construction
20 of a major capital project.

21 “(B) Activities to review and audit the
22 safety and security, procurement, management,
23 and financial compliance of a recipient or sub-
24 recipient of funds under this chapter.

1 “(C) Activities to provide technical assist-
2 ance generally, and to provide technical assist-
3 ance to correct deficiencies identified in compli-
4 ance reviews and audits carried out under this
5 section.

6 “(3) GOVERNMENT SHARE OF COSTS.—The
7 Government shall pay the entire cost of carrying out
8 a contract under this subsection/activities described
9 in paragraph (2).

10 “(4) AVAILABILITY OF CERTAIN FUNDS.—
11 Funds made available under paragraph (1)(C) shall
12 be made available to the Secretary before allocating
13 the funds appropriated to carry out any project
14 under a full funding grant agreement.

15 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

16 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
17 FUND.—A grant or contract that is approved by the
18 Secretary and financed with amounts made available
19 from the Mass Transit Account of the Highway
20 Trust Fund pursuant to this section is a contractual
21 obligation of the Government to pay the Government
22 share of the cost of the project.

23 “(2) GRANTS FINANCED FROM GENERAL
24 FUND.—A grant or contract that is approved by the
25 Secretary and financed with amounts from future

1 appropriations from the general fund of the Treas-
2 ury pursuant to this section is a contractual obliga-
3 tion of the Government to pay the Government share
4 of the cost of the project only to the extent that
5 amounts are appropriated for such purpose by an
6 Act of Congress.

7 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
8 available by or appropriated under this section shall re-
9 main available until expended.

10 “(g) LIMITATION ON FINANCIAL ASSISTANCE FOR
11 STATE-OWNED ENTERPRISES.—

12 “(1) IN GENERAL.—Funds provided under this
13 section may not be used in awarding a contract, sub-
14 contract, grant, or loan to an entity that is owned
15 or controlled by, is a subsidiary of, or is otherwise
16 related legally or financially to a corporation based
17 in a country that—

18 “(A) is identified as a nonmarket economy
19 country (as defined in section 771(18) of the
20 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
21 the date of enactment of the INVEST in Amer-
22 ica Act;

23 “(B) was identified by the United States
24 Trade Representative in the most recent report
25 required by section 182 of the Trade Act of

1 1974 (19 U.S.C. 2242) as a priority foreign
2 country under subsection (a)(2) of that section;
3 and

4 “(C) is subject to monitoring by the Trade
5 Representative under section 306 of the Trade
6 Act of 1974 (19 U.S.C. 2416).

7 “(2) EXCEPTION.—For purposes of paragraph
8 (1), the term ‘otherwise related legally or financially’
9 does not include a minority relationship or invest-
10 ment.

11 “(3) INTERNATIONAL AGREEMENTS.—This sub-
12 section shall be applied in a manner consistent with
13 the obligations of the United States under inter-
14 national agreements.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 5311 of title 49, United States
17 Code, is amended by striking “5338(a)(2)(F)” and
18 inserting “5338(a)(2)(E)”.

19 (2) Section 5312(i)(1) of title 49, United States
20 Code, is amended by striking “5338(a)(2)(G)(ii)”
21 and inserting “5338(a)(2)(F)(iii)”.

22 (3) Section 5333(b) of title 49, United States
23 Code, is amended by striking “5328, 5337, and
24 5338(b)” each place it appears and inserting “and
25 5337”.

1 (4) Section 5336 of title 49, United States
2 Code, is amended—

3 (A) in subsection (d)(1) by striking
4 “5338(a)(2)(C)” and inserting
5 “5338(a)(2)(B)”; and

6 (B) in subsection (h) by striking
7 “5338(a)(2)(C)” and inserting
8 “5338(a)(2)(B)”.

9 (5) Subsections (c) and (d)(1) of section 5327
10 of title 49, United States Code, are amended by
11 striking “5338(f)” and inserting “5338(d)”.

12 (6) Section 5340(b) of title 49, United States
13 Code, is amended by striking “5338(b)(2)(N)” and
14 inserting “5338(a)(2)(O)”.

15 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

16 Section 5302 of title 49, United States Code, is
17 amended—

18 (1) in paragraph (1)(E)—

19 (A) by striking “and the installation” and
20 inserting “, the installation”; and

21 (B) by inserting “, charging stations and
22 docks for electric micromobility devices, and
23 bikeshare projects” after “public transportation
24 vehicles”;

25 (2) in paragraph (3)—

1 (A) in subparagraph (G) by striking clause
2 (iii) and inserting the following:

3 “(iii) provides a fair share of revenue
4 established by the Secretary that will be
5 used for public transportation, except for a
6 joint development that is a community
7 service (as defined by the Federal Transit
8 Administration), publicly operated facility,
9 or offers a minimum of 50 percent of units
10 as affordable housing, meaning legally
11 binding affordability restricted housing
12 units available to tenants with incomes
13 below 60 percent of the area median in-
14 come or owners with incomes below the
15 area median;” and

16 (B) in subparagraph (N)—

17 (i) by striking “no emission” and in-
18 serting “zero emission”; and

19 (ii) by striking “(as defined in section
20 5339(c))”; and

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

22 “(25) RESILIENCE.—

23 “(A) IN GENERAL.—The term ‘resilience’
24 means, with respect to a facility, the ability
25 to—

1 “(i) anticipate, prepare for, or adapt
2 to conditions; or

3 “(ii) withstand, respond to, or recover
4 rapidly from disruptions.

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

7 “(i) resist hazards or withstand im-
8 pacts from disruptions;

9 “(ii) reduce the magnitude, duration,
10 or impact of a disruption; or

11 “(iii) have the absorptive capacity,
12 adaptive capacity, and recoverability to de-
13 crease vulnerability to a disruption.

14 “(26) ASSAULT ON A TRANSIT WORKER.—The
15 term ‘assault on a transit worker’ means any cir-
16 cumstance in which an individual knowingly, without
17 lawful authority or permission, and with intent to
18 endanger the safety of any individual, or with a
19 reckless disregard for the safety of human life, inter-
20 feres with, disables, or incapacitates any transit
21 worker while the transit worker is performing his or
22 her duties.”.

23 **SEC. 2103. GENERAL PROVISIONS.**

24 Section 5323 of title 49, United States Code, is
25 amended—

1 (1) in subsection (d)—

2 (A) in paragraph (1) by striking “urban
3 area” and inserting “urbanized area”;

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

5 “(3) EXCEPTIONS.—This subsection shall not
6 apply to financial assistance under this chapter—

7 “(A) in which the non-Federal share of
8 project costs are provided from amounts re-
9 ceived under a service agreement with a State
10 or local social service agency or private social
11 service organization pursuant to section
12 5307(d)(3)(E) or section 5311(g)(3)(C);

13 “(B) provided to a recipient or sub-
14 recipient whose sole receipt of such assistance
15 derives from section 5310; or

16 “(C) provided to a recipient operating a
17 fixed route service that is—

18 “(i) for a period of less than 30 days;

19 “(ii) accessible to the public;

20 “(iii) contracted by a local govern-
21 ment entity that provides local cost share
22 to the recipient; and

23 “(iv) not contracted for the purposes
24 of a convention or on behalf of a conven-
25 tion and visitors bureau.

1 “(4) GUIDELINES.—The Secretary shall publish
2 guidelines for grant recipients and private bus oper-
3 ators that clarify when and how a transit agency
4 may provide the service in the event a registered
5 charter provider does not contact the customer, pro-
6 vide a quote, or provide the service.”;

7 (2) in subsection (h)—

8 (A) in paragraph (1) by adding “or” at the
9 end; and

10 (B) by striking paragraph (2) and redesign-
11 ating paragraph (3) as paragraph (2);

12 (3) by striking subsection (j) and inserting the
13 following:

14 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

15 “(1) IN GENERAL.—The Secretary shall ensure
16 that an individual who believes that he or she, or a
17 specific class in which the individual belongs, has
18 been subjected to discrimination on the basis of dis-
19 ability by a State or local governmental entity, pri-
20 vate nonprofit organization, or Tribe that operates a
21 public transportation service and is a recipient or
22 subrecipient of funds under this chapter, may, by
23 the individual or by an authorized representative, file
24 a complaint with the Department of Transportation.

1 “(2) PROCEDURES.—Not later than 1 year
2 after the date of enactment of the INVEST in
3 America Act, the Secretary shall implement proce-
4 dures that allow an individual to submit a complaint
5 described in paragraph (1) by phone, mail-in form,
6 and online through the website of the Office of Civil
7 Rights of the Federal Transit Administration.

8 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
9 ITIES.—Not later than 12 months after the date of
10 enactment of the INVEST in America Act, the Sec-
11 retary shall require that each public transit provider
12 and contractor providing paratransit services shall
13 include on a publicly available website of the service
14 provider, any related mobile device application, and
15 online service—

16 “(A) notice that an individual can file a
17 disability-related complaint with the local tran-
18 sit agency and the process and any timelines for
19 filing such a complaint;

20 “(B) the telephone number, or a com-
21 parable electronic means of communication, for
22 the disability assistance hotline of the Office of
23 Civil Rights of the Federal Transit Administra-
24 tion;

1 “(C) notice that a consumer can file a dis-
2 ability related complaint with the Office of Civil
3 Rights of the Federal Transit Administration;
4 and

5 “(D) an active link to the website of the
6 Office of Civil Rights of the Federal Transit
7 Administration for an individual to file a dis-
8 ability-related complaint.

9 “(4) INVESTIGATION OF COMPLAINTS.—Not
10 later than 60 days after the last day of each fiscal
11 year, the Secretary shall publish a report that lists
12 the disposition of complaints described in paragraph
13 (1), including—

14 “(A) the number and type of complaints
15 filed with Department of Transportation;

16 “(B) the number of complaints inves-
17 tigated by the Department;

18 “(C) the result of the complaints that were
19 investigated by the Department including
20 whether the complaint was resolved—

21 “(i) informally;

22 “(ii) by issuing a violation through a
23 noncompliance Letter of Findings; or

24 “(iii) by other means, which shall be
25 described; and

1 “(D) if a violation was issued for a com-
2 plaint, whether the Department resolved the
3 noncompliance by—

4 “(i) reaching a voluntary compliance
5 agreement with the entity;

6 “(ii) referring the matter to the Attor-
7 ney General; or

8 “(iii) by other means, which shall be
9 described.

10 “(5) REPORT.—The Secretary shall, upon im-
11 plementation of this section and annually thereafter,
12 submit to the Committee on Transportation and In-
13 frastructure of the House of Representatives, the
14 Committee on Banking, Housing, and Urban Affairs
15 of the Senate, and make publicly available a report
16 containing the information collected under this sec-
17 tion.”;

18 (4) by striking subsection (m) and inserting the
19 following:

20 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
21 ROLLING STOCK PURCHASES.—The Secretary shall pre-
22 scribe regulations requiring a preaward and postdelivery
23 review of a grant under this chapter to buy rolling stock
24 to ensure compliance with bid specifications requirements
25 of grant recipients under this chapter. Under this sub-

1 section, grantee inspections and review are required, and
2 a manufacturer certification is not sufficient.”; and

3 (5) by amending subsection (r) to read as fol-
4 lows:

5 “(r) REASONABLE ACCESS TO PUBLIC TRANSPOR-
6 TATION FACILITIES.—

7 “(1) IN GENERAL.—A recipient of assistance
8 under this chapter—

9 “(A) may not deny reasonable access for a
10 private intercity or charter transportation oper-
11 ator to federally funded public transportation
12 facilities, including intermodal facilities, park
13 and ride lots, and bus-only highway lanes; and

14 “(B) shall respond to any request for rea-
15 sonable access within 75 days of the receipt of
16 the request and, if a recipient of assistance
17 under this chapter denies access to a private
18 intercity or charter transportation operator
19 based on the reasonable access standards, pro-
20 vide, in writing, the reasons for the denial.

21 “(2) DETERMINING REASONABLE ACCESS.—In
22 determining reasonable access under paragraph
23 (1)(A), capacity requirements of the recipient of as-
24 sistance and the extent to which access would be
25 detrimental or beneficial to existing public transpor-

1 tation services must be considered and demographic
2 makeup of the riders of a private intercity or charter
3 transportation operator may not be cited as a det-
4 riment to the provision of access.

5 “(3) NOTIFICATION.—If a private intercity or
6 charter transportation operator requesting access
7 under this subsection is denied such access by a re-
8 cipient of assistance under this chapter or does not
9 receive a written response within 75 days of submit-
10 ting the request, such operator may notify the Sec-
11 retary for purposes of inclusion in the report under
12 paragraph (4).

13 “(4) REPORT TO CONGRESS.—The Secretary
14 shall annually submit to the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Banking, Hous-
17 ing, and Urban Affairs of the Senate a report listing
18 each instance reported under paragraph (3) in
19 which—

20 “(A) a private intercity or charter trans-
21 portation operator requested reasonable access
22 and was denied, and the reasons provided by
23 the recipient of assistance under this chapter
24 for the denial; and

1 “(B) a recipient of assistance under this
2 chapter did not respond to a request for reason-
3 able access within 75 days.”.

4 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

5 (a) STATE OF GOOD REPAIR GRANTS.—Section
6 5337(e) of title 49, United States Code, is amended by
7 adding at the end the following:

8 “(3) ACCESSIBILITY COSTS.—Notwithstanding
9 paragraph (1), the Federal share of the net project
10 cost of a project to provide accessibility improve-
11 ments consistent with standards in compliance with
12 the Americans with Disabilities Act of 1990 (42
13 U.S.C. 12101 et seq.) shall be 90 percent.”.

14 (b) APPORTIONMENTS BASED ON GROWING STATES
15 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
16 tion 5340(a) of title 49, United States Code, is amended
17 by inserting “and the District of Columbia” after “United
18 States”.

19 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
20 VELOPMENT.—Section 5314 of title 49, United States
21 Code, is amended—

22 (1) in subsection (a)(1)(B)—

23 (A) in clause (i) by striking “; and” and
24 inserting a semicolon;

1 (B) in clause (ii) by striking the period
2 and inserting “; and”; and

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

4 “(iii) technical assistance to assist re-
5 cipients with the impacts of a new census
6 count.”;

7 (2) in subsection (b)(1)(B) by striking “fe-
8 males” and inserting “women”; and

9 (3) in subsection (c)(4)(A) by inserting “, and
10 not more than 2 percent of amounts under 5311”
11 after “5339”.

12 (d) NATIONAL TRANSIT DATABASE.—Section 5335
13 of title 49, United States Code, is amended—

14 (1) in subsection (a) by inserting “, including
15 information on transit routes and ridership on those
16 routes” after “public sector investment decision”;
17 and

18 (2) in subsection (c) by inserting “, any data on
19 each assault on a transit worker, and pedestrian in-
20 juries and fatalities as a result of an impact with a
21 bus. Each of the data sets shall be publicly reported
22 without aggregating the data with other safety data”
23 after “by the recipient”.

24 (e) URBANIZED AREA FORMULA GRANTS.—Section
25 5307 of title 49, United States Code, is amended—

1 (1) in subsection (a)(2)(A)—

2 (A) in clause (i) by striking “or” at the
3 end; and

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

5 “(iii) operate a minimum of 101 buses
6 and a maximum of 125 buses in fixed
7 route service or demand response service,
8 excluding ADA complementary paratransit
9 service, during peak service hours, in an
10 amount not to exceed 25 percent of the
11 share of the apportionment which is attrib-
12 utable to such systems within the urban-
13 ized area, as measured by vehicle revenue
14 hours; or”;

15 (2) in subsection (a)(2)(B)—

16 (A) in clause (i) by striking “or” at the
17 end;

18 (B) in clause (ii) by striking the period at
19 the end and inserting “; or”; and

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

21 “(iii) operate a minimum of 101 buses
22 and a maximum of 125 buses in fixed
23 route service or demand response service,
24 excluding ADA complementary paratransit
25 service, during peak service hours, in an

1 amount not to exceed 25 percent of the
2 share of the apportionment allocated to
3 such systems within the urbanized area, as
4 determined by the local planning process
5 and included in the designated recipient’s
6 final program of projects prepared under
7 subsection (b).”; and

8 (3) in subsection (b)—

9 (A) in paragraph (6) by striking “and” at
10 the end;

11 (B) by redesignating paragraph (7) as
12 paragraph (8); and

13 (C) by inserting after paragraph (6) the
14 following:

15 “(7) ensure that the proposed program of
16 projects provides improved access to transit for the
17 individuals described in section 5336(j); and”.

18 (f) TECHNICAL CORRECTION.—Section
19 5307(a)(2)(B)(ii) of title 49, United States Code, is
20 amended by striking “service during peak” and inserting
21 “service, during peak”.

22 (g) TRANSPORTATION DEVELOPMENT CREDITS AS
23 LOCAL MATCH.—

24 (1) SECTION 5307.—Section 5307(d)(3) of title
25 49, United States Code, is amended—

1 (A) in subparagraph (D) by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (E) by striking the
4 period and inserting “; and”; and

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

6 “(F) transportation development credits.”.

7 (2) SECTION 5309.—Section 5309 of title 49,
8 United States Code, is amended—

9 (A) in subsection (f) by adding at the end
10 the following:

11 “(3) TRANSPORTATION DEVELOPMENT CRED-
12 ITS.—For purposes of assessments and determina-
13 tions under this subsection or subsection (h), trans-
14 portation development credits that are included as a
15 source of local financing or match shall be treated
16 the same as other sources of local financing.”; and

17 (B) in subsection (l)(4)—

18 (i) in subparagraph (B) by striking “;
19 or” and inserting a semicolon;

20 (ii) in subparagraph (C) by striking
21 the period and inserting a semicolon; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(D) transportation development credits;
25 or”.

1 (3) SECTION 5339.—Section 5339(a)(7)(B) of
2 title 49, United States Code, is amended—

3 (A) in clause (iv) by striking “; or” and in-
4 serting a semicolon;

5 (B) in clause (v) by striking the period and
6 inserting “; or”; and

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

8 “(vi) transportation development cred-
9 its.”.

10 (h) CLARIFICATION OF INCIDENTAL USE.—Section
11 5310(b)(7) of title 49, United States Code, is amended—

12 (1) in the header by inserting “AND INCI-
13 DENTAL USE” after “INDIVIDUALS”;

14 (2) by inserting “or providing other incidental
15 services” after “individuals”; and

16 (3) by striking “delivery service does not con-
17 flict” and inserting “service does not conflict”.

18 **SEC. 2105. POLICIES AND PURPOSES.**

19 Section 5301(b) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (7) by striking “; and” and in-
22 serting a semicolon;

23 (2) in paragraph (8) by striking the period and
24 inserting a semicolon; and

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

1 “(9) reduce the contributions of the surface
2 transportation system to the total carbon pollution
3 of the United States; and

4 “(10) improve the resiliency of the public trans-
5 portation network to withstand weather events and
6 other natural disasters.”.

7 **SEC. 2106. FISCAL YEARS 2022 AND 2023 FORMULAS.**

8 For fiscal years 2022 and 2023, the Secretary of
9 Transportation shall apportion and distribute formula
10 funds provided for under chapter 53 of title 49, United
11 States Code, using data submitted to the 2019 National
12 Transit Database.

13 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

14 Section 5303 of title 49, United States Code, is fur-
15 ther amended—

16 (1) by amending subsection (a)(1) to read as
17 follows:

18 “(1) to encourage and promote the safe and ef-
19 ficient management, operation, and development of
20 surface transportation systems that will serve the
21 mobility needs of people and freight, foster economic
22 growth and development within and between States
23 and urbanized areas, and take into consideration re-
24 siliency and climate change adaptation needs while
25 reducing transportation-related fuel consumption, air

1 pollution, and greenhouse gas emissions through
2 metropolitan and statewide transportation planning
3 processes identified in this chapter; and”.

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (6) and
6 (7) as paragraphs (7) and (8), respectively; and

7 (B) by inserting after paragraph (5) the
8 following:

9 “(6) STIP.—The term ‘STIP’ means a state-
10 wide transportation improvement program developed
11 by a State under section 135(g).”;

12 (3) in subsection (c)—

13 (A) in paragraph (1) by striking “and
14 transportation improvement programs” and in-
15 serting “and TIPS”; and

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

17 “(4) CONSIDERATION.—In developing the plans
18 and TIPS, metropolitan planning organizations shall
19 consider direct and indirect emissions of greenhouse
20 gases.”;

21 (4) in subsection (d)—

22 (A) in paragraph (2) by striking “Not
23 later than 2 years after the date of enactment
24 of the Federal Public Transportation Act of
25 2012, each” and inserting “Each”;

1 (B) in paragraph (3) by adding at the end
2 the following:

3 “(D) EQUITABLE AND PROPORTIONAL
4 REPRESENTATION.—

5 “(i) IN GENERAL.—In designating of-
6 ficials or representatives under paragraph
7 (2), the metropolitan planning organization
8 shall ensure the equitable and proportional
9 representation of the population of the
10 metropolitan planning area.

11 “(ii) SAVINGS CLAUSE.—Nothing in
12 this paragraph shall require a metropolitan
13 planning organization in existence on the
14 date of enactment of this subparagraph to
15 be restructured.

16 “(iii) REDESIGNATION.—Notwith-
17 standing clause (ii), the requirements of
18 this paragraph shall apply to any metro-
19 politan planning organization redesignated
20 under paragraph (6).”;

21 (C) in paragraph (6)(B) by striking “para-
22 graph (2)” and inserting “paragraphs (2) or
23 (3)(D)”; and

24 (D) in paragraph (7)—

1 (i) by striking “an existing metropoli-
2 tan planning area” and inserting “an ur-
3 banized area”; and

4 (ii) by striking “the existing metro-
5 politan planning area” and inserting “the
6 area”;

7 (5) in subsection (g)—

8 (A) in paragraph (1) by striking “a metro-
9 politan area” and inserting “an urbanized
10 area”;

11 (B) in paragraph (2) by striking “MPOS”
12 and inserting “METROPOLITAN PLANNING
13 AREAS”

14 (C) in paragraph (3)(A) by inserting
15 “emergency response and evacuation, climate
16 change adaptation and resilience,” after “dis-
17 aster risk reduction,”; and

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

19 “(4) COORDINATION BETWEEN MPOS.—

20 “(A) IN GENERAL.—If more than one met-
21ropolitan planning organization is designated
22within an urbanized area under subsection
23(d)(7), the metropolitan planning organizations
24designated within the area shall ensure, to the
25maximum extent practicable, the consistency of

1 any data used in the planning process, includ-
2 ing information used in forecasting transpor-
3 tation 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
22 “and” 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) support 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-

1 tem access (consistent with section 150(f)), and
2 the general purposes described in section 5301
3 of title 49.”;

4 (8) in subsection (i)—

5 (A) in paragraph (2)(D)(i) by inserting
6 “reduce greenhouse gas emissions and” before
7 “restore and maintain”;

8 (B) in paragraph (2)(G) by inserting “and
9 climate change” after “infrastructure to natural
10 disasters”;

11 (C) in paragraph (2)(H) by inserting
12 “greenhouse gas emissions,” after “pollution,”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A) by inserting
15 “air quality, public health, housing, trans-
16 portation, resilience, hazard mitigation,
17 emergency management,” after “conserva-
18 tion,”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) ISSUES.—The consultation shall in-
22 volve, as appropriate, comparison of transpor-
23 tation plans to other relevant plans, including,
24 if available—

1 “(i) State conservation plans or maps;

2 and

3 “(ii) inventories of natural or historic
4 resources.”; and

5 (E) by amending paragraph (6)(C) to read
6 as follows:

7 “(C) METHODS.—

8 “(i) IN GENERAL.—In carrying out
9 subparagraph (A), the metropolitan plan-
10 ning organization shall, to the maximum
11 extent practicable—

12 “(I) hold any public meetings at
13 convenient and accessible locations
14 and times;

15 “(II) employ visualization tech-
16 niques to describe plans; and

17 “(III) make public information
18 available in electronically accessible
19 format and means, such as the inter-
20 net, as appropriate to afford reason-
21 able opportunity for consideration of
22 public information under subpara-
23 graph (A).

24 “(ii) ADDITIONAL METHODS.—In ad-
25 dition to the methods described in clause

1 (i), in carrying out subparagraph (A), the
2 metropolitan planning organization shall,
3 to the maximum extent practicable—

4 “(I) use virtual public involve-
5 ment, social media, and other web-
6 based tools to encourage public par-
7 ticipation and solicit public feedback;
8 and

9 “(II) use other methods, as ap-
10 propriate, to further encourage public
11 participation of historically underrep-
12 resented individuals in the transpor-
13 tation planning process.”;

14 (9) in subsection (j) by striking “transportation
15 improvement program” and inserting “TIP” each
16 place it appears; and

17 (10) by striking “Federally” each place it ap-
18 pears and inserting “federally”.

19 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 Section 5304 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (2)—

5 (i) by striking “The statewide trans-
6 portation plan and the” and inserting the
7 following:

8 “(A) IN GENERAL.—The statewide trans-
9 portation plan and the”;

10 (ii) by striking “transportation im-
11 provement program” and inserting
12 “STIP”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(B) CONSIDERATION.—In developing the
16 statewide transportation plans and STIPs,
17 States shall consider direct and indirect emis-
18 sions of greenhouse gases.”; and

19 (C) in paragraph (3) by striking “trans-
20 portation improvement program” and inserting
21 “STIP”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)—

24 (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 (H) by striking
11 “and”;

12 (iii) in subparagraph (I) by striking
13 the period at the end and inserting “and
14 reduce or mitigate stormwater, sea level
15 rise, extreme weather, and climate change
16 impacts of surface transportation;”; and

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

19 “(J) facilitate emergency management, re-
20 sponse, and evacuation and hazard mitigation;

21 “(K) improve the level of transportation
22 system access; and

23 “(L) support inclusive zoning policies and
24 land use planning practices that incentivize af-
25 fordable, elastic, and diverse housing supply, fa-

1 facilitate long-term economic growth by improving
2 the accessibility of housing to jobs, and prevent
3 high housing costs from displacing economically
4 disadvantaged households.”;

5 (B) in paragraph (2)—

6 (i) by striking subparagraph (A) and
7 inserting the following:

8 “(A) IN GENERAL.—Through the use of a
9 performance-based approach, transportation in-
10 vestment decisions made as a part of the state-
11 wide transportation planning process shall sup-
12 port—

13 “(i) the national goals described in
14 section 150(b);

15 “(ii) the consideration of transpor-
16 tation system access (consistent with sec-
17 tion 150(f));

18 “(iii) the achievement of statewide
19 targets established under section 150(d);
20 and

21 “(iv) the general purposes described
22 in section 5301 of title 49.”; and

23 (ii) in subparagraph (D) by striking
24 “statewide transportation improvement
25 program” and inserting “STIP”; and

1 (C) in paragraph (3) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (3) in subsection (e)(3) by striking “transpor-
5 tation improvement program” and inserting
6 “STIP”;

7 (4) in subsection (f)—

8 (A) in paragraph (2)(D)—

9 (i) in clause (i) by inserting “air qual-
10 ity, public health, housing, transportation,
11 resilience, hazard mitigation, emergency
12 management,” after “conservation,”; and

13 (ii) by amending clause (ii) to read as
14 follows:

15 “(ii) COMPARISON AND CONSIDER-
16 ATION.—Consultation under clause (i)
17 shall involve the comparison of transpor-
18 tation plans to other relevant plans and in-
19 ventories, including, if available—

20 “(I) State and tribal conservation
21 plans or maps; and

22 “(II) inventories of natural or
23 historic resources.”;

24 (B) in paragraph (3)(B)—

1 (i) by striking “In carrying out” and
2 inserting the following:

3 “(i) IN GENERAL.—in carrying out”;

4 (ii) by redesignating clauses (i)
5 through (iv) as subclauses (I) through
6 (IV), respectively; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(ii) ADDITIONAL METHODS.—In ad-
10 dition to the methods described in clause
11 (i), in carrying out subparagraph (A), the
12 State shall, to the maximum extent prac-
13 ticable—

14 “(I) use virtual public involve-
15 ment, social media, and other web-
16 based tools to encourage public par-
17 ticipation and solicit public feedback;
18 and

19 “(II) use other methods, as ap-
20 propriate, to further encourage public
21 participation of historically underrep-
22 resented individuals in the transpor-
23 tation planning process.”;

1 (C) in paragraph (4)(A) by inserting “re-
2 duce greenhouse gas emissions and” after “po-
3 tential to”; and

4 (D) in paragraph (8) by inserting “includ-
5 ing consideration of the role that intercity buses
6 may play in reducing congestion, pollution,
7 greenhouse gas emissions, and energy consump-
8 tion in a cost-effective manner and strategies
9 and investments that preserve and enhance
10 intercity bus systems, including systems that
11 are privately owned and operated” after “trans-
12 portation system”;

13 (5) in subsection (g)—

14 (A) in paragraph (1)(A) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP”;

17 (B) in paragraph (5)—

18 (i) in subparagraph (A) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (ii) in subparagraph (B)(ii) by strik-
22 ing “metropolitan transportation improve-
23 ment program” and inserting “TIP”;

24 (iii) in subparagraph (C) by striking
25 “transportation improvement program”

1 and inserting “STIP” each place it ap-
2 pears;

3 (iv) in subparagraph (E) by striking
4 “transportation improvement program”
5 and inserting “STIP”;

6 (v) in subparagraph (F)(i) by striking
7 “transportation improvement program”
8 and inserting “STIP” each place it ap-
9 pears;

10 (vi) in subparagraph (G)(ii) by strik-
11 ing “transportation improvement program”
12 and inserting “STIP”; and

13 (vii) in subparagraph (H) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (C) in paragraph (6)—

17 (i) in subparagraph (A)—

18 (I) by striking “transportation
19 improvement program” and inserting
20 “STIP”; and

21 (II) by striking “and projects
22 carried out under the bridge program
23 or the Interstate maintenance pro-
24 gram under title 23”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate
3 maintenance program”; and

4 (II) by striking “statewide trans-
5 portation improvement program” and
6 inserting “STIP”;

7 (D) 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
13 “STIP”;

14 (E) in paragraph (8) by striking “state-
15 wide transportation plans and programs” and
16 inserting “statewide transportation plans and
17 STIPs”; and

18 (F) in paragraph (9) by striking “trans-
19 portation improvement program” and inserting
20 “STIP”;

21 (6) in subsection (h)(2)(A) by striking “Not
22 later than 5 years after the date of enactment of the
23 Federal Public Transportation Act of 2012,” and in-
24 serting “Not less frequently than once every 4
25 years,”;

1 (7) in subsection (j) by striking “transportation
2 improvement program” and inserting “STIP” each
3 place it appears; and

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) \$17,894,460,367 for fiscal year 2023;

13 (2) \$18,201,940,770 for fiscal year 2024;

14 (3) \$18,551,676,708 for fiscal year 2025; and

15 (4) \$18,901,573,693 for fiscal year 2026.

16 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
17 **FUNDS.**

18 Section 5324 of title 49, United States Code, is fur-
19 ther 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

1 that is the last day of the sixth fiscal year after the
2 later 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
8 subsection.

9 “(2) **EXTENSION OF DEADLINE.**—If the Sec-
10 retary imposes a deadline for advancement to the
11 construction obligation stage pursuant to paragraph
12 (1), the Secretary may, upon the request of the Gov-
13 ernor of the State, issue an extension of not more
14 than 1 year to complete such advancement, and may
15 issue additional extensions after the expiration of
16 any extension, if the Secretary determines the Gov-
17 ernor of the State has provided suitable justification
18 to warrant an extension.”.

19 **SEC. 2111. CERTIFICATION REQUIREMENTS.**

20 The certification requirements described in section
21 661.12 of title 49, Code of Federal Regulations, shall,
22 after the date of enactment of this Act, include a certifi-
23 cation that buses or other rolling stock (including train
24 control, communication and traction power equipment)
25 being procured do not contain or use any covered tele-

1 communications equipment or services, as such term is de-
2 fined by section 889 of the John S. McCain National De-
3 fense Authorization Act for Fiscal Year 2019 (Public Law
4 115–232).

5 **SEC. 2112. HOLD HARMLESS.**

6 Notwithstanding any other provision of law, for fiscal
7 years 2021 and 2022, the Secretary of Transportation
8 shall allow project sponsors, at the request of such spon-
9 sor, to submit ridership and service data and projections
10 collected before January 20, 2020 and projections based
11 on that data to determine project eligibility under section
12 5309 of title 49, United States Code.

13 **SEC. 2113. STUDY ON ACCESSIBILITY OF PUBLIC TRANS-**
14 **PORTATION.**

15 (a) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to Congress a report that includes—

18 (1) a description of the challenges faced by each
19 of the populations described in subsection (b) when
20 riding public transportation; and

21 (2) recommendations to improve the accessi-
22 bility of federally-funded public transportation for
23 the populations described in subsection (b).

24 (b) COVERED POPULATIONS.—The populations de-
25 scribed in subsection (a) shall be—

- 1 (1) pregnant women; and
- 2 (2) individuals living in areas of persistent pov-
- 3 erty, as such term is defined in section 172(l) of title
- 4 23, United States Code, as added by this Act, and
- 5 individuals that are unbanked or underbanked.

6 **Subtitle B—Improving Frequency**

7 **and Ridership**

8 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**

9 **RIDERSHIP COMPETITIVE GRANTS.**

10 (a) IN GENERAL.—Chapter 53 of title 49, United

11 States Code, is amended by inserting after section 5307

12 the following new section:

13 **“§ 5308. Multi-jurisdictional bus frequency and rider-**

14 **ship competitive grants**

15 “(a) IN GENERAL.—The Secretary shall make grants

16 under this section, on a competitive basis, to eligible re-

17 cipients to increase the frequency of bus service and the

18 ridership of public transit buses.

19 “(b) APPLICATIONS.—To be eligible for a grant

20 under this section, an eligible recipient shall submit to the

21 Secretary an application at such time, in such manner,

22 and containing such information as the Secretary may re-

23 quire.

24 “(c) APPLICATION TIMING.—Not later than 90 days

25 after amounts are made available to carry out this section,

1 the Secretary shall solicit grant applications from eligible
2 recipients for projects described in subsection (d).

3 “(d) USES OF FUNDS.—An eligible recipient of a
4 grant under this section shall use such grant for transpor-
5 tation capital projects that—

6 “(1) increase—

7 “(A) the frequency of bus service;

8 “(B) bus ridership; and

9 “(C) total person throughput; and

10 “(2) are consistent with, and as described in,
11 the design guidance issued by the National Associa-
12 tion of City Transportation Officials and titled
13 ‘Transit Street Design Guide’.

14 “(e) GRANT CRITERIA.—In making grants under this
15 section, the Secretary shall consider the following:

16 “(1) Each eligible recipient’s projected increase
17 in bus frequency.

18 “(2) Each eligible recipient’s projected increase
19 in bus ridership.

20 “(3) Each eligible recipient’s projected increase
21 in total person throughput.

22 “(4) The degree of regional collaboration de-
23 scribed in each eligible recipient’s application, in-
24 cluding collaboration with—

1 “(A) a local government entity that oper-
2 ates a public transportation service;

3 “(B) local government agencies that con-
4 trol street design;

5 “(C) metropolitan planning organizations
6 (as such term is defined in section 5303); and

7 “(D) State departments of transportation.

8 “(f) GRANT TIMING.—The Secretary shall award
9 grants under this section not later than 120 days after
10 the date on which the Secretary completes the solicitation
11 described in subsection (e).

12 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
13 rying out the program under this section, the Secretary
14 shall—

15 “(1) not later than the date described in sub-
16 section (c), publish in the Federal Register a list of
17 all metrics and evaluation procedures to be used in
18 making grants under this section; and

19 “(2) publish in the Federal Register—

20 “(A) a summary of the final metrics and
21 evaluations used in making grants under this
22 section; and

23 “(B) a list of the ratings of eligible recipi-
24 ents receiving a grant under this section based
25 on such metrics and evaluations.

1 “(h) FEDERAL SHARE.—

2 “(1) IN GENERAL.—The Federal share of the
3 cost of a project carried out under this section shall
4 not exceed 80 percent.

5 “(2) RESTRICTION ON GRANT AMOUNTS.—The
6 Secretary may make a grant for a project under this
7 section in an amount up to 150 percent of the
8 amount—

9 “(A) provided for such project under title
10 23; and

11 “(B) provided for such project from non-
12 Federal funds budgeted for roadways.

13 “(i) REQUIREMENTS OF SECTION 5307.—Except as
14 otherwise provided in this section, a grant under this sec-
15 tion shall be subject to the requirements of section 5307.

16 “(j) AVAILABILITY OF FUNDS.—

17 “(1) IN GENERAL.—Amounts made available to
18 carry out this section shall remain available for 4
19 fiscal years after the fiscal year for which the
20 amount was made available.

21 “(2) UNOBLIGATED AMOUNTS.—After the expi-
22 ration of the period described in paragraph (1) for
23 an amount made available to carry out this section,
24 any unobligated amounts made available to carry out

1 this section shall be added to the amounts made
2 available for the following fiscal year.

3 “(k) ELIGIBLE RECIPIENTS.—In this section, the
4 term ‘eligible recipient’ means a recipient of a grant under
5 section 5307 in an urbanized area with a population great-
6 er than 500,000.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 53 of title 49, United States Code, is amended by in-
9 serting after the item relating to section 5307 the fol-
10 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

11 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
12 **MULA.**

13 Section 5336 of title 49, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) in the matter preceding clause

19 (i) by striking “95.61 percent” and
20 inserting “95 percent”;

21 (II) in clause (i) by striking
22 “95.61 percent” and inserting “95
23 percent”; and

1 (III) in clause (ii) by striking
2 “95.61 percent” and inserting “95
3 percent”; 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
12 by”; and

13 (bb) by striking “vehicle
14 passenger miles traveled for each
15 dollar of operating cost in an
16 area” and inserting “vehicles op-
17 erating in peak revenue service
18 per hour in the highest 25 per-
19 cent of routes 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
24 by”; and

1 (bb) by striking “vehicle
2 passenger miles traveled for each
3 dollar of operating cost in all
4 areas” and inserting “vehicles
5 operating in peak revenue service
6 per hour in the highest 25 per-
7 cent of routes by ridership”; and

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

9 “(3) SPECIAL RULE.—For fiscal years 2023
10 and 2024, the 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
19 percent” and inserting “90 percent” each place
20 it 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; di-
8 vided 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
13 routes by ridership multiplied by the total num-
14 ber of buses operating in peak revenue service
15 per hour on the highest 25 percent of routes by
16 ridership in all areas.”; and

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

18 “(3) Two percent of the total amount appor-
19 tioned under this subsection shall be apportioned so
20 that each urbanized area with a population of at
21 least 200,000 and less than 500,000 is entitled to
22 receive an amount using the formula in paragraph
23 (1).

24 “(4) For fiscal years 2023 and 2024, the per-
25 centage—

1 “(A) in paragraph (1) in the matter pre-
2 ceding subparagraph (A) shall be treated as
3 100 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
8 0 percent.”; and

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

10 “(k) **PEAK REVENUE SERVICE DEFINED.**—In this
11 section, the term ‘peak revenue service’ means the time
12 period between the time in the morning that an agency
13 first exceeds the number of midday vehicles in revenue
14 service and the time in the evening that an agency falls
15 below the number 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
19 the following new section:

20 **“§ 5316. Mobility innovation**

21 “(a) **IN GENERAL.**—Amounts made available to a
22 covered recipient to carry out sections 5307, 5310, and
23 5311 may be used by such covered recipient under this
24 section 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 70 percent.

7 “(2) INSOURCING INCENTIVE.—Notwith-
8 standing paragraph (1), the Federal share of the net
9 cost of a project described in paragraph (1) shall, at
10 the request of the project sponsor, be increased by
11 up to 10 percent for mobility on demand service op-
12 erated exclusively by personnel employed by the re-
13 cipient.

14 “(3) ZERO EMISSION INCENTIVE.—Notwith-
15 standing paragraph (1), the Federal share of the net
16 cost of a project described in paragraph (1) shall, at
17 the request of the project sponsor, be increased by
18 up to 10 percent if such project involves an eligible
19 use that uses a vehicle that produces zero carbon di-
20 oxide or particulate matter.

21 “(c) ELIGIBLE USES.—

22 “(1) IN GENERAL.—The Secretary shall publish
23 guidance describing eligible activities that are dem-
24 onstrated to—

25 “(A) increase transit ridership;

1 “(B) be complementary to fixed route tran-
2 sit service;

3 “(C) demonstrate meaningful improve-
4 ments in—

5 “(i) environmental metrics, including
6 standards established pursuant to the
7 Clean Air Act (42 U.S.C. 7401 et seq.)
8 and greenhouse gas performance targets
9 established pursuant to section 150(d) of
10 title 23;

11 “(ii) traffic congestion;

12 “(iii) compliance with the require-
13 ments under the Americans with Disabil-
14 ities Act of 1990 (42 U.S.C. 12101 et
15 seq.);

16 “(iv) low-income service to increase
17 access to employment, healthcare, and
18 other essential services;

19 “(v) service during times of the day
20 when regular transit service is not oper-
21 ating, as long as regular transit service
22 hours are not reduced;

23 “(vi) new service that operates in
24 areas of lower density that are unserved or
25 underserved by regular transit service;

1 “(vii) rural service; and

2 “(viii) improvement in paratransit
3 service quality.

4 “(D) FARE COLLECTION MODERNIZA-
5 TION.—In developing guidance referred to in
6 this section, the Secretary shall ensure that—

7 “(i) all costs associated with install-
8 ing, modernizing, and managing fare col-
9 lection, including touchless payment sys-
10 tems, shall be considered eligible expenses
11 under this title and subject to the applica-
12 ble Federal share; and

13 “(ii) such guidance includes guidance
14 on how agencies shall provide unbanked
15 and underbanked users with an oppor-
16 tunity to benefit from mobility as a service
17 platforms.

18 “(2) PROHIBITION ON USE OF FUNDS.—
19 Amounts used by a covered recipient for projects eli-
20 gible under this section may not be used for—

21 “(A) single passenger vehicle miles (in a
22 passenger motor vehicle, as such term is de-
23 fined in section 32101, that carries less than 9
24 passengers), unless the trip—

1 “(i) meets the definition of public
2 transportation; and

3 “(ii) begins or completes a fixed route
4 public transportation trip;

5 “(B) deadhead vehicle miles; or

6 “(C) any service considered a taxi service
7 that operates under an exemption from testing
8 requirements under section 5331.

9 “(d) FEDERAL REQUIREMENTS.—A project carried
10 out under this section shall be treated as if such project
11 were carried out under the section from which the funds
12 were provided to carry out such project, including the ap-
13 plication of any additional requirements provided for by
14 law that apply to section 5307, 5310, or 5311, as applica-
15 ble.

16 “(e) WAIVER.—

17 “(1) INDIVIDUAL WAIVER.—Except as provided
18 in paragraphs (2) and (3), the Secretary may waive
19 any requirement applied to a project carried out
20 under this section pursuant to subsection (d) if the
21 Secretary determines that the project would—

22 “(A) not undermine labor standards;

23 “(B) increase employment opportunities of
24 the recipient unless the Secretary determines

1 that such a waiver does not affect employment
2 opportunities; and

3 “(C) be consistent with the public interest.

4 “(2) WAIVER UNDER OTHER SECTIONS.—The
5 Secretary may not waive any requirement under
6 paragraph (1) for which a waiver is otherwise avail-
7 able.

8 “(3) PROHIBITION OF WAIVER.—Notwith-
9 standing paragraph (1), the Secretary may not
10 waive any requirement of—

11 “(A) section 5333;

12 “(B) section 5331;

13 “(C) section 5302(14); and

14 “(D) chapter 53 that establishes a max-
15 imum Federal share for operating costs.

16 “(4) APPLICATION OF SECTION 5320.—Notwith-
17 standing paragraphs (1) and (2), the Secretary may
18 only waive the requirements of section 5320 with re-
19 spect to—

20 “(A) a passenger vehicle owned by an indi-
21 vidual;

22 “(B) subsection (q) of such section for any
23 passenger vehicle not owned by an individual
24 for the period beginning on the date of enact-

1 ment of this section and ending 3 years after
2 such date;

3 “(C) any shared micromobility device for
4 the period beginning on the date of enactment
5 of this section and ending on the date that is
6 3 years after such date; and

7 “(D) rolling stock that is part of a dedi-
8 cated fleet of vehicles for the provision of micro-
9 transit that is operated by, or exclusively on be-
10 half of, the covered recipient for the period be-
11 ginning on the date of enactment of this section
12 and ending on the date that is 3 years after
13 such date.

14 “(5) LIMITATION.—A waiver issued under sub-
15 paragraphs (B), (C), or (D) of paragraph (4) may
16 only be issued on an individual project basis at the
17 request of the covered recipient and may not be re-
18 newed or extended beyond the initial 3-year period
19 of the waiver.

20 “(f) OPEN DATA STANDARDS.—

21 “(1) IN GENERAL.—Not later than 90 days
22 after the date of enactment of this section, the Sec-
23 retary shall initiate procedures under subchapter III
24 of chapter 5 of title 5 to develop an open data stand-

1 ard and an application programming interface nec-
2 essary to carry out this section.

3 “(2) REGULATIONS.—The regulations required
4 under paragraph (1) shall require public transpor-
5 tation agencies, mobility on demand providers, mo-
6 bility as a service technology providers, other non-
7 government actors, and local governments the effi-
8 cient means to transfer data to—

9 “(A) foster the efficient use of transpor-
10 tation capacity;

11 “(B) enhance the management of new
12 modes of mobility;

13 “(C) enable the use of innovative planning
14 tools;

15 “(D) enable single payment systems for all
16 mobility on demand services;

17 “(E) establish metropolitan planning orga-
18 nization, State, and local government access to
19 anonymized data for transportation planning,
20 real time operations data, and rules;

21 “(F) prohibit the transfer of personally
22 identifiable information;

23 “(G) protect confidential business informa-
24 tion;

1 “(H) enhance cybersecurity protections;
2 and

3 “(I) allow data governance, including but
4 not limited to licensing and terms of informa-
5 tion sharing, periodic risk assessments, policies
6 regarding data retention and information han-
7 dling policies, and anonymization techniques.

8 “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—
9 Any data received by an entity under this subsection
10 may not be sold, leased, or otherwise used to gen-
11 erate profit, except for the direct provision of the re-
12 lated mobility on demand services and mobility as a
13 service.

14 “(4) COMMITTEE.—A negotiated rulemaking
15 committee established pursuant to section 565 of
16 title 5 to carry out this subsection shall have a max-
17 imum of 17 members limited to representatives of
18 the Department of Transportation, State and local
19 governments, metropolitan planning organizations,
20 urban and rural covered recipients, associations that
21 represent public transit agencies, representatives
22 from at least 3 different organizations engaged in
23 collective bargaining on behalf of transit workers in
24 not fewer than 3 States, mobility on demand pro-

1 viders, and mobility as a service technology pro-
2 viders.

3 “(5) PUBLICATION OF PROPOSED REGULA-
4 TIONS.—Proposed regulations to implement this sec-
5 tion shall be published in the Federal Register by
6 the Secretary not later than 18 months after such
7 date of enactment.

8 “(6) EXTENSION OF DEADLINES.—A deadline
9 set forth in paragraph (4) may be extended up to
10 180 days if the negotiated rulemaking committee re-
11 ferred to in paragraph (5) concludes that the com-
12 mittee cannot meet the deadline and the Secretary
13 so notifies the Committee on Transportation and In-
14 frastructure of the House of Representatives and the
15 Committee on Banking, Housing, and Urban Affairs
16 of the Senate.

17 “(g) APPLICATION OF RECIPIENT VEHICLE REV-
18 ENUE MILES.—With respect to vehicle revenue miles with
19 one passenger of a covered recipient using amounts under
20 this section, such miles—

21 “(1) shall be included in the National Transit
22 Database under section 5335; and

23 “(2) shall be excluded from vehicle revenue
24 miles data used in the calculation described in sec-
25 tion 5336.

1 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
2 section (g) shall not apply to any eligible activities under
3 this section if such activities are—

4 “(1) being carried out in compliance with the
5 Americans with Disabilities Act of 1990 (42 U.S.C.
6 12101 et seq.); or

7 “(2) projects eligible under section 5310 that
8 exceed the requirements of the Americans with Dis-
9 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

10 “(i) DEFINITIONS.—In this section:

11 “(1) COVERED RECIPIENT.—The term ‘covered
12 recipient’ means a State or local government entity,
13 private nonprofit organization, or Tribe that—

14 “(A) operates a public transportation serv-
15 ice; and

16 “(B) is a recipient or subrecipient of funds
17 under section 5307, 5310, or 5311.

18 “(2) DEADHEAD VEHICLE MILES.—The term
19 ‘deadhead vehicle miles’ means the miles that a vehi-
20 cle travels when out of revenue service, including
21 leaving or returning to the garage or yard facility,
22 changing routes, when there is no expectation of car-
23 rying revenue passengers, and any miles traveled by
24 a private operator without a passenger.

1 “(3) MOBILITY AS A SERVICE.—The term ‘mo-
2 bility as a service’ means services that constitute the
3 integration of mobility on demand services and pub-
4 lic transportation that are available and accessible to
5 all travelers, provide multimodal trip planning, and
6 a unified payment system.

7 “(4) MOBILITY ON DEMAND.—The term ‘mobil-
8 ity on demand’ means an on-demand transportation
9 service shared among individuals, either concurrently
10 or one after another.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 53 of title 49, United States Code, is amended by in-
13 serting after the item relating to section 5315 the fol-
14 lowing new item:

 “5316. Mobility innovation.”.

15 (c) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall take effect on the date
17 on which the Secretary of Transportation has finalized
18 both—

19 (1) the guidance required under section 5316(c)
20 of title 49, United States Code; and

21 (2) the regulations required under section
22 5316(f) of title 49, United States Code.

23 (d) SAVINGS CLAUSE.—Nothing in this section, or
24 the amendments made by this section, shall prohibit the
25 use of funds for an eligible activity or pilot project of a

1 covered recipient authorized under the law in effect on the
2 day before the date of enactment of this Act before the
3 effective date described in subsection (c).

4 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

5 Section 5311 of title 49, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2) by adding at the end
9 the following:

10 “(D) CENSUS DESIGNATION.—The Sec-
11 retary may approve a State program that allo-
12 cates not more than 5 percent of such State’s
13 apportionment to assist rural areas that were
14 redesignated as urban areas not more than 2
15 fiscal years after the last census designation of
16 urbanized area boundaries.”; and

17 (B) in paragraph (3) by striking “section
18 5338(a)(2)(F)” and inserting “section
19 5338(a)(2)(E)”;

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-
23 graph (A) by striking “section
24 5338(a)(2)(F)” and inserting “section
25 5338(a)(2)(E)”;

1 (ii) in subparagraph (A) by striking
2 “\$5,000,000” and inserting
3 “\$10,000,000”; and

4 (iii) in subparagraph (B) by striking
5 “\$30,000,000” and inserting “the amount
6 remaining under section 5338(a)(2)(E)(i)
7 after the amount under subparagraph (A)
8 is distributed”;

9 (B) in paragraph (2)(C) by striking “sec-
10 tion 5338(a)(2)(F)” and inserting “section
11 5338(a)(2)(E)”; and

12 (C) in paragraph (3)—

13 (i) in subparagraph (A) by striking
14 “section 5338(a)(2)(F)” and inserting
15 “section 5338(a)(2)(E)”; and

16 (ii) by striking subparagraphs (B) and
17 (C) and inserting the following:

18 “(B) LAND AREA.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), each State shall receive an amount
21 that is equal to 15 percent of the amount
22 apportioned under this paragraph, multi-
23 plied by the ratio of the land area in rural
24 areas in that State and divided by the land
25 area in all rural areas in the United

1 States, as shown by the most recent decen-
2 nial census of population.

3 “(ii) MAXIMUM APPORTIONMENT.—

4 No State shall receive more than 5 percent
5 of the amount apportioned under clause
6 (i).

7 “(C) POPULATION.—Each State shall re-
8 ceive an amount equal to 50 percent of the
9 amount apportioned under this paragraph, mul-
10 tiplied by the ratio of the population of rural
11 areas in that State and divided by the popu-
12 lation of all rural areas in the United States, as
13 shown by the most recent decennial census of
14 population.

15 “(D) VEHICLE REVENUE MILES.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), each State shall receive an amount
18 that is equal to 25 percent of the amount
19 apportioned under this paragraph, multi-
20 plied by the ratio of vehicle revenue miles
21 in rural areas in that State and divided by
22 the vehicle revenue miles in all rural areas
23 in the United States, as determined by na-
24 tional transit database reporting.

1 “(ii) MAXIMUM APPORTIONMENT.—
2 No State shall receive more than 5 percent
3 of the amount apportioned under clause
4 (i).

5 “(E) LOW-INCOME INDIVIDUALS.—Each
6 State shall receive an amount that is equal to
7 10 percent of the amount apportioned under
8 this paragraph, multiplied by the ratio of low-
9 income individuals in rural areas in that State
10 and divided by the number of low-income indi-
11 viduals in all rural areas in the United States,
12 as shown by the Bureau of the Census.”;

13 (3) in subsection (f)—

14 (A) in paragraph (1) by inserting “A State
15 may expend funds to continue service into an-
16 other State to extend a route.” before “Eligible
17 activities under”; and

18 (B) in paragraph (2) by inserting “and
19 makes the certification and supporting docu-
20 ments publicly available” before the period at
21 the end; and

22 (4) in subsection (g) by adding at the end the
23 following:

24 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

1 “(A) APPLICABLE REGULATIONS.—For
2 any funds provided by a department or agency
3 of the Government under paragraph (3)(D) or
4 by a service agreement under paragraph (3)(C),
5 and such department or agency has regulations
6 in place that provide for the valuation of volun-
7 teer hours as allowable in-kind contributions to-
8 ward the non-Federal share of project costs,
9 such regulations shall be used to determine the
10 allowable valuation of volunteer hours as an in-
11 kind contribution toward the non-Federal re-
12 mainder of net project costs for a transit
13 project funded under this section.

14 “(B) LIMITATIONS.—Subparagraph (A)
15 shall not apply to the provision of fixed-route
16 bus services funded under this section.”.

17 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

18 Section 5310 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(j) ONE-STOP PARATRANSIT PROGRAM.—

21 “(1) IN GENERAL.—Not later than 6 months
22 after the date of enactment of this subsection, the
23 Secretary shall establish a one-stop paratransit com-
24 petitive grant program to encourage an extra stop in
25 non-fixed route Americans with Disabilities Act of

1 1990 (42 U.S.C. 12101 et seq.) service for a para-
2 transit rider to complete essential tasks.

3 “(2) PREFERENCE.—The Secretary shall give
4 preference to eligible recipients that—

5 “(A) have comparable data for the year
6 prior to implementation of the grant program
7 and made available to the Secretary, academic
8 and nonprofit organizations for research pur-
9 poses; and

10 “(B) plan to use agency personnel to im-
11 plement the pilot program.

12 “(3) APPLICATION CRITERIA.—To be eligible to
13 participate in the grant program, an eligible recipi-
14 ent shall submit to the Secretary an application con-
15 taining such information as the Secretary may re-
16 quire, including information on—

17 “(A) locations the eligible entity intends to
18 allow a stop at, if stops are limited, including—

19 “(i) childcare or education facilities;

20 “(ii) pharmacies;

21 “(iii) grocery stores; and

22 “(iv) bank or ATM locations;

23 “(B) methodology for informing the public
24 of the grant program;

1 “(C) vehicles, personnel, and other re-
2 sources that will be used to implement the
3 grant program;

4 “(D) if the applicant does not intend the
5 grant program to apply to the full area under
6 the jurisdiction of the applicant, a description
7 of the geographic area in which the applicant
8 intends the grant program to apply; and

9 “(E) the anticipated amount of increased
10 operating costs.

11 “(4) SELECTION.—The Secretary shall seek to
12 achieve diversity of participants in the grant pro-
13 gram by selecting a range of eligible entities that in-
14 cludes at least—

15 “(A) 5 eligible recipients that serve an
16 area with a population of 50,000 to 200,000;

17 “(B) 10 eligible recipients that serve an
18 area with a population of over 200,000; and

19 “(C) 5 eligible recipients that provide
20 transportation for rural communities.

21 “(5) DATA-SHARING CRITERIA.—An eligible re-
22 cipient in this subsection shall provide data as the
23 Secretary requires, which may include—

24 “(A) number of ADA paratransit trips
25 conducted each year;

1 “(B) requested time of each paratransit
2 trip;

3 “(C) scheduled time of each paratransit
4 trip;

5 “(D) actual pickup time for each para-
6 transit trip;

7 “(E) average length of a stop in the middle
8 of a ride as allowed by this subsection;

9 “(F) any complaints received by a para-
10 transit rider;

11 “(G) rider satisfaction with paratransit
12 services; and

13 “(H) after the completion of the grant, an
14 assessment by the eligible recipient of its capac-
15 ity to continue a one-stop program independ-
16 ently.

17 “(6) REPORT.—

18 “(A) IN GENERAL.—The Secretary shall
19 make publicly available an annual report on the
20 program carried out under this subsection for
21 each fiscal year, not later than December 31 of
22 the calendar year in which such fiscal year
23 ends.

24 “(B) CONTENTS.—The report required
25 under subparagraph (A) shall include a detailed

1 description of the activities carried out under
2 the program, and an evaluation of the program,
3 including an evaluation of the data shared by
4 eligible recipients under paragraph (5).”.

5 **Subtitle C—Buy America and** 6 **Other Procurement Reforms**

7 **SEC. 2301. BUY AMERICA.**

8 (a) BUY AMERICA.—

9 (1) IN GENERAL.—Chapter 53 of title 49,
10 United States Code, is amended by inserting before
11 section 5321 the following:

12 **“§ 5320. Buy America**

13 “(a) IN GENERAL.—The Secretary may obligate an
14 amount that may be appropriated to carry out this chapter
15 for a project only if the steel, iron, and manufactured
16 goods used in the project are produced in the United
17 States.

18 “(b) WAIVER.—The Secretary may waive subsection
19 (a) if the Secretary finds that—

20 “(1) applying subsection (a) would be incon-
21 sistent with the public interest;

22 “(2) the steel, iron, and goods produced in the
23 United States are not produced in a sufficient and
24 reasonably available amount or are not of a satisfac-
25 tory quality;

1 “(3) when procuring rolling stock (including
2 train control, communication, traction power equip-
3 ment, and rolling stock prototypes) under this chap-
4 ter—

5 “(A) the cost of components and sub-
6 components produced in the United States is
7 more than 70 percent of the cost of all compo-
8 nents of the rolling stock; and

9 “(B) final assembly of the rolling stock has
10 occurred in the United States; or

11 “(4) including domestic material will increase
12 the cost of the overall project by more than 25 per-
13 cent.

14 “(c) WRITTEN WAIVER DETERMINATION AND AN-
15 NUAL REPORT.—

16 “(1) WAIVER PROCEDURE.—Not later than 120
17 days after the submission of a request for a waiver,
18 the Secretary shall make a determination under sub-
19 section (b)(1), (b)(2), or (b)(4) as to whether to
20 waive subsection (a).

21 “(2) PUBLIC NOTIFICATION AND COMMENT.—

22 “(A) IN GENERAL.—Not later than 30
23 days before making a determination regarding a
24 waiver described in paragraph (1), the Sec-
25 retary shall provide notification and an oppor-

1 tunity for public comment on the request for
2 such waiver.

3 “(B) NOTIFICATION REQUIREMENTS.—The
4 notification required under subparagraph (A)
5 shall—

6 “(i) describe whether the application
7 is being made for a waiver described in
8 subsection (b)(1), (b)(2) or (b)(4); and

9 “(ii) be provided to the public by elec-
10 tronic means, including on a public website
11 of the Department of Transportation.

12 “(3) DETERMINATION.—Before a determination
13 described in paragraph (1) takes effect, the Sec-
14 retary shall publish a detailed justification for such
15 determination that addresses all public comments re-
16 ceived under paragraph (2)—

17 “(A) on the public website of the Depart-
18 ment of Transportation; and

19 “(B) if the Secretary issues a waiver with
20 respect to such determination, in the Federal
21 Register.

22 “(4) ANNUAL REPORT.—Annually, the Sec-
23 retary shall submit to the Committee on Banking,
24 Housing, and Urban Affairs of the Senate and the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives a report listing any
2 waiver issued under paragraph (1) during the pre-
3 ceding year.

4 “(d) ROLLING STOCK WAIVER CONDITIONS.—

5 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
6 this section, highly skilled labor costs involved in
7 final assembly shall be included as a separate com-
8 ponent in the cost of components and subcompo-
9 nents under subsection (b)(3)(A).

10 “(2) HIGH DOMESTIC CONTENT COMPONENT
11 BONUS.—In this section, in calculating the domestic
12 content of the rolling stock under subsection
13 (b)(3)(A), the percent, rounded to the nearest whole
14 number, of the domestic content in components of
15 such rolling stock, weighted by cost, shall be used in
16 calculating the domestic content of the rolling stock,
17 except—

18 “(A) with respect to components that ex-
19 ceed—

20 “(i) 70 percent domestic content, the
21 Secretary shall add 10 additional percent
22 to the component’s domestic content when
23 calculating the domestic content of the
24 rolling stock; and

1 “(ii) 75 percent domestic content, the
2 Secretary shall add 15 additional percent
3 to the component’s domestic content when
4 calculating the domestic content of the
5 rolling stock; and

6 “(B) in no case may a component exceed
7 100 percent domestic content when calculating
8 the domestic content of the rolling stock.

9 “(3) ROLLING STOCK FRAMES OR CAR
10 SHELLS.—

11 “(A) INCLUSION OF COSTS.—Subject to
12 the substantiation requirement of subparagraph
13 (B), in calculating the cost of the domestic con-
14 tent of the rolling stock under subsection
15 (b)(3), in the case of a rolling stock procure-
16 ment receiving assistance under this chapter in
17 which the average cost of a rolling stock vehicle
18 in the procurement is more than \$300,000, if
19 rolling stock frames or car shells are not pro-
20 duced in the United States, the Secretary shall
21 include in the calculation of the domestic con-
22 tent of the rolling stock the cost of the steel or
23 iron that is produced in the United States and
24 used in the rolling stock frames or car shells.

1 “(B) SUBSTANTIATION.—If a rolling stock
2 vehicle manufacturer wishes to include in the
3 calculation of the vehicle’s domestic content the
4 cost of steel or iron produced in the United
5 States and used in the rolling stock frames and
6 car shells that are not produced in the United
7 States, the manufacturer shall maintain and
8 provide upon request a mill certification that
9 substantiates the origin of the steel or iron.

10 “(4) TREATMENT OF WAIVED COMPONENTS
11 AND SUBCOMPONENTS.—In this section, a compo-
12 nent or subcomponent waived under subsection (b)
13 shall be excluded from any part of the calculation re-
14 quired under subsection (b)(3)(A).

15 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
16 TERY CELL INCENTIVE.—The Secretary shall add
17 2.5 percent to the total domestic content when calcu-
18 lating the domestic content of the rolling stock for
19 any zero-emission vehicle that uses only battery cells
20 for propulsion that are manufactured domestically.

21 “(6) PROHIBITION ON DOUBLE COUNTING.—

22 “(A) IN GENERAL.—No labor costs in-
23 cluded in the cost of a component or subcompo-
24 nent by the manufacturer of rolling stock may

1 be treated as rolling stock assembly costs for
2 purposes of calculating domestic content.

3 “(B) VIOLATION.—A violation of this para-
4 graph shall be treated as a false claim under
5 subchapter III of chapter 37 of title 31.

6 “(7) DEFINITION OF HIGHLY SKILLED LABOR
7 COSTS.—In this subsection, the term ‘highly skilled
8 labor costs’—

9 “(A) means the apportioned value of direct
10 wage compensation associated with final assem-
11 bly activities of workers directly employed by a
12 rolling stock original equipment manufacturer
13 and directly associated with the final assembly
14 activities of a rolling stock vehicle that advance
15 the value or improve the condition of the end
16 product;

17 “(B) does not include any temporary or in-
18 direct activities or those hired via a third-party
19 contractor or subcontractor;

20 “(C) are limited to metalworking, fabrica-
21 tion, welding, electrical, engineering, and other
22 technical activities requiring training;

23 “(D) are not otherwise associated with ac-
24 tivities required under section 661.11 of title
25 49, Code of Federal Regulations; and

1 “(E) includes only activities performed in
2 the United States and does not include that of
3 foreign nationals providing assistance at a
4 United States manufacturing facility.

5 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
6 DISCLOSURE.—

7 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
8 the Secretary denies an application for a waiver
9 under subsection (b)(2), the Secretary shall provide
10 to the applicant a written certification that—

11 “(A) the steel, iron, or manufactured
12 goods, as applicable, (referred to in this para-
13 graph as the ‘item’) is produced in the United
14 States in a sufficient and reasonably available
15 amount;

16 “(B) the item produced in the United
17 States is of a satisfactory quality; and

18 “(C) includes a list of known manufactur-
19 ers in the United States from which the item
20 can be obtained.

21 “(2) DISCLOSURE.—The Secretary shall dis-
22 close the waiver denial and the written certification
23 to the public in the manner described in subsection
24 (c).

1 “(f) WAIVER PROHIBITED.—The Secretary may not
2 make a waiver under subsection (b) for goods produced
3 in a foreign country if the Secretary, in consultation with
4 the United States Trade Representative, decides that the
5 government of that foreign country—

6 “(1) has an agreement with the United States
7 Government under which the Secretary has waived
8 the requirement of this section; and

9 “(2) has violated the agreement by discrimi-
10 nating against goods to which this section applies
11 that are produced in the United States and to which
12 the agreement applies.

13 “(g) PENALTY FOR MISLABELING AND MISREPRE-
14 SENTATION.—A person is ineligible under subpart 9.4 of
15 the Federal Acquisition Regulation, or any successor
16 thereto, to receive a contract or subcontract made with
17 amounts authorized under title II of division B of the IN-
18 VEST in America Act if a court or department, agency,
19 or instrumentality of the Government decides the person
20 intentionally—

21 “(1) affixed a ‘Made in America’ label, or a
22 label with an inscription having the same meaning,
23 to goods sold in or shipped to the United States that
24 are used in a project to which this section applies
25 but not produced in the United States; or

1 “(2) represented that goods described in para-
2 graph (1) were produced in the United States.

3 “(h) STATE REQUIREMENTS.—The Secretary may
4 not impose any limitation on assistance provided under
5 this chapter that restricts a State from imposing more
6 stringent requirements than this subsection on the use of
7 articles, materials, and supplies mined, produced, or man-
8 ufactured in foreign countries in projects carried out with
9 that assistance or restricts a recipient of that assistance
10 from complying with those State-imposed requirements.

11 “(i) OPPORTUNITY TO CORRECT INADVERTENT
12 ERROR.—The Secretary may allow a manufacturer or
13 supplier of steel, iron, or manufactured goods to correct
14 after bid opening any certification of noncompliance or
15 failure to properly complete the certification (but not in-
16 cluding failure to sign the certification) under this sub-
17 section if such manufacturer or supplier attests under pen-
18 alty of perjury that such manufacturer or supplier sub-
19 mitted an incorrect certification as a result of an inad-
20 vertent or clerical error. The burden of establishing inad-
21 vertent or clerical error is on the manufacturer or supplier.

22 “(j) ADMINISTRATIVE REVIEW.—A party adversely
23 affected by an agency action under this subsection shall
24 have the right to seek review under section 702 of title
25 5.

1 “(k) STEEL AND IRON.—For purposes of this section,
2 steel and iron meeting the requirements of section
3 661.5(b) of title 49, Code of Federal Regulations, may be
4 considered produced in the United States.

5 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
6 poses of determining whether a purchase qualifies for a
7 general public interest waiver under subsection (b)(1), in-
8 cluding under any regulation promulgated under such sub-
9 section, the term ‘small purchase’ means a purchase of
10 not more than \$150,000.

11 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
12 ROLLING STOCK PURCHASES.—

13 “(1) IN GENERAL.—The Secretary shall pre-
14 scribe regulations requiring a preaward and
15 postdelivery certification of a rolling stock vehicle
16 that meets the requirements of this section and Gov-
17 ernment motor vehicle safety requirements to be eli-
18 gible for a grant under this chapter. For compliance
19 with this section—

20 “(A) Federal inspections and review are
21 required;

22 “(B) a manufacturer certification is not
23 sufficient; and

24 “(C) a rolling stock vehicle that has been
25 certified by the Secretary remains certified until

1 the manufacturer makes a material change to
2 the vehicle, or adjusts the cost of all compo-
3 nents of the rolling stock, that reduces, by more
4 than half, the percentage of domestic content
5 above 70 percent.

6 “(2) CERTIFICATION OF PERCENTAGE.—

7 “(A) IN GENERAL.—The Secretary may, at
8 the request of a component or subcomponent
9 manufacturer, certify the percentage of domes-
10 tic content and place of manufacturing for a
11 component or subcomponent.

12 “(B) PERIOD OF CERTIFICATION.—Any
13 component or subcomponent certified by the
14 Secretary shall remain certified until the manu-
15 facturer makes a material change to the domes-
16 tic content or the place of manufacturing of
17 such component or subcomponent.

18 “(3) FREEDOM OF INFORMATION ACT.—In car-
19 rying out this subsection, the Secretary shall apply
20 the provisions of section 552 of title 5, including
21 subsection (b)(4) of such section.

22 “(4) NONCOMPLIANCE.—The Secretary shall
23 prohibit recipients from procuring rolling stock, com-
24 ponents, or subcomponents from a supplier that in-

1 tentiously provides false information to comply with
2 this subsection.

3 “(n) SCOPE.—The requirements of this section apply
4 to all contracts for a public transportation project carried
5 out within the scope of the applicable finding, determina-
6 tion, or decision under the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
8 funding source of such contracts, if at least one contract
9 for the public transportation project is funded with
10 amounts made available to carry out this chapter.

11 “(o) BUY AMERICA CONFORMITY.—The Secretary
12 shall ensure that all Federal funds for new commuter rail
13 projects shall comply with this section and shall not be
14 subject to section 22905(a).

15 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
16 AND ABUSE.—

17 “(1) IN GENERAL.—The Inspector General of
18 the Department of Transportation shall conduct an
19 annual audit on certifications under subsection (m)
20 regarding compliance with Buy America.

21 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
22 The Secretary shall display a ‘Report Fraud, Waste,
23 and Abuse’ button and link to Department of Trans-
24 portation’s Office of Inspector General Hotline on

1 the Federal Transit Administration’s Buy America
2 landing page.

3 “(3) CONTRACT REQUIREMENT.—The Secretary
4 shall require all recipients who enter into contracts
5 to purchase rolling stock with funds provided under
6 this chapter to include in such contract information
7 on how to contact the Department of Transpor-
8 tation’s Office of Inspector General Hotline to report
9 suspicions of fraud, waste, and abuse.

10 “(q) PASSENGER MOTOR VEHICLES.—

11 “(1) IN GENERAL.—Any domestically manufac-
12 tured passenger motor vehicle shall be considered to
13 be produced in the United States under this section.

14 “(2) DOMESTICALLY MANUFACTURED PAS-
15 Senger Motor Vehicle.—In this subsection, the
16 term ‘domestically manufactured passenger motor
17 vehicle’ means any passenger motor vehicle, as such
18 term is defined in section 32304(a) that—

19 “(A) has under section 32304(b)(1)(B) its
20 final assembly place in the United States; and

21 “(B) the percentage (by value) of pas-
22 senger motor equipment under section
23 32304(b)(1)(A) equals or exceeds 60 percent
24 value added.

1 “(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-
2 NENTS.—No bus shell, railcar frame, or other component
3 or subcomponent that is primarily made of steel or iron
4 shall be treated as produced in the United States for pur-
5 poses of subsection (b)(3) or determined to be of domestic
6 origin under section 661.11 of title 49, Code of Federal
7 Regulations, if the material inputs of such component or
8 subcomponent were imported into the United States and
9 the processes performed in the United States on the im-
10 ported articles would not result in a change in the article’s
11 classification to chapter 86 or 87 of the Harmonized Tar-
12 iff Schedule of the United States from another chapter
13 or a new heading of any chapter from the heading under
14 which the article was classified upon entry.

15 “(s) TREATMENT OF STEEL AND IRON COMPONENTS
16 AS PRODUCED IN THE UNITED STATES.—Notwith-
17 standing any other provision of any law or any rule, regu-
18 lation, or policy of the Federal Transit Administration,
19 steel and iron components of a system, as defined in sec-
20 tion 661.3 of title 49, Code of Federal Regulations, and
21 of manufactured end products referred to in Appendix A
22 of such section, may not be considered to be produced in
23 the United States unless such components meet the re-
24 quirements of section 661.5(b) of title 49, Code of Federal
25 Regulations.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 53 of title 49, United States Code, is
3 amended by inserting before the item relating to sec-
4 tion 5321 the following:

“5320. Buy America.”.

5 (3) CONFORMING AMENDMENTS.—

6 (A) TECHNICAL ASSISTANCE AND WORK-
7 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)
8 of title 49, United States Code, is amended by
9 striking “sections 5323(j) and 5323(m)” and
10 inserting “section 5320”.

11 (B) URBANIZED AREA FORMULA
12 GRANTS.—Section 5307(c)(1)(E) of title 49,
13 United States Code, is amended by inserting “,
14 5320,” after “5323”.

15 (C) INNOVATIVE PROCUREMENT.—Section
16 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
17 5325 note) is amended by striking “5323(j)”
18 and inserting “5320”.

19 (b) BUS ROLLING STOCK.—Not later than 18
20 months after the date of enactment of this Act, the Sec-
21 retary of Transportation shall issue such regulations as
22 are necessary to revise Appendix B and Appendix D of
23 section 661.11 of title 49, Code of Federal Regulations,
24 with respect to bus rolling stock to maximize job creation

1 and align such section with modern manufacturing tech-
2 niques.

3 (c) RAIL ROLLING STOCK.—Not later than 30
4 months after the date of enactment of this Act, the Sec-
5 retary shall issue such regulations as are necessary to re-
6 vise subsections (t), (u), and (v) of section 661.11 of title
7 49, Code of Federal Regulations, with respect to rail roll-
8 ing stock to maximize job creation and align such section
9 with modern manufacturing techniques.

10 (d) RULE OF APPLICABILITY.—

11 (1) IN GENERAL.—Except as otherwise pro-
12 vided in this subsection, the amendments made by
13 this section shall apply to any contract entered into
14 on or after the date of enactment of this Act.

15 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
16 VISIONS.—Contracts described in paragraph (1)
17 shall be subject to the following delayed applicability
18 requirements:

19 (A) Section 5320(m)(2) shall apply to con-
20 tracts entered into on or after the date that is
21 30 days after the date of enactment of this Act.

22 (B) Notwithstanding subparagraph (A),
23 section 5320(m) shall apply to contracts for the
24 procurement of bus rolling stock beginning on
25 the earlier of—

1 (i) 180 days after the date on which
2 final regulations are issued pursuant to
3 subsection (b); or

4 (ii) the date that is 1 year after the
5 date of enactment of this Act.

6 (C) Notwithstanding subparagraph (A),
7 section 5320(m) shall apply to contracts for the
8 procurement of rail rolling stock beginning on
9 the earlier of—

10 (i) 180 days after the date on which
11 final regulations are issued pursuant to
12 subsection (c); or

13 (ii) the date that is 2 years after the
14 date of enactment of this Act.

15 (D) Section 5320(p)(1) shall apply on the
16 date that is 1 year after the latest of the appli-
17 cation dates described in subparagraphs (A)
18 through (C).

19 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—
20 For any contract described in paragraph (1) for
21 which the delivery for the first production vehicle oc-
22 curs before October 1, 2024, paragraphs (1) and (4)
23 of section 5320(d) shall not apply.

24 (4) SPECIAL RULE FOR BATTERY CELL INCEN-
25 TIVES.—For any contract described in paragraph

1 (1) for which the delivery for the first production ve-
2 hicle occurs before October 1, 2023, section
3 5320(d)(5) shall not apply.

4 (5) APPLICATION OF EXISTING LAW.—During
5 any periods described in this subsection, the Sec-
6 retary shall apply the requirements of sections
7 5323(j) and 5323(m) of title 49, United States
8 Code, as in effect on the day before the date of en-
9 actment of this Act, as applicable.

10 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—

11 (1) IN GENERAL.—For the calculation of the
12 percent of domestic content calculated under section
13 5320(d)(2) for a contract for rolling stock entered
14 into on or after October 1, 2021—

15 (A) if the delivery of the first production
16 vehicle occurs in fiscal year 2023 or fiscal year
17 2024, for components that exceed 70 percent
18 domestic content, the Secretary shall add 20
19 additional percent to the component’s domestic
20 content; and

21 (B) if the delivery of the first production
22 vehicle occurs in fiscal year 2025 or fiscal year
23 2026—

24 (i) for components that exceed 70 per-
25 cent but do not exceed 75 percent domestic

1 content, the Secretary shall add 15 addi-
2 tional percent to the component's domestic
3 content; or

4 (ii) for components that exceed 75
5 percent domestic content, the Secretary
6 shall add 20 additional percent to the com-
7 ponent's domestic content.

8 (2) CONTRACTS AFTER OCTOBER 1, 2021.—For
9 the calculation of the percent of domestic content
10 calculated under section 5320(d)(2) for a contract
11 for rolling stock entered into on or after October 1,
12 2021 for a vehicle described in section
13 5339(e)(1)(D), and notwithstanding subsection
14 (e)(1), if the delivery of the first production vehicle
15 occurs in fiscal year 2023 or 2024, for components
16 that exceed 70 percent domestic content, the Sec-
17 retary shall add 30 additional percent to the compo-
18 nent's domestic content.

19 (3) BATTERY CELLS.—Paragraph (1) and para-
20 graph (2) of this subsection shall not apply to any
21 contract for rolling stock if the manufacturer of the
22 rolling stock or the manufacturer of the battery cells
23 used for propulsion of the rolling stock is an entity
24 described in 49 USC 5323(u)(1) and (u)(2).

1 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

2 Section 5323 of title 49, United States Code, as is
3 amended by adding at the end the following:

4 “(x) BUS PROCUREMENT STREAMLINING.—

5 “(1) IN GENERAL.—The Secretary may only ob-
6 ligate amounts for acquisition of buses under this
7 chapter to a recipient that issues a request for pro-
8 posals for an open market procurement that meets
9 the following criteria:

10 “(A) Such request for proposals is limited
11 to performance specifications, except for compo-
12 nents or subcomponents identified in the nego-
13 tiated rulemaking carried out pursuant to this
14 subsection.

15 “(B) Such request for proposals does not
16 seek any alternative design or manufacture
17 specification of a bus offered by a manufac-
18 turer, except to require a component or sub-
19 component identified in the negotiated rule-
20 making carried out pursuant to this subsection.

21 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
22 RULEMAKING.—

23 “(A) INITIATION.—Not later than 120
24 days after the date of enactment of the IN-
25 VEST in America Act, the Secretary shall ini-
26 tiate procedures under subchapter III of chap-

1 ter 5 of title 5 to negotiate and issue such regu-
2 lations as are necessary to establish as limited
3 a list as is practicable of bus components and
4 subcomponents described in subparagraph (B).

5 “(B) LIST OF COMPONENTS.—The regula-
6 tions required under subparagraph (A) shall es-
7 tablish a list of bus components and subcompo-
8 nents that may be specified in a request for
9 proposals described in paragraph (1) by a re-
10 cipient. The Secretary shall ensure the list is
11 limited in scope and limited to only components
12 and subcomponents that cannot be selected with
13 performance specifications to ensure interoper-
14 ability.

15 “(C) PUBLICATION OF PROPOSED REGULA-
16 TIONS.—Proposed regulations to implement this
17 section shall be published in the Federal Reg-
18 ister by the Secretary not later than 18 months
19 after such date of enactment.

20 “(D) COMMITTEE.—A negotiated rule-
21 making committee established pursuant to sec-
22 tion 565 of title 5 to carry out this paragraph
23 shall have a maximum of 11 members limited
24 to representatives of the Department of Trans-
25 portation, urban and rural recipients (including

1 State government recipients), and transit vehi-
2 cle manufacturers.

3 “(E) EXTENSION OF DEADLINES.—A
4 deadline set forth in subparagraph (C) may be
5 extended up to 180 days if the negotiated rule-
6 making committee referred to in subparagraph
7 (D) concludes that the committee cannot meet
8 the deadline and the Secretary so notifies the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the
11 Committee on Banking, Housing, and Urban
12 Affairs of the Senate.

13 “(3) SAVINGS CLAUSE.—Nothing in this section
14 shall be construed to provide additional authority for
15 the Secretary to restrict what a bus manufacturer
16 offers to sell to a public transportation agency.”.

17 **SEC. 2303. BUS TESTING FACILITY.**

18 Section 5318 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(f) TESTING SCHEDULE.—The Secretary shall—

21 “(1) determine eligibility of a bus manufactur-
22 er’s request for testing within 10 business days; and

23 “(2) make publicly available the current backlog
24 (in months) to begin testing a new bus at the bus
25 testing facility.”.

1 **SEC. 2304. REPAYMENT REQUIREMENT.**

2 (a) IN GENERAL.—A transit agency shall repay into
3 the general fund of the Treasury any funds received from
4 the Federal Transit Administration under section 3401 of
5 the American Rescue Plan Act of 2021 (Public Law 117–
6 2) if the funds were used to award a contract or sub-
7 contract to an entity for the procurement of rolling stock
8 for use in public transportation if the manufacturer of the
9 rolling stock—

10 (1) is incorporated in or has manufacturing fa-
11 cilities in the United States; and

12 (2) is owned or controlled by, is a subsidiary of,
13 or is otherwise related legally or financially to a cor-
14 poration based in a country that—

15 (A) is identified as a nonmarket economy
16 country (as defined in section 771(18) of the
17 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
18 the date of enactment of this subsection;

19 (B) was identified by the United States
20 Trade Representative in the most recent report
21 required by section 182 of the Trade Act of
22 1974 (19 U.S.C. 2242) as a priority foreign
23 country under subsection (a)(2) of that section;
24 and

1 (C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416).

4 (b) CERTIFICATION.—Not later than 60 days after
5 the date of enactment of this section, a transit agency that
6 received funds pursuant to the laws specified in subsection
7 (a) shall certify that the agency has not and shall not use
8 such funds to purchase rolling stock described in sub-
9 section (a).

10 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
11 **A MAJOR DISASTER.**

12 (a) IN GENERAL.—Section 5323 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(y) URBANIZED AREAS FOLLOWING A MAJOR DIS-
16 ASTER.—

17 “(1) DEFINED TERM.—In this subsection, the
18 term ‘decennial census date’ has the meaning given
19 the term in section 141(a) of title 13.

20 “(2) URBANIZED AREA MAJOR DISASTER POPU-
21 LATION CRITERIA.—Notwithstanding section 5302,
22 for purposes of this chapter, the Secretary shall
23 treat an area as an urbanized area for the period de-
24 scribed in paragraph (3) if—

1 “(A) a major disaster was declared by the
2 President under section 401 of the Robert T.
3 Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5170) for the area during
5 the 3-year period preceding the decennial cen-
6 sus date for the 2010 decennial census or for
7 any subsequent decennial census;

8 “(B) the area was defined and designated
9 as an ‘urbanized area’ by the Secretary of Com-
10 merce in the decennial census immediately pre-
11 ceding the major disaster described in subpara-
12 graph (A); and

13 “(C) the population of the area fell below
14 50,000 as a result of the major disaster de-
15 scribed in subparagraph (A).

16 “(3) COVERED PERIOD.—The Secretary shall
17 treat an area as an urbanized area under paragraph
18 (2) during the period—

19 “(A) beginning on—

20 “(i) in the case of a major disaster de-
21 scribed in paragraph (2)(A) that occurred
22 during the 3-year period preceding the de-
23 cennial census date for the 2010 decennial
24 census, October 1 of the first fiscal year

1 that begins after the date of enactment of
2 this subsection; or

3 “(ii) in the case of any other major
4 disaster described in paragraph (2)(A), Oc-
5 tober 1 of the first fiscal year—

6 “(I) that begins after the decen-
7 nial census date for the first decennial
8 census conducted after the major dis-
9 aster; and

10 “(II) for which the Secretary has
11 sufficient data from that census to de-
12 termine that the area qualifies for
13 treatment as an urbanized area under
14 paragraph (2); and

15 “(B) ending on the day before the first fis-
16 cal year—

17 “(i) that begins after the decennial
18 census date for the second decennial cen-
19 sus conducted after the major disaster de-
20 scribed in paragraph (2)(A); and

21 “(ii) for which the Secretary has suffi-
22 cient data from that census to determine
23 which areas are urbanized areas for pur-
24 poses of this chapter.

1 able in a fiscal year under section 5339, a re-
2 recipient shall certify in that fiscal year that the
3 recipient will not award any contract or sub-
4 contract for the procurement of rolling stock for
5 use in public transportation with a rolling stock
6 manufacturer described in paragraph (1).”.

7 (b) SPECIAL RULE.—Section 5323(u)(5)(A) of title
8 49, United States Code, (as redesignated by this Act) is
9 amended by striking “made by a public transportation
10 agency with a rail rolling stock manufacturer described in
11 paragraph (1)” and all that follows through the period at
12 the end and inserting “as of December 20, 2019, including
13 options and other requirements tied to these contracts or
14 subcontracts, made by a public transportation agency with
15 a restricted rail rolling stock manufacturer.”.

16 **SEC. 2307. SPARE RATIO WAIVER.**

17 Section 5323 of title 49, United States Code, is fur-
18 ther amended by adding at the end the following:

19 “(z) SPARE RATIO WAIVER.—The Federal Transit
20 Administration shall waive spare ratio policies for rolling
21 stock found in FTA Grant Management Requirements
22 Circular 5010.1, FTA Circular 9030.1 providing Urban-
23 ized Area Formula Program guidance, and other guidance
24 documents for 2 years from the date of enactment of the
25 INVEST in America Act.”.

1 **Subtitle D—Bus Grant Reforms**

2 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

3 Section 5339(a) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “and subsection (d)” after
7 “In this subsection”;

8 (B) in subparagraph (A) by striking “term
9 ‘low or no emission vehicle’ has” and inserting
10 “term ‘zero emission vehicle’ has”;

11 (C) in subparagraph (B) by inserting “and
12 the District of Columbia” after “United
13 States”; and

14 (D) in subparagraph (C) by striking “the
15 District of Columbia,”;

16 (2) in paragraph (2)(A) by striking “low or no
17 emission vehicles” and inserting “zero emission vehi-
18 cles”;

19 (3) in paragraph (4)—

20 (A) in subparagraph (A) by inserting “and
21 subsection (d)” after “this subsection”; and

22 (B) in subparagraph (B) by inserting “and
23 subsection (d)” after “this subsection”;

24 (4) in paragraph (5)(A)—

1 (A) by striking “\$90,500,000” and insert-
2 ing “\$156,750,000”;

3 (B) by striking “2016 through 2020” and
4 inserting “2023 through 2026”;

5 (C) by striking “\$1,750,000” and inserting
6 “\$3,000,000”; and

7 (D) by striking “\$500,000” and inserting
8 “\$750,000”;

9 (5) in paragraph (7) by adding at the end the
10 following:

11 “(C) SPECIAL RULE FOR BUSES AND RE-
12 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
13 CLES.—Notwithstanding subparagraph (A), a
14 grant for a capital project for buses and related
15 equipment for hybrid electric buses that make
16 meaningful reductions in energy consumption
17 and harmful emissions, including direct carbon
18 emissions, and zero emission vehicles under this
19 subsection shall be for 90 percent of the net
20 capital costs of the project. A recipient of a
21 grant under this subsection may provide addi-
22 tional local matching amounts.”;

23 (6) in paragraph (8)—

24 (A) by striking “3 fiscal years” and insert-
25 ing “4 fiscal years”; and

1 (B) by striking “3-fiscal-year period” and
2 inserting “4-fiscal-year period”; and
3 (7) by striking paragraph (9).

4 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
5 **PETITIVE GRANTS.**

6 Section 5339(b) of title 49, United States Code, is
7 amended—

8 (1) in the heading by striking “BUSES AND
9 BUS FACILITIES COMPETITIVE GRANTS” and insert-
10 ing “BUS FACILITIES AND FLEET EXPANSION COM-
11 PETITIVE GRANTS”;

12 (2) in paragraph (1)—

13 (A) by striking “buses and”;

14 (B) by inserting “and certain buses” after
15 “capital projects”;

16 (C) in subparagraph (A) by striking
17 “buses or related equipment” and inserting
18 “bus-related facilities”; and

19 (D) by striking subparagraph (B) and in-
20 serting the following:

21 “(B) purchasing or leasing buses that will
22 not replace buses in the applicant’s fleet at the
23 time of application and will be used to—

24 “(i) increase the frequency of bus
25 service; or

1 “(ii) increase the service area of the
2 applicant.”;

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

5 “(2) GRANT CONSIDERATIONS.—In making
6 grants—

7 “(A) under subparagraph (1)(A), the Sec-
8 retary shall only consider—

9 “(i) the age and condition of bus-re-
10 lated facilities of the applicant compared to
11 all applicants and proposed improvements
12 to the resilience (as such term is defined in
13 section 5302) of such facilities;

14 “(ii) for a facility that, in whole or in
15 part, encroaches within the limits of a
16 flood-prone area, the extent to which the
17 facility is designed and constructed in a
18 way that takes into account, and mitigates
19 where appropriate, flood risk; and

20 “(iii) for a bus station, the degree of
21 multi-modal connections at such station;
22 and

23 “(B) under paragraph (1)(B), the Sec-
24 retary shall consider the improvements to head-
25 way and projected new ridership.”; and

1 (4) in paragraph (6) by striking subparagraph
2 (B) and inserting the following:

3 “(B) GOVERNMENT SHARE OF COSTS.—

4 “(i) IN GENERAL.—The Government
5 share of the cost of an eligible project car-
6 ried out under this subsection shall not ex-
7 ceed 80 percent.

8 “(ii) SPECIAL RULE FOR BUSES AND
9 RELATED EQUIPMENT FOR ZERO EMISSION
10 VEHICLES.—Notwithstanding clause (i),
11 the Government share of the cost of an eli-
12 gible project for the financing of buses and
13 related equipment for hybrid electric buses
14 that make meaningful reductions in energy
15 consumption and harmful emissions, in-
16 cluding direct carbon emissions, and zero
17 emission vehicles shall not exceed 90 per-
18 cent.”.

19 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

20 (a) IN GENERAL.—Section 5339(c) of title 49,
21 United States Code, is amended—

22 (1) in the heading by striking “LOW OR NO
23 EMISSION GRANTS” and inserting “ZERO EMISSION
24 GRANTS”;

25 (2) in paragraph (1)—

1 (A) in subparagraph (B)—

2 (i) in the matter preceding clause (i)
3 by striking “in an eligible area”;

4 (ii) in clause (i) by striking “low or no
5 emission” and inserting “zero emission”;

6 (iii) in clause (ii) by striking “low or
7 no emission” and inserting “zero emis-
8 sion”;

9 (iv) in clause (iii) by striking “low or
10 no emission” and inserting “zero emis-
11 sion”;

12 (v) in clause (iv) by striking “facilities
13 and related equipment for low or no emis-
14 sion” and inserting “related equipment for
15 zero emission”;

16 (vi) in clause (v) by striking “facilities
17 and related equipment for low or no emis-
18 sion vehicles;” and inserting “related
19 equipment for zero emission vehicles; or”;

20 (vii) in clause (vii) by striking “low or
21 no emission” and inserting “zero emis-
22 sion”;

23 (viii) by striking clause (vi); and

24 (ix) by redesignating clause (vii) as
25 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’
8 means a vehicle used to provide public transpor-
9 tation that produces no carbon dioxide or par-
10 ticulate 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 ‘priority area’ means an
16 area 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
22 term is defined in section 5303, for ozone
23 or particulate matter; or

24 “(iii) in a State that has enacted a
25 statewide zero emission bus transition re-

1 requirement, 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
12 80 percent of statewide median family
13 income; 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
19 area 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
24 grants to eligible projects relating to the acquisition

1 or leasing of equipment for zero-emission buses or
2 zero-emission buses—

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
11 fleet management plan that—

12 “(i) establishes—

13 “(I) a goal by a set date to con-
14 vert the entire bus fleet to zero emis-
15 sion buses; or

16 “(II) a goal that within 10 years
17 from the date of approval of such plan
18 the recipient will convert a set per-
19 centage of the total bus fleet of such
20 recipient to zero emission buses; and

21 “(ii) examines the impact of the tran-
22 sition on the applicant’s current workforce,
23 with a goal of identifying skills gaps, re-
24 training existing workers to operate and
25 maintain zero-emission vehicles and related

1 infrastructure, and avoiding the displace-
2 ment of the existing workforce; and

3 “(C) for which the recipient has performed
4 a fleet transition study that includes optimal
5 route planning and an analysis of how utility
6 rates may impact the recipient’s operations and
7 maintenance budget.”; and

8 (4) by adding at the end the following:

9 “(8) LOW AND MODERATE COMMUNITY
10 GRANTS.—Not less than 10 percent of the amounts
11 made available under this subsection in a fiscal year
12 shall be distributed to projects serving predomi-
13 nantly low-income communities.

14 “(9) PRIORITY SET-ASIDE.—Of the amounts
15 made available under this subsection in a fiscal year,
16 not less than—

17 “(A) 20 percent shall be distributed to ap-
18 plicants in priority areas; and

19 “(B) 10 percent shall be distributed to ap-
20 plicants not located in priority areas whose
21 board of directors have approved a long-term
22 integrated fleet management plan that estab-
23 lishes a goal to convert 100 percent of their bus
24 fleet to zero-emission buses within 15 years.”.

1 (b) METROPOLITAN TRANSPORTATION PLANNING.—
2 Section 5303(b) of title 49, United States Code, is amend-
3 ed by adding at the end the following:

4 “(9) MAINTENANCE AREA.—The term ‘mainte-
5 nance area’ has the meaning given the term in sec-
6 tions 171(2) and 175A of the Clean Air Act (42
7 U.S.C. 7501(2); 7505a).”.

8 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
9 **MULA SUBGRANT.**

10 Section 5339 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(d) RESTORATION TO STATE OF GOOD REPAIR
13 FORMULA SUBGRANT.—

14 “(1) GENERAL AUTHORITY.—The Secretary
15 may make grants under this subsection to assist eli-
16 gible recipients and subrecipients described in para-
17 graph (2) in financing capital projects to replace, re-
18 habilitate, and purchase buses and related equip-
19 ment.

20 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
21 ENTS.—Not later than September 1 annually, the
22 Secretary shall make public a list of eligible recipi-
23 ents and subrecipients based on the most recent
24 data available in the National Transit Database to
25 calculate the 20 percent of eligible recipients and

1 subrecipients with the highest percentage of asset
2 vehicle miles for buses beyond the useful life bench-
3 mark established by the Federal Transit Administra-
4 tion.

5 “(3) URBAN APPORTIONMENTS.—Funds allo-
6 cated under section 5338(a)(2)(L)(ii) shall be—

7 “(A) distributed to—

8 “(i) designated recipients in an urban-
9 ized area with a population of more than
10 200,000 made eligible by paragraph (1);
11 and

12 “(ii) States based on subrecipients
13 made eligible by paragraph (1) in an ur-
14 banized area under 200,000; and

15 “(B) allocated pursuant to the formula set
16 forth in section 5336 other than subsection (b),
17 using the data from the 20 percent of eligible
18 recipients and subrecipients.

19 “(4) RURAL ALLOCATION.—The Secretary
20 shall—

21 “(A) calculate the percentage of funds
22 under section 5338(a)(2)(L)(ii) to allocate to
23 rural subrecipients by dividing—

24 “(i) the asset vehicle miles for buses
25 beyond the useful life benchmark (estab-

1 lished by the Federal Transit Administra-
2 tion) of the rural subrecipients described in
3 paragraph (2); by

4 “(ii) the total asset vehicle miles for
5 buses beyond such benchmark of all eligi-
6 ble recipients and subrecipients described
7 in paragraph (2); and

8 “(B) prior to the allocation described in
9 paragraph (3)(B), apportion to each State the
10 amount of the total rural allocation calculated
11 under subparagraph (A) attributable to such
12 State based the proportion that—

13 “(i) the asset vehicle miles for buses
14 beyond the useful life benchmark (estab-
15 lished by the Federal Transit Administra-
16 tion) for rural subrecipients described in
17 paragraph (2) in such State; bears to

18 “(ii) the total asset vehicle miles de-
19 scribed in subparagraph (A)(i).

20 “(5) APPLICATION OF OTHER PROVISIONS.—
21 Paragraphs (3), (7), and (8) of subsection (a) shall
22 apply to eligible recipients and subrecipients de-
23 scribed in paragraph (2) of a grant under this sub-
24 section.

1 “(6) PROHIBITION.—No eligible recipient or
2 subrecipient outside the top 5 percent of asset vehi-
3 cle miles for buses beyond the useful life benchmark
4 established by the Federal Transit Administration
5 may receive a grant in both fiscal year 2023 and fis-
6 cal year 2024.

7 “(7) REQUIREMENT.—The Secretary shall re-
8 quire—

9 “(A) States to expend, to the benefit of the
10 subrecipients eligible under paragraph (2), the
11 apportioned funds attributed to such subrecipi-
12 ents; and

13 “(B) designated recipients to provide the
14 allocated funds to the recipients eligible under
15 paragraph (2) the apportioned funds attributed
16 to such recipients.”.

17 **SEC. 2405. WORKFORCE DEVELOPMENT TRAINING GRANTS.**

18 Section 5339 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(e) WORKFORCE DEVELOPMENT TRAINING
21 GRANTS.—

22 “(1) IN GENERAL.—Not less than 12.5 percent
23 of funds authorized to be made available for sub-
24 section (c) shall be available to fund workforce devel-
25 opment training eligible under section 5314(b)(2)

1 (including registered apprenticeships and other
2 labor-management training programs), related to op-
3 erations or maintenance of zero emission vehicles.

4 “(2) ELIGIBLE RECIPIENTS.—Recipients eligi-
5 ble under subsection (c) shall be eligible to receive
6 a grant under this subsection.

7 “(3) FEDERAL SHARE.—The Federal share of
8 the cost of an eligible project carried out under this
9 subsection shall be 100 percent.”.

10 **Subtitle E—Supporting All Riders**

11 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

12 Section 5336(j) of title 49, United States Code, is
13 amended—

14 (1) in paragraph (1) by striking “75 percent”
15 and inserting “50 percent”;

16 (2) in paragraph (2) by striking “25 percent”
17 and inserting “12.5 percent”; and

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

19 “(3) 30 percent of the funds shall be appor-
20 tioned among designated recipients for urbanized
21 areas with a population of 200,000 or more in the
22 ratio that—

23 “(A) the number of individuals in each
24 such urbanized area residing in an urban cen-
25 sus tract with a poverty rate of at least 20 per-

1 cent during the 5 years most recently ending;
2 bears to

3 “(B) the number of individuals in all such
4 urbanized areas residing in an urban census
5 tract with a poverty rate of at least 20 percent
6 during the 5 years most recently ending; and

7 “(4) 7.5 percent of the funds shall be appor-
8 tioned among designated recipients for urbanized
9 areas with a population less than 200,000 in the
10 ratio that—

11 “(A) the number of individuals in each
12 such urbanized area residing in an urban cen-
13 sus tract with a poverty rate of at least 20 per-
14 cent during the 5 years most recently ending;
15 bears to

16 “(B) the number of individuals in all such
17 areas residing in an urban census tract with a
18 poverty rate of at least 20 percent during the
19 5 years most recently ending.”.

20 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

21 Section 5311 of title 49, United States Code, as
22 amended in section 2204, is further amended—

23 (1) in subsection (a) by adding at the end the
24 following:

1 “(3) PERSISTENT POVERTY COUNTY.—The
2 term ‘persistent poverty county’ means any county
3 with a poverty rate of at least 20 percent—

4 “(A) as determined in each of the 1990
5 and 2000 decennial censuses;

6 “(B) in the Small Area Income and Pov-
7 erty Estimates of the Bureau of the Census for
8 the most recent year for which the estimates
9 are available; and

10 “(C) has at least 25 percent of its popu-
11 lation in rural areas.”;

12 (2) in subsection (b)(2)(C)(i) by inserting “and
13 persistent poverty counties” before the semicolon;
14 and

15 (3) in subsection (c) by striking paragraph (2)
16 and inserting the following:

17 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
18 TATION ASSISTANCE PROGRAM.—

19 “(A) IN GENERAL.—The Secretary shall
20 carry out a public transportation assistance
21 program for areas of persistent poverty.

22 “(B) APPORTIONMENT.—Of amounts
23 made available or appropriated for each fiscal
24 year under section 5338(a)(2)(E)(ii) to carry
25 out this paragraph, the Secretary shall appor-

1 tion funds to recipients for service in, or di-
2 rectly benefitting, persistent poverty counties
3 for any eligible purpose under this section in
4 the ratio that—

5 “(i) the number of individuals in each
6 such rural area residing in a persistent
7 poverty county; bears to

8 “(ii) the number of individuals in all
9 such rural areas residing in a persistent
10 poverty county.”.

11 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
12 **DUCED FARE TRANSIT.**

13 Section 5312 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
16 DUCED FARE TRANSIT.—

17 “(1) IN GENERAL.—Not later than 300 days
18 after the date of enactment of the INVEST in
19 America Act, the Secretary shall award grants
20 (which shall be known as ‘Access to Jobs Grants’)
21 to eligible entities, on a competitive basis, to imple-
22 ment reduced fare transit service.

23 “(2) NOTICE.—Not later than 180 days after
24 the date of enactment of the INVEST in America
25 Act, the Secretary shall provide notice to eligible en-

1 tities of the availability of grants under paragraph
2 (1).

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible recipient
5 shall submit to the Secretary an application con-
6 taining such information as the Secretary may re-
7 quire, including, at a minimum, the following:

8 “(A) A description of how the eligible enti-
9 ty plans to implement reduced fare transit ac-
10 cess with respect to low-income individuals, in-
11 cluding any eligibility requirements for such
12 transit access.

13 “(B) A description of how the eligible enti-
14 ty will consult with local community stake-
15 holders, labor unions, local education agencies
16 and institutions of higher education, public
17 housing agencies, and workforce development
18 boards in the implementation of reduced fares.

19 “(C) A description of the eligible entity’s
20 current fare evasion enforcement policies, in-
21 cluding how the eligible entity plans to use the
22 reduced fare program to reduce fare evasion.

23 “(D) An estimate of additional costs to
24 such eligible entity as a result of reduced tran-
25 sit fares.

1 “(E) A plan for a public awareness cam-
2 paign of the transit agency’s ability to provide
3 reduced fares, including in foreign languages,
4 based on—

5 “(i) data from the Bureau of the Cen-
6 sus, consistent with the local area demo-
7 graphics where the transit agency operates,
8 including the languages that are most
9 prevalent and commonly requested for
10 translation services; or

11 “(ii) qualitative and quantitative ob-
12 servation from community service providers
13 including those that provide health and
14 mental health services, social services,
15 transportation, and other relevant social
16 services.

17 “(F) Projected impacts on ridership.

18 “(G) Projected benefits in closing transit
19 equity gaps.

20 “(4) GRANT DURATION.—Grants awarded
21 under this subsection shall be for a 2-year period.

22 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
23 carrying out the program under this subsection, the
24 Secretary shall award not more than 20 percent of
25 grants to eligible entities located in rural areas.

1 “(6) USES OF FUNDS.—An eligible entity re-
2 ceiving a grant under this subsection shall use such
3 grant to implement a reduced fare transit program
4 and offset lost fare revenue.

5 “(7) RULE OF CONSTRUCTION.—Nothing in
6 this section shall be construed to limit the eligibility
7 of an applicant if a State, local, or Tribal govern-
8 mental entity provides reduced fare transportation to
9 low-income individuals.

10 “(8) DEFINITIONS.—In this subsection:

11 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
12 ble entity’ means a State, local, or Tribal gov-
13 ernmental entity that operates a public trans-
14 portation service and is a recipient or sub-
15 recipient of funds under this chapter.

16 “(B) LOW-INCOME INDIVIDUAL.—The
17 term ‘low-income individual’ means an indi-
18 vidual—

19 “(i) that has qualified for—

20 “(I) any program of medical as-
21 sistance under a State plan or under
22 a waiver of the plan under title XIX
23 of the Social Security Act (42 U.S.C.
24 1396 et seq.);

1 “(II) supplemental nutrition as-
2 sistance program (SNAP) under the
3 Food and Nutrition Act of 2008 (7
4 U.S.C. 2011 et seq.);

5 “(III) the program of block
6 grants for States for temporary assist-
7 ance for needy families (TANF) es-
8 tablished under part A of title IV of
9 the Social Security Act (42 U.S.C.
10 601 et seq.);

11 “(IV) the free and reduced price
12 school lunch program established
13 under the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et
15 seq.);

16 “(V) a housing voucher through
17 section 8(o) of the United States
18 Housing Act of 1937 (42 U.S.C.
19 1437f(o));

20 “(VI) benefits under the Low-In-
21 come Home Energy Assistance Act of
22 1981;

23 “(VII) special supplemental food
24 program for women, infants and chil-
25 dren (WIC) under section 17 of the

1 Child Nutrition Act of 1966 (42
2 U.S.C. 1786); or

3 “(VIII) a Federal Pell Grant
4 under section 401 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C.
6 1070a); or

7 “(ii) whose family income is at or
8 below a set percent (as determined by the
9 eligible recipient) of the poverty line (as
10 that term is defined in section 673(2) of
11 the Community Service Block Grant Act
12 (42 U.S.C. 9902(2)), including any revi-
13 sion required by that section) for a family
14 of the size involved.

15 “(9) REPORT.—The Secretary shall designate a
16 university transportation center under section 5505
17 to collaborate with the eligible entities receiving a
18 grant under this subsection to collect necessary data
19 to evaluate the effectiveness of meeting the targets
20 described in the application of such recipient, includ-
21 ing increased ridership, impacts on fare evasion, and
22 progress towards significantly closing transit equity
23 gaps.”.

24 **SEC. 2504. EQUITY IN TRANSIT SERVICE PLANNING.**

25 (a) BEST PRACTICES.—

1 (1) IN GENERAL.—

2 (A) ASSISTANCE TO PROVIDERS OF PUBLIC
3 TRANSIT.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of
5 Transportation shall issue nonbinding best
6 practices to assist providers of public transpor-
7 tation in setting the threshold for a major serv-
8 ice change as described in Circular 4702.1B of
9 the Federal Transit Administration.

10 (B) SPECIFIC PROVIDERS OF PUBLIC
11 TRANSIT.—For the purposes of this section, the
12 term “providers of public transportation”
13 means providers that operate 50 or more fixed
14 route vehicles in peak service and are located in
15 an urbanized area of 200,000 or more in popu-
16 lation.

17 (2) BEST PRACTICES.—In developing the best
18 practices described in paragraph (1), the Sec-
19 retary—

20 (A) shall issue specific recommendations
21 for setting the threshold of a major service
22 change, which shall include, at a minimum, rec-
23 ommendations related to—

1 (i) changes in hours of operations, in-
2 cluding consideration of changes during
3 nonpeak hours;

4 (ii) changes in the frequency of serv-
5 ice;

6 (iii) changes in coverage, including the
7 opening and closing of stations and stops
8 and the changing of routes; and

9 (iv) the use of route-specific analyses
10 in addition to service-area level analyses;

11 (B) shall recommend specific percentage
12 change standards for the elements described in
13 clauses (i), (ii), and (iii) of subparagraph (A) to
14 assist providers of public transportation in set-
15 ting the threshold for a major service change in
16 a manner that ensures meaningful analyses and
17 the provision of equitable service; and

18 (C) may issue different best practices for
19 providers of public transportation of different
20 sizes and service types.

21 (b) TRANSIT COOPERATIVE RESEARCH PROGRAM
22 REPORT.—

23 (1) REVIEW.—Not later than 3 years after the
24 issuance of the best practices described in subsection

25 (a), the Transit Cooperative Research Program of

1 the National Academy of Sciences shall conduct a
2 review of the manner in which providers of public
3 transportation define the threshold for a major serv-
4 ice change for purposes of compliance with Circular
5 4702.1B of the Federal Transit Administration, in-
6 cluding—

7 (A) a survey of the standards used by pro-
8 viders of public transportation to define the
9 threshold for a major service change;

10 (B) a review of the differences in stand-
11 ards used to define the threshold for a major
12 service change for providers of public transpor-
13 tation of different sizes and service types;

14 (C) information on the considerations used
15 by providers of public transportation when de-
16 fining the threshold for a major service change;
17 and

18 (D) the extent to which providers of public
19 transportation are using the best practices de-
20 scribed in subsection (a).

21 (2) REPORT.—After the completion of the re-
22 view described in paragraph (1), the National Acad-
23 emy of Sciences shall issue a report on the findings
24 of the review and submit such report to the Com-
25 mittee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on
2 Banking, Housing, and Urban Affairs of the Senate.

3 **SEC. 2505. GAO STUDY ON FARE-FREE TRANSIT.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study on the provision of fare-free
6 transit service in the United States, including an assess-
7 ment of—

8 (1) the extent to which fare-free transit is avail-
9 able in the United States; and

10 (2) the potential impacts of fare-free transit,
11 which may include—

12 (A) increased transit ridership;

13 (B) improved access to transportation for
14 low-income riders and marginalized commu-
15 nities;

16 (C) improved access to jobs and services;

17 (D) enhanced equity of the surface trans-
18 portation system;

19 (E) reductions in disputes or law enforce-
20 ment actions related to transit fares;

21 (F) environmental impacts;

22 (G) safety considerations; and

23 (H) the challenges of replacing farebox
24 revenue.

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Comptroller General shall
3 submit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Banking, Housing, and Urban Affairs of the
6 Senate a report containing the results of the study con-
7 ducted under subsection (a).

8 **Subtitle F—Supporting Frontline**
9 **Workers and Passenger Safety**

10 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE**
11 **TRAINING CENTER.**

12 Section 5314(b) of title 49, United States Code, is
13 amended—

14 (1) by striking paragraph (2) and inserting the
15 following:

16 “(2) NATIONAL TRANSIT FRONTLINE WORK-
17 FORCE TRAINING CENTER.—

18 “(A) ESTABLISHMENT.—The Secretary
19 shall establish a national transit frontline work-
20 force training center (hereinafter referred to as
21 the ‘Center’) and enter into a cooperative agree-
22 ment with a nonprofit organization with a dem-
23 onstrated capacity to develop and provide tran-
24 sit career pathway programs through labor-
25 management partnerships and registered ap-

1 prenticeships on a nationwide basis, in order to
2 carry out the duties under subparagraph (B).
3 The Center shall be dedicated to the needs of
4 the frontline transit workforce in both rural and
5 urban transit systems by providing training in
6 the maintenance and operations occupations
7 based on industry best practices.

8 “(B) DUTIES.—

9 “(i) IN GENERAL.—In cooperation
10 with the Administrator of the Federal
11 Transit Administration, public transpor-
12 tation authorities, and national entities,
13 the Center shall develop and conduct train-
14 ing and educational programs for frontline
15 local transportation employees of recipients
16 eligible for funds under this chapter.

17 “(ii) TRAINING AND EDUCATIONAL
18 PROGRAMS.—The training and educational
19 programs developed under clause (i) may
20 include courses in recent developments,
21 techniques, and procedures related to—

22 “(I) developing consensus na-
23 tional training standards, skills, com-
24 petencies, and recognized postsec-
25 ondary credentials in partnership with

1 industry stakeholders for key frontline
2 transit occupations with demonstrated
3 skill gaps;

4 “(II) developing recommenda-
5 tions and best practices for cur-
6 riculum and recognized postsecondary
7 credentials, including related instruc-
8 tion and on-the-job learning for reg-
9 istered apprenticeship programs for
10 transit maintenance and operations
11 occupations;

12 “(III) building local, regional,
13 and statewide transit training part-
14 nerships to identify and address work-
15 force skill gaps and develop skills,
16 competencies, and recognized postsec-
17 ondary credentials needed for deliv-
18 ering quality transit service and sup-
19 porting employee career advancement;

20 “(IV) developing programs for
21 training of transit frontline workers,
22 instructors, mentors, and labor-man-
23 agement partnership representatives,
24 in the form of classroom, hands-on,
25 on-the-job, and web-based training,

1 delivered at a national center, region-
2 ally, or at individual transit agencies;

3 “(V) developing training pro-
4 grams for skills and competencies re-
5 lated to existing and emerging transit
6 technologies, including zero emission
7 buses;

8 “(VI) developing improved capac-
9 ity for safety, security, and emergency
10 preparedness in local transit systems
11 and in the industry as a whole
12 through—

13 “(aa) developing the role of
14 the transit frontline workforce in
15 building and sustaining safety
16 culture and safety systems in the
17 industry and in individual public
18 transportation systems; and

19 “(bb) training to address
20 transit frontline worker roles in
21 promoting health and safety for
22 transit workers and the riding
23 public;

24 “(VII) developing local transit
25 capacity for career pathways pro-

1 grams with schools and other commu-
2 nity organizations for recruiting and
3 training under-represented popu-
4 lations as successful transit employees
5 who can develop careers in the transit
6 industry;

7 “(VIII) in collaboration with the
8 Administrator of the Federal Transit
9 Administration, the Bureau of Labor
10 Statistics, the Employment and
11 Training Administration, and organi-
12 zations representing public transit
13 agencies, conducting and dissemi-
14 nating research to—

15 “(aa) provide transit work-
16 force job projections and identify
17 training needs and gaps;

18 “(bb) determine the most
19 cost-effective methods for transit
20 workforce training and develop-
21 ment, including return on invest-
22 ment analysis;

23 “(cc) identify the most effec-
24 tive methods for implementing

1 successful safety systems and a
2 positive safety culture; and

3 “(dd) promote transit work-
4 force best practices for achieving
5 cost-effective, quality, safe, and
6 reliable public transportation
7 services; and

8 “(IX) providing culturally com-
9 petent training and educational pro-
10 grams to all who participate, regard-
11 less of gender, sexual orientation, or
12 gender identity, including those with
13 limited English proficiency, diverse
14 cultural and ethnic backgrounds, and
15 disabilities.

16 “(C) COORDINATION.—The Secretary shall
17 coordinate activities under this section, to the
18 maximum extent practicable, with the Employ-
19 ment and Training Administration, including
20 the National Office of Apprenticeship of the
21 Department of Labor and the Office of Career,
22 Technical, and Adult Education of the Depart-
23 ment of Education.

24 “(D) AVAILABILITY OF AMOUNTS.—

1 “(i) IN GENERAL.—Not more than 1
2 percent of amounts made available to a re-
3 cipient under sections 5307, 5337, and
4 5339 and not more than 2 percent of
5 amounts made available to a recipient
6 under section 5311 is available for expend-
7 itures by the recipient, with the approval
8 of the Secretary, to pay not more than 80
9 percent of the cost of eligible activities
10 under this subsection.

11 “(ii) EXISTING PROGRAMS.—A recipi-
12 ent may use amounts made available under
13 clause (i) to carry out existing local edu-
14 cation and training programs for public
15 transportation employees supported by the
16 Secretary, the Department of Labor, or
17 the Department of Education.

18 “(iii) LIMITATION.—Any funds made
19 available under this section that are used
20 to fund an apprenticeship or apprentice-
21 ship program shall only be used for, or
22 provided to, a registered apprenticeship
23 program, including any funds awarded for
24 the purposes of grants, contracts, or coop-
25 erative agreements, or the development,

1 implementation, or administration, of an
2 apprenticeship or an apprenticeship pro-
3 gram.

4 “(E) DEFINITIONS.—In this paragraph:

5 “(i) CAREER PATHWAY.—The term
6 ‘career pathway’ has the meaning given
7 such term in section 3 of the Workforce
8 Innovation and Opportunity Act (29
9 U.S.C. 3102).

10 “(ii) RECOGNIZED POSTSECONDARY
11 CREDENTIAL.—The term ‘recognized post-
12 secondary credential’ has the meaning
13 given such term in section 3 of the Work-
14 force Innovation and Opportunity Act (29
15 U.S.C. 3102).

16 “(iii) REGISTERED APPRENTICESHIP
17 PROGRAM.—The term ‘registered appren-
18 ticeship program’ means an apprenticeship
19 program registered with the Department of
20 Labor or a Federally-recognized State Ap-
21 prenticeship Agency and that complies with
22 the requirements under parts 29 and 30 of
23 title 29, Code of Federal Regulations, as in
24 effect on January 1, 2019.”;

25 (2) in paragraph (3) by striking “or (2)”; and

1 (3) by striking paragraph (4).

2 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

3 Section 5329 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b)(2)(C)(ii)—

6 (A) in subclause (I) by striking “and” at
7 the end;

8 (B) in subclause (II) by striking the semi-
9 colon and inserting “; and”; and

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

11 “(III) innovations in driver as-
12 sistance technologies and driver pro-
13 tection infrastructure where appro-
14 priate, and a reduction in visibility
15 impairments that contribute to pedes-
16 trian fatalities;”;

17 (2) in subsection (b)(2)—

18 (A) by redesignating subparagraphs (D)
19 and (E) as subparagraphs (E) and (F), respec-
20 tively; and

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

22 “(D) in consultation with the Secretary of
23 the Department of Health and Human Services,
24 precautionary and reactive actions required to
25 ensure public and personnel safety and health

1 during an emergency as defined in section
2 5324.”.

3 (3) in subsection (d)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A) by inserting
6 “the safety committee established under
7 paragraph (4), and subsequently,” before
8 “the board of directors”;

9 (ii) in subparagraph (C) by striking
10 “public, personnel, and property” and in-
11 sserting “public and personnel to injuries,
12 assaults, fatalities, and, consistent with
13 guidelines by the Centers for Disease Con-
14 trol and Prevention, infectious diseases,
15 and strategies to minimize the exposure of
16 property”;

17 (iii) by striking subparagraph (G) and
18 inserting the following:

19 “(G) a comprehensive staff training pro-
20 gram for the operations and maintenance per-
21 sonnel and personnel directly responsible for
22 safety of the recipient that includes—

23 “(i) the completion of a safety train-
24 ing program;

1 “(ii) continuing safety education and
2 training; and

3 “(iii) de-escalation training;

4 “(H) a requirement that the safety com-
5 mittee only approve a safety plan under sub-
6 paragraph (A) if such plan stays within such
7 recipient’s fiscal budget; and

8 “(I) a risk reduction program for transit
9 operations to improve safety by reducing the
10 number and rates of accidents, injuries, and as-
11 saults on transit workers using data submitted
12 to the National Transit Database, including—

13 “(i) a reduction of vehicular and pe-
14 destrian accidents involving buses that in-
15 cludes measures to reduce visibility impair-
16 ments for bus operators that contribute to
17 accidents, including retrofits to buses in
18 revenue service and specifications for fu-
19 ture procurements that reduce visibility
20 impairments; and

21 “(ii) transit worker assault mitigation,
22 including the deployment of assault mitiga-
23 tion infrastructure and technology on
24 buses, including barriers to restrict the un-
25 wanted entry of individuals and objects

1 into bus operators' workstations when a re-
2 cipient's risk analysis performed by the
3 safety committee established in paragraph
4 (4) determines that such barriers or other
5 measures would reduce assaults on and in-
6 juries to transit workers; and"; and

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

8 “(4) SAFETY COMMITTEE.—For purposes of the
9 approval process of an agency safety plan under
10 paragraph (1), the safety committee shall be con-
11 vened by a joint labor-management process and con-
12 sist of an equal number of—

13 “(A) frontline employee representatives, se-
14 lected by the labor organization representing
15 the plurality of the frontline workforce em-
16 ployed by the recipient or if applicable a con-
17 tractor to the recipient; and

18 “(B) employer or State representatives.”;

19 and

20 (4) in subsection (e)(4)(A)(v) by inserting “, in-
21 spection,” after “has investigative”.

22 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

23 (a) PROHIBITION ON USE OF FUNDS.—No financial
24 assistance under chapter 53 of title 49, United States
25 Code, may be used for—

1 (1) an automated vehicle providing public trans-
2 portation unless—

3 (A) the recipient of such assistance that
4 proposes to deploy an automated vehicle pro-
5 viding public transportation certifies to the Sec-
6 retary of Transportation that the deployment
7 does not eliminate or reduce the frequency of
8 existing public transportation service; and

9 (B) the Secretary receives, approves, and
10 publishes the workforce development plan under
11 subsection (b) submitted by the eligible entity
12 when required by subsection (b)(1); and

13 (2) a mobility on demand service unless—

14 (A) the recipient of such assistance that
15 proposes to deploy a mobility on demand service
16 certifies to the Secretary that the service meets
17 the criteria under section 5307, 5310, 5311,
18 5312, or 5316 of title 49, United States Code;
19 and

20 (B) the Secretary receives, approves, and
21 publishes the workforce development plan under
22 subsection (b) submitted by the eligible entity
23 when required by subsection (b)(1).

24 (b) WORKFORCE DEVELOPMENT PLAN.—

1 (1) IN GENERAL.—A recipient of financial as-
2 sistance under chapter 53 of title 49, United States
3 Code, proposing to deploy an automated vehicle pro-
4 viding public transportation or mobility on demand
5 service shall submit to the Secretary, prior to imple-
6 mentation of such service, a workforce development
7 plan if such service, combined with any other auto-
8 mated vehicle providing public transportation or mo-
9 bility on demand service offered by such recipient,
10 would exceed more than 0.5 percent of the recipi-
11 ent’s total annual transit passenger miles traveled.

12 (2) CONTENTS.—The workforce development
13 plan under subsection (a) shall include the following:

14 (A) A description of services offered by ex-
15 isting conventional modes of public transpor-
16 tation in the area served by the recipient that
17 could be affected by the proposed automated ve-
18 hicle providing public transportation or mobility
19 on demand service, including jobs and functions
20 of such jobs.

21 (B) A forecast of the number of jobs pro-
22 vided by existing conventional modes of public
23 transportation that would be eliminated or that
24 would be substantially changed and the number
25 of jobs expected to be created by the proposed

1 automated vehicle providing public transpor-
2 tation or mobility on demand service over a 5-
3 year period from the date of the publication of
4 the workforce development plan.

5 (C) Identified gaps in skills needed to op-
6 erate and maintain the proposed automated ve-
7 hicle providing public transportation or mobility
8 on demand service.

9 (D) A comprehensive plan to transition,
10 train, or retrain employees that could be af-
11 fected by the proposed automated vehicle pro-
12 viding public transportation or mobility on de-
13 mand service.

14 (E) An estimated budget to transition,
15 train, or retrain employees impacted by the pro-
16 posed automated vehicle providing public trans-
17 portation or mobility on demand service over a
18 5-year period from the date of the publication
19 of the workforce development plan.

20 (c) NOTICE REQUIRED.—

21 (1) IN GENERAL.—A recipient of financial as-
22 sistance under chapter 53 of title 49, United States
23 Code, shall issue a notice to employees who, due to
24 the use of an automated vehicle providing public
25 transportation or mobility on demand service, may

1 be subjected to a loss of employment or a change in
2 responsibilities not later than 60 days before signing
3 a contract for such service or procurement. A recipi-
4 ent shall provide employees copies of a request for
5 a proposal related to an automated vehicle providing
6 public transportation or mobility on demand services
7 at the time such request is issued.

8 (2) CONTENT.—The notice required in para-
9 graph (1) shall include the following:

10 (A) A description of the automated vehicle
11 providing public transportation or mobility on
12 demand service.

13 (B) The impact of the automated vehicle
14 providing public transportation or mobility on
15 demand service on employment positions, in-
16 cluding a description of which employment posi-
17 tions will be affected and whether any new posi-
18 tions will be created.

19 (d) DEFINITIONS.—In this section:

20 (1) AUTOMATED VEHICLE.—The term “auto-
21 mated vehicle” means a motor vehicle that—

22 (A) is capable of performing the entire
23 task of driving (including steering, accelerating
24 and decelerating, and reacting to external stim-
25 ulus) without human intervention; and

1 (B) is designed to be operated exclusively
2 by a Level 4 or Level 5 automated driving sys-
3 tem for all trips according to the recommended
4 practice standards published on June 15, 2018,
5 by the Society of Automotive Engineers Inter-
6 national (J3016__201806) or equivalent stand-
7 ards adopted by the Secretary with respect to
8 automated motor vehicles.

9 (2) MOBILITY ON DEMAND.—The term “mobil-
10 ity on demand” has the meaning given such term in
11 section 5316 of title 49, United States Code.

12 (3) PUBLIC TRANSPORTATION.—The term
13 “public transportation” has the meaning given such
14 term in section 5302 of title 49, United States Code.

15 (e) SAVINGS CLAUSE.—Nothing in this section shall
16 prohibit the use of funds for an eligible activity or pilot
17 project of a covered recipient authorized under current law
18 prior to the date of enactment of this Act.

19 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**
20 **ASIDES.**

21 Section 5329(d)(2) of title 49, United States Code,
22 is amended to read as follows:

23 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-
24 URES.—

1 “(A) IN GENERAL.—The safety committee
2 described in paragraph (4) shall establish per-
3 formance measures for the risk reduction pro-
4 gram in paragraph (1)(I) using a 3-year rolling
5 average of the data submitted by the recipient
6 to the National Transit Database.

7 “(B) SAFETY SET ASIDE.—With respect to
8 a recipient serving an urbanized area that re-
9 ceives funds under section 5307, such recipient
10 shall allocate not less than 0.75 percent of such
11 funds to projects eligible under section 5307.

12 “(C) FAILURE TO MEET PERFORMANCE
13 MEASURES.—Any recipient that receives funds
14 under section 5307 that does not meet the per-
15 formance measures established in subparagraph
16 (A) shall allocate the amount made available in
17 subparagraph (B) in the following fiscal year to
18 projects described in subparagraph (D).

19 “(D) ELIGIBLE PROJECTS.—Funds set
20 aside under this paragraph shall be used for
21 projects that are reasonably likely to meet the
22 performance measures established in subpara-
23 graph (A), including modifications to rolling
24 stock and de-escalation training.”.

1 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

2 (a) IN GENERAL.—Chapter 53 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 5341. U.S. Employment Plan**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COMMITMENT TO HIGH-QUALITY CAREER
8 AND BUSINESS OPPORTUNITIES.—The term ‘com-
9 mitment to high-quality career and business oppor-
10 tunities’ means participation in a registered appren-
11 ticeship program.

12 “(2) COVERED INFRASTRUCTURE PROGRAM.—
13 The term ‘covered infrastructure program’ means
14 any activity under program or project under this
15 chapter for the purchase or acquisition of rolling
16 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

1 the supply chain of the bidder for the
2 project; and

3 “(ii) a commitment to recruit and hire
4 individuals described in subsection (e) if
5 the project results in the hiring of employ-
6 ees not currently or previously employed by
7 the bidder and the supply chain of the bid-
8 der 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
15 (ii) of subparagraph (A) that is awarded a con-
16 tract complies with those commitments.

17 “(4) REGISTERED APPRENTICESHIP PRO-
18 GRAM.—The term ‘registered apprenticeship pro-
19 gram’ means an apprenticeship program registered
20 under the Act of August 16, 1937 (commonly known
21 as the ‘National Apprenticeship Act’; 50 Stat. 664,
22 chapter 663; 29 U.S.C. 50 et seq.), including any re-
23 quirement, standard, or rule promulgated under
24 such Act, as such requirement, standard, or rule was
25 in effect on December 30, 2019.

1 “(b) BEST-VALUE FRAMEWORK.—To the maximum
2 extent practicable, a recipient of assistance under a cov-
3 ered infrastructure program is encouraged—

4 “(1) to ensure that each dollar invested in in-
5 frastructure uses a best-value contracting framework
6 to maximize the local value of federally funded con-
7 tracts by evaluating bids on price and other tech-
8 nical criteria 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
14 analysis;

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
20 underrepresented individuals in infrastructure
21 industries in the United States; and

22 “(H) access to jobs and essential services
23 by all modes of travel for all users, including in-
24 dividuals with disabilities; 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 APPRENTICE-
5 SHIP PROGRAMS.—To the maximum extent practicable, a
6 recipient of assistance under a covered infrastructure pro-
7 gram, with respect to the project for which the assistance
8 is received, shall give preference to a bidder that dem-
9 onstrates a commitment to high-quality job opportunities
10 affiliated 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 that re-
14 ceives assistance under this chapter, the recipient shall use
15 a U.S. Employment Plan for each contract of \$10,000,000
16 or more for the purchase of manufactured goods or of
17 services, based on an independent cost estimate.

18 “(e) PRIORITY.—The Secretary shall ensure that the
19 entity carrying out a project under the covered infrastruc-
20 ture program gives priority to—

21 “(1) individuals with a barrier to employment
22 (as defined in section 3 of the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3102)), including
24 ex-offenders and disabled individuals;

25 “(2) veterans; and

1 “(3) individuals that represent populations that
2 are traditionally underrepresented in the infrastruc-
3 ture workforce, such as women and racial and ethnic
4 minorities.

5 “(f) REPORT.—Not less frequently than once each
6 fiscal year, the Secretary shall jointly submit to Congress
7 a report describing the implementation of this section.

8 “(g) INTENT OF CONGRESS.—

9 “(1) IN GENERAL.—It is the intent of Con-
10 gress—

11 “(A) to encourage recipients of Federal as-
12 sistance under covered infrastructure programs
13 to use a best-value contracting framework de-
14 scribed in subsection (b) for the purchase of
15 goods and services;

16 “(B) to encourage recipients of Federal as-
17 sistance under covered infrastructure programs
18 to use preferences for registered apprenticeship
19 programs as described in subsection (c) when
20 evaluating bids for projects using that assist-
21 ance;

22 “(C) to require that recipients of Federal
23 assistance under covered infrastructure pro-
24 grams use the U.S. Employment Plan in car-

1 (B) by redesignating subparagraph (I) as
2 subparagraph (J); and

3 (C) by inserting after subparagraph (H)
4 the following:

5 “(I) provide innovation and capacity-build-
6 ing to rural and tribal public transportation re-
7 cipients that do not duplicate the activities of
8 sections 5311(b) or 5312; and”;

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

10 “(4) AVAILABILITY OF AMOUNTS.—Of the
11 amounts made available to carry out this section
12 under section 5338(c), \$1,500,000 shall be available
13 to carry out activities described in paragraph
14 (2)(I).”.

15 **Subtitle G—Transit-Supportive** 16 **Communities**

17 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

18 (a) IN GENERAL.—Chapter 53 of title 49, United
19 States Code, is amended by inserting after section 5327
20 the following:

21 **“§ 5328. Transit-supportive communities**

22 “(a) ESTABLISHMENT.—The Secretary shall estab-
23 lish within the Federal Transit Administration, an Office
24 of Transit-Supportive Communities to make grants, pro-
25 vide technical assistance, and assist in the coordination

1 of transit and housing policies within the Federal Transit
2 Administration, the Department of Transportation, and
3 across the Federal Government.

4 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
5 GRANT PROGRAM.—

6 “(1) DEFINITION.—In this subsection the term
7 ‘eligible project’ means—

8 “(A) a new fixed guideway capital project
9 or a core capacity improvement project as de-
10 fined in section 5309;

11 “(B) an existing fixed guideway system, or
12 an existing station that is served by a fixed
13 guideway system; or

14 “(C) the immediate corridor along the
15 highest 25 percent of routes by ridership as
16 demonstrated in section 5336(b)(2)(B).

17 “(2) GENERAL AUTHORITY.—The Secretary
18 may make grants under this subsection to a State,
19 local governmental authority, or metropolitan plan-
20 ning organization to assist in financing comprehen-
21 sive planning associated with an eligible project that
22 seeks to—

23 “(A) enhance economic development, rider-
24 ship, equity, reduction of greenhouse gas emis-
25 sions, or other goals established during the

1 project development and engineering processes
2 or the grant application;

3 “(B) facilitate multimodal connectivity and
4 accessibility;

5 “(C) increase access to transit hubs for pe-
6 destrian and bicycle traffic;

7 “(D) enable mixed-use development;

8 “(E) identify infrastructure needs associ-
9 ated with the eligible project; and

10 “(F) include private sector participation.

11 “(3) ELIGIBILITY.—A State, local governmental
12 authority, or metropolitan planning organization
13 that desires to participate in the program under this
14 subsection shall submit to the Secretary an applica-
15 tion that contains at a minimum—

16 “(A) an identification of an eligible project;

17 “(B) a schedule and process for the devel-
18 opment of a comprehensive plan;

19 “(C) a description of how the eligible
20 project and the proposed comprehensive plan
21 advance the metropolitan transportation plan of
22 the metropolitan planning organization;

23 “(D) proposed performance criteria for the
24 development and implementation of the com-
25 prehensive plan;

1 “(E) a description of how the project will
2 advance equity and reduce and mitigate social
3 and economic impacts on existing residents and
4 businesses and communities historically ex-
5 cluded from economic opportunities vulnerable
6 to displacement; and

7 “(F) identification of—

8 “(i) partners;

9 “(ii) availability of and authority for
10 funding; and

11 “(iii) potential State, local or other
12 impediments to the implementation of the
13 comprehensive plan.

14 “(4) COST SHARE.—A grant under this sub-
15 section shall not exceed an amount in excess of 80
16 percent of total project costs, except that a grant
17 that includes an affordable housing component shall
18 not exceed an amount in excess of 90 percent of
19 total project costs.

20 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
21 provide technical assistance to States, local governmental
22 authorities, and metropolitan planning organizations in
23 the planning and development of transit-oriented develop-
24 ment projects and transit supportive corridor policies, in-
25 cluding—

1 “(1) the siting, planning, financing, and inte-
2 gration of transit-oriented development projects;

3 “(2) the integration of transit-oriented develop-
4 ment and transit-supportive corridor policies in the
5 preparation for and development of an application
6 for funding under section 602 of title 23;

7 “(3) the siting, planning, financing, and inte-
8 gration of transit-oriented development and transit
9 supportive corridor policies associated with projects
10 under section 5309;

11 “(4) the development of housing feasibility as-
12 sessments as allowed under section 5309(g)(3)(B);

13 “(5) the development of transit-supportive cor-
14 ridor policies that promote transit ridership and
15 transit-oriented development;

16 “(6) the development, implementation, and
17 management of land value capture programs; and

18 “(7) the development of model contracts, model
19 codes, and best practices for the implementation of
20 transit-oriented development projects and transit-
21 supportive corridor policies.

22 “(d) VALUE CAPTURE POLICY REQUIREMENTS.—

23 “(1) VALUE CAPTURE POLICY.—Not later than
24 October 1 of the fiscal year that begins 2 years after
25 the date of enactment of this section, the Secretary,

1 in collaboration with State departments of transpor-
2 tation, metropolitan planning organizations, and re-
3 gional council of governments, shall establish vol-
4 untary and consensus-based value capture stand-
5 ards, policies, and best practices for State and local
6 value capture mechanisms that promote greater in-
7 vestments in public transportation and affordable
8 transit-oriented development.

9 “(2) REPORT.—Not later than 15 months after
10 the date of enactment of this section, the Secretary
11 shall make available to the public a report cataloging
12 examples of State and local laws and policies that
13 provide for value capture and value sharing that pro-
14 mote greater investment in public transportation and
15 affordable transit-oriented development.

16 “(d) EQUITY.—In providing technical assistance
17 under subsection (c), the Secretary shall incorporate strat-
18 egies to promote equity for underrepresented and under-
19 served communities, including—

20 “(1) preventing displacement of existing resi-
21 dents and businesses;

22 “(2) mitigating rent and housing price in-
23 creases;

24 “(3) incorporating affordable rental and owner-
25 ship housing in transit-oriented development;

1 “(4) engaging under-served, limited English
2 proficiency, low income, and minority communities
3 in the planning process;

4 “(5) fostering economic development opportuni-
5 ties for existing residents and businesses; and

6 “(6) targeting affordable housing that help less-
7 en homelessness.

8 “(d) AUTHORITY TO REQUEST STAFFING ASSIST-
9 ANCE.—In fulfilling the duties of this section, the Sec-
10 retary shall, as needed, request staffing and technical as-
11 sistance from other Federal agencies, programs, adminis-
12 trations, boards, or commissions.

13 “(e) REVIEW EXISTING POLICIES AND PROGRAMS.—
14 Not later than 24 months after the date of enactment of
15 this section, the Secretary shall review and evaluate all
16 existing policies and programs within the Federal Transit
17 Administration that support or promote transit-oriented
18 development to ensure their coordination and effectiveness
19 relative to the goals of this section.

20 “(f) REPORTING.—Not later than February 1 of each
21 year beginning the year after the date of enactment of
22 this section, the Secretary shall prepare a report detailing
23 the grants and technical assistance provided under this
24 section, the number of affordable housing units con-
25 structed or planned as a result of projects funded in this

1 section, and the number of affordable housing units con-
2 structed or planned as a result of a property transfer
3 under section 5334(h)(1). The report shall be provided to
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on
6 Banking, Housing, and Urban Affairs of the Senate.

7 “(g) SAVINGS CLAUSE.—Nothing in this section au-
8 thorizes the Secretary to provide any financial assistance
9 for the construction of housing.

10 “(h) PRIORITY FOR LOW-INCOME AREAS.—In award-
11 ing grants under this section, the Secretary shall give pri-
12 ority to projects under this section that expand or build
13 transit in low-income areas or that provide access to public
14 transportation to low-income areas that do not have access
15 to public transportation.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 53 of title 49, United States Code, is amended by in-
18 serting after the item relating to section 5327 the fol-
19 lowing:

“5328. Transit-supportive communities.”.

20 (c) TECHNICAL AND CONFORMING AMENDMENT.—
21 Section 20005 of the MAP-21 (Public Law 112-141) is
22 amended—

23 (1) by striking “(a) AMENDMENT.—”; and

24 (2) by striking subsection (b).

1 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
2 **HOUSING.**

3 Section 5334(h)(1) of title 49, United States Code,
4 is amended to read as follows:

5 “(1) IN GENERAL.—If a recipient of assistance
6 under this chapter decides an asset acquired under
7 this chapter at least in part with that assistance is
8 no longer needed for the purpose for which such
9 asset was acquired, the Secretary may authorize the
10 recipient to transfer such asset to—

11 “(A) a local governmental authority to be
12 used for a public purpose with no further obli-
13 gation to the Government if the Secretary de-
14 cides—

15 “(i) the asset will remain in public use
16 for at least 5 years after the date the asset
17 is transferred;

18 “(ii) there is no purpose eligible for
19 assistance under this chapter for which the
20 asset should be used;

21 “(iii) the overall benefit of allowing
22 the transfer is greater than the interest of
23 the Government in liquidation and return
24 of the financial interest of the Government
25 in the asset, after considering fair market
26 value and other factors; and

1 “(iv) through an appropriate screen-
2 ing or survey process, that there is no in-
3 terest in acquiring the asset for Govern-
4 ment use if the asset is a facility or land;
5 or

6 “(B) a local governmental authority, non-
7 profit organization, or other third party entity
8 to be used for the purpose of transit-oriented
9 development with no further obligation to the
10 Government if the Secretary decides—

11 “(i) the asset is a necessary compo-
12 nent of a proposed transit-oriented devel-
13 opment project;

14 “(ii) the transit-oriented development
15 project will increase transit ridership;

16 “(iii) at least 40 percent of the hous-
17 ing units offered in the transit-oriented de-
18 velopment , including housing units owned
19 by nongovernmental entities, are legally
20 binding affordability restricted to tenants
21 with incomes at or below 60 percent of the
22 area median income and/or owners with in-
23 comes at or below 60 percent the area me-
24 dian income;

1 “(iv) the asset will remain in use as
2 described in this section for at least 30
3 years after the date the asset is trans-
4 ferred; and

5 “(v) with respect to a transfer to a
6 third party entity—

7 “(I) a local government authority
8 or nonprofit organization is unable to
9 receive the property;

10 “(II) the overall benefit of allow-
11 ing the transfer is greater than the in-
12 terest of the Government in liquida-
13 tion and return of the financial inter-
14 est of the Government in the asset,
15 after considering fair market value
16 and other factors; and

17 “(III) the third party has dem-
18 onstrated a satisfactory history of
19 construction or operating an afford-
20 able housing development.”.

21 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
22 **INVESTMENT GRANTS.**

23 Section 5309 of title 49, United States Code, is fur-
24 ther amended—

25 (1) in subsection (g)—

1 (A) in paragraph (2)(B)—

2 (i) in clause (i) by striking “; and”

3 and inserting a semicolon;

4 (ii) in clause (ii) by striking the pe-
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iii) in the case of a new fixed guide-
9 way capital project or a core capacity im-
10 provement project, allow a weighting 5 per-
11 centage points greater to the economic de-
12 velopment criterion and 5 percentage
13 points lesser to the lowest scoring criterion
14 if the applicant demonstrates substantial
15 efforts to preserve or encourage affordable
16 housing near the project by providing doc-
17 umentation of policies that allow by-right
18 multi-family housing, single room occu-
19 pancy units, or accessory dwelling units,
20 providing local capital sources for transit-
21 oriented development, or demonstrate other
22 methods as determined by the Secretary.”;
23 and

24 (B) in paragraph (3) by adding at the end
25 the following:

1 “(B) establish a warrant that applies to
2 the economic development project justification
3 criteria, provided that the applicant that re-
4 quests a warrant under this process has com-
5 pleted and submitted a housing feasibility as-
6 sessment.”; and

7 (2) in subsection (l)(4) by adding at the end the
8 following:

9 “(E) from grant proceeds distributed
10 under section 103 of the Housing and Commu-
11 nity Development Act of 1974 (42 U.S.C.
12 5303) or section 201 of the Public Works and
13 Economic Development Act of 1965 (42 U.S.C.
14 3141) provided that—

15 “(i) such funds are used in conjunc-
16 tion with the planning or development of
17 affordable housing; and

18 “(ii) such affordable housing is lo-
19 cated within one-half of a mile of a new
20 station.”.

21 **Subtitle H—Innovation**

22 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

23 Section 5312(d) of title 49, United States Code, is
24 amended by adding at the end the following:

1 “(3) MOBILITY INNOVATION SANDBOX PRO-
2 GRAM.—The Secretary may make funding available
3 under this subsection to carry out research on mobil-
4 ity on demand and mobility as a service activities eli-
5 gible under section 5316.”.

6 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**
7 **SIGN PROGRAM.**

8 Section 5312(d) of title 49, United States Code, is
9 further amended by adding at the end the following:

10 “(4) TRANSIT BUS OPERATOR COMPARTMENT
11 REDESIGN PROGRAM.—

12 “(A) IN GENERAL.—The Secretary may
13 make funding available under this subsection to
14 carry out research on redesigning transit bus
15 operator compartments to improve safety, oper-
16 ational efficiency, and passenger accessibility.

17 “(B) OBJECTIVES.—Research objectives
18 under this paragraph shall include—

19 “(i) increasing bus operator safety
20 from assaults;

21 “(ii) optimizing operator visibility and
22 reducing operator distractions to improve
23 safety of bus passengers, pedestrians,
24 bicyclists, and other roadway users;

1 “(iii) expanding passenger accessi-
2 bility for positive interactions between op-
3 erators and passengers, including assisting
4 passengers in need of special assistance;

5 “(iv) accommodating compliance for
6 passenger boarding, alighting, and secure-
7 ment with the Americans with Disabilities
8 Act of 1990 (42 U.S.C. 12101 et seq.);
9 and

10 “(v) improving ergonomics to reduce
11 bus operator work-related health issues
12 and injuries, as well as locate key instru-
13 ment and control interfaces to improve
14 operational efficiency and convenience.

15 “(C) ACTIVITIES.—Eligible activities under
16 this paragraph shall include—

17 “(i) measures to reduce visibility im-
18 pairments and distractions for bus opera-
19 tors that contribute to accidents, including
20 retrofits to buses in revenue service and
21 specifications for future procurements that
22 reduce visibility impairments and distrac-
23 tions;

24 “(ii) the deployment of assault mitiga-
25 tion infrastructure and technology on

1 buses, including barriers to restrict the un-
2 wanted entry of individuals and objects
3 into bus operators' workstations;

4 “(iii) technologies to improve pas-
5 senger accessibility, including boarding,
6 alighting, and securement in compliance
7 with the Americans with Disabilities Act of
8 1990 (42 U.S.C. 12101 et seq.);

9 “(iv) installation of seating and modi-
10 fication to design specifications of bus op-
11 erator workstations that reduce or prevent
12 injuries from ergonomic risks; or

13 “(v) other measures that align with
14 the objectives under subparagraph (B).

15 “(D) ELIGIBLE ENTITIES.—Entities eligi-
16 ble to receive funding under this paragraph
17 shall include consortia consisting of, at a min-
18 imum:

19 “(i) recipients of funds under this
20 chapter that provide public transportation
21 services;

22 “(ii) transit vehicle manufacturers;

23 “(iii) representatives from organiza-
24 tions engaged in collective bargaining on

1 behalf of transit workers in not fewer than
2 three States; and

3 “(iv) any nonprofit institution of high-
4 er education, as defined in section 101 of
5 the Higher Education Act of 1965 (20
6 U.S.C. 1001).”.

7 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
8 **COUNTS INITIATIVE.**

9 Section 5312 of title 49, United States Code, as
10 amended by section 2503, is further amended by adding
11 at the end the following:

12 “(k) EVERY DAY COUNTS INITIATIVE.—

13 “(1) IN GENERAL.—It is in the national inter-
14 est for the Department of Transportation and recipi-
15 ents of Federal public transportation funds—

16 “(A) to identify, accelerate, and deploy in-
17 novation aimed at expediting project delivery,
18 enhancing the safety of transit systems of the
19 United States, and protecting the environment;

20 “(B) to ensure that the planning, design,
21 engineering, construction, and financing of
22 transportation projects is done in an efficient
23 and effective manner;

1 “(C) to promote the rapid deployment of
2 proven solutions that provide greater account-
3 ability for public investments; and

4 “(D) to create a culture of innovation
5 within the transit community.

6 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
7 advance the policies described in paragraph (1), the
8 Administrator of the Federal Transit Administration
9 shall adopt the Every Day Counts initiative to work
10 with recipients to identify and deploy the proven in-
11 novation practices and products that—

12 “(A) accelerate innovation deployment;

13 “(B) expedite the project delivery process;

14 “(C) improve environmental sustainability;

15 “(D) enhance transit safety;

16 “(E) expand mobility; and

17 “(F) reduce greenhouse gas emissions.

18 “(3) CONSIDERATION.—In accordance with the
19 Every Day Counts goals described in paragraphs (1)
20 and (2), the Administrator shall consider research
21 conducted through the university transportation cen-
22 ters program in section 5505.

23 “(4) INNOVATION DEPLOYMENT.—

24 “(A) IN GENERAL.—At least every 2 years,
25 the Administrator shall work collaboratively

1 with recipients to identify a new collection of in-
2 novations, best practices, and data to be de-
3 ployed to recipients through case studies,
4 webinars, and demonstration projects.

5 “(B) REQUIREMENTS.—In identifying a
6 collection described in subparagraph (A), the
7 Secretary shall take into account market readi-
8 ness, impacts, benefits, and ease of adoption of
9 the innovation or practice.

10 “(5) PUBLICATION.—Each collection identified
11 under paragraph (4) shall be published by the Ad-
12 ministrator on a publicly available website.

13 “(6) RULE OF CONSTRUCTION.—Nothing in
14 this subsection may be construed to allow the Sec-
15 retary to waive any requirement under any other
16 provision of Federal law.”.

17 **SEC. 2804. TECHNICAL CORRECTIONS.**

18 Section 5312 of title 49, United States Code, as
19 amended in section 2503 and 2803, is further amended—

20 (1) in subsection (e)—

21 (A) in paragraph (3)(C) by striking “low
22 or no emission vehicles, zero emission vehicles,”
23 and inserting “zero emission vehicles”; and

24 (B) by striking paragraph (6) and insert-
25 ing the following:

1 “(6) ZERO EMISSION VEHICLE DEFINED.—In
2 this subsection, the term ‘zero emission vehicle’
3 means a passenger vehicle used to provide public
4 transportation that produces no carbon or particu-
5 late matter.”;

6 (2) by redesignating the first subsection (g) as
7 subsection (f); and

8 (3) in subsection (h)—

9 (A) in the header by striking “LOW OR NO
10 EMISSION” and inserting “ZERO EMISSION”;

11 (B) in paragraph (1)—

12 (i) by striking subparagraph (B) and
13 inserting the following:

14 “(B) the term ‘zero emission vehicle’ has
15 the meaning given such term in subsection
16 (e)(6);” and

17 (ii) in subparagraph (D) by striking
18 “low or no emission vehicle” and inserting
19 “zero emission vehicle” each place such
20 term appears;

21 (C) in paragraph (2)—

22 (i) in the heading by striking “LOW
23 OR NO EMISSION” and inserting “ZERO
24 EMISSION”; and

1 (ii) by striking “low or no emission”
2 and inserting “zero emission” each place
3 such term appears;

4 (D) in paragraph (3) by striking “low or
5 no emission” and inserting “zero emission”
6 each place such term appears; and

7 (E) in paragraph (5)(A) by striking “low
8 or no emission” and inserting “zero emission”.

9 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
10 **BUS DEVELOPMENT PROGRAM.**

11 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
12 tation shall establish a national advanced technology tran-
13 sit bus development program to facilitate the development
14 and testing of commercially viable advanced technology
15 transit buses that do not exceed a Level 3 automated driv-
16 ing system and related infrastructure.

17 (b) **AUTHORIZATION.**—There shall be available
18 \$20,000,000 for each of fiscal years 2021 through 2025.

19 (c) **GRANTS.**—The Secretary may enter into grants,
20 contracts, and cooperative agreements with no more than
21 three geographically diverse nonprofit organizations and
22 recipients under chapter 53 of title 49, United States
23 Code, to facilitate the development and testing of commer-
24 cially viable advance technology transit buses and related
25 infrastructure.

1 (d) CONSIDERATIONS.—

2 (1) IN GENERAL.—The Secretary shall consider
3 the applicant's—

4 (A) ability to contribute significantly to
5 furthering advanced technologies as it relates to
6 transit bus operations, including advanced driv-
7 er assistance systems, automatic emergency
8 braking, accessibility, and energy efficiency;

9 (B) financing plan and cost share poten-
10 tial;

11 (C) technical experience developing or test-
12 ing advanced technologies in transit buses;

13 (D) commitment to frontline worker in-
14 volvement; and

15 (E) other criteria that the Secretary deter-
16 mines are necessary to carry out the program.

17 (2) RULE OF CONSTRUCTION.—Nothing in this
18 subsection may be construed to allow the Secretary
19 to waive any requirement under any other provision
20 of Federal law.

21 (e) COMPETITIVE GRANT SELECTION.—The Sec-
22 retary shall conduct a national solicitation for applications
23 for grants under the program. Grant recipients shall be
24 selected on a competitive basis. The Secretary shall give
25 priority consideration to applicants that have successfully

1 managed advanced transportation technology projects, in-
2 cluding projects related to public transportation oper-
3 ations for a period of not less than 5 years.

4 (f) CONSORTIA.—As a condition of receiving an
5 award in (c), the Secretary shall ensure—

6 (1) that the selected non-profit recipients subse-
7 quently establish a consortia for each proposal sub-
8 mitted, including representatives from a labor union,
9 transit agency, an FTA-designated university bus
10 and component testing center, a Buy America com-
11 pliant transit bus manufacturer, and others as deter-
12 mined by the Secretary;

13 (2) that no proposal selected would decrease
14 workplace or passenger safety; and

15 (3) that no proposal selected would undermine
16 the creation of high-quality jobs or workforce sup-
17 port and development programs.

18 (g) FEDERAL SHARE.—The Federal share of costs
19 of the program shall be provided from funds made avail-
20 able to carry out this section. The Federal share of the
21 cost of a project carried out under the program shall not
22 exceed 80 percent of such cost.

23 **SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.**

24 Section 5312(h)(2) of title 49, United States Code,
25 is amended by striking subparagraph (G).

1 **SEC. 2807. TRANSIT VEHICLE BATTERY RECYCLING AND**
2 **REUSE.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall issue regulations that, notwithstanding any
6 other provision of law, allow recipients of funds under
7 chapter 53 of title 49, United States Code, at the option
8 of the recipient, to repurpose, recycle, reuse, sell, or lease
9 transit vehicle batteries that are beyond the useful service
10 life of such batteries for the purpose of transit vehicle pro-
11 pulsion and component parts of such batteries.

12 (b) CONSIDERATIONS.—In issuing regulations under
13 subsection (a), the Secretary shall prioritize second life ap-
14 plications that—

15 (1) maximize the full use of transit vehicle bat-
16 teries beyond the useful life of such batteries for
17 transit vehicle propulsion and component parts of
18 such batteries;

19 (2) enhance the reuse and recycling of transit
20 vehicle batteries, components, and component critical
21 minerals of such batteries;

22 (3) reduce costs for recipients;

23 (4) create new streams of revenue for recipi-
24 ents;

1 (5) support the provision of zero emission pub-
2 lic transportation service, which may include the use
3 of wayside charging; and

4 (6) enhance the resilience of public transpor-
5 tation and the electric vehicle supply equipment net-
6 work, which may include the use of batteries for en-
7 ergy storage.

8 (c) **SECOND LIFE APPLICATIONS DEFINED.**—In this
9 section, the term “second life applications” means the
10 repurposing, recycling, reuse, sale, or leasing of a transit
11 vehicle battery that is beyond the useful service life for
12 the purpose of transit vehicle propulsion and component
13 parts of such battery, but that retains utility for other ap-
14 plications.

15 **Subtitle I—Other Program** 16 **Reauthorizations**

17 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-**
18 **TIVE MAINTENANCE PROJECTS FOR WASH-**
19 **INGTON METROPOLITAN AREA TRANSIT AU-**
20 **THORITY.**

21 Section 601 of the Passenger Rail Investment and
22 Improvement Act of 2008 (Public Law 110–432) is
23 amended—

1 (1) in subsection (b) by striking “The Federal”
2 and inserting “Except as provided in subsection
3 (e)(2), the Federal”;

4 (2) by striking subsections (d) through (f) and
5 inserting the following:

6 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
7 may be provided to the Transit Authority under this sec-
8 tion until the Transit Authority certifies to the Secretary
9 of Transportation that—

10 “(1) a board resolution has passed on or before
11 July 1, 2022, and is in effect for the period of July
12 1, 2022 through June 30, 2031, that—

13 “(A) establishes an independent budget au-
14 thority for the Office of Inspector General of
15 the Transit Authority;

16 “(B) establishes an independent procure-
17 ment authority for the Office of Inspector Gen-
18 eral of the Transit Authority;

19 “(C) establishes an independent hiring au-
20 thority for the Office of Inspector General of
21 the Transit Authority;

22 “(D) ensures the Inspector General of the
23 Transit Authority can obtain legal advice from
24 a counsel reporting directly to the Inspector
25 General;

1 “(E) requires the Inspector General of the
2 Transit Authority to submit recommendations
3 for corrective action to the General Manager
4 and the Board of Directors of the Transit Au-
5 thority;

6 “(F) requires the Inspector General of the
7 Transit Authority to publish any recommenda-
8 tion described in subparagraph (E) on the
9 website of the Office of Inspector General of the
10 Transit Authority, except that the Inspector
11 General may redact personally identifiable in-
12 formation and information that, in the deter-
13 mination of the Inspector General, would pose
14 a security risk to the systems of the Transit
15 Authority;

16 “(G) requires the Board of Directors of
17 the Transit Authority to provide written notice
18 to the Committee on Transportation and Infra-
19 structure of the House of Representatives and
20 the Committee on Banking, Housing, and
21 Urban Affairs of the Senate not less than 30
22 days before the Board of Directors removes the
23 Inspector General of the Transit Authority,
24 which shall include the reasons for removal and
25 supporting documentation; and

1 “(H) prohibits the Board of Directors from
2 removing the Inspector General of the Transit
3 Authority unless the Board of Directors has
4 provided a 30 day written notification as de-
5 scribed in subparagraph (G) that documents—

6 “(i) a permanent incapacity;

7 “(ii) a neglect of duty;

8 “(iii) malfeasance;

9 “(iv) a conviction of a felony or con-
10 duct involving moral turpitude;

11 “(v) a knowing violation of a law or
12 regulation;

13 “(vi) gross mismanagement;

14 “(vii) a gross waste of funds;

15 “(viii) an abuse of authority; or

16 “(ix) inefficiency; and

17 “(2) the Code of Ethics for Members of the
18 WMATA Board of Directors passed on September
19 26, 2019, remains in effect, or the Inspector General
20 of the Transit Authority has consulted with any
21 modifications to the Code of Ethics by the Board.

22 “(e) AUTHORIZATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary of Transportation for
25 grants under this section—

- 1 “(A) for fiscal year 2022, \$150,000,000;
2 “(B) for fiscal year 2023, \$155,000,000;
3 “(C) for fiscal year 2024, \$160,000,000;
4 “(D) for fiscal year 2025, \$165,000,000;
5 “(E) for fiscal year 2026, \$170,000,000;
6 “(F) for fiscal year 2027, \$175,000,000;
7 “(G) for fiscal year 2028, \$180,000,000;
8 “(H) for fiscal year 2029, \$185,000,000;
9 “(I) for fiscal year 2030, \$190,000,000;
10 and
11 “(J) for fiscal year 2031, \$200,000,000.

12 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
13 GENERAL OF TRANSIT AUTHORITY.—From the
14 amounts in paragraph (1), the Transit Authority
15 shall provide at least 7 percent for each fiscal year
16 to the Office of Inspector General of the Transit Au-
17 thority to carry out independent and objective au-
18 dits, investigations, and reviews of Transit Authority
19 programs and operations to promote economy, effi-
20 ciency, and effectiveness, and to prevent and detect
21 fraud, waste, and abuse in such programs and oper-
22 ations.”; and

23 (3) by redesignating subsection (g) as sub-
24 section (f).

1 **SEC. 2902. OTHER APPORTIONMENTS.**

2 Section 5336 of title 49, United States Code, is
3 amended—

4 (1) in subsection (h)—

5 (A) in the matter preceding paragraph (1)
6 by striking “section 5338(a)(2)(C)” and insert-
7 ing “section 5338(a)(2)(B)”;

8 (B) by amending paragraph (1) to read as
9 follows:

10 “(1) to carry out section 5307(h)—

11 “(A) \$60,906,000 shall be set aside in fis-
12 cal year 2023;

13 “(B) \$61,856,134 shall be set aside in fis-
14 cal year 2024;

15 “(C) \$62,845,832 shall be set aside in fis-
16 cal year 2025; and

17 “(D) \$63,832,511 shall be set aside in fis-
18 cal year 2026;”;

19 (C) in paragraph (2) by striking “3.07
20 percent” and inserting “6 percent”; and

21 (D) by amending paragraph (3) to read as
22 follows:

23 “(3) of amounts not apportioned under para-
24 graphs (1) and (2), 3 percent shall be apportioned
25 to urbanized areas with populations of less than
26 200,000 in accordance with subsection (i);”;

1 (2) in subsection (i) by adding at the end the
2 following:

3 “(3) CENSUS PHASE-OUT.—Before apportioning
4 funds under subsection (h)(3), for any urbanized
5 area that is no longer an eligible area due to a
6 change in population in the most recent decennial
7 census, the Secretary shall apportion to such urban-
8 ized area, for 3 fiscal years, an amount equal to half
9 of the funds apportioned to such urbanized area pur-
10 suant to this subsection for the previous fiscal
11 year.”.

12 **Subtitle J—Streamlining**

13 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 14 **GRANTS.**

15 Section 5309 of title 49, United States Code, as
16 amended by section 2703 of this Act, is further amend-
17 ed—

18 (1) in subsection (a)—

19 (A) in paragraph (7)—

20 (i) in subparagraph (A) by striking

21 “\$100,000,000” and inserting

22 “\$320,000,000”; and

23 (ii) in subparagraph (B) by striking

24 “\$300,000,000” and inserting

25 “\$400,000,000”;

1 (B) by striking paragraph (6); and

2 (C) by redesignating paragraph (7), as so
3 amended, as paragraph (6);

4 (2) in subsection (b)(2) by inserting “expanding
5 station capacity,” after “construction of infill sta-
6 tions,”;

7 (3) in subsection (d)(1)—

8 (A) in subparagraph (C)(i) by striking “2
9 years” and inserting “3 years”; and

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

11 “(D) OPTIONAL PROJECT DEVELOPMENT
12 ACTIVITIES.—An applicant may perform cost
13 and schedule risk assessments with technical
14 assistance provided by the Secretary.

15 “(E) STATUTORY CONSTRUCTION.—Noth-
16 ing in this section shall be construed as author-
17 izing the Secretary to require cost and schedule
18 risk assessments in the project development
19 phase.”;

20 (4) in subsection (e)(1)—

21 (A) in subparagraph (C)(i) by striking “2
22 years” and inserting “3 years”; and

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

24 “(D) OPTIONAL PROJECT DEVELOPMENT
25 ACTIVITIES.—An applicant may perform cost

1 and schedule risk assessments with technical
2 assistance provided by the Secretary.

3 “(E) STATUTORY CONSTRUCTION.—Noth-
4 ing in this section shall be construed as author-
5 izing the Secretary to require cost and schedule
6 risk assessments in the project development
7 phase.”;

8 (5) in subsection (e)(2)(A)(iii)(II) by striking
9 “5 years” and inserting “10 years”;

10 (6) in subsection (f)—

11 (A) in paragraph (1) by striking “sub-
12 section (d)(2)(A)(v)” and inserting “subsection
13 (d)(2)(A)(iv)”;

14 (B) in paragraph (2)—

15 (i) by striking “subsection
16 (d)(2)(A)(v)” and inserting “subsection
17 (d)(2)(A)(iv)”;

18 (ii) in subparagraph (D) by adding
19 “and” at the end;

20 (iii) by striking subparagraph (E);
21 and

22 (iv) by redesignating subparagraph
23 (F) as subparagraph (E); and

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

1 “(4) COST-SHARE INCENTIVES.—For a project
2 for which a lower CIG cost share is elected by the
3 applicant under subsection (l)(1)(C), the Secretary
4 shall apply the following requirements and consider-
5 ations in lieu of paragraphs (1) and (2):

6 “(A) REQUIREMENTS.—In determining
7 whether a project is supported by local financial
8 commitment and shows evidence of stable and
9 dependable financing sources for purposes of
10 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
11 Secretary shall require that—

12 “(i) the proposed project plan pro-
13 vides for the availability of contingency
14 amounts that the applicant determines to
15 be reasonable to cover unanticipated cost
16 increases or funding shortfalls;

17 “(ii) each proposed local source of
18 capital and operating financing is stable,
19 reliable, and available within the proposed
20 project timetable; and

21 “(iii) an applicant certifies that local
22 resources are available to recapitalize,
23 maintain, and operate the overall existing
24 and proposed public transportation system,
25 including essential feeder bus and other

1 services necessary to achieve the projected
2 ridership levels without requiring a reduc-
3 tion in existing public transportation serv-
4 ices or level of service to operate the
5 project.

6 “(B) CONSIDERATIONS.—In assessing the
7 stability, reliability, and availability of proposed
8 sources of local financing for purposes of sub-
9 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
10 retary shall consider—

11 “(i) the reliability of the forecasting
12 methods used to estimate costs and reve-
13 nues made by the recipient and the con-
14 tractors to the recipient;

15 “(ii) existing grant commitments;

16 “(iii) any debt obligation that exists,
17 or is proposed by the recipient, for the pro-
18 posed project or other public transpor-
19 tation purpose; and

20 “(iv) private contributions to the
21 project, including cost-effective project de-
22 livery, management or transfer of project
23 risks, expedited project schedule, financial
24 partnering, and other public-private part-
25 nership strategies.”.

1 (7) in subsection (g)—

2 (A) in paragraph (2)(A) by striking “de-
3 gree of local financial commitment” and insert-
4 ing “criteria in subsection (f)” each place it ap-
5 pears;

6 (B) in paragraph (3) by striking “The Sec-
7 retary shall,” and all that follows through “to
8 carry out this subsection.” and inserting the
9 following: “The Secretary shall

10 “(A) to the maximum extent practicable,
11 develop and use special warrants for making a
12 project justification determination under sub-
13 section (d)(2) or (e)(2), as applicable, for a
14 project proposed to be funded using a grant
15 under this section if—

16 “(i) the share of the cost of the
17 project to be provided under this section—

18 “(I) does not exceed
19 \$500,000,000 and the total project
20 cost does not exceed \$1,000,000,000;
21 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
5 requirements that the Secretary considers
6 appropriate to carry out this subsection.”;

7 (C) by striking paragraph (5) and insert-
8 ing 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
12 the date of enactment of the INVEST in America
13 Act.”;

14 (D) by striking paragraph (6) and insert-
15 ing the following:

16 “(6) TRANSPARENCY.—Not later than 30 days
17 after the Secretary receives a written request from
18 an applicant for all remaining information necessary
19 to obtain 1 or more of the following, the Secretary
20 shall provide such information to the applicant:

21 “(A) Project advancement.

22 “(B) Medium or higher rating.

23 “(C) Warrant.

24 “(D) Letter of intent.

25 “(E) Early systems work agreement.”; and

1 (E) in paragraph (7) by striking “the Fed-
2 eral Public Transportation Act of 2012” and
3 inserting “the INVEST in America Act”;

4 (8) in subsection (h)—

5 (A) in paragraph (5) by inserting “, except
6 that for a project for which a lower local cost
7 share is elected under subsection (l)(1)(C), the
8 Secretary shall enter into a grant agreement
9 under this subsection for any such project that
10 establishes contingency amounts that the appli-
11 cant determines to be reasonable to cover unan-
12 ticipated cost increases or funding shortfalls”
13 before the period at the end; and

14 (B) in paragraph (7)(C) by striking “10
15 days” and inserting “3 days”;

16 (9) by striking subsection (i) and inserting the
17 following:

18 “(i) INTERRELATED PROJECTS.—

19 “(1) RATINGS IMPROVEMENT.—The Secretary
20 shall grant a rating increase of 1 level in mobility
21 improvements to any project being rated under sub-
22 section (d), (e), or (h), if the Secretary certifies that
23 the project has a qualifying interrelated project that
24 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
4 transportation plan required under section
5 5303;

6 “(B) has received a class of action designa-
7 tion under the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.);

9 “(C) will likely increase ridership on the
10 project being rated in subsection (d), (e), or
11 (h), respectively, as determined by the Sec-
12 retary; and

13 “(D) meets one of the following criteria:

14 “(i) Extends the corridor of the
15 project being rated in subsection (d), (e),
16 or (h), respectively.

17 “(ii) Provides a direct passenger
18 transfer to the project being rated in sub-
19 section (d), (e), or (h), respectively.”;

20 (10) in subsection (k)—

21 (A) in paragraph (2)(D) by adding at the
22 end the following:

23 “(v) LOCAL FUNDING COMMIT-
24 MENT.— For a project for which a lower
25 CIG cost share is elected by the applicant

1 under subsection (l)(1)(C), the Secretary
2 shall enter into a full funding grant agree-
3 ment that has at least 75 percent of local
4 financial commitment committed and the
5 remaining percentage budgeted for the pro-
6 posed purposes.”; and

7 (B) in paragraph (5) by striking “30
8 days” and inserting “3 days”;
9 (11) in subsection (l)—

10 (A) in paragraph (1) by striking subpara-
11 graph (B) and inserting the following:

12 “(B) CAP.—Except as provided in sub-
13 paragraph (C), a grant for a project under this
14 section shall not exceed 80 percent of the net
15 capital project cost, except that a grant for a
16 core capacity improvement project shall not ex-
17 ceed 80 percent of the net capital project cost
18 of the incremental cost to increase the capacity
19 in the corridor.

20 “(C) APPLICANT ELECTION OF LOWER
21 LOCAL CIG COST SHARE.—An applicant may
22 elect a lower local CIG cost share for a project
23 under this section for purposes of application of
24 the cost-share incentives under subsection
25 (f)(3). Such cost share shall not exceed 60 per-

1 cent of the net capital project cost, except that
2 for a grant for a core capacity improvement
3 project such cost share shall not exceed 60 per-
4 cent of the net capital project cost of the incre-
5 mental cost to increase the capacity in the cor-
6 ridor.”;

7 (B) by striking paragraph (5) and insert-
8 ing the following:

9 “(5) LIMITATION ON STATUTORY CONSTRUC-
10 TION.—Nothing in this section shall be construed as
11 authorizing the Secretary to require, incentivize (in
12 any manner not specified in this section), or place
13 additional conditions upon a non-Federal financial
14 commitment for a project that is more than 20 per-
15 cent of the net capital project cost or, for a core ca-
16 pacity improvement project, 20 percent of the net
17 capital project cost of the incremental cost to in-
18 crease the capacity in the corridor.”; and

19 (C) by striking paragraph (8) and insert-
20 ing the following:

21 “(8) CONTINGENCY SHARE.—The Secretary
22 shall provide funding for the contingency amount
23 equal to the proportion of the CIG cost share. If the
24 Secretary increases the contingency amount after a
25 project has received a letter of no prejudice or been

1 allocated appropriated funds, the federal share of
2 the additional contingency amount shall be 25 per-
3 cent higher than the original proportion the CIG
4 cost share and in addition to the grant amount set
5 in subsection (k)(2)(C)(ii).”;

6 (12) in subsection (o) by adding at the end the
7 following:

8 “(4) CIG PROGRAM DASHBOARD.—Not later
9 than the fifth day of each month, the Secretary shall
10 make publicly available on a website data on, includ-
11 ing the status of, each project under this section
12 that is in the project development phase, in the engi-
13 neering phase, or has received a grant agreement
14 and remains under construction. Such data shall in-
15 clude, for each project—

16 “(A) the amount and fiscal year of any
17 funding appropriated, allocated, or obligated for
18 the project;

19 “(B) the date on which the project—

20 “(i) entered the project development
21 phase;

22 “(ii) entered the engineering phase, if
23 applicable; and

24 “(iii) received a grant agreement, if
25 applicable; and

1 “(C) the status of review by the Federal
2 Transit Administration and the Secretary, in-
3 cluding dates of request, dates of acceptance of
4 request, and dates of a decision for each of the
5 following, if applicable:

6 “(i) A letter of no prejudice.

7 “(ii) An environmental impact state-
8 ment notice of intent.

9 “(iii) A finding of no significant envi-
10 ronmental impact.

11 “(iv) A draft environmental impact
12 statement.

13 “(v) A final environmental impact
14 statement.

15 “(vi) A record of decision on the final
16 environmental impact statement.

17 “(vii) The status of the applicant in
18 securing the non-Federal match, based on
19 information provided by the applicant, in-
20 cluding the amount committed, budgeted,
21 planned, and undetermined.”; and

22 (13) by striking “an acceptable degree of” and
23 inserting “a” each place it appears.

1 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**

2 **DEADLINE.**

3 Section 5336(d) of title 49, United States Code, is
4 amended—

5 (1) by redesignating paragraph (2) as para-
6 graph (3); and

7 (2) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) notwithstanding paragraph (1), apportion
10 amounts to the States appropriated under section
11 5338(a)(2) to carry out sections 5307, 5310, and
12 5311 not later than December 15 for which any
13 amounts are appropriated; and”.

14 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

15 Section 5334 of title 49, United States Code, is fur-
16 ther amended by adding at the end the following:

17 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
18 LIFE.—

19 “(1) IN GENERAL.—If a recipient, or sub-
20 recipient, for assistance under this chapter disposes
21 of an asset with a current market value, or proceed
22 from the sale of such asset, acquired under this
23 chapter at least in part with such assistance, after
24 such asset has reached the useful life of such asset,
25 the Secretary shall allow the recipient, or sub-
26 recipient, to use the proceeds attributable to the

1 Federal share of such asset calculated under para-
2 graph (3) for capital projects under section 5307,
3 5310, or 5311.

4 “(2) MINIMUM VALUE.—This subsection shall
5 only apply to assets with a current market value, or
6 proceeds from sale, of at least \$5,000.

7 “(3) CALCULATION OF FEDERAL SHARE AT-
8 TRIBUTABLE.—The proceeds attributable to the
9 Federal share of an asset described in paragraph (1)
10 shall be calculated by multiplying—

11 “(A) the current market value of, or the
12 proceeds from the disposition of, such asset; by

13 “(B) the Federal share percentage for the
14 acquisition of such asset at the time of acquisi-
15 tion of such asset.”.

16 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
17 **ITY.**

18 Section 5310 of title 49, United States Code, as
19 amended by section 2205, is further amended by adding
20 at the end the following:

21 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
22 BILITY.—

23 “(1) START UP GRANTS.—

24 “(A) IN GENERAL.—The Secretary may
25 make grants under this paragraph to eligible

1 recipients to assist in financing innovative
2 projects for the transportation disadvantaged
3 that improve the coordination of transportation
4 services and non-emergency medical transpor-
5 tation services.

6 “(B) APPLICATION.—An eligible recipient
7 shall submit to the Secretary an application
8 that, at a minimum, contains—

9 “(i) a detailed description of the eligi-
10 ble project;

11 “(ii) an identification of all eligible
12 project partners and the specific role of
13 each eligible project partner in the eligible
14 project, including—

15 “(I) private entities engaged in
16 the coordination of nonemergency
17 medical transportation services for the
18 transportation disadvantaged;

19 “(II) nonprofit entities engaged
20 in the coordination of nonemergency
21 medical transportation services for the
22 transportation disadvantaged; or

23 “(III) Federal and State entities
24 engaged in the coordination of non-
25 emergency medical transportation

1 services for the transportation dis-
2 advantaged; and

3 “(iii) a description of how the eligible
4 project shall—

5 “(I) improve local coordination or
6 access to coordinated transportation
7 services;

8 “(II) reduce duplication of serv-
9 ice, if applicable; and

10 “(III) provide innovative solu-
11 tions in the State or community.

12 “(C) PERFORMANCE MEASURES.—An eligi-
13 ble recipient shall specify, in an application for
14 a grant under this paragraph, the performance
15 measures the eligible project, in coordination
16 with project partners, will use to quantify ac-
17 tual outcomes against expected outcomes, in-
18 cluding—

19 “(i) changes to transportation expend-
20 itures as a result of improved coordination;

21 “(ii) changes to healthcare expendi-
22 tures provided by projects partners as a re-
23 sult of improved coordination; and

1 “(iii) changes to health care metrics,
2 including aggregate health outcomes pro-
3 vided by projects partners.

4 “(D) ELIGIBLE USES.—Eligible recipients
5 receiving a grant under this section may use
6 such funds for—

7 “(i) the deployment of coordination
8 technology;

9 “(ii) projects that create or increase
10 access to community One-Call/One-Click
11 Centers;

12 “(iii) projects that coordinate trans-
13 portation for 3 or more of—

14 “(I) public transportation pro-
15 vided under this section;

16 “(II) a State plan approved
17 under title XIX of the Social Security
18 Act (42 U.S.C. 1396 et seq.);

19 “(III) title XVIII of the Social
20 Security Act (42 U.S.C. 1395 et seq.);

21 “(IV) Veterans Health Adminis-
22 tration; or

23 “(V) private health care facilities;
24 and

1 “(iv) such other projects as deter-
2 mined appropriate by the Secretary.

3 “(E) CONSULTATION.—In evaluating the
4 performance metrics described in subparagraph
5 (C), the Secretary shall consult with the Sec-
6 retary of Health and Human Services.

7 “(2) INCENTIVE GRANTS.—

8 “(A) IN GENERAL.—The Secretary may
9 make grants under this paragraph to eligible
10 recipients to incentivize innovative projects for
11 the transportation disadvantaged that improve
12 the coordination of transportation services and
13 non-emergency medical transportation services.

14 “(B) SELECTION OF GRANT RECIPI-
15 ENTS.—The Secretary shall distribute grant
16 funds made available to carry out this para-
17 graph as described in subparagraph (E) to eli-
18 gible recipients that apply and propose to dem-
19 onstrate improvement in the metrics described
20 in subparagraph (F).

21 “(C) ELIGIBILITY.—An eligible recipient
22 shall not be required to have received a grant
23 under paragraph (1) to be eligible to receive a
24 grant under this paragraph.

1 “(D) APPLICATIONS.—Eligible recipients
2 shall submit to the Secretary an application
3 that includes—

4 “(i) which metrics under subpara-
5 graph (F) the eligible recipient intends to
6 improve;

7 “(ii) the performance data eligible re-
8 cipients and the Federal, State, nonprofit,
9 and private partners, as described in para-
10 graph (1)(B)(ii), 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
15 metrics.

16 “(E) DISTRIBUTION.—The Secretary shall
17 distribute funds made available to carry out
18 this paragraph based upon the number of grant
19 applications approved by the Secretary, number
20 of individuals served by each grant, and the in-
21 centive formulas approved by the Secretary
22 using the following metrics:

23 “(i) The reduced transportation ex-
24 penditures as a result of improved coordi-
25 nation.

1 “(ii) The reduced Federal and State
2 healthcare expenditures using the metrics
3 described in 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) preventing hospital admissions
15 and reducing readmissions of patients into
16 hospitals; and

17 “(iv) other measureable healthcare
18 metrics, as determined appropriate by the
19 Secretary, in consultation with the Sec-
20 retary of Health and Human Services.

21 “(G) ELIGIBLE EXPENDITURES.—The Sec-
22 retary shall allow the funds distributed by this
23 grant program to be expended on eligible activi-
24 ties described in paragraph (1)(D) and any eli-
25 gible activity under this section that is likely to

1 improve the metrics described in subparagraph
2 (F).

3 “(H) RECIPIENT CAP.—The Secretary—
4 “(i) may not provide more than 20
5 grants under this paragraph; and

6 “(ii) shall reduce the maximum num-
7 ber of grants under this paragraph to en-
8 sure projects are fully funded, if necessary.

9 “(I) CONSULTATION.—In evaluating the
10 health care metrics described in subparagraph
11 (F), the Secretary shall consult with the Sec-
12 retary of Health and Human Services.

13 “(J) ANNUAL GRANTEE REPORT.—Each
14 grantee shall submit a report, in coordination
15 with the project partners of such grantee, that
16 includes an evaluation of the outcomes of the
17 grant awarded to such grantee, including the
18 performance measures.

19 “(3) REPORT.—The Secretary shall make pub-
20 licly available an annual report on the program car-
21 ried out under this subsection for each fiscal year,
22 not later than December 31 of the calendar year in
23 which that fiscal year ends. The report shall include
24 a detailed description of the activities carried out
25 under the program, and an evaluation of the pro-

1 gram, including an evaluation of the performance
2 measures used by eligible recipients in consultation
3 with the Secretary of Health and Human Services.

4 “(4) FEDERAL SHARE.—

5 “(A) IN GENERAL.—The Federal share of
6 the costs of a project carried out under this
7 subsection shall not exceed 80 percent.

8 “(B) NON-FEDERAL SHARE.—The non-
9 Federal share of the costs of a project carried
10 out under this subsection may be derived from
11 in-kind contributions.

12 “(5) RULE OF CONSTRUCTION.—For purposes
13 of this subsection, nonemergency medical transpor-
14 tation services shall be limited to services eligible
15 under Federal programs other than programs au-
16 thorized under this chapter.”.

17 **SEC. 2915. PASSENGER FERRY GRANTS.**

18 Section 5307(h) of title 49, United States Code, is
19 amended by adding at the end the following paragraph:

20 “(4) ZERO-EMISSION OR REDUCED-EMISSION
21 GRANTS.—

22 “(A) DEFINITIONS.—In this paragraph—

23 “(i) the term ‘eligible project’ means a
24 project or program of projects in an area

1 eligible for a grant under subsection (a)
2 for—

3 “(I) acquiring zero- or reduced-
4 emission passenger ferries;

5 “(II) leasing zero- or reduced-
6 emission passenger ferries;

7 “(III) constructing facilities and
8 related equipment for zero- or re-
9 duced-emission passenger ferries;

10 “(IV) leasing facilities and re-
11 lated equipment for zero- or reduced-
12 emission passenger ferries;

13 “(V) constructing new public
14 transportation facilities to accommo-
15 date zero- or reduced-emission pas-
16 senger ferries;

17 “(VI) constructing shoreside
18 ferry charging infrastructure for zero-
19 or reduced-emission passenger ferries;
20 or

21 “(VII) rehabilitating or improv-
22 ing existing public transportation fa-
23 cilities to accommodate zero- or re-
24 duced-emission passenger ferries;

1 “(ii) the term ‘zero- or reduced-emis-
2 sion passenger ferry’ means a passenger
3 ferry used to provide public transportation
4 that reduces emissions by utilizing onboard
5 energy storage systems for hybrid-electric
6 or 100 percent electric propulsion, related
7 charging infrastructure, and other tech-
8 nologies deployed to reduce emissions or
9 produce zero onboard emissions under nor-
10 mal operation; and

11 “(iii) the term ‘recipient’ means a des-
12 ignated recipient, a local government au-
13 thority, or a State that receives a grant
14 under subsection (a).

15 “(B) GENERAL AUTHORITY.—The Sec-
16 retary may make grants to recipients to finance
17 eligible projects under this paragraph.

18 “(C) GRANT REQUIREMENTS.—A grant
19 under this paragraph shall be subject to the
20 same terms and conditions as a grant under
21 subsection (a).

22 “(D) COMPETITIVE PROCESS.—The Sec-
23 retary shall solicit grant applications and make
24 grants for eligible projects under this paragraph
25 on a competitive basis.

1 “(E) GOVERNMENT SHARE OF COSTS.—

2 “(i) IN GENERAL.—The Federal share
3 of the cost of an eligible project carried out
4 under this paragraph shall not exceed 80
5 percent.

6 “(ii) NON-FEDERAL SHARE.—The
7 non-Federal share of the cost of an eligible
8 project carried out under this subsection
9 may be derived from in-kind contribu-
10 tions.”.

11 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
12 **VESTMENT.**

13 Section 5309(h)(4) of title 49, United States Code,
14 is amended by inserting “, the extent to which the project
15 improves transportation options to economically distressed
16 areas,” after “public transportation”.

17 **SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NA-**
18 **TIONAL ENVIRONMENTAL POLICY ACT OF**
19 **1969 TO FEDERALLY FUNDED BUS SHELTERS.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary of Transportation shall issue
22 best practices on the application of the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to
24 federally funded bus shelters to assist recipients of Fed-
25 eral funds in receiving exclusions permitted by law.

1 **SEC. 2918. CAPITAL INVESTMENT GRANT STREAMLINING.**

2 (a) IN GENERAL.—Section 3005(b) of the FAST Act
3 (Public Law 116–94) is repealed.

4 (b) GRANDFATHER CLAUSES.—For any projects that
5 have submitted an application or are being evaluated
6 under the program described in section 3005(b) of such
7 Act prior to the date of enactment of this Act, the Sec-
8 retary shall—

9 (1) continue to administer the project under the
10 terms of such section as it existed on the day prior
11 to the date of enactment of this Act; and

12 (2) for purposes of providing Federal assistance
13 to such project (and notwithstanding any other pro-
14 vision of law), provide such funds as may be nec-
15 essary from the amounts provided in section 5338(b)
16 of title 49, United States Code, and division A of
17 this Act.

18 **TITLE III—HIGHWAY TRAFFIC**
19 **SAFETY**

20 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—The following sums are author-
22 ized to be appropriated out of the Highway Trust Fund
23 (other than the Mass Transit Account):

24 (1) HIGHWAY SAFETY PROGRAMS.—For car-
25 rying out section 402 of title 23, United States
26 Code—

- 1 (A) \$378,400,000 for fiscal year 2023;
2 (B) \$382,400,000 for fiscal year 2024;
3 (C) \$386,500,000 for fiscal year 2025; and
4 (D) \$390,400,000 for fiscal year 2026.

5 (2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23,
6 United States Code—

- 8 (A) \$182,495,000 for fiscal year 2023;
9 (B) \$184,795,000 for fiscal year 2024;
10 (C) \$187,795,000 for fiscal year 2025; and
11 (D) \$190,695,000 for fiscal year 2026.

12 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
13 For carrying out section 405 of title 23, United
14 States Code—

- 15 (A) \$384,119,000 for fiscal year 2023;
16 (B) \$393,205,000 for fiscal year 2024;
17 (C) \$402,205,000 for fiscal year 2025; and
18 (D) \$411,388,000 for fiscal year 2026.

19 (4) NATIONAL DRIVER REGISTER.—For the Na-
20 tional Highway Traffic Safety Administration to
21 carry out chapter 303 of title 49, United States
22 Code—

- 23 (A) \$5,700,000 for fiscal year 2023;
24 (B) \$5,800,000 for fiscal year 2024;
25 (C) \$5,900,000 for fiscal year 2025; and

1 (D) \$6,000,000 for fiscal year 2026.

2 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
3 GRAM.—For carrying out section 404 of title 23,
4 United States Code—

5 (A) \$60,200,000 for fiscal year 2023;

6 (B) \$60,600,000 for fiscal year 2024;

7 (C) \$60,800,000 for fiscal year 2025; and

8 (D) \$61,200,000 for fiscal year 2026.

9 (6) ADMINISTRATIVE EXPENSES.—For adminis-
10 trative and related operating expenses of the Na-
11 tional Highway Traffic Safety Administration in car-
12 rying out chapter 4 of title 23, United States
13 Code—

14 (A) \$30,586,000 for fiscal year 2023;

15 (B) \$31,000,000 for fiscal year 2024;

16 (C) \$31,500,000 for fiscal year 2025; and

17 (D) \$31,917,000 for fiscal year 2026.

18 (7) CENTER FOR FAIR AND EQUITABLE TRAF-
19 FIC SAFETY ENFORCEMENT.—For carrying out sec-
20 tion 3003 of this title, \$35,000,000 for each of fiscal
21 years 2023 through 2026.

22 (b) PROHIBITION ON OTHER USES.—Except as oth-
23 erwise provided in chapter 4 of title 23, United States
24 Code, and chapter 303 of title 49, United States Code,
25 the amounts made available from the Highway Trust

1 Fund (other than the Mass Transit Account) for a pro-
2 gram under such chapters—

3 (1) shall only be used to carry out such pro-
4 gram; and

5 (2) may not be used by States or local govern-
6 ments for construction purposes.

7 (c) APPLICABILITY OF TITLE 23.—Except as other-
8 wise provided in chapter 4 of title 23, United States Code,
9 and chapter 303 of title 49, United States Code, amounts
10 made available under subsection (a) for fiscal years 2023
11 through 2026 shall be available for obligation in the same
12 manner as if such funds were apportioned under chapter
13 1 of title 23, United States Code.

14 (d) REGULATORY AUTHORITY.—Grants awarded
15 under chapter 4 of title 23, United States Code, including
16 any amendments made by this title, shall be carried out
17 in accordance with regulations issued by the Secretary of
18 Transportation.

19 (e) STATE MATCHING REQUIREMENTS.—If a grant
20 awarded under chapter 4 of title 23, United States Code,
21 requires a State to share in the cost, the aggregate of all
22 expenditures for highway safety activities made during a
23 fiscal year by the State and its political subdivisions (ex-
24 clusive of Federal funds) for carrying out the grant (other
25 than planning and administration) shall be available for

1 the purpose of crediting the State during such fiscal year
2 for the non-Federal share of the cost of any other project
3 carried out under chapter 4 of title 23, United States Code
4 (other than planning or administration), without regard
5 to whether such expenditures were made in connection
6 with such project.

7 (f) GRANT APPLICATION AND DEADLINE.—To re-
8 ceive a grant under chapter 4 of title 23, United States
9 Code, a State shall submit an application, and the Sec-
10 retary of Transportation shall establish a single deadline
11 for such applications to enable the award of grants early
12 in the next fiscal year.

13 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

14 Section 402 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a) by adding at the end the
17 following:

18 “(3) ADDITIONAL CONSIDERATIONS.—States
19 which have legalized medicinal or recreational mari-
20 juana shall consider programs in addition to the pro-
21 grams described in paragraph (2)(A) to educate
22 drivers on the risks associated with marijuana-im-
23 paired driving and to reduce injuries and deaths re-
24 sulting from individuals driving motor vehicles while
25 impaired by marijuana.”;

1 (2) in subsection (c)—

2 (A) by redesignating paragraphs (2), (3),
3 and (4) as paragraphs (3), (4), and (5), respec-
4 tively;

5 (B) by inserting after paragraph (1) the
6 following:

7 “(2) ADDITIONAL USES.—In addition to uses
8 authorized under paragraph (1) and as approved by
9 the Secretary, States may use funds under this sec-
10 tion to—

11 “(A) educate the public on the dangers of
12 pediatric vehicular hyperthermia;

13 “(B) purchase and distribute child re-
14 straints to low-income families; and

15 “(C) reduce injuries and deaths resulting
16 from drivers of motor vehicles not moving to
17 another traffic lane or reducing the speed of
18 such driver’s vehicle when passing an emer-
19 gency, law enforcement, or other vehicle
20 stopped or parked on or near the roadway.”.

21 (C) in paragraph (5), as so redesign-
22 nated)—

23 (i) by striking subparagraph (C);

24 (ii) by redesignating subparagraph

25 (B) as subparagraph (D); and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) SPECIAL RULE FOR SCHOOL AND
4 WORK ZONES.—Notwithstanding subparagraph
5 (A), a State may expend funds apportioned to
6 that State under this section to carry out a pro-
7 gram to purchase, operate, or maintain an
8 automated traffic system in a work zone or
9 school zone.

10 “(C) AUTOMATED TRAFFIC ENFORCEMENT
11 SYSTEM GUIDELINES.—Any automated traffic
12 enforcement system installed pursuant to sub-
13 paragraph (B) shall comply with speed enforce-
14 ment camera systems and red light camera sys-
15 tems guidelines established by the Secretary.”;
16 and

17 (3) in subsection (n)—

18 (A) by striking “PUBLIC TRANSPARENCY”
19 and all that follows through “The Secretary”
20 and inserting the following: “PUBLIC TRANS-
21 PARENCY.—

22 “(1) IN GENERAL.—The Secretary”; and

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

24 “(2) STATE HIGHWAY SAFETY PLAN
25 WEBSITE.—

1 “(A) IN GENERAL.—In carrying out the
2 requirements of paragraph (1), the Secretary
3 shall establish a public website that is easily ac-
4 cessible, navigable, and searchable for the infor-
5 mation required under paragraph (1), in order
6 to foster greater transparency in approved
7 State highway safety programs.

8 “(B) CONTENTS.—The website established
9 under subparagraph (A) shall—

10 “(i) include each State highway safety
11 plan and annual report submitted and ap-
12 proved by the Secretary under subsection
13 (k);

14 “(ii) provide a means for the public to
15 search such website for State highway
16 safety program content required in sub-
17 section (k), including—

18 “(I) performance measures re-
19 quired by the Secretary under para-
20 graph (3)(A);

21 “(II) progress made toward
22 meeting the State’s performance tar-
23 gets for the previous year;

24 “(III) program areas and ex-
25 penditures; and

1 “(IV) a description of any
2 sources of funds other than funds pro-
3 vided under this section that the State
4 proposes to use to carry out the State
5 highway safety plan of such State.”.

6 **SEC. 3003. FAIR AND EQUITABLE TRAFFIC SAFETY EN-**
7 **FORCEMENT.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall make grants under this section to an eligible non-
10 profit institution of higher education with demonstrated
11 expertise in promoting fair and equitable traffic safety en-
12 forcement to establish and operate a national center of
13 excellence for fair and equitable traffic safety enforcement
14 (in this section referred to as the “Center”).

15 (b) PURPOSE.—The purpose of the Center shall be
16 to promote fair and equitable traffic safety enforcement
17 with the goal of reducing traffic fatalities and injuries.

18 (c) ROLE OF CENTER.—The role of the Center shall
19 be to establish and operate a national fair and equitable
20 traffic safety enforcement clearinghouse to—

21 (1) develop data collection systems to promote
22 fair and equitable traffic safety enforcement solu-
23 tions, including assisting States participating in the
24 program established under section 403(j) of title 23,

1 United States Code, (as added by this Act) share
2 data collected to a national database;

3 (2) develop recommendations for States to im-
4 prove data collection on law enforcement programs
5 carried out under sections 402 and 405 of this title
6 in order to promote fair and equitable traffic safety
7 enforcement programs;

8 (3) provide technical assistance to States on the
9 implementation of the program established under
10 section 403(j) of title 23, United States Code, as
11 added by this Act;

12 (4) research and disseminate best practices for
13 implementing equitable traffic safety enforcement
14 programs; and

15 (5) develop information and educational pro-
16 grams on implementing equitable traffic safety en-
17 forcement best practices.

18 (d) CONSULTATION.—In carrying out the activities
19 under paragraphs (4) and (5) of subsection (c), the Center
20 shall consult with relevant stakeholders, including—

21 (1) civil rights organizations;

22 (2) traffic safety advocacy groups;

23 (3) law enforcement representatives; and

1 (4) such other surface transportation stake-
2 holders and industry experts as the Center considers
3 appropriate.

4 (e) REPORT TO CONGRESS.—Not later than 2 years
5 after the establishment of the Center under subsection (a),
6 the Secretary shall submit to 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 a report on progress made toward meeting the
10 goals established under subsection (b).

11 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
12 **MENT.**

13 Section 403 of title 23, United States Code, is
14 amended—

15 (1) in subsection (b) by inserting “, training,”
16 after “demonstration projects”;

17 (2) in subsection (f)(1)—

18 (A) by striking “\$2,500,000” and inserting
19 “\$3,500,000”; and

20 (B) by striking “subsection 402(c) in each
21 fiscal year ending before October 1, 2015, and
22 \$443,989 of the total amount available for ap-
23 portionment to the States for highway safety
24 programs under section 402(c) in the period be-
25 ginning on October 1, 2015, and ending on De-

1 cember 4, 2015,” and inserting “section
2 402(c)(2) in each fiscal year”; and
3 (3) by striking subsection (h) and redesignating
4 subsections (i) and (j) as subsections (h) and (i), re-
5 spectively.

6 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
7 **PROFILING.**

8 Section 403 of title 23, United States Code, as
9 amended by section 3004 of this Act, is further amended
10 by adding at the end the following:

11 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
12 PROFILING.—

13 “(1) GENERAL AUTHORITY.—Subject to the re-
14 quirements of this subsection, the Secretary shall
15 make grants to a State that—

16 “(A) is maintaining and allows public in-
17 spection of statistical information for each
18 motor vehicle stop made by a law enforcement
19 officer on a Federal-aid highway in the State
20 regarding the race and ethnicity of the driver;
21 or

22 “(B) provides assurances satisfactory to
23 the Secretary that the State is undertaking ac-
24 tivities to comply with the requirements of sub-
25 paragraph (A).

1 “(2) USE OF GRANT FUNDS.—A grant received
2 by a State under paragraph (1) shall be used by the
3 State for the costs of—

4 “(A) collecting and maintaining data on
5 traffic stops;

6 “(B) evaluating the results of such data;
7 and

8 “(C) developing and implementing pro-
9 grams to reduce the occurrence of racial
10 profiling.

11 “(3) LIMITATIONS.—The total amount of
12 grants made to a State under this section in a fiscal
13 year may not exceed—

14 “(A) 10 percent of the amount made avail-
15 able to carry out this section in the fiscal year
16 for States eligible under paragraph (1)(A); and

17 “(B) 5 percent of the amount made avail-
18 able to carry out this section in the fiscal year
19 for States eligible under paragraph (1)(B).

20 “(4) FUNDING.—From funds made available
21 under this section, the Secretary shall set aside
22 \$15,000,000 for each fiscal year to carry out this
23 subsection.”.

1 **SEC. 3006. NATIONAL SAFETY CAMPAIGNS.**

2 Section 404 of title 23, United States Code, is
3 amended to read as follows:

4 **“§ 404. National safety campaigns**

5 “(a) IN GENERAL.—The Secretary shall establish
6 and administer a program under which not less than 3
7 high-visibility enforcement campaigns and not less than 3
8 public awareness campaigns will be carried out in each of
9 fiscal years 2023 through 2026.

10 “(b) HIGH-VISIBILITY ENFORCEMENT.—In carrying
11 out the requirements under paragraph (a), the Secretary
12 shall ensure that in each fiscal year not less than 1 high-
13 visibility enforcement campaign is carried out to—

14 “(1) reduce alcohol-impaired operation of a
15 motor vehicle;

16 “(2) reduce alcohol-impaired and drug-impaired
17 operation of a motor vehicle; and

18 “(3) increase use of seatbelts by occupants of
19 motor vehicles.

20 “(c) PUBLIC AWARENESS.—The purpose of each
21 public awareness campaign carried out under this section
22 shall be to achieve outcomes related to not less than 1
23 of the following objectives:

24 “(1) Increase the proper use of seatbelts and
25 child restraints by occupants of motor vehicles.

1 “(2) Reduce texting through a personal wireless
2 communication device by drivers while operating a
3 motor vehicle.

4 “(3) Reduce violations of State move over laws
5 which require motorists to change lanes or slow
6 down when emergency or other vehicles are stopped
7 or parked on or next to a roadway.

8 “(d) ADVERTISING.—The Secretary may use, or au-
9 thorize the use of, funds available to carry out this section
10 to pay for the development, production, and use of broad-
11 cast and print media advertising and Internet-based out-
12 reach in carrying out campaigns under this section. In al-
13 locating such funds, consideration shall be given to adver-
14 tising directed at non-English speaking populations, in-
15 cluding those who listen to, read, or watch nontraditional
16 media.

17 “(e) COORDINATION WITH STATES.—The Secretary
18 shall coordinate with States in carrying out the high-visi-
19 bility enforcement campaigns under this section, including
20 advertising funded under subsection (d), with consider-
21 ation given to—

22 “(1) relying on States to provide law enforce-
23 ment resources for the campaigns out of funding
24 made available under sections 402 and 405; and

1 “(2) providing, out of National Highway Traffic
2 Safety Administration resources, most of the means
3 necessary for national advertising and education ef-
4 forts associated with the campaigns.

5 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
6 SAGE SIGNS.—During national high-visibility enforcement
7 emphasis periods supported by these funds, the Federal
8 Highway Administration and the National Highway Traf-
9 fic Safety Administration shall coordinate with State de-
10 partments of transportation on the use of dynamic high-
11 way message signs to support high-visibility national em-
12 phasis activities.

13 “(g) USE OF FUNDS.—Funds made available to carry
14 out this section may be used only for activities described
15 in subsections (c) and (d).

16 “(h) DEFINITION.—In this section:

17 “(1) CAMPAIGN.—The term ‘campaign’ means
18 a high-visibility traffic safety law enforcement cam-
19 paign or a traffic safety public awareness campaign.

20 “(2) DYNAMIC HIGHWAY.—The term ‘dynamic
21 highway message sign’ means a traffic control device
22 that is capable of displaying one or more alternative
23 messages which convey information to travelers.

24 “(3) STATE.—The ‘State’ has the meaning
25 given that term in section 401.”.

1 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

2 (a) IN GENERAL.—Section 405 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by striking “13 per-
6 cent” and inserting “12.85 percent”;

7 (B) in paragraph (2) by striking “14.5
8 percent” and inserting “14.3 percent”;

9 (C) in paragraph (3) by striking “52.5
10 percent” and inserting “51.75 percent”;

11 (D) in paragraph (4) by striking “8.5 per-
12 cent” and inserting “8.3 percent”;

13 (E) in paragraph (6) by striking “5 per-
14 cent” and inserting “4.9 percent”;

15 (F) in paragraph (7) by striking “5 per-
16 cent” and inserting “4.9 percent”;

17 (G) in paragraph (8)—

18 (i) by striking “paragraphs (1)
19 through (7)” and inserting “paragraphs
20 (1) through (8)”;

21 (ii) by striking “subsection (b)
22 through (h)” and inserting “subsections
23 (b) through (i)”;

24 (iii) by inserting “to carry out any of
25 the other activities described in such sub-

1 sections, or the amount made available”
2 before “under section 402(c)(2)”;

3 (H) in paragraph (9)(A) by striking “date
4 of enactment of the FAST Act” and inserting
5 “date of enactment of the INVEST in America
6 Act”;

7 (I) by redesignating paragraphs (8) and
8 (9) as paragraphs (9) and (10), respectively;
9 and

10 (J) by inserting after paragraph (7) the
11 following:

12 “(8) DRIVER AND OFFICER SAFETY EDU-
13 CATION.—In each fiscal year, 1.5 percent of the
14 funds provided under this section shall be allocated
15 among States that meet the requirements with re-
16 spect to driver and officer safety education (as de-
17 scribed in subsection (i)).”;

18 (2) in subsection (c)(3)(E) by striking “5” and
19 inserting “10”;

20 (3) in subsection (b)(4)—

21 (A) in subparagraph (A) by striking clause
22 (v) and inserting the following:

23 “(v) implement programs in low-in-
24 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
6 educators serving low-income and un-
7 derserved 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”;

15 (B) in subparagraph (B)—

16 (i) by striking “100 percent” and in-
17 serting “90 percent”; and

18 (ii) by inserting “The remaining 10
19 percent of such funds shall be used to
20 carry out subsection (A)(v).” after “section
21 402.”;

22 (4) by striking subsection (c)(4) and inserting
23 the following:

1 “(4) USE OF GRANT AMOUNTS.—Grant funds
2 received by a State under this subsection shall be
3 used for—

4 “(A) making data program improvements
5 to core highway safety databases related to
6 quantifiable, measurable progress in any of the
7 6 significant data program attributes set forth
8 in paragraph (3)(D);

9 “(B) developing or acquiring information
10 technology for programs to identify, collect, and
11 report data to State and local government agen-
12 cies, and enter data, including crash, citation
13 and adjudication, driver, emergency medical
14 services or injury surveillance system, roadway,
15 and vehicle, into the core highway safety data-
16 bases of a State;

17 “(C) purchasing equipment used to iden-
18 tify, collect, and report State safety data to
19 support State efforts to improve State traffic
20 safety information systems;

21 “(D) linking core highway safety databases
22 of a State with such databases of other States;

23 “(E) improving the compatibility and
24 interoperability of the core highway safety data-

1 bases of the State with national data systems
2 and data systems of other States;

3 “(F) costs associated with training State
4 and local personnel on ways to improve State
5 traffic safety information systems;

6 “(G) hiring a Fatality Analysis Reporting
7 System liaison for a State; and

8 “(H) conducting research on State traffic
9 safety information systems, including devel-
10 oping and evaluating programs to improve core
11 highway safety databases of such State and
12 processes by which data is identified, collected,
13 reported to State and local government agen-
14 cies, and entered into such core safety data-
15 bases.”;

16 (5) by striking subsection (d)(6)(A) and insert-
17 ing the following:

18 “(A) GRANTS TO STATES WITH ALCOHOL-
19 IGNITION INTERLOCK LAWS.—The Secretary
20 shall make a separate grant under this sub-
21 section to each State that—

22 “(i) adopts and is enforcing a manda-
23 tory alcohol-ignition interlock law for all
24 individuals at the time of, or prior to, a

1 conviction of driving under the influence of
2 alcohol or of driving while intoxicated;

3 “(ii) does not allow any individual re-
4 quired to have an ignition interlock for
5 driving privileges to drive a motor vehicle
6 unless such individual installs an ignition
7 interlock for a minimum 180-day interlock
8 period; or

9 “(iii) has—

10 “(I) enacted and is enforcing a
11 state law requiring all individuals con-
12 victed of, or whose driving privilege is
13 revoked or denied for, refusing to sub-
14 mit to a chemical or other test for the
15 purpose of determining the presence
16 or concentration of any intoxicating
17 substance to install an ignition inter-
18 lock for a minimum 180-day interlock
19 period unless the driver successfully
20 completes an appeal process; and

21 “(II) a compliance-based removal
22 program in which an individual re-
23 quired to install an ignition interlock
24 for a minimum 180-day interlock pe-
25 riod and have completed a minimum

1 consecutive period of not less than 60
2 days of the required interlock period
3 immediately preceding the date of re-
4 lease, without a confirmed violation,
5 as defined by State law or regulations,
6 of driving under the influence of alco-
7 hol or driving while intoxicated.”;

8 (6) in subsection (e)—

9 (A) in paragraph (1) by striking “para-
10 graphs (2) and (3)” and inserting “paragraph
11 (2)”;

12 (B) in paragraph (4)—

13 (i) by striking “paragraph (2) or (3)”
14 and inserting “paragraph (3) or (4)”;

15 (ii) in subparagraph (A) by striking
16 “communications device to contact emer-
17 gency services” and inserting “communica-
18 tions device during an emergency to con-
19 tact emergency services or to prevent in-
20 jury to persons or property”;

21 (iii) in subparagraph (C) by striking
22 “; and” and inserting a semicolon;

23 (iv) by redesignating subparagraph
24 (D) as subparagraph (E); and

1 (v) by inserting after subparagraph
2 (C) the following:

3 “(D) a driver who uses a personal wireless
4 communication device for navigation; and”;

5 (C) in paragraph (5)(A)(i) by striking
6 “texting or using a cell phone while” and in-
7 serting “distracted”;

8 (D) in paragraph (7) by striking “Of the
9 amounts” and inserting “In addition to the
10 amounts authorized under section 404 and of
11 the amounts”;

12 (E) in paragraph (9)—

13 (i) by striking subparagraph (B) and
14 inserting the following:

15 “(B) PERSONAL WIRELESS COMMUNICA-
16 TIONS DEVICE.—The term ‘personal wireless
17 communications device’ means—

18 “(i) until the date on which the Sec-
19 retary issues a regulation pursuant to
20 paragraph (8)(A), a device through which
21 personal services (as such term is defined
22 in section 332(e)(7)(C)(i) of the Commu-
23 nications Act of 1934 (47 U.S.C.
24 332(e)(7)(C)(i)) are transmitted, but not
25 including the use of such a device as a

1 global navigation system receiver used for
2 positioning, emergency notification, or
3 navigation purposes; 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.”; and

8 (ii) by striking subparagraph (E) and
9 inserting the following:

10 “(E) TEXTING.—The term ‘texting’
11 means—

12 “(i) until the date on which the Sec-
13 retary issues a regulation pursuant to
14 paragraph (8)(A), reading from or manu-
15 ally entering data into a personal wireless
16 communications device, including doing so
17 for the purpose of SMS texting, emailing,
18 instant messaging, or engaging in any
19 other form of electronic data retrieval or
20 electronic data communication; and

21 “(ii) on and after the date on which
22 the Secretary issues a regulation pursuant
23 to paragraph (8)(A), the definition de-
24 scribed in such regulation.”;

1 (F) by striking paragraphs (2), (3), (6),
2 and (8);

3 (G) by redesignating paragraphs (4) and
4 (5) as paragraphs (5) and (6), respectively;

5 (H) by inserting after paragraph (1) the
6 following:

7 “(2) ALLOCATION.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graphs (B), (C), and (D), the allocation of
10 grant funds to a State under this subsection for
11 a fiscal year shall be in proportion to the
12 State’s apportionment under section 402 for
13 fiscal year 2009.

14 “(B) PRIMARY OFFENSE LAWS.—A State
15 that has enacted and is enforcing a law that
16 meets the requirements set forth in paragraphs
17 (3) and (4) as a primary offense shall be allo-
18 cated 100 percent of the amount calculated
19 under subparagraph (A).

20 “(C) SECONDARY OFFENSE LAWS.—A
21 State that has enacted and is enforcing a law
22 that meets the requirements set forth in para-
23 graphs (3) and (4) as a secondary offense shall
24 be allocated 50 percent of the amount cal-
25 culated under subparagraph (A).

1 “(D) TEXTING WHILE DRIVING.—Notwith-
2 standing subparagraphs (B) and (C), a State
3 shall be allocated 25 percent of the amount cal-
4 culated under subparagraph (A) if such State
5 has enacted and is enforcing a law that pro-
6 hibits a driver from viewing a personal wireless
7 communication device, except for the purpose of
8 navigation.

9 “(3) PROHIBITION ON HANDHELD PERSONAL
10 WIRELESS COMMUNICATION DEVICE USE WHILE
11 DRIVING.—A State law meets the requirements set
12 forth in this paragraph if the law—

13 “(A) prohibits a driver from holding or
14 using, including texting, a personal wireless
15 communications device while driving, except for
16 the use of a personal wireless communications
17 device—

18 “(i) in a hands-free manner or with a
19 hands-free accessory; or

20 “(ii) to activate or deactivate a fea-
21 ture or function of the personal wireless
22 communications device;

23 “(B) establishes a fine for a violation of
24 the law; and

1 “(C) does not provide for an exemption
2 that specifically allows a driver to hold or use
3 a personal wireless communication device while
4 stopped in traffic.

5 “(4) PROHIBITION ON PERSONAL WIRELESS
6 COMMUNICATION DEVICE USE WHILE DRIVING OR
7 STOPPED IN TRAFFIC.—A State law meets the re-
8 quirements set forth in this paragraph if the law—

9 “(A) prohibits a driver from holding or
10 using a personal wireless communications device
11 while driving if the driver is—

12 “(i) younger than 18 years of age; or

13 “(ii) in the learner’s permit or inter-
14 mediate license stage described in subpara-
15 graph (A) or (B) of subsection (g)(2);

16 “(B) establishes a fine for a violation of
17 the law; and

18 “(C) does not provide for an exemption
19 that specifically allows a driver to use a per-
20 sonal wireless communication device while
21 stopped in traffic.”; and

22 (I) by inserting after paragraph (7) the
23 following:

24 “(8) RULEMAKING.—Not later than 1 year
25 after the date of enactment of this paragraph, the

1 Secretary shall issue such regulations as are nec-
2 essary to account for diverse State approaches to
3 combating distracted driving that—

4 “(A) defines the terms personal wireless
5 communications device and texting for the pur-
6 poses of this subsection; and

7 “(B) determines additional permitted ex-
8 ceptions that are appropriate for a State law
9 that meets the requirements under paragraph
10 (3) or (4).”;
11 (7) in subsection (g)—

12 (A) in paragraph (1) by inserting “sub-
13 paragraphs (A) and (B) of” before “paragraph
14 (2)”;

15 (B) by striking paragraph (2) and insert-
16 ing the following:

17 “(2) MINIMUM REQUIREMENTS.—

18 “(A) TIER 1 STATE.—A State shall be eli-
19 gible for a grant under this subsection as a Tier
20 1 State if such State requires novice drivers
21 younger than 18 years of age to comply with a
22 2-stage graduated driver licensing process be-
23 fore receiving an unrestricted driver’s license
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-
2 tion;

3 “(II) requires that the driver be
4 accompanied and supervised at all
5 times; and

6 “(III) has a requirement that the
7 driver obtain at least 40 hours of be-
8 hind-the-wheel training with a super-
9 visor; and

10 “(ii) an intermediate stage that—

11 “(I) commences immediately
12 after the expiration of the learner’s
13 permit stage;

14 “(II) is at least 180 days in du-
15 ration; and

16 “(III) for the first 180 days of
17 the intermediate stage, restricts the
18 driver from—

19 “(aa) driving at night be-
20 tween the hours of 11:00 p.m.
21 and at least 4:00 a.m. except—

22 “(AA) when a parent,
23 guardian, driving instructor,
24 or licensed driver who is at

1 least 21 years of age is in
2 the motor vehicle; and

3 “(BB) when driving to
4 and from work, school and
5 school-related activities, reli-
6 gious activities, for emer-
7 gencies, or as a member of
8 voluntary emergency service;
9 and

10 “(bb) operating a motor ve-
11 hicle with more than 1 non-
12 familial passenger younger than
13 18 years of age, except when a
14 parent, guardian, driving instruc-
15 tor, or licensed driver who is at
16 least 21 years of age is in the
17 motor vehicle.

18 “(B) TIER 2 STATE.—A State shall be eli-
19 gible for a grant under this subsection as a Tier
20 2 State if such State requires novice drivers
21 younger than 18 years of age to comply with a
22 2-stage graduated driver licensing process be-
23 fore receiving an unrestricted driver’s license
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-
2 tion;

3 “(II) requires that the driver be
4 accompanied and supervised at all
5 times; and

6 “(III) has a requirement that the
7 driver obtain at least 50 hours of be-
8 hind-the-wheel training, with at least
9 10 hours at night, with a supervisor;
10 and

11 “(ii) an intermediate stage that—

12 “(I) commences immediately
13 after the expiration of the learner’s
14 permit stage;

15 “(II) is at least 180 days in du-
16 ration; and

17 “(III) for the first 180 days of
18 the intermediate stage, restricts the
19 driver from—

20 “(aa) driving at night be-
21 tween the hours of 10:00 p.m.
22 and at least 4:00 a.m. except—

23 “(AA) when a parent,
24 guardian, driving instructor,
25 or licensed driver who is at

1 least 21 years of age is in
2 the motor vehicle; and

3 “(BB) when driving to
4 and from work, school and
5 school-related activities, reli-
6 gious activities, for emer-
7 gencies, or as a member of
8 voluntary emergency service;
9 and

10 “(bb) operating a motor ve-
11 hicle with any nonfamilial pas-
12 senger younger than 18 years of
13 age, except when a parent,
14 guardian, driving instructor, or
15 licensed driver who is at least 21
16 years of age is in the motor vehi-
17 cle.”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (A) by inserting
20 “subparagraphs (A) and (B) of” before
21 “paragraph (2)”; and

22 (ii) in subparagraph (B) by inserting
23 “subparagraphs (A) and (B) of” before
24 “paragraph (2)” each place such term ap-
25 pears;

1 (D) in paragraph (4) by striking “such fis-
2 cal year” and inserting “fiscal year 2009”; and

3 (E) by striking paragraph (5) and insert-
4 ing the following:

5 “(5) USE OF FUNDS.—

6 “(A) TIER 1 STATES.—A Tier 1 State shall
7 use grant funds provided under this subsection
8 for—

9 “(i) enforcing a 2-stage licensing
10 process that complies with paragraph (2);

11 “(ii) training for law enforcement per-
12 sonnel and other relevant State agency
13 personnel relating to the enforcement de-
14 scribed in clause (i);

15 “(iii) publishing relevant educational
16 materials that pertain directly or indirectly
17 to the State graduated driver licensing law;

18 “(iv) carrying out other administrative
19 activities that the Secretary considers rel-
20 evant to the State’s 2-stage licensing proc-
21 ess; or

22 “(v) carrying out a teen traffic safety
23 program described in section 402(m).

1 “(B) TIER 2 STATES.—Of the grant funds
2 made available to a Tier 2 State under this
3 subsection—

4 “(i) 25 percent shall be used for any
5 activity described in subparagraph (A);
6 and

7 “(ii) 75 percent may be used for any
8 project or activity eligible under section
9 402.”;

10 (8) by amending subsection (h)(4) to read as
11 follows:

12 “(4) USE OF GRANT AMOUNTS.—Grant funds
13 received by a State under this subsection may be
14 used for the safety of pedestrians and bicyclists, in-
15 cluding—

16 “(A) training of law enforcement officials
17 on pedestrian and bicycle safety, State laws ap-
18 plicable to pedestrian and bicycle safety, and in-
19 frastructure designed to improve pedestrian and
20 bicycle safety;

21 “(B) carrying out a program to support
22 enforcement mobilizations and campaigns de-
23 signed to enforce State traffic laws applicable to
24 pedestrian and bicycle safety;

1 “(C) public education and awareness pro-
2 grams designed to inform motorists, pedes-
3 trians, and bicyclists about—

4 “(i) pedestrian and bicycle safety, in-
5 cluding information on nonmotorized mo-
6 bility and the important of speed manage-
7 ment to the safety of pedestrians and
8 bicyclists;

9 “(ii) the value of the use of pedestrian
10 and bicycle safety equipment, including
11 lighting, conspicuity equipment, mirrors,
12 helmets and other protective equipment,
13 and compliance with any State or local
14 laws requiring their use;

15 “(iii) State traffic laws applicable to
16 pedestrian and bicycle safety, including
17 motorists’ responsibilities towards pedes-
18 trians and bicyclists; and

19 “(iv) infrastructure designed to im-
20 prove pedestrian and bicycle safety; and

21 “(D) data analysis and research con-
22 cerning pedestrian and bicycle safety.”; and

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

24 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

1 “(1) GENERAL AUTHORITY.—Subject to the re-
2 quirements under this subsection, the Secretary shall
3 award grants to—

4 “(A) States that enact a commuter safety
5 education program; and

6 “(B) States qualifying under paragraph
7 (5)(A).

8 “(2) FEDERAL SHARE.—The Federal share of
9 the costs of activities carried out using amounts
10 from a grant awarded under this subsection may not
11 exceed 80 percent.

12 “(3) ELIGIBILITY.—To be eligible for a grant
13 under this subsection, a State shall enact a law or
14 adopt a program that requires the following:

15 “(A) DRIVER EDUCATION AND DRIVING
16 SAFETY COURSES.—Inclusion, in driver edu-
17 cation and driver safety courses provided to in-
18 dividuals by educational and motor vehicle
19 agencies of the State, of instruction and testing
20 concerning law enforcement practices during
21 traffic stops, including information on—

22 “(i) the role of law enforcement and
23 the duties and responsibilities of peace offi-
24 cers;

1 “(ii) an individual’s legal rights con-
2 cerning interactions with peace officers;

3 “(iii) best practices for civilians and
4 peace officers during such interactions;

5 “(iv) the consequences for an individ-
6 ual’s or officer’s failure to comply with
7 those laws and programs; and

8 “(v) how and where to file a com-
9 plaint against or a compliment on behalf of
10 a peace officer.

11 “(B) PEACE OFFICER TRAINING PRO-
12 GRAMS.—Development and implementation of a
13 training program, including instruction and
14 testing materials, for peace officers and reserve
15 law enforcement officers (other than officers
16 who have received training in a civilian course
17 described in subparagraph (A)) with respect to
18 proper interaction with civilians during traffic
19 stops.

20 “(4) GRANT AMOUNT.—The allocation of grant
21 funds to a State under this subsection for a fiscal
22 year shall be in proportion to the State’s apportion-
23 ment under section 402 for fiscal year 2009.

24 “(5) SPECIAL RULE FOR CERTAIN STATES.—

1 “(A) QUALIFYING STATE.—A State quali-
2 fies pursuant to this subparagraph if—

3 “(i) the Secretary determines such
4 State has taken meaningful steps toward
5 the full implementation of a law or pro-
6 gram described in paragraph (3);

7 “(ii) the Secretary determines such
8 State has established a timetable for the
9 implementation of such a law or program;
10 and

11 “(iii) such State has received a grant
12 pursuant to this subsection for a period of
13 not more than 5 years.

14 “(B) WITHHOLDING.—With respect to a
15 State that qualifies pursuant to subparagraph
16 (A), the Secretary shall—

17 “(i) withhold 50 percent of the
18 amount that such State would otherwise
19 receive if such State were a State described
20 in paragraph (1)(A); and

21 “(ii) direct any such amounts for dis-
22 tribution among the States that are enforce-
23 ing and carrying out a law or program de-
24 scribed in paragraph (3).

1 “(6) USE OF GRANT AMOUNTS.—A State re-
2 ceiving a grant under this subsection may use such
3 grant—

4 “(A) for the production of educational ma-
5 terials and training of staff for driver education
6 and driving safety courses and peace officer
7 training described in paragraph (3); and

8 “(B) for the implementation of the law de-
9 scribed in paragraph (3).”.

10 (b) CONFORMING AMENDMENT.—Sections 402, 403,
11 and 405 of title 23, United States Code, are amended—

12 (1) by striking “accidents” and inserting
13 “crashes” each place it appears; and

14 (2) by striking “accident” and inserting
15 “crash” each place it appears.

16 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
17 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
18 **ING UNDER THE INFLUENCE.**

19 Section 164(b)(1) of title 23, United States Code, is
20 amended—

21 (1) in subparagraph (A) by striking “alcohol-
22 impaired” and inserting “alcohol or polysubstance-
23 impaired”; and

24 (2) in subparagraph (B)—

1 (A) by striking “alcohol-impaired” and in-
2 serting “alcohol or polysubstance-impaired”;

3 (B) by striking “or” and inserting a
4 comma; and

5 (C) by inserting “, or driving while
6 polysubstance-impaired” after “driving under
7 the influence”.

8 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
9 **ELIGIBILITY.**

10 Section 4010(2) of the FAST Act (23 U.S.C. 405
11 note) is amended by striking “deficiencies” and inserting
12 “all deficiencies”.

13 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**
14 **GRANTS.**

15 (a) **IN GENERAL.**—The Secretary of Transportation
16 shall make grants to institutions of higher education (as
17 such term is defined in section 101 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001)) to carry out re-
19 search, development, technology transfer, and training ac-
20 tivities in the operation or establishment of an implicit
21 bias training program as it relates to racial profiling at
22 traffic stops.

23 (b) **QUALIFICATIONS.**—To be eligible for a grant
24 under this section, an institution of higher education
25 shall—

1 (1) have an active research program or dem-
2 onstrate, to the satisfaction of the Secretary, that
3 the applicant is beginning a research program to
4 study implicit bias as it relates to racial profiling be-
5 fore and during traffic stops; and

6 (2) partner with State and local police depart-
7 ments to conduct the research described in para-
8 graph (1) and carry out the implementation of im-
9 plicit bias training with State and local police de-
10 partments.

11 (c) REPORT.—No later than 1 year after a grant has
12 been awarded under this section, the institution of higher
13 education awarded the grant shall submit to the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report sum-
17 marizing the research on implicit bias as it relates to racial
18 profiling before and during traffic stops, and recommenda-
19 tions on effective interventions and trainings.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated \$20,000,000 for each
22 fiscal year to carry out this section.

23 (e) DEFINITIONS.—In this section, the term “implicit
24 bias training program” means a program that looks at the
25 attitudes, stereotypes, and lenses human beings develop

1 through various experiences in life that can unconsciously
2 affect how they interact with one another.

3 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

4 Section 4007 of the FAST Act (23 U.S.C. 153 note)
5 is amended—

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

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

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

11 “(3) otherwise profile and stop motorcycle oper-
12 ators or motorcycle passengers using as a factor the
13 clothing or mode of transportation of such operators
14 or passengers.”.

15 **SEC. 3012. ELECTRONIC DRIVER’S LICENSE.**

16 (a) REAL ID ACT.—Section 202(a)(1) of the REAL
17 ID Act of 2005 (49 U.S.C. 30301 note) is amended by
18 striking “a driver’s license or identification card” and in-
19 serting “a physical or digital driver’s license or identifica-
20 tion card”.

21 (b) TITLE 18.—Section 1028(d)(7)(A) of title 18,
22 United States Code, is amended by striking “government
23 issued driver’s license” and inserting “government issued
24 physical or digital driver’s license”.

1 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Motorcyclist Advisory Council Reauthorization Act”.

4 (b) **ESTABLISHMENT.**—Not later than 90 days after
5 the date of enactment of this Act, the Secretary of Trans-
6 portation shall establish a Motorcycleist Advisory Council
7 (in this section referred to as the “Council”).

8 (c) **DUTIES.**—

9 (1) **ADVISING.**—The Council shall advise the
10 Secretary, the Administrator of the National High-
11 way Traffic Safety Administration, and the Adminis-
12 trator of the Federal Highway Administration on
13 transportation issues of concern to motorcyclists, in-
14 cluding—

15 (A) barrier design;

16 (B) road design, construction, and mainte-
17 nance practices; and

18 (C) the architecture and implementation of
19 intelligent transportation system technologies.

20 (2) **BIENNIAL COUNCIL REPORT.**—

21 (A) **IN GENERAL.**—The Council shall sub-
22 mit a report to the Secretary containing the
23 Council’s recommendations regarding the issues
24 described in paragraph (1) on which the Coun-
25 cil provides advice pursuant to such paragraph.

1 (B) TIMING.—Not later than October 31
2 of the calendar year following the calendar year
3 in which the Council is established, and by
4 every 2nd October 31 thereafter, the Council
5 shall submit the report required under this
6 paragraph.

7 (d) MEMBERSHIP.—

8 (1) IN GENERAL.—The Council shall be com-
9 prised of 12 members appointed by the Secretary as
10 follows:

11 (A) Five experts from State or local gov-
12 ernment on highway engineering issues, includ-
13 ing—

14 (i) barrier design;

15 (ii) road design, construction, and
16 maintenance; or

17 (iii) intelligent transportation systems.

18 (B) One State or local traffic and safety
19 engineer, design engineer, or other transpor-
20 tation department official who is a motorcyclist.

21 (C) One representative from a national as-
22 sociation of State transportation officials.

23 (D) One representative from a national
24 motorcyclist association.

1 (E) One representative from a national
2 motorcyclist foundation.

3 (F) One representative from a national
4 motorcycle 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 sys-
9 tems industry.

10 (2) DURATION.—

11 (A) TERM.—Subject to subparagraphs (B)
12 and (C), each member shall serve one term of
13 2 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
17 member 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
23 after resignation until a successor has been ap-
24 pointed. A vacancy in the Council shall be filled

1 in the manner in which the original appoint-
2 ment was made.

3 (3) COMPENSATION.—Members shall serve
4 without 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 re-
11 ject a recommendation contained in a Council
12 report.

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
17 acceptance or rejection of each rec-
18 ommendation 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,
4 the Secretary shall submit a report to the fol-
5 lowing 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
23 under 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 adminis-
13 trative 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
19 (f)(2).

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 **SEC. 3014. REPORT ON MARIJUANA RESEARCH.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation, in consultation with the Attorney General and the

1 Secretary of Health and Human Services, shall submit to
2 the Committee on Transportation and Infrastructure of
3 the House of Representatives and the Committee on Com-
4 merce, Science, and Transportation of the Senate, and
5 make publicly available on the Department of Transpor-
6 tation website, a report and recommendations on—

7 (1) increasing and improving access, for sci-
8 entific researchers studying impairment while driv-
9 ing under the influence of marijuana, to samples
10 and strains of marijuana and products containing
11 marijuana lawfully being offered to patients or con-
12 sumers in a State on a retail basis;

13 (2) establishing a national clearinghouse to col-
14 lect and distribute samples and strains of marijuana
15 for scientific research that includes marijuana and
16 products containing marijuana lawfully available to
17 patients or consumers in a State on a retail basis;

18 (3) facilitating access, for scientific researchers
19 located in States that have not legalized marijuana
20 for medical or recreational use, to samples and
21 strains of marijuana and products containing mari-
22 juana from such clearinghouse for purposes of re-
23 search on marijuana-impaired driving; and

24 (4) identifying Federal statutory and regulatory
25 barriers to the conduct of scientific research and the

1 establishment of a national clearinghouse for pur-
2 poses of facilitating research on marijuana-impaired
3 driving.

4 (b) DEFINITION OF MARIJUANA.—In this section, the
5 term “marijuana” has the meaning given such term in
6 section 4008 of the FAST Act (Public Law 114–94).

7 **SEC. 3015. COMPTROLLER GENERAL STUDY ON NATIONAL**
8 **DUI REPORTING.**

9 (a) IN GENERAL.—The Comptroller General of the
10 United States shall conduct a study on the reporting of
11 alcohol-impaired driving arrest and citation results into
12 Federal databases to facilitate the widespread identifica-
13 tion of repeat impaired driving offenders.

14 (b) INCLUSIONS.—The study conducted under sub-
15 section (a) shall include a detailed assessment of—

16 (1) the extent to which State and local criminal
17 justice agencies are reporting alcohol-impaired driv-
18 ing arrest and citation results into Federal data-
19 bases;

20 (2) barriers on the Federal, State, and local lev-
21 els to the reporting of alcohol-impaired driving ar-
22 rest and citation results into Federal databases, as
23 well as barriers to the use of those systems by crimi-
24 nal justice agencies;

1 (3) Federal, State, and local resources available
2 to improve the reporting of alcohol-impaired driving
3 arrest and citation results into Federal databases;

4 (4) recommendations for policies and programs
5 to be carried out by the National Highway Traffic
6 Safety Administration; and

7 (5) recommendations for programs and grant
8 funding to be authorized by Congress.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Comptroller General of the
11 United States shall submit to the appropriate committees
12 of Congress a report on the results of the study conducted
13 under subsection (a).

14 **TITLE IV—MOTOR CARRIER**
15 **SAFETY**

16 **Subtitle A—Motor Carrier Safety**
17 **Grants, Operations, and Programs**

18 **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

19 (a) IN GENERAL.—Section 31104 of title 49, United
20 States Code, is amended—

21 (1) by striking subsection (a) and inserting the
22 following:

23 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
24 lowing sums are authorized to be appropriated from the

1 Highway Trust Fund (other than the Mass Transit Ac-
2 count):

3 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
4 GRAM.—Subject to paragraph (2) and subsection (c),
5 to carry out section 31102 (except subsection (l))—

6 “(A) \$388,950,000 for fiscal year 2023;

7 “(B) \$398,700,000 for fiscal year 2024;

8 “(C) \$408,900,000 for fiscal year 2025;

9 and

10 “(D) \$418,425,000 for fiscal year 2026.

11 “(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—
12 Subject to subsection (c), to carry out section
13 31102(l)—

14 “(A) \$72,604,000 for fiscal year 2023;

15 “(B) \$74,424,000 for fiscal year 2024;

16 “(C) \$76,328,000 for fiscal year 2025; and

17 “(D) \$78,106,000 for fiscal year 2026.

18 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
19 GRANT PROGRAM.—To carry out section 31103—

20 “(A) \$1,037,200 for fiscal year 2023;

21 “(B) \$1,063,200 for fiscal year 2024;

22 “(C) \$1,090,400 for fiscal year 2025; and

23 “(D) \$1,115,800 for fiscal year 2026.

1 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
2 IMPLEMENTATION PROGRAM.—Subject to subsection
3 (c), to carry out section 31313—

4 “(A) \$56,008,800 for fiscal year 2023;

5 “(B) \$57,412,800 for fiscal year 2024;

6 “(C) \$58,881,600 for fiscal year 2025; and

7 “(D) \$60,253,200 for fiscal year 2026.”;

8 (2) by striking subsection (c) and inserting the
9 following:

10 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

11 “(1) IN GENERAL.—On October 1 of each fiscal
12 year, or as soon after that date as practicable, the
13 Secretary may deduct from amounts made available
14 under paragraphs (1), (2), and (4) of subsection (a)
15 for that fiscal year not more than 1.8 percent of
16 those amounts for partner training and program
17 support in that fiscal year.

18 “(2) USE OF FUNDS.—The Secretary shall use
19 at least 50 percent of the amounts deducted under
20 paragraph (1) on training and related training mate-
21 rials for non-Federal Government employees.

22 “(3) PARTNERSHIP.—The Secretary shall carry
23 out the training and development of materials pursu-
24 ant to paragraph (2) in partnership with one or

1 more nonprofit organizations, through a competitive
2 grant, that have—

3 “(A) expertise in conducting a training
4 program for non-Federal Government employ-
5 ees; and

6 “(B) a demonstrated ability to involve in a
7 training program the target population of com-
8 mercial motor vehicle safety enforcement em-
9 ployees.”;

10 (3) in subsection (f)—

11 (A) in paragraph (1) by striking “the next
12 fiscal year” and inserting “the following 2 fiscal
13 years”;

14 (B) in paragraph (2)—

15 (i) by striking “section 31102(l)(2)”
16 and inserting “paragraphs (2) and (4) of
17 section 31102(l)”;

18 (ii) by striking “the next 2 fiscal
19 years” and inserting “the following 3 fiscal
20 years”; and

21 (C) in paragraph (3) by striking “the next
22 4 fiscal years” and inserting “the following 5
23 fiscal years”; and

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

1 “(j) TREATMENT OF REALLOCATIONS.—Amounts
2 that are obligated and subsequently, after the date of en-
3 actment of this subsection, released back to the Secretary
4 under subsection (i) shall not be subject to limitations on
5 obligations provided under any other provision of law.”.

6 (b) COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
7 PLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Sec-
8 tion 31313(b) of title 49, United States Code, is amend-
9 ed—

10 (1) by striking the period at the end and insert-
11 ing “; and”;

12 (2) by striking “A recipient” and inserting the
13 following: “In participating in financial assistance
14 program under this section—

15 “(1) a recipient”; and

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

17 “(2) a State may not receive more than
18 \$250,000 in grants under subsection (a)(2)(B) in
19 any fiscal year—

20 “(A) in which the State prohibits private
21 commercial driving schools or independent com-
22 mercial driver’s license testing facilities from of-
23 fering a commercial driver’s license skills test
24 as a third-party tester; or

1 “(B) in which a State fails to report to the
2 Administrator of the Federal Motor Carrier
3 Safety Administration, during the previous fis-
4 cal year, the average number of days of delays
5 for an initial commercial driver’s license skills
6 test or retest within the State.”.

7 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
8 **PROGRAMS.**

9 (a) IN GENERAL.—Section 31110 of title 49, United
10 States Code, is amended by striking subsection (a) and
11 inserting the following:

12 “(a) ADMINISTRATIVE EXPENSES.—There is author-
13 ized to be appropriated from the Highway Trust Fund
14 (other than the Mass Transit Account) for the Secretary
15 of Transportation to pay administrative expenses of the
16 Federal Motor Carrier Safety Administration—

17 “(1) \$380,500,000 for fiscal year 2023;

18 “(2) \$381,500,000 for fiscal year 2024;

19 “(3) \$382,500,000 for fiscal year 2025; and

20 “(4) \$384,500,000 for fiscal year 2026.”.

21 (b) ADMINISTRATIVE EXPENSES.—

22 (1) USE OF FUNDS.—The Administrator of the
23 Federal Motor Carrier Safety Administration shall
24 use funds made available in subsection (a) for—

1 (A) acceleration of planned investments to
2 modernize the Administration’s information
3 technology and information management sys-
4 tems;

5 (B) completing outstanding mandates;

6 (C) carrying out a Large Truck Crash
7 Causal Factors Study of the Administration;

8 (D) construction and maintenance of bor-
9 der facilities; and

10 (E) other activities authorized under sec-
11 tion 31110(b) of title 49, United States Code.

12 (2) DEFINITION OF OUTSTANDING MANDATE.—

13 In this subsection, the term “outstanding mandate”
14 means a requirement for the Federal Motor Carrier
15 Safety Administration to issue regulations, under-
16 take a comprehensive review or study, conduct a
17 safety assessment, or collect data—

18 (A) under this Act;

19 (B) under MAP–21 (Public Law 112–
20 141), that has not been published in the Fed-
21 eral Register, if required, or otherwise com-
22 pleted as of the date of enactment of this Act;

23 (C) under the FAST Act (Public Law
24 114–94), that has not been published in the
25 Federal Register, if required, or otherwise com-

1 pleted as of the date of enactment of this Act;
2 and

3 (D) under any other Act enacted before
4 the date of enactment of this Act that has not
5 been published in the Federal Register by the
6 date required in such Act.

7 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

8 Section 31102(l) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (1) by striking “and (3)” and
11 inserting “, (3), and (4)”;

12 (2) in paragraph (2)(F)(ii)(II) by inserting “,
13 specifically including the priority activities described
14 in paragraph (4)” after “required for participation”;
15 and

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

17 “(4) PRIORITIZATION OF IMMOBILIZING UN-
18 SAFE PASSENGER-CARRYING COMMERCIAL MOTOR
19 VEHICLES.—

20 “(A) IN GENERAL.—The Secretary shall
21 prioritize the awarding of discretionary grants
22 to States for activities related to paragraph
23 (2)(F)(II) for the enforcement of out of service
24 orders if such vehicles are found to be unsafe
25 or have violated a Federal out of service order.

1 “(B) ELIGIBILITY.—To be eligible for a
2 grant described under this paragraph, a State
3 shall have the authority to require the immo-
4 bilization or impoundment of a passenger-car-
5 rying commercial motor vehicle if such vehicle is
6 found to be unsafe or fail inspection or to have
7 violated a Federal out of service order.

8 “(C) USE OF FUNDS.—Grant funds re-
9 ceived under this paragraph may be used for—

10 “(i) the immobilization or impound-
11 ment of commercial motor vehicles that are
12 unsafe, fail inspection, or have violated a
13 Federal out of service order;

14 “(ii) safety inspections of vehicles de-
15 scribed in clause (i);

16 “(iii) other activities related to the ac-
17 tivities described in clauses (i) and (ii), as
18 determined by the Secretary.

19 “(D) PASSENGER-CARRYING COMMERCIAL
20 MOTOR VEHICLE DEFINED.—In this paragraph,
21 the term ‘passenger-carrying commercial motor
22 vehicle’ has the meaning given such term in sec-
23 tion 31301.”.

1 **SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES**
2 **STUDY.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall initiate a review of the prevalence of, charac-
6 teristics of, and safe operation of commercial vehicles that
7 have a gross vehicle weight rating or gross vehicle weight
8 below 10,000 pounds, and are utilized in package delivery
9 of goods moving in interstate commerce.

10 (b) INDEPENDENT RESEARCH.—If the Secretary de-
11 cides to enter into a contract with a third party to perform
12 the research required under subsection (a), the Secretary
13 shall—

14 (1) solicit applications from research institu-
15 tions that conduct objective, fact-based research to
16 conduct the study; and

17 (2) ensure that such third party does not have
18 any financial or contractual ties with an entity en-
19 gaged in interstate commerce utilizing commercial
20 vehicles or commercial motor vehicles.

21 (c) ENTITIES INCLUDED.—As part of the review, the
22 Secretary shall collect information from a cross-section of
23 companies that use fleets of such vehicles for package de-
24 livery in interstate commerce, including companies that—

25 (1) directly perform deliveries;

26 (2) use contracted entities to perform work; and

1 (3) utilize a combination of direct deliveries and
2 contract entities.

3 (d) EVALUATION FACTORS.—The review shall include
4 an evaluation of the following:

5 (1) Fleet characteristics, including fleet struc-
6 ture, and vehicle miles traveled.

7 (2) Fleet management, including scheduling of
8 deliveries and maintenance practices.

9 (3) Driver employment characteristics, includ-
10 ing the basis of compensation and classification.

11 (4) How training, medical fitness, hours on
12 duty, and safety of drivers is evaluated and overseen
13 by companies, including prevention of occupational
14 injuries and illnesses.

15 (5) Safety performance metrics, based on data
16 associated with the included entities, including crash
17 rates, moving violations, failed inspections, and other
18 related data points.

19 (6) Financial responsibility and liability for
20 safety or maintenance violations among companies,
21 fleet managers, and drivers.

22 (7) Loading and unloading practices, and how
23 package volume and placement in the vehicle is de-
24 termined.

1 (8) Other relevant information determined nec-
2 essary by the Secretary in order to make rec-
3 ommendations under subsection (e).

4 (e) REPORT AND RECOMMENDATIONS.—Upon com-
5 pletion of the review, the Secretary shall submit to the
6 Committee on Transportation and Infrastructure of the
7 House of Representatives and the Committee on Com-
8 merce of the Senate a report containing—

9 (1) the findings of the Secretary on each of the
10 factors in (d);

11 (2) a list of regulations applicable to commer-
12 cial motor vehicles and commercial motor vehicle op-
13 erators that are not applicable to commercial vehicle
14 operations described in this section; and

15 (3) recommendations, based on the findings, on
16 changes to laws or regulations at the Federal, State,
17 or local level to promote safe operations and safe
18 and fair working conditions for commercial vehicle
19 operators.

20 **Subtitle B—Motor Carrier Safety** 21 **Oversight**

22 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-**
23 **MITTEE.**

24 Section 4144 of SAFETEA-LU (49 U.S.C. 31100
25 note) is amended—

1 (1) in subsection (b)(1) by inserting “, includ-
2 ing small business motor carriers” after “industry”;
3 and

4 (2) in subsection (d) by striking “September
5 30, 2013” and inserting “September 30, 2026”.

6 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

7 (a) **IN GENERAL.**—Not later than 1 year after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall implement a revised methodology to be used
10 in the Compliance, Safety, Accountability program of the
11 Federal Motor Carrier Safety Administration to identify
12 and prioritize motor carriers for intervention, using the
13 recommendations of the study required by section 5221(a)
14 of the FAST Act (49 U.S.C. 31100 note).

15 (b) **DATA AVAILABILITY.**—The Secretary shall, in
16 working toward implementation of the revised method-
17 ology described in subsection (a) prioritize revisions nec-
18 essary to—

19 (1) restore the public availability of all relevant
20 safety data under a revised methodology; and

21 (2) make such safety data publicly available
22 that was made publicly available on the day before
23 the date of enactment of the FAST Act, as appro-
24 priate under a revised methodology.

25 (c) **IMPLEMENTATION.**—

1 (1) PROGRESS REPORTS.—Not later than 30
2 days after the date of enactment of this Act, and
3 every 90 days thereafter until the date on which the
4 Secretary implements the revised methodology de-
5 scribed in subsection (a), the Secretary shall submit
6 to the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate, and make publicly available on a website
10 of the Department of Transportation, a progress re-
11 port on—

12 (A) the status of the revision of the meth-
13 odology and related data modifications under
14 subsection (a), a timeline for completion of such
15 revision, and an estimated date for implementa-
16 tion of such revised methodology;

17 (B) an explanation for any delays in devel-
18 opment or implementation of the revised meth-
19 odology over the reporting period; and

20 (C) if the Secretary has not resumed mak-
21 ing publicly available the data described in sub-
22 section (b), an updated timeline for the restora-
23 tion of the public availability of data and a de-
24 tailed explanation for why such restoration has
25 not occurred.

1 (2) PUBLICATION AND NOTIFICATION.—Prior
2 to commencing the use of the revised methodology
3 described in subsection (a) to identify and prioritize
4 motor carriers for intervention (other than in a test-
5 ing capacity), the Secretary shall—

6 (A) publish a detailed summary of the
7 methodology in the Federal Register and pro-
8 vide a period for public comment; and

9 (B) notify the Committee on Transpor-
10 tation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Commerce,
12 Science, and Transportation of the Senate, in
13 writing.

14 (d) SAFETY FITNESS RULE.—

15 (1) RULEMAKING.—Not later than 1 year after
16 the date on which the Secretary notifies Congress
17 under subsection (c)(2), the Secretary shall issue
18 final regulations pursuant to section 31144(b) of
19 title 49, United States Code, to revise the method-
20 ology for issuance of motor carrier safety fitness de-
21 terminations.

22 (2) CONSIDERATIONS.—In issuing the regula-
23 tions under paragraph (1), the Secretary shall con-
24 sider the use of all available data to determine the
25 fitness of a motor carrier.

1 (e) REPEAL.—Section 5223 of the FAST Act (49
2 U.S.C. 31100 note), and the item related to such section
3 in the table of contents in section 1(b) of such Act, are
4 repealed.

5 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

6 Section 31315 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (4)(A) by inserting “, in-
10 cluding data submission requirements,” after
11 “terms and conditions”; and

12 (B) by striking paragraph (8) and insert-
13 ing the following:

14 “(8) TERMS AND CONDITIONS.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish terms and conditions for each exemp-
17 tion to ensure that the exemption will not likely
18 degrade the level of safety achieved by the per-
19 son or class of persons granted the exemption,
20 and allow the Secretary to evaluate whether an
21 equivalent level of safety is maintained while
22 the person or class of persons is operating
23 under such exemption, including—

1 “(i) requiring the regular submission
2 of accident and incident data to the Sec-
3 retary;

4 “(ii) requiring immediate notification
5 to the Secretary in the event of a crash
6 that results in a fatality or serious bodily
7 injury;

8 “(iii) for exemptions granted by the
9 Secretary related to hours of service rules
10 under part 395 of title 49, Code of Federal
11 Regulations, requiring that the exempt
12 person or class of persons submit to the
13 Secretary evidence of participation in a
14 recognized fatigue management plan; and

15 “(iv) providing documentation of the
16 authority to operate under the exemption
17 to each exempt person, to be used to dem-
18 onstrate compliance if requested by a
19 motor carrier safety enforcement officer
20 during a roadside inspection.

21 “(B) IMPLEMENTATION.—The Secretary
22 shall monitor the implementation of the exemp-
23 tion to ensure compliance with its terms and
24 conditions.”; and

1 (2) in subsection (e) by inserting “, based on an
2 analysis of data collected by the Secretary and sub-
3 mitted to the Secretary under subsection (b)(8)”
4 after “safety”.

5 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
6 **SENGERS.**

7 Section 31144(i) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A) by striking “who
11 the Secretary registers under section 13902 or
12 31134”; and

13 (B) in subparagraph (B) by inserting “to
14 motor carriers of passengers and” after
15 “apply”; and

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

17 “(5) MOTOR CARRIER OF PASSENGERS DE-
18 FINED.—In this subsection, the term ‘motor carrier
19 of passengers’ includes an offeror of motorcoach
20 services that sells scheduled transportation of pas-
21 sengers for compensation at fares and on schedules
22 and routes determined by such offeror, regardless of
23 ownership or control of the vehicles or drivers used
24 to provide the transportation by motorcoach.”.

1 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

2 Section 13506(b) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2) by striking “or” at the
5 end;

6 (2) in paragraph (3) by striking the period at
7 the end and inserting “; or”; and

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

9 “(4) transportation by a motor vehicle designed
10 or used to transport between 9 and 15 passengers
11 (including the driver), whether operated alone or
12 with a trailer attached for the transport of rec-
13 reational equipment, that is operated by a person
14 that provides recreational activities if—

15 “(A) the transportation is provided within
16 a 150 air-mile radius of the location where pas-
17 sengers are boarded; and

18 “(B) the person operating the motor vehi-
19 cle, if transporting passengers over a route be-
20 tween a place in a State and a place in another
21 State, is otherwise lawfully providing transpor-
22 tation of passengers over the entire route in ac-
23 cordance with applicable State law.”.

1 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
2 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
3 **INTERSTATE COMMERCE.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATION.—The term “Administra-
6 tion” means the Federal Motor Carrier Safety Ad-
7 ministration.

8 (2) COVERED CARRIER.—The term “covered
9 carrier” means a motor carrier that is—

10 (A) engaged in the interstate transpor-
11 tation of household goods; and

12 (B) subject to the requirements of part
13 375 of title 49, Code of Federal Regulations (as
14 in effect on the effective date of the amend-
15 ments required by subsection (b)).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Transportation.

18 (b) AMENDMENTS TO REGULATIONS.—Not later
19 than 1 year after the date of enactment of this Act, the
20 Secretary shall issue a notice of proposed rulemaking to
21 amend regulations related to the interstate transportation
22 of household goods.

23 (c) CONSIDERATIONS.—In issuing the notice of pro-
24 posed rulemaking under subsection (b), the Secretary shall
25 consider the following recommended amendments to provi-
26 sions of title 49, Code of Federal Regulations:

1 (1) Section 375.207(b) to require each covered
2 carrier to include on the website of the covered car-
3 rier a link—

4 (A) to the publication of the Administra-
5 tion titled “Ready to Move—Tips for a Success-
6 ful Interstate Move” (ESA 03005) on the
7 website of the Administration; or

8 (B) to a copy of the publication referred to
9 in subparagraph (A) on the website of the cov-
10 ered carrier.

11 (2) Subsections (a) and (b)(1) of section
12 375.213 to require each covered carrier to provide to
13 each individual shipper, with any written estimate
14 provided to the shipper, a copy of the publication de-
15 scribed in appendix A of part 375 of such title, enti-
16 tled “Your Rights and Responsibilities When You
17 Move” (ESA–03–006 (or a successor publication)),
18 in the form of a written copy or a hyperlink on the
19 website of the covered carrier to the location on the
20 website of the Administration containing such publi-
21 cation.

22 (3) Subsection (e) of section 375.213, to repeal
23 such subsection.

24 (4) Section 375.401(a), to require each covered
25 carrier—

1 (A) to conduct a visual survey of the
2 household goods to be transported by the cov-
3 ered carrier—

4 (i) in person; or

5 (ii) virtually, using—

6 (I) a remote camera; or

7 (II) another appropriate tech-
8 nology;

9 (B) to offer a visual survey described in
10 subparagraph (A) for all household goods ship-
11 ments, regardless of the distance between—

12 (i) the location of the household
13 goods; and

14 (ii) the location of the agent of the
15 covered carrier preparing the estimate; and

16 (C) to provide to each shipper a copy of
17 publication of the Administration titled “Ready
18 to Move—Tips for a Successful Interstate Move”
19 (ESA 03005) on receipt from the shipper of a
20 request to schedule, or a waiver of, a visual sur-
21 vey offered under subparagraph (B).

22 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
23 and 375.405(b)(7)(ii), and subpart D of appendix A
24 of part 375, to require that, in any case in which a
25 shipper tenders any additional item or requests any

1 additional service prior to loading a shipment, the
2 affected covered carrier shall—

3 (A) prepare a new estimate; and

4 (B) maintain a record of the date, time,
5 and manner in which the new estimate was ac-
6 cepted by the shipper.

7 (6) Section 375.501(a), to establish that a cov-
8 ered carrier is not required to provide to a shipper
9 an order for service if the covered carrier elects to
10 provide the information described in paragraphs (1)
11 through (15) of such section in a bill of lading that
12 is presented to the shipper before the covered carrier
13 receives the shipment.

14 (7) Subpart H of part 375, to replace the re-
15 place the terms “freight bill” and “expense bill”
16 with the term “invoice”.

17 **SEC. 4207. BROKER GUIDANCE.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall issue guidance to clarify the definitions of the
21 terms “broker” and “bona fide agents” under part 371
22 of title 49, Code of Federal Regulations.

23 (b) CONSIDERATIONS.—In issuing the guidance
24 under subsection (a), the Secretary shall consider the ex-
25 tent to which technology has changed the nature of freight

1 brokerage, the role of bona fide agents, and other aspects
2 of the freight transportation industry.

3 (c) DISPATCH SERVICES.—In issuing the guidance
4 under subsection (a), the Secretary shall, at a minimum—

5 (1) examine the role of a dispatch service in the
6 transportation industry;

7 (2) examine the extent to which dispatch serv-
8 ices could be considered brokers or bona fide agents;
9 and

10 (3) clarify the level of financial penalties for un-
11 authorized brokerage activities under section 14916
12 of title 49, United States Code, applicable to a dis-
13 patch service.

14 **Subtitle C—Commercial Motor** 15 **Vehicle Driver Safety**

16 **SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PAS-**
17 **SENGER CARRIERS.**

18 Section 31301 of title 49, United States Code, is
19 amended—

20 (1) in paragraph (4)—

21 (A) in subparagraph (B) by striking “or”;

22 (B) by redesignating subparagraph (C) as
23 subparagraph (D); and

24 (C) by inserting after subparagraph (B)

25 the following:

1 “(C) is designed or used as a stretch lim-
2 ousine; or”;

3 (2) by redesignating paragraph (15) as para-
4 graph (16); and

5 (3) by inserting after paragraph (14) the fol-
6 lowing:

7 “(15) ‘stretch limousine’ means any sedan or
8 sports utility vehicle that—

9 “(A) has been modified to add seating ca-
10 pacity to that provided by the vehicle manufac-
11 turer through an extended chassis, lengthened
12 wheelbase, or an elongated seating area;

13 “(B) as modified, has a seating capacity of
14 more than 8 passengers (including the driver);

15 “(C) is used under trip-by-trip contracts
16 for the transportation of passengers for com-
17 pensation on a prearranged basis; and

18 “(D) is not used for public transportation
19 service, as such term is defined in section
20 5302;”.

21 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**
22 **ING.**

23 Section 31306(c)(2) of title 49, United States Code,
24 is amended by striking “, for urine testing,”.

1 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

2 Not later than 30 days after the date of enactment
3 of this Act, and every 90 days thereafter until the compli-
4 ance date for the final rule published on December 8,
5 2016, titled “Minimum Training Requirements for Entry-
6 Level Commercial Motor Vehicle Operators” (81 Fed.
7 Reg. 88732), the Secretary shall submit to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report on—

11 (1) a schedule, including benchmarks, to com-
12 plete implementation of the requirements under such
13 final rule;

14 (2) any anticipated delays, if applicable, in
15 meeting the benchmarks described in paragraph (1);

16 (3) the progress that the Secretary has made in
17 updating the Department of Transportation’s infor-
18 mation technology infrastructure to support the
19 training provider registry;

20 (4) a list of States that have adopted laws or
21 regulations to implement such final rule; and

22 (5) a list of States, if applicable, that are imple-
23 menting the rule and confirming that an applicant
24 for a commercial driver’s license has complied with
25 the requirements.

1 **SEC. 4304. DRIVER DETENTION TIME.**

2 (a) DATA COLLECTION.—Not later than 30 days
3 after the date of enactment of this Act, the Secretary
4 shall—

5 (1) begin to collect data on delays experienced
6 by operators of commercial motor vehicles, as re-
7 quired under section 5501 of the FAST Act (49
8 U.S.C. 14103 note) and as referenced in the request
9 for information published on June 10, 2019, titled
10 “Request for Information Concerning Commercial
11 Motor Vehicle Driver Detention Times During Load-
12 ing and Unloading” (84 Fed. Reg. 26932); and

13 (2) make such data available on a publicly ac-
14 cessible website of the Department of Transpor-
15 tation.

16 (b) DETENTION TIME LIMITS.—

17 (1) RULEMAKING.—Not later than 1 year after
18 the date of enactment of this Act, the Secretary
19 shall initiate a rulemaking to establish limits on the
20 amount of time that an operator of a commercial
21 motor vehicle may be reasonably detained by a ship-
22 per or receiver before the loading or unloading of the
23 vehicle, if the operator is not compensated for such
24 time detained.

1 (2) CONTENTS.—As part of the rulemaking
2 conducted pursuant to subsection (a), the Secretary
3 shall—

4 (A) consider the diverse nature of oper-
5 ations in the movement of goods by commercial
6 motor vehicle;

7 (B) examine any correlation between time
8 detained and violations of the hours-of-service
9 rules under part 395 of title 49, Code of Fed-
10 eral Regulations;

11 (C) determine whether the effect of deten-
12 tion time on safety differs based on—

13 (i) how an operator is compensated;

14 and

15 (ii) the contractual relationship be-
16 tween the operator and the motor carrier,
17 including whether an operator is an em-
18 ployee, a leased owner-operator, or an
19 owner-operator with independent authority;

20 and

21 (D) establish a process for a motor carrier,
22 shipper, receiver, broker, or commercial motor
23 vehicle operator to report instances of time de-
24 tained beyond the Secretary's established limits.

1 (3) INCORPORATION OF INFORMATION.—The
2 Secretary shall incorporate information received
3 under paragraph (2)(D) into the process established
4 pursuant to subsection (a) once a final rule takes ef-
5 fect.

6 (c) DATA PROTECTION.—Data made available pursu-
7 ant to this section shall be made available in a manner
8 that—

9 (1) precludes the connection of the data to any
10 individual motor carrier or commercial motor vehicle
11 operator; and

12 (2) protects privacy and confidentiality of indi-
13 viduals, operators, and motor carriers submitting the
14 data.

15 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
16 this section, the term “commercial motor vehicle” has the
17 meaning given such term in section 31101 of title 49,
18 United States Code.

19 **SEC. 4305. TRUCK LEASING TASK FORCE.**

20 (a) ESTABLISHMENT.—Not later than 6 months after
21 the date of enactment of this Act, the Secretary of Trans-
22 portation, in consultation with the Secretary of Labor,
23 shall establish a Truck Leasing Task Force (hereinafter
24 referred to as the “Task Force”).

1 (b) MEMBERSHIP.—The Secretary of Transportation
2 shall select not more than 15 individuals to serve as mem-
3 bers of the Task Force, including equal representation
4 from each of the following:

5 (1) Labor organizations.

6 (2) The motor carrier industry, including inde-
7 pendent owner-operators.

8 (3) Consumer protection groups.

9 (4) Safety groups.

10 (5) Members of the legal profession who spe-
11 cialize in consumer finance issues.

12 (c) DUTIES.—The Task Force shall examine, at a
13 minimum—

14 (1) common truck leasing arrangements avail-
15 able to property-carrying commercial motor vehicle
16 drivers, including lease-purchase agreements;

17 (2) the terms of such leasing agreements;

18 (3) the prevalence of predatory leasing agree-
19 ments in the motor carrier industry;

20 (4) specific agreements available to drayage
21 drivers at ports related to the Clean Truck Program
22 or similar programs to decrease emissions from port
23 operations;

24 (5) the impact of truck leasing agreements on
25 the net compensation of property-carrying commer-

1 cial motor vehicle drivers, including port drayage
2 drivers;

3 (6) resources to assist property-carrying com-
4 mercial motor vehicle drivers in assessing the im-
5 pacts of leasing agreements; and

6 (7) the classification of property-carrying com-
7 mercial motor vehicle drivers under lease-purchase
8 agreements.

9 (d) COMPENSATION.—A member of the Task Force
10 shall serve without compensation.

11 (e) REPORT.—Upon completion of the examination
12 described in subsection (c), the Task Force shall submit
13 to the Secretary of Transportation, Secretary of Labor,
14 and appropriate congressional committees a report con-
15 taining—

16 (1) the findings of the Task Force on the mat-
17 ters described in subsection (c);

18 (2) best practices related to—

19 (A) assisting a commercial motor vehicle
20 driver in assessing the impacts of leasing agree-
21 ments prior to entering into such agreements;
22 and

23 (B) assisting a commercial motor vehicle
24 driver who has entered into a predatory lease
25 agreement; and

1 (3) recommendations on changes to laws or reg-
2 ulations, as applicable, at the Federal, State, or local
3 level to promote fair leasing agreements under which
4 a commercial motor vehicle driver is able to earn a
5 living wage.

6 (f) TERMINATION.—Not later than 1 month after the
7 date of submission of the report pursuant to subsection
8 (e), the Task Force shall terminate.

9 **SEC. 4306. HOURS OF SERVICE.**

10 (a) COMPREHENSIVE REVIEW.—

11 (1) COMPREHENSIVE REVIEW OF HOURS OF
12 SERVICE RULES.—Not later than 60 days after the
13 date of enactment of this Act, the Secretary shall
14 initiate a comprehensive review of hours of service
15 rules and the impacts of waivers, exemptions, and
16 other allowances that limit the applicability of such
17 rules.

18 (2) CHANGES TO REGULATIONS.—In carrying
19 out the comprehensive review under paragraph (1)
20 and the required analyses under paragraphs (3) and
21 (4), the Secretary shall consider the modifications
22 made in the final rule published on June 1, 2020,
23 titled “Hours of Service of Drivers” (85 Fed. Reg.
24 33396) and evaluate the impacts of the allowance to

1 operate in excess of the limits in effect prior to June
2 1, 2020.

3 (3) LIST OF EXEMPTIONS.—In carrying out the
4 comprehensive review required under paragraph (1),
5 the Secretary shall—

6 (A) compile a list of waivers, exemptions,
7 and other allowances—

8 (i) under which a driver may operate
9 in excess of the otherwise applicable limits
10 on on-duty or driving time in absence of
11 such exemption, waiver, or other allowance;

12 (ii) under which a driver may operate
13 without recording compliance with hours of
14 service rules through the use of an elec-
15 tronic logging device; and

16 (iii) applicable—

17 (I) to specific segments of the
18 motor carrier industry or sectors of
19 the economy;

20 (II) on a periodic or seasonal
21 basis; and

22 (III) to specific types of oper-
23 ations, including the short haul ex-
24 emption under part 395 of title 49,
25 Code of Federal Regulations;

1 (B) specify whether each such waiver, ex-
2 emption, or other allowance was granted by the
3 Department of Transportation or enacted by
4 Congress, and how long such waiver, exemption,
5 or other allowance has been in effect; and

6 (C) estimate the number of motor carriers,
7 motor private carriers, and drivers that may
8 qualify to use each waiver, exemption, or other
9 allowance.

10 (4) SAFETY IMPACT ANALYSIS.—

11 (A) IN GENERAL.—In carrying out the
12 comprehensive review under paragraph (1), the
13 Secretary, in consultation with State motor car-
14 rier enforcement entities, shall undertake a sta-
15 tistically valid analysis to determine the safety
16 impact, including on enforcement, of the exemp-
17 tions, waivers, or other allowances compiled
18 under paragraph (2) by—

19 (i) using available data, or collecting
20 from motor carriers or motor private car-
21 riers and drivers operating under an ex-
22 emption, waiver, or other allowance if the
23 Secretary does not have sufficient data, to
24 determine the incidence of accidents, fa-
25 tigue-related incidents, and other relevant

1 safety information related to hours of serv-
2 ice among motor carriers, private motor
3 carriers, and drivers permitted to operate
4 under each exemption, waiver, or other al-
5 lowance;

6 (ii) comparing the data described in
7 subparagraph (A) to safety data from
8 motor carriers, motor private carriers, and
9 drivers that are subject to the hours of
10 service rules and not operating under an
11 exemption, waiver, or other allowance; and

12 (iii) based on the comparison under
13 subparagraph (B), determining whether
14 waivers, exemptions, and other allowances
15 in effect provide an equivalent level of safe-
16 ty as would exist in the absence of exemp-
17 tions, waivers, or other allowances.

18 (B) CONSULTATION.—The Secretary shall
19 consult with State motor carrier enforcement
20 entities in carrying out this paragraph.

21 (C) EXCLUSIONS.—The Secretary shall ex-
22 clude data related to exemptions, waivers, or
23 other allowances made pursuant to an emer-
24 gency declaration under section 390.23 of title
25 49, Code of Federal Regulations, or extended

1 under section 390.25 of title 49, Code of Fed-
2 eral Regulations, from the analysis required
3 under this paragraph.

4 (5) DRIVER IMPACT ANALYSIS.—In carrying out
5 the comprehensive review under paragraph (1), the
6 Secretary shall further consider—

7 (A) data on driver detention collected by
8 the Secretary pursuant to section 4304 of this
9 Act and other conditions affecting the move-
10 ment of goods by commercial motor vehicle, and
11 how such conditions interact with the Sec-
12 retary's regulations on hours of service;

13 (B) whether exemptions, waivers, or other
14 allowances that permit additional on-duty time
15 or driving time have a deleterious effect on the
16 physical condition of drivers; and

17 (C) whether differences in the manner in
18 which drivers are compensated result in dif-
19 ferent levels of burden for drivers in complying
20 with hours of service rules.

21 (b) PEER REVIEW.—Prior to the publication of the
22 review required under subsection (d), the analyses per-
23 formed by the Secretary shall undergo an independent
24 peer review.

1 (c) PUBLICATION.—Not later than 18 months after
2 the date that the Secretary initiates the comprehensive re-
3 view under subsection (b)(1), the Secretary shall publish
4 the findings of such review in the Federal Register and
5 provide for a period for public comment.

6 (d) REPORT TO CONGRESS.—Not later than 30 days
7 after the conclusion of the public comment period under
8 subsection (d), the Secretary shall submit to the Com-
9 mittee on Commerce, Science, and Transportation and the
10 Committee on Environment and Public Works of the Sen-
11 ate and the Committee on Transportation and Infrastruc-
12 ture of the House of Representatives and make publicly
13 available on a website of the Department of Transpor-
14 tation a report containing the information and analyses
15 required under subsection (b).

16 (e) REPLACEMENT OF GUIDANCE.—Not later than 1
17 year after the date of enactment of this Act, the Secretary
18 shall initiate a rulemaking to update the Department of
19 Transportation guidance published on June 7, 2018, titled
20 “Hours of Service of Drivers of Commercial Motor Vehi-
21 cles: Regulatory Guidance Concerning the Use of a Com-
22 mercial Motor Vehicle for Personal Conveyance” (83 Fed.
23 Reg. 26377) to prescribe specific mileage or time limits,
24 or both, for the use of personal conveyance.

25 (f) DEFINITIONS.—In this section:

1 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
2 RIER.—The terms “motor carrier” and “motor pri-
3 vate carrier” have the meanings given such terms in
4 section 31501 of title 49, United States Code.

5 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
6 TRONIC LOGGING DEVICE.—The terms “on-duty
7 time”, “driving time”, and “electronic logging de-
8 vice” have the meanings given such terms in section
9 395.2 of title 49, Code of Federal Regulations (as
10 in effect on June 1, 2020).

11 **SEC. 4307. DRIVER RECRUITMENT.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the inspector general of the
14 Department of Transportation 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 exam-
18 ining the operation of commercial motor vehicles in the
19 United States by drivers admitted to the United States
20 under temporary business visas.

21 (b) CONTENTS.—The report under paragraph (1)
22 shall include—

23 (1) an assessment of—

24 (A) the prevalence of the operation of com-
25 mercial motor vehicles in the United States by

1 drivers admitted to the United States under
2 temporary business visas;

3 (B) the characteristics of motor carriers
4 that recruit and use such drivers, including the
5 country of domicile of the motor carrier or sub-
6 sidiary;

7 (C) the demographics of drivers operating
8 in the United States under such visas, including
9 the country of domicile of such drivers; and

10 (D) the contractual relationship between
11 such motor carriers and such drivers;

12 (2) an analysis of whether such drivers are re-
13 quired to comply with—

14 (A) motor carrier safety regulations under
15 subchapter B of chapter III of title 49, Code of
16 Federal Regulations, including—

17 (i) the English proficiency require-
18 ment under section 391.11(2) of title 49,
19 Code of Federal Regulations;

20 (ii) the requirement for drivers of a
21 motor carrier to report any violations of a
22 regulation to such motor carrier under sec-
23 tion 391.27 of title 49, Code of Federal
24 Regulations; and

1 (iii) driver's licensing requirements
2 under part 383 of title 49, Code of Federal
3 Regulations, including entry-level driver
4 training and drug and alcohol testing
5 under part 382 of such title; and

6 (B) regulations prohibiting point-to-point
7 transportation in the United States, or cabo-
8 tage, under part 365 of title 49, Code of Fed-
9 eral Regulations;

10 (3) an evaluation of the safety record of the op-
11 erations and drivers described in paragraph (1), in-
12 cluding—

13 (A) violations of the motor carrier safety
14 regulations under subchapter B of chapter III
15 of title 49, Code of Federal Regulations, includ-
16 ing applicable requirements described in para-
17 graph (2)(A); and

18 (B) the number of crashes involving such
19 operations and drivers; and

20 (4) the impact of such operations and drivers
21 on—

22 (A) commercial motor vehicle drivers domi-
23 ciled in the United States, including employ-
24 ment levels and driver compensation of such
25 drivers; and

1 (B) the competitiveness of motor carriers
2 domiciled in the United States.

3 (c) DEFINITIONS.—In this section:

4 (1) COMMERCIAL MOTOR VEHICLE.—In this
5 section, the term “commercial motor vehicle” has
6 the meaning given such term in section 31101 of
7 title 49, United States Code.

8 (2) TEMPORARY BUSINESS VISA.—The term
9 “temporary business visa” means any driver who is
10 present in the United States with status under sec-
11 tion 101(a)(15)(H)(i)(b) of the Immigration and
12 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

13 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation shall—

17 (1) assess the risk posed by untreated obstruc-
18 tive sleep apnea in drivers of commercial motor vehi-
19 cles and the feasibility, benefits, and costs associated
20 with establishing screening criteria for obstructive
21 sleep apnea in drivers of commercial motor vehicles;

22 (2) issue a notice in the Federal Register con-
23 taining the independently peer-reviewed findings of
24 the assessment required under paragraph (1) not
25 later than 30 days after completion of the assess-

1 ment and provide an opportunity for public com-
2 ment; and

3 (3) if the Secretary contracts with an inde-
4 pendent third party to conduct the assessment re-
5 quired under paragraph (1), ensure that the inde-
6 pendent third party shall not have any financial or
7 contractual ties or relationship with a motor carrier
8 that transports passengers or property for com-
9 pensation, the motor carrier industry, or driver ad-
10 vocacy organizations.

11 (b) SCREENING CRITERIA.—

12 (1) IN GENERAL.—Not later than 12 months
13 after the date of enactment of this Act, the Sec-
14 retary shall publish in the Federal Register a pro-
15 posed rule to establish screening criteria for obstruc-
16 tive sleep apnea in commercial motor vehicle drivers
17 and provide an opportunity for public comment.

18 (2) FINAL RULE.—Not later than 2 years after
19 the date of enactment of this Act, the Secretary
20 shall issue a final rule to establish screening criteria
21 for obstructive sleep apnea in commercial motor ve-
22 hicle drivers.

23 (c) COMMERCIAL MOTOR VEHICLE DEFINED.—In
24 this section, the term “commercial motor vehicle” has the

1 meaning given such term in section 31132 of title 49,
2 United States Cod

3 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Promoting Women in Trucking Workforce Act”.

6 (b) **FINDINGS.**—Congress finds that—

7 (1) women make up 47 percent of the work-
8 force of the United States;

9 (2) women are significantly underrepresented in
10 the trucking industry, holding only 24 percent of all
11 transportation and warehousing jobs and rep-
12 resenting only—

13 (A) 6.6 percent of truck drivers;

14 (B) 12.5 percent of all workers in truck
15 transportation; and

16 (C) 8 percent of freight firm owners;

17 (3) given the total number of women truck driv-
18 ers, women are underrepresented in the truck-driv-
19 ing workforce; and

20 (4) women truck drivers have been shown to be
21 20 percent less likely than male counterparts to be
22 involved in a crash.

23 (c) **SENSE OF CONGRESS REGARDING WOMEN IN**
24 **TRUCKING.**—It is the sense of Congress that the trucking
25 industry should explore every opportunity, including driver

1 training and mentorship programs, to encourage and sup-
2 port the pursuit of careers in trucking by women.

3 (d) ESTABLISHMENT.—To encourage women to enter
4 the field of trucking, the Administrator shall establish and
5 facilitate an advisory board, to be known as the “Women
6 of Trucking Advisory Board”, to promote organizations
7 and programs that—

8 (1) provide education, training, mentorship, or
9 outreach to women in the trucking industry; and

10 (2) recruit women into the trucking industry.

11 (e) MEMBERSHIP.—

12 (1) IN GENERAL.—The Board shall be com-
13 posed of not fewer than seven members whose back-
14 grounds allow those members to contribute balanced
15 points of view and diverse ideas regarding the strate-
16 gies and objectives described in subsection (f)(2).

17 (2) APPOINTMENT.—Not later than 270 days
18 after the date of enactment of this Act, the Adminis-
19 trator shall appoint the members of the Board, of
20 whom—

21 (A) not fewer than one shall be a rep-
22 resentative of large trucking companies;

23 (B) not fewer than one shall be a rep-
24 resentative of mid-sized trucking companies;

1 (C) not fewer than one shall be a rep-
2 resentative of small trucking companies;

3 (D) not fewer than one shall be a rep-
4 resentative of nonprofit organizations in the
5 trucking industry;

6 (E) not fewer than one shall be a rep-
7 resentative of trucking business associations;

8 (F) not fewer than one shall be a rep-
9 resentative of independent owner-operators; and

10 (G) not fewer than one shall be a woman
11 who is a professional truck driver.

12 (3) TERMS.—Each member shall be appointed
13 for the life of the Board.

14 (4) COMPENSATION.—A member of the Board
15 shall serve without compensation.

16 (f) DUTIES.—

17 (1) IN GENERAL.—The Board shall identify—

18 (A) industry trends that directly or indi-
19 rectly discourage women from pursuing careers
20 in trucking, including—

21 (i) any differences between women mi-
22 nority groups;

23 (ii) any differences between women
24 who live in rural, suburban, and urban
25 areas; and

1 (iii) any safety risks unique to the
2 trucking industry;

3 (B) ways in which the functions of truck-
4 ing companies, nonprofit organizations, and
5 trucking associations may be coordinated to fa-
6 cilitate support for women pursuing careers in
7 trucking;

8 (C) opportunities to expand existing oppor-
9 tunities for women in the trucking industry;
10 and

11 (D) opportunities to enhance trucking
12 training, mentorship, education, and outreach
13 programs that are exclusive to women.

14 (2) REPORT.—Not later than 18 months after
15 the date of enactment of this Act, the Board shall
16 submit to the Administrator a report describing
17 strategies that the Administrator may adopt—

18 (A) to address any industry trends identi-
19 fied under paragraph (1)(A);

20 (B) to coordinate the functions of trucking
21 companies, nonprofit organizations, and truck-
22 ing associations in a manner that facilitates
23 support for women pursuing careers in truck-
24 ing;

25 (C) to—

1 (i) take advantage of any opportuni-
2 ties identified under paragraph (1)(C); and

3 (ii) create new opportunities to ex-
4 pand existing scholarship opportunities for
5 women in the trucking industry; and

6 (D) to enhance trucking training,
7 mentorship, education, and outreach programs
8 that are exclusive to women.

9 (g) REPORT TO CONGRESS.—

10 (1) IN GENERAL.—Not later than 2 years after
11 the date of enactment of this Act, the Administrator
12 shall submit to the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of
15 the House of Representatives a report describing—

16 (A) any strategies recommended by the
17 Board under subsection (f)(2); and

18 (B) any actions taken by the Adminis-
19 trator to adopt the strategies recommended by
20 the Board (or an explanation of the reasons for
21 not adopting the strategies).

22 (2) PUBLIC AVAILABILITY.—The Administrator
23 shall make the report under paragraph (1) publicly
24 available—

1 (A) on the website of the Federal Motor
2 Carrier Safety Administration; and

3 (B) in appropriate offices of the Federal
4 Motor Carrier Safety Administration.

5 (h) TERMINATION.—The Board shall terminate on
6 submission of the report to Congress under subsection (g).

7 (i) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Motor Carrier Safety Administration.

11 (2) BOARD.—The term “Board” means the
12 Women of Trucking Advisory Board established
13 under subsection (d).

14 (3) LARGE TRUCKING COMPANY.—The term
15 “large trucking company” means a motor carrier (as
16 defined in section 13102 of title 49, United States
17 Code) with an annual revenue greater than
18 \$1,000,000,000.

19 (4) MID-SIZED TRUCKING COMPANY.—The term
20 “mid-sized trucking company” means a motor car-
21 rier (as defined in section 13102 of title 49, United
22 States Code) with an annual revenue of not less
23 than \$35,000,000 and not greater than
24 \$1,000,000,000.

1 (5) SMALL TRUCKING COMPANY.—The term
2 “small trucking company” means a motor carrier
3 (as defined in section 13102 of title 49, United
4 States Code) with an annual revenue less than
5 \$35,000,000.

6 **SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE**
7 **SAFETY.**

8 (a) DEFINITION.—Section 31301(14) of title 49,
9 United States Code, is amended—

10 (1) by striking “and” and inserting a comma;
11 and

12 (2) by inserting “, and Puerto Rico” before the
13 period.

14 (b) IMPLEMENTATION.—The Administrator of the
15 Federal Motor Carrier Safety Administration shall work
16 with the Commonwealth of Puerto Rico on obtaining full
17 compliance with chapter 313 of title 49, United States
18 Code, and regulations adopted under that chapter.

19 (c) GRACE PERIOD.—Notwithstanding section
20 31311(a) of title 49, United States Code, during a 5-year
21 period beginning on the date of enactment of this Act, the
22 Commonwealth of Puerto Rico shall not be subject to a
23 withholding of an apportionment of funds under para-
24 graphs (1) and (2) of section 104(b) of title 23, United

1 States Code, for failure to comply with any requirement
2 under section 31311(a) of title 49, United States Code.

3 **SEC. 4311. USE OF DATA.**

4 Section 31137(e) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “only”; and

8 (B) by striking “, including record-of-duty
9 status regulations” and inserting “and to con-
10 duct transportation research utilizing such
11 data”;

12 (2) in paragraph (2) by striking “to enforce the
13 regulations referred to in” and inserting “for pur-
14 poses authorized under”; and

15 (3) by amending paragraph (3) to read as fol-
16 lows:

17 “(3) RESEARCH DATA.—The Secretary shall in-
18 stitute appropriate measures to protect the privacy
19 of individuals, operators, and motor carriers when
20 data obtained from an electronic logging device is
21 used for research pursuant to this section and such
22 research is made available to the public.”.

1 **Subtitle D—Commercial Motor**
2 **Vehicle and Schoolbus Safety**

3 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

4 (a) SCHOOLBUS SEATBELTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall issue a notice of proposed rulemaking to con-
8 sider requiring large schoolbuses to be equipped with
9 safety belts for all seating positions, if the Secretary
10 determines that such standards meet the require-
11 ments and considerations set forth in subsections (a)
12 and (b) of section 30111 of title 49, United States
13 Code.

14 (2) CONSIDERATIONS.—In issuing a notice of
15 proposed rulemaking under paragraph (1), the Sec-
16 retary shall consider—

17 (A) the safety benefits of a lap/shoulder
18 belt system (also known as a Type 2 seatbelt
19 assembly);

20 (B) the investigations and recommenda-
21 tions of the National Transportation Safety
22 Board on seatbelts in schoolbuses;

23 (C) existing experience, including analysis
24 of student injuries and fatalities compared to
25 States without seat belt laws, and seat belt

1 usage rates, from States that require
2 schoolbuses to be equipped with seatbelts, in-
3 cluding Type 2 seatbelt assembly;

4 (D) the impact of lap/shoulder belt systems
5 on emergency evacuations, with a focus on
6 emergency evacuations involving students below
7 the age of 14, and emergency evacuations ne-
8 cessitated by fire or water submersion; and

9 (E) the impact of lap/shoulder belt systems
10 on the overall availability of schoolbus transpor-
11 tation.

12 (3) REPORT.—If the Secretary determines that
13 a standard described in paragraph (1) does not meet
14 the requirements and considerations set forth in sub-
15 sections (a) and (b) of section 30111 of title 49,
16 United States Code, the Secretary shall submit to
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the
20 Senate a report that describes the reasons for not
21 prescribing such a standard.

22 (4) APPLICATION OF REGULATIONS.—Any regu-
23 lation issued based on the notice of proposed rule-
24 making described in paragraph (1) shall apply to

1 schoolbuses manufactured more than 3 years after
2 the date on which the regulation takes effect.

3 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
4 than 3 years after the date of enactment of this Act, the
5 Secretary shall—

6 (1) prescribe a motor vehicle safety standard
7 under section 30111 of title 49, United States Code,
8 that requires all schoolbuses manufactured after the
9 effective date of such standard to be equipped with
10 an automatic emergency braking system; and

11 (2) as part of such standard, establish perform-
12 ance requirements for automatic emergency braking
13 systems, including operation of such systems.

14 (c) ELECTRONIC STABILITY CONTROL.—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
21 an electronic stability control system (as such term
22 is defined in section 571.136 of title 49, Code of
23 Federal Regulations (as in effect on the date of en-
24 actment of this Act)); and

1 (2) as part of such standard, establish perform-
2 ance requirements for electronic stability control sys-
3 tems, including operation of such systems.

4 (d) FIRE PREVENTION AND MITIGATION.—

5 (1) RESEARCH AND TESTING.—The Secretary
6 shall conduct research and testing to determine the
7 most prevalent causes of schoolbus fires and the best
8 methods to prevent such fires and to mitigate the ef-
9 fect of such fires, both inside and outside the school-
10 bus. Such research and testing shall consider—

11 (A) fire suppression systems standards,
12 which at a minimum prevent engine fires;

13 (B) firewall standards to prevent gas or
14 flames from entering into the passenger com-
15 partment in schoolbuses with engines that ex-
16 tend beyond the firewall; and

17 (C) interior flammability and smoke emis-
18 sions characteristics standards.

19 (2) STANDARDS.—The Secretary may issue fire
20 prevention and mitigation standards for schoolbuses,
21 based on the results of the Secretary's research and
22 testing under paragraph (1), if the Secretary deter-
23 mines that such standards meet the requirements
24 and considerations set forth in subsections (a) and
25 (b) of section 30111 of title 49, United States Code.

1 (e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND
2 REPORT.—Not later than 1 year after the date of enact-
3 ment of this Act, the Secretary shall study and issue a
4 report on the safety implications of temperature controls
5 in school buses. The study and report shall include—

6 (1) an analysis of the internal temperature in
7 school buses without air conditioning in weather be-
8 tween 80 and 110 degrees Fahrenheit;

9 (2) the collection and analysis of data on tem-
10 perature-related injuries to students, including heat-
11 stroke and dehydration;

12 (3) the collection of data on how many public
13 school districts currently operate buses without air
14 conditioning; and

15 (4) recommendations for preventing heat re-
16 lated illnesses for children on school buses.

17 (f) DEFINITIONS.—In this section:

18 (1) AUTOMATIC EMERGENCY BRAKING.—The
19 term “automatic emergency braking” means a crash
20 avoidance system installed and operational in a vehi-
21 cle that consists of—

22 (A) a forward warning function—

23 (i) to detect vehicles and vulnerable
24 road users ahead of the vehicle; and

1 (ii) to alert the operator of an im-
2 pending collision; and

3 (B) a crash-imminent braking function to
4 provide automatic braking when forward-look-
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not
8 applying the brakes.

9 (2) LARGE SCHOOLBUS.—The term “large
10 schoolbus” means a schoolbus with a gross vehicle
11 weight rating of more than 10,000 pounds.

12 (3) SCHOOLBUS.—The term “schoolbus” has
13 the meaning given such term in section 30125(a) of
14 title 49, United States Code.

15 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

16 (a) ILLEGAL PASSING RESEARCH.—

17 (1) IN GENERAL.—The Secretary of Transpor-
18 tation shall conduct research to determine—

19 (A) drivers’ knowledge of and attitudes to-
20 wards laws governing passing of a school bus
21 under the State in which the driver lives;

22 (B) the effectiveness of automated school
23 bus camera enforcement systems in reducing
24 school bus passing violations;

1 (C) whether laws that require automated
2 school bus camera systems to capture images of
3 a driver's face impact the ability of States to
4 enforce such laws;

5 (D) the effectiveness of public education on
6 illegal school bus passing laws in reducing
7 school bus passing violations; and

8 (E) the most-effective countermeasures to
9 address illegal passing of school buses and best
10 practices for States to reduce the number of il-
11 legal passing violations.

12 (2) REPORT TO CONGRESS.—Not later than 2
13 years after the date of enactment of this Act, the
14 Secretary shall submit to the Committee on Trans-
15 portation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 detailing the research and findings required under
19 paragraph (1).

20 (3) PUBLICATION.—The Secretary shall make
21 publicly available on the website of the Department
22 the report required under paragraph (2) not later
23 than 30 days after the report is submitted under
24 such paragraph.

25 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall create and disseminate a public safety mes-
4 saging campaign, including public safety media mes-
5 sages, posters, digital, and other media messages for
6 distribution to States, divisions of motor vehicles,
7 schools, and other public outlets to highlight the
8 dangers of illegally passing school buses, including
9 educational materials for students and the public on
10 the safest school bus loading and unloading proce-
11 dures.

12 (2) CONSULTATION.—The Secretary shall con-
13 sult with public and private school bus industry rep-
14 resentatives and States in developing the materials
15 and messages required under paragraph (1).

16 (3) UPDATE.—The Secretary shall periodically
17 update the materials used in the campaign.

18 (c) REVIEW OF ADVANCED SCHOOL BUS SAFETY
19 TECHNOLOGIES.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary
22 shall complete a review of advanced school bus safe-
23 ty technologies to assess their feasibility, benefits,
24 and costs. The review shall include—

1 (A) an evaluation of motion-activated alert
2 systems that are capable of detecting and alert-
3 ing the school bus driver to students, pedes-
4 trians, bicyclists, and other vulnerable road
5 users located near the perimeter of the school
6 bus;

7 (B) an evaluation of advanced school bus
8 flashing lighting systems to improve commu-
9 nication to surrounding drivers;

10 (C) an evaluation of early warning sys-
11 tems, including radar-based warning systems,
12 to alert school bus drivers and students near
13 the school bus that an approaching vehicle is
14 likely to engage in an illegal passing; and

15 (D) other technologies that enhance school
16 bus safety, as determined by the Secretary.

17 (2) PUBLICATION.—The Secretary shall make
18 the findings of the review publicly available on the
19 website of the Department not later than 30 days
20 after its completion.

21 (d) GAO REVIEW OF STATE ILLEGAL PASSING LAWS
22 AND DRIVER EDUCATION.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Comptroller
25 General of the United States shall submit to the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate a report examining State laws and driver edu-
5 cation efforts regarding illegal passing of school
6 buses.

7 (2) CONTENTS.—The report required under
8 paragraph (1) shall include—

9 (A) an overview of each State’s illegal
10 school bus passing laws, including how the laws
11 are enforced and what penalties are imposed on
12 violators;

13 (B) a review of each State’s driver edu-
14 cation efforts regarding illegal passing of school
15 buses to determine how each State educates
16 and evaluates new drivers on laws governing
17 passing of a school bus; and

18 (C) recommendations on how States can
19 improve driver education and awareness of the
20 dangers of illegally passing school buses.

21 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
22 **COMMERCIAL MOTOR VEHICLES.**

23 (a) REVIEW OF STATE INSPECTION PRACTICES.—
24 The Secretary of Transportation shall conduct a review
25 of Federal Motor Carrier Safety Regulations related to an-

1 nual inspection of commercial motor vehicles carrying pas-
2 sengers to determine—

3 (1) different inspection models in use for com-
4 mercial motor vehicles carrying passengers to satisfy
5 the Federal inspection requirement;

6 (2) the number of States that have mandatory
7 annual State vehicle inspections and whether such
8 inspections are used to satisfy the Federal inspection
9 requirement for commercial motor vehicles carrying
10 passengers;

11 (3) the extent to which passenger carriers uti-
12 lize self-inspection to satisfy the Federal inspection
13 requirement;

14 (4) the number of States that have the author-
15 ity to require the immobilization of impoundment of
16 a commercial motor vehicle carrying passengers if
17 such a vehicle fails inspection; and

18 (5) the impact on the safety of commercial
19 motor vehicles carrying passengers, based on the in-
20 spection model employed.

21 (b) REPORT TO CONGRESS.—Not later than 1 year
22 after the enactment of this Act, the Secretary shall submit
23 to the Committee on Transportation and Infrastructure
24 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on—

3 (1) the findings of the review conducted under
4 subsection (a); and

5 (2) recommendations on changes to the Sec-
6 retary's inspection program regulations to improve
7 the safety of commercial motor vehicles carrying
8 passengers.

9 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

10 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
11 ARD.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary of
14 Transportation shall—

15 (A) prescribe a motor vehicle safety stand-
16 ard under section 30111 of title 49, United
17 States Code, that requires all commercial motor
18 vehicles subject to Federal motor vehicle safety
19 standard 136 under section 571.136 of title 49,
20 Code of Federal Regulations, (relating to elec-
21 tronic stability control systems for heavy vehi-
22 cles) manufactured after the effective date of
23 such standard to be equipped with an automatic
24 emergency braking system; and

1 (B) as part of such standard, establish
2 performance requirements for automatic emer-
3 gency braking systems, including operation of
4 such systems in a variety of driving conditions.

5 (2) CONSIDERATIONS.—Prior to prescribing the
6 standard required under paragraph (1)(A), the Sec-
7 retary shall—

8 (A) conduct a review of automatic emer-
9 gency braking systems in use in applicable com-
10 mercial motor vehicles and address any identi-
11 fied deficiencies with such systems in the rule-
12 making proceeding to prescribe the standard, if
13 practicable;

14 (B) assess the feasibility of updating the
15 software of emergency braking systems in use
16 in applicable commercial motor vehicles to ad-
17 dress any deficiencies and to enable such sys-
18 tems to meet the new standard; and

19 (C) consult with representatives of com-
20 mercial motor vehicle drivers regarding the ex-
21 periences of drivers with automatic emergency
22 braking systems in use in applicable commercial
23 motor vehicles, including malfunctions or un-
24 warranted activations of such systems.

1 (3) COMPLIANCE DATE.—The Secretary shall
2 ensure that the compliance date of the standard pre-
3 scribed pursuant to paragraph (1) shall be not later
4 than 2 years after the date of publication of the
5 final rule prescribing such standard.

6 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
7 TION.—Not later than 1 year after the date of enactment
8 of this Act, the Secretary shall issue a regulation under
9 section 31136 of title 49, United States Code, that re-
10 quires that an automatic emergency braking system in-
11 stalled in a commercial motor vehicle subject to Federal
12 motor vehicle safety standard 136 under section 571.136
13 of title 49, Code of Federal Regulations,(relating to elec-
14 tronic stability control systems for heavy vehicles) that is
15 in operation on or after the effective date of the standard
16 prescribed under subsection (a) be used at any time during
17 which such commercial motor vehicle is in operation.

18 (c) REPORT ON AUTOMATIC EMERGENCY BRAKING
19 IN MEDIUM-DUTY COMMERCIAL MOTOR VEHICLES.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, the Secretary of
22 Transportation shall, with respect to commercial
23 motor vehicles not subject to Federal motor vehicle
24 safety standard 136 under section 571.136 of title
25 49, Code of Federal Regulations—

1 (A) complete research on equipping com-
2 mercial motor vehicles with automatic emer-
3 gency braking systems to better understand the
4 overall effectiveness of such systems on a vari-
5 ety of commercial motor vehicles;

6 (B) assess the feasibility, benefits, and
7 costs associated with installing automatic emer-
8 gency braking systems on newly manufactured
9 commercial motor vehicles with a gross vehicle
10 weight rating of 10,001 pounds or more; and

11 (C) if warranted, develop performance
12 standards for such automatic emergency brak-
13 ing systems.

14 (2) INDEPENDENT RESEARCH.—If the Sec-
15 retary enters into a contract with a third party to
16 perform the research required under paragraph
17 (1)(A), the Secretary shall ensure that such third
18 party does not have any financial or contractual ties
19 or relationship with a motor carrier that transports
20 passengers or property for compensation, the motor
21 carrier industry, or an entity producing or supplying
22 automatic emergency braking systems.

23 (3) PUBLICATION OF ASSESSMENT.—Not later
24 than 90 days after completing the assessment re-
25 quired under paragraph (1)(B), the Secretary shall

1 issue a notice in the Federal Register containing the
2 findings of the assessment and provide an oppor-
3 tunity for public comment.

4 (4) REPORT TO CONGRESS.—After the conclu-
5 sion of the public comment period under paragraph
6 (3), the Secretary shall submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 that provides—

11 (A) the results of the assessment under
12 paragraph (1)(B);

13 (B) a summary of the public comments re-
14 ceived by the Secretary under paragraph (3);
15 and

16 (C) a determination as to whether the Sec-
17 retary intends to develop performance require-
18 ments for automatic emergency braking systems
19 for applicable commercial motor vehicles, in-
20 cluding any analysis that led to such determina-
21 tion.

22 (d) DEFINITIONS.—In this section:

23 (1) AUTOMATIC EMERGENCY BRAKING SYS-
24 TEM.—The term “automatic emergency braking sys-

1 tem” means a crash avoidance system installed and
2 operational in a vehicle that consists of—

3 (A) a forward collision warning function—

4 (i) to detect vehicles and vulnerable
5 road users ahead of the vehicle; and

6 (ii) to alert the operator of the vehicle
7 of an impending collision; and

8 (B) a crash-imminent braking function to
9 provide automatic braking when forward-look-
10 ing sensors of the vehicle indicate that—

11 (i) a crash is imminent; and

12 (ii) the operator of the vehicle is not
13 applying the brakes.

14 (2) COMMERCIAL MOTOR VEHICLE.—The term
15 “commercial motor vehicle” has the meaning given
16 such term in section 31101 of title 49, United
17 States Code.

18 **SEC. 4405. UNDERRIDE PROTECTION.**

19 (a) REAR UNDERRIDE GUARDS.—

20 (1) REAR GUARDS ON TRAILERS AND
21 SEMITRAILERS.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this Act, the Sec-
24 retary of Transportation shall issue such regu-
25 lations as are necessary to revise motor vehicle

1 safety standards under sections 571.223 and
2 571.224 of title 49, Code of Federal Regula-
3 tions, to require trailers and semi-trailers man-
4 ufactured after the date on which such regula-
5 tion is issued to be equipped with rear impact
6 guards that are designed to prevent passenger
7 compartment intrusion from a trailer or
8 semitrailer when a passenger vehicle traveling
9 at 35 miles per hour makes—

10 (i) an impact in which the passenger
11 vehicle impacts the center of the rear of
12 the trailer or semitrailer;

13 (ii) an impact in which 50 percent the
14 width of the passenger vehicle overlaps the
15 rear of the trailer or semitrailer; and

16 (iii) an impact in which 30 percent of
17 the width of the passenger vehicle overlaps
18 the rear of the trailer or semitrailer.

19 (B) EFFECTIVE DATE.—The rule issued
20 under subparagraph (A) shall require full com-
21 pliance with the motor carrier safety standard
22 prescribed in such rule not later than 2 years
23 after the date on which a final rule is issued.

24 (2) ADDITIONAL RESEARCH.—The Secretary
25 shall conduct additional research on the design and

1 development of rear impact guards that can prevent
2 underride crashes and protect motor vehicle pas-
3 sengers against severe injury at crash speeds of up
4 to 65 miles per hour.

5 (3) REVIEW OF STANDARDS.—Not later than 5
6 years after any revisions to standards or require-
7 ments related to rear impact guards pursuant to
8 paragraph (1), the Secretary shall review the stand-
9 ards or requirements to evaluate the need for
10 changes in response to advancements in technology
11 and upgrade such standards accordingly.

12 (4) INSPECTIONS.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the Sec-
15 retary shall issue such regulations as are nec-
16 essary to amend the regulations on minimum
17 periodic inspection standards under appendix G
18 to subchapter B of chapter III of title 49, Code
19 of Federal Regulations, and driver vehicle in-
20 spection reports under section 396.11 of title
21 49, Code of Federal Regulations, to include
22 rear impact guards and rear end protection (as
23 required by section 393.86 of title 49, Code of
24 Federal Regulations).

1 (B) CONSIDERATIONS.—In updating the
2 regulations described in subparagraph (A), the
3 Secretary shall consider it to be a defect or a
4 deficiency if a rear impact guard is missing or
5 has a corroded or compromised element that af-
6 fects the structural integrity and protective fea-
7 ture of such guard.

8 (b) SIDE UNDERRIDE GUARDS.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary
11 shall—

12 (A) complete additional research on side
13 underride guards to better understand the over-
14 all effectiveness of such guards;

15 (B) assess the feasibility, benefits, and
16 costs associated with installing side underride
17 guards on newly manufactured trailers and
18 semitrailers with a gross vehicle weight rating
19 of 10,000 pounds or more; and

20 (C) if warranted, develop performance
21 standards for such guards.

22 (2) INDEPENDENT RESEARCH.—If the Sec-
23 retary enters into a contract with a third party to
24 perform the research required under paragraph
25 (1)(A), the Secretary shall ensure that such third

1 party does not have any financial or contractual ties
2 or relationship with a motor carrier that transports
3 passengers or property for compensation, the motor
4 carrier industry, or an entity producing or supplying
5 override guards.

6 (3) PUBLICATION OF ASSESSMENT.—Not later
7 than 90 days after completing the assessment re-
8 quired under paragraph (1)(B), the Secretary shall
9 issue a notice in the Federal Register containing the
10 findings of the assessment and provide an oppor-
11 tunity for public comment.

12 (4) REPORT TO CONGRESS.—After the conclu-
13 sion of the public comment period under paragraph
14 (3), the Secretary shall submit to the Committee on
15 Transportation and Infrastructure of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report
18 that provides—

19 (A) the results of the assessment under
20 this subsection;

21 (B) a summary of the public comments re-
22 ceived by the Secretary under paragraph (3);
23 and

24 (C) a determination as to whether the Sec-
25 retary intends to develop performance require-

1 ments for side underride guards, including any
2 analysis that led to such determination.

3 (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
4 TION.—

5 (1) ESTABLISHMENT.—Not later than 30 days
6 after the date of enactment of this Act, the Sec-
7 retary of Transportation shall establish an Advisory
8 Committee on Underride Protection (in this sub-
9 section referred to as the “Committee”) to provide
10 advice and recommendations to the Secretary on
11 safety regulations to reduce crashes and fatalities in-
12 volving truck underrides.

13 (2) REPRESENTATION.—

14 (A) IN GENERAL.—The Committee shall be
15 composed of not more than 20 members ap-
16 pointed by the Secretary who are not employees
17 of the Department of Transportation and who
18 are qualified to serve because of their expertise,
19 training, or experience.

20 (B) MEMBERSHIP.—Members shall include
21 two representatives of each of the following:

22 (i) Truck and trailer manufacturers.

23 (ii) Motor carriers, including inde-
24 pendent owner-operators.

25 (iii) Law enforcement.

- 1 (iv) Motor vehicle engineers.
- 2 (v) Motor vehicle crash investigators.
- 3 (vi) Truck safety organizations.
- 4 (vii) The insurance industry.
- 5 (viii) Emergency medical service pro-
- 6 viders.
- 7 (ix) Families of underride crash vic-
- 8 tims.
- 9 (x) Labor organizations.

10 (3) COMPENSATION.—Members of the Com-

11 mittee shall serve without compensation.

12 (4) MEETINGS.—The Committee shall meet at

13 least annually.

14 (5) SUPPORT.—On request of the Committee,

15 the Secretary shall provide information, administra-

16 tive services, and supplies necessary for the Com-

17 mittee to carry out the duties described in para-

18 graph (1).

19 (6) REPORT.—The Committee shall submit to

20 the Committee on Transportation and Infrastructure

21 of the House of Representatives and the Committee

22 on Commerce, Science, and Transportation of the

23 Senate a biennial report that shall—

24 (A) describe the advice and recommenda-

25 tions made to the Secretary; and

1 (B) include an assessment of progress
2 made by the Secretary in advancing safety reg-
3 ulations.

4 (d) DATA COLLECTION.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary shall im-
6 plement recommendations 1 and 2 described in the report
7 by the Government Accountability Office published on
8 March 14, 2019, titled “Truck Underride Guards: Im-
9 proved Data Collection, Inspections, and Research Need-
10 ed” (GAO–19–264).

11 **SEC. 4406. TRANSPORTATION OF HORSES.**

12 Section 80502 of title 49, United States Code, is
13 amended—

14 (1) in subsection (c) by striking “This section
15 does not” and inserting “Subsections (a) and (b)
16 shall not”;

17 (2) by redesignating subsection (d) as sub-
18 section (e);

19 (3) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) TRANSPORTATION OF HORSES.—

22 “(1) PROHIBITION.—No person may transport,
23 or cause to be transported, a horse from a place in
24 a State, the District of Columbia, or a territory or
25 possession of the United States through or to a

1 place in another State, the District of Columbia, or
2 a territory or possession of the United States in a
3 motor vehicle containing two or more levels stacked
4 on top of each other.

5 “(2) MOTOR VEHICLE DEFINED.—In this sub-
6 section, the term ‘motor vehicle’—

7 “(A) means a vehicle driven or drawn by
8 mechanical power and manufactured primarily
9 for use on public highways; and

10 “(B) does not include a vehicle operated
11 exclusively on a rail or rails.”; and

12 (4) in subsection (e), as redesignated—

13 (A) by striking “A rail carrier” and insert-
14 ing the following:

15 “(1) IN GENERAL.—A rail carrier”;

16 (B) by striking “this section” and insert-
17 ing “subsection (a) or (b)”;

18 (C) by striking “On learning” and insert-
19 ing the following:

20 “(2) TRANSPORTATION OF HORSES IN MULTI-
21 LEVEL TRAILER.—

22 “(A) CIVIL PENALTY.—A person that
23 knowingly violates subsection (d) is liable to the
24 United States Government for a civil penalty of
25 at least \$100, but not more than \$500, for each

1 violation. A separate violation of subsection (d)
2 occurs for each horse that is transported, or
3 caused to be transported, in violation of sub-
4 section (d).

5 “(B) RELATIONSHIP TO OTHER LAWS.—
6 The penalty imposed under subparagraph (A)
7 shall be in addition to any penalty or remedy
8 available under any other law.

9 “(3) CIVIL ACTION.—On learning”.

10 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

11 (a) **ADDITIONAL AUTHORITY.**—Notwithstanding the
12 limitation in section 127(d) of title 23, United States
13 Code, if a State had in effect on or before June 1, 1991,
14 a statute or regulation which placed a limitation on the
15 overall length of a longer combination vehicle consisting
16 of 3 trailers, such State may allow the operation of a
17 longer combination vehicle to accommodate a longer en-
18 ergy efficient truck tractor in such longer combination ve-
19 hicle under such limitation, if the additional tractor length
20 is the only added length to such longer combination vehicle
21 and does not result in increased cargo capacity in weight
22 or volume.

23 (b) **SAVINGS CLAUSE.**—Nothing in this section au-
24 thorizes a State to allow an increase in the length of a

1 trailer, semitrailer, or other cargo-carrying unit of a
2 longer combination vehicle.

3 (c) LONGER COMBINATION VEHICLE DEFINED.—

4 The term “longer combination vehicle” has the meaning
5 given such term in section 127 of title 23, United States
6 Code.

7 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
8 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

9 Section 31139(b) of title 49, United States Code, is
10 amended—

11 (1) in paragraph (2), by striking “\$750,000”
12 and inserting “\$2,000,000”; and

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

14 “(3) ADJUSTMENT.—The Secretary, in con-
15 sultation with the Bureau of Labor Statistics, shall
16 adjust the minimum level of financial responsibility
17 under paragraph (2) quinquennially for inflation.”.

18 **SEC. 4409. UNIVERSAL ELECTRONIC IDENTIFIER.**

19 Not later than 2 years after the date of enactment
20 of this Act, the Secretary of Transportation shall issue a
21 final motor vehicle safety standard that requires a com-
22 mercial motor vehicle manufactured after the effective
23 date of such standard to be equipped with a universal elec-
24 tronic vehicle identifier that—

1 (1) identifies the vehicle to roadside inspectors
2 for enforcement purposes;

3 (2) does not transmit personally identifiable in-
4 formation regarding operators; and

5 (3) does not create an undue cost burden for
6 operators and carriers.

7 **TITLE V—INNOVATION**

8 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

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

12 (1) HIGHWAY RESEARCH AND DEVELOPMENT
13 PROGRAM.—To carry out section 503(b) of title 23,
14 United States Code, \$144,000,000 for each of fiscal
15 years 2023 through 2026.

16 (2) TECHNOLOGY AND INNOVATION DEPLOY-
17 MENT PROGRAM.—To carry out section 503(c) of
18 title 23, United States Code, \$152,000,000 for each
19 of fiscal years 2023 through 2026.

20 (3) TRAINING AND EDUCATION.—To carry out
21 section 504 of title 23, United States Code,
22 \$26,000,000 for each of fiscal years 2023 through
23 2026.

24 (4) INTELLIGENT TRANSPORTATION SYSTEMS
25 PROGRAM.—To carry out sections 512 through 518

1 of title 23, United States Code, \$100,000,000 for
2 each of fiscal years 2023 through 2026.

3 (5) UNIVERSITY TRANSPORTATION CENTERS
4 PROGRAM.—To carry out section 5505 of title 49,
5 United States Code, \$96,000,000 for each of fiscal
6 years 2023 through 2026.

7 (6) BUREAU OF TRANSPORTATION STATIS-
8 TICS.—To carry out chapter 63 of title 49, United
9 States Code, \$27,000,000 for each of fiscal years
10 2023 through 2026.

11 (b) ADDITIONAL PROGRAMS.—The following
12 amounts are authorized to be appropriated out of the
13 Highway Trust Fund (other than the Mass Transit Ac-
14 count):

15 (1) MOBILITY THROUGH ADVANCED TECH-
16 NOLOGIES.—To carry out section 503(c)(4) of title
17 23, United States Code, \$70,000,000 for each of fis-
18 cal years 2023 through 2026 from funds made avail-
19 able to carry out section 503(c) of such title.

20 (2) MATERIALS TO REDUCE GREENHOUSE GAS
21 EMISSIONS PROGRAM.—To carry out section 503(d)
22 of title 23, United States Code, \$10,000,000 for
23 each of fiscal years 2023 through 2026 from funds
24 made available to carry out section 503(c) of such
25 title.

1 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
2 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
3 carry out section 5507 of title 49, United States
4 Code, \$2,000,000 for each of fiscal years 2023
5 through 2026 from funds made available to carry
6 out sections 512 through 518 of title 23, United
7 States Code.

8 (4) NATIONAL COOPERATIVE MULTIMODAL
9 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
10 To carry out section 70205 of title 49, United
11 States Code, \$4,000,000 for each of fiscal years
12 2023 through 2026 from funds made available to
13 carry out section 503(b) of title 23, United States
14 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
18 each of fiscal years 2023 through 2026 from funds
19 made available to carry out section 503(b) of title
20 23, 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 2023
24 through 2026 from funds made available to carry
25 out section 503(b) of title 23, United States Code.

1 (c) ADMINISTRATION.—The Federal Highway Ad-
2 ministration 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 chap-
13 ter 1 of title 23, United States Code, except that the
14 Federal share of the cost of a project or activity car-
15 ried out using those funds shall be 80 percent, un-
16 less otherwise expressly provided by this title (in-
17 cluding the amendments by this title) or otherwise
18 determined by the Secretary; and

19 (2) remain available until expended and not be
20 transferable, except as otherwise provided in this
21 title.

1 **Subtitle A—Research and**
2 **Development**

3 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Section 503 of title 23, United
6 States Code, is amended—

7 (1) in subsection (a)(2) by striking “section
8 508” and inserting “section 6503 of title 49”; and

9 (2) in subsection (b)—

10 (A) in paragraph (3)—

11 (i) in subparagraph (A)—

12 (I) in clause (ii) by striking “;
13 and” and inserting a semicolon;

14 (II) in clause (iii) by striking the
15 period and inserting “; and”; and

16 (III) by adding at the end the
17 following:

18 “(iv) to reduce greenhouse gas emis-
19 sions and limit the effects of climate
20 change.”; and

21 (ii) by striking subparagraphs (D)
22 and (E);

23 (B) in paragraph (4)—

24 (i) in subparagraph (A)—

1 (I) in clause (ii) by striking “;
2 and” and inserting a semicolon;

3 (II) in clause (iii) by striking the
4 period and inserting “; and”; and

5 (III) by adding at the end the
6 following:

7 “(iv) to reduce greenhouse gas emis-
8 sions and limit the effects of climate
9 change.”; and

10 (ii) in subparagraph (C)—

11 (I) in clause (iv) by striking “;
12 and” and inserting a semicolon;

13 (II) in clause (v) by striking the
14 period and inserting “; and”; and

15 (III) by inserting at the end the
16 following:

17 “(vi) establishing best practices and
18 creating models and tools to support met-
19 ropolitan and statewide planning practices
20 to meet the considerations described in sec-
21 tions 134(i)(2)(I) and 135(f)(10) of this
22 title, including—

23 “(I) strategies to address climate
24 change mitigation and impacts de-
25 scribed in sections 134(i)(2)(I)(ii) and

1 135(f)(10)(B) of this title and the in-
2 corporation of such strategies into
3 long range transportation planning;

4 “(II) preparation of a vulner-
5 ability assessment described in sec-
6 tions 134(i)(2)(I)(iii) and
7 135(f)(10)(C) of this title; and

8 “(III) integration of these prac-
9 tices with the planning practices de-
10 scribed in sections 5303(i)(2)(I) and
11 5304(f)(10) of title 49.”;

12 (C) in paragraph (5)(A)—

13 (i) in clause (iv) by striking “; and”
14 and inserting a semicolon;

15 (ii) in clause (v) by striking the period
16 and inserting “; and”; and

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

19 “(vi) reducing greenhouse gas emis-
20 sions and limiting the effects of climate
21 change.”; and

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

23 “(9) ANALYSIS TOOLS.—The Secretary may de-
24 velop interactive modeling tools and databases
25 that—

1 “(A) track the condition of highway assets,
2 including interchanges, and the reconstruction
3 history of such assets;

4 “(B) can be used to assess transportation
5 options;

6 “(C) allow for the monitoring and mod-
7 eling of network-level traffic flows on highways;
8 and

9 “(D) further Federal and State under-
10 standing of the importance of national and re-
11 gional connectivity and the need for long-dis-
12 tance and interregional passenger and freight
13 travel by highway and other surface transpor-
14 tation modes.

15 “(10) PERFORMANCE MANAGEMENT DATA SUP-
16 PORT PROGRAM.—

17 “(A) PERFORMANCE MANAGEMENT DATA
18 SUPPORT.—The Administrator of the Federal
19 Highway Administration shall develop, use, and
20 maintain data sets and data analysis tools to
21 assist metropolitan planning organizations,
22 States, and the Federal Highway Administra-
23 tion in carrying out performance management
24 analyses (including the performance manage-
25 ment requirements under section 150).

1 “(B) INCLUSIONS.—The data analysis ac-
2 tivities authorized under subparagraph (A) may
3 include—

4 “(i) collecting and distributing vehicle
5 probe data describing traffic on Federal-
6 aid highways;

7 “(ii) collecting household travel behav-
8 ior data to assess local and cross-jurisdic-
9 tional travel, including to accommodate ex-
10 ternal and through travel;

11 “(iii) enhancing existing data collec-
12 tion and analysis tools to accommodate
13 performance measures, targets, and related
14 data, so as to better understand trip origin
15 and destination, trip time, and mode;

16 “(iv) enhancing existing data analysis
17 tools to improve performance predictions
18 and travel models in reports described in
19 section 150(e);

20 “(v) developing tools—

21 “(I) to improve performance
22 analysis; and

23 “(II) to evaluate the effects of
24 project investments on performance;

1 “(vi) assisting in the development or
2 procurement of the transportation system
3 access data under section 1403(g) of the
4 INVEST in America Act; and

5 “(vii) developing tools and acquiring
6 data described under paragraph (9).

7 “(C) FUNDING.—The Administrator of the
8 Federal Highway Administration may use up to
9 \$15,000,000 for each of fiscal years 2023
10 through 2026 to carry out this paragraph.”.

11 (b) REPEAL.—Section 6028 of the FAST Act (23
12 U.S.C. 150 note), and the item relating to such section
13 in the table of contents in section 1(b) of such Act, are
14 repealed.

15 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
16 **EMISSIONS PROGRAM.**

17 Section 503 of title 23, United States Code, as
18 amended by section 5101, is further amended by adding
19 at the end the following:

20 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
21 EMISSIONS PROGRAM.—

22 “(1) IN GENERAL.—Not later than 6 months
23 after the date of enactment of this subsection, the
24 Secretary shall establish and implement a program
25 under which the Secretary shall award grants to eli-

1 gible entities to research and support the develop-
2 ment of materials that will reduce or sequester the
3 amount of greenhouse gas emissions generated dur-
4 ing the production of highway materials and the
5 construction and use of highways.

6 “(2) ACTIVITIES.—Activities under this section
7 may include—

8 “(A) carrying out research to determine
9 the materials proven to most effectively reduce
10 or sequester greenhouse gas emissions;

11 “(B) evaluating and improves the ability of
12 materials to most effectively reduce or sequester
13 greenhouse gas emissions; and

14 “(C) supporting the development and de-
15 ployment of materials that will reduce or se-
16 quester greenhouse gas emissions.

17 “(3) COMPETITIVE SELECTION PROCESS.—

18 “(A) APPLICATIONS.—To be eligible to re-
19 ceive a grant under this subsection, an eligible
20 entity shall submit to the Secretary an applica-
21 tion in such form and containing such informa-
22 tion as the Secretary may require.

23 “(B) CONSIDERATION.—In making grants
24 under this subsection, the Secretary shall con-
25 sider the degree to which applicants presently

1 carry out research on materials that reduce or
2 sequester greenhouse gas emissions.

3 “(C) SELECTION CRITERIA.—The Sec-
4 retary may make grants under this subsection
5 to any eligible entity based on the demonstrated
6 ability of the applicant to fulfill the activities
7 described in paragraph (2).

8 “(D) TRANSPARENCY.—The Secretary
9 shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Environ-
12 ment and Public Works of the Senate a report
13 describing the overall review process for a grant
14 under this subsection, including—

15 “(i) specific criteria of evaluation used
16 in the review;

17 “(ii) descriptions of the review proc-
18 ess; and

19 “(iii) explanations of the grants
20 awarded.

21 “(4) GRANTS.—

22 “(A) RESTRICTIONS.—

23 “(i) IN GENERAL.—For each fiscal
24 year, a grant made available under this
25 subsection shall be not greater than

1 \$4,000,000 and not less than \$2,000,000
2 per recipient.

3 “(ii) LIMITATION.—An eligible entity
4 may only receive one grant in a fiscal year
5 under this subsection.

6 “(B) MATCHING REQUIREMENTS.—As a
7 condition of receiving a grant under this sub-
8 section, a grant recipient shall match 50 per-
9 cent of the amounts made available under the
10 grant.

11 “(5) PROGRAM COORDINATION.—

12 “(A) IN GENERAL.—The Secretary shall—

13 “(i) coordinate the research, edu-
14 cation, and technology transfer activities
15 carried out by grant recipients under this
16 subsection;

17 “(ii) disseminate the results of that
18 research through the establishment and op-
19 eration of a publicly accessible online infor-
20 mation clearinghouse; and

21 “(iii) to the extent practicable, sup-
22 port the deployment and commercial adop-
23 tion of effective materials researched or de-
24 veloped under this subsection to relevant
25 stakeholders.

1 “(B) ANNUAL REVIEW AND EVALUA-
2 TION.—Not later than 2 years after the date of
3 enactment of this subsection, and not less fre-
4 quently than annually thereafter, the Secretary
5 shall, consistent with the activities in paragraph
6 (3)—

7 “(i) review and evaluate the programs
8 carried out under this subsection by grant
9 recipients, describing the effectiveness of
10 the program in identifying materials that
11 reduce or sequester greenhouse gas emis-
12 sions;

13 “(ii) submit to the Committee on
14 Transportation and Infrastructure of the
15 House of Representatives and the Com-
16 mittee on Environment and Public Works
17 of the Senate a report describing such re-
18 view and evaluation; and

19 “(iii) make the report in clause (ii)
20 available to the public on a website.

21 “(6) LIMITATION ON AVAILABILITY OF
22 AMOUNTS.—Amounts made available to carry out
23 this subsection shall remain available for obligation
24 by the Secretary for a period of 3 years after the

1 last day of the fiscal year for which the amounts are
2 authorized.

3 “(7) INFORMATION COLLECTION.—Any survey,
4 questionnaire, or interview that the Secretary deter-
5 mines to be necessary to carry out reporting require-
6 ments relating to any program assessment or evalua-
7 tion activity under this subsection, including cus-
8 tomer satisfaction assessments, shall not be subject
9 to chapter 35 of title 44 (commonly known as the
10 ‘Paperwork Reduction Act’).

11 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
12 this subsection, the term ‘eligible entity’ means a
13 nonprofit institution of higher education, as such
14 term is defined in section 101 of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1001).”.

16 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
17 **MENT 5-YEAR STRATEGIC PLAN.**

18 Section 6503 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a) by striking “The Sec-
21 retary” and inserting “For the period of fiscal years
22 2017 through 2022, and for each 5-year period
23 thereafter, the Secretary”;

24 (2) in subsection (c)(1)—

1 (A) in subparagraph (C) by inserting “and
2 security in the transportation system” after
3 “safety”;

4 (B) in subparagraph (D) by inserting “and
5 the existing transportation system” after “in-
6 frastructure”;

7 (C) in subparagraph (E) by striking “;
8 and” and inserting a semicolon;

9 (D) by amending subparagraph (F) to
10 read as follows:

11 “(F) reducing greenhouse gas emissions;
12 and”; and

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

14 “(G) developing and maintaining a diverse
15 workforce in transportation sectors;”; and

16 (3) in subsection (d) by striking “not later than
17 December 31, 2016,” and inserting “not later than
18 December 31, 2022,”.

19 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
20 **GRAM.**

21 Section 5505 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b)—

24 (A) in paragraph (4)—

1 (i) in subparagraph (A) by striking
2 “research priorities identified in chapter
3 65.” and inserting the following: “following
4 research priorities:

5 “(i) Improving the mobility of people
6 and goods.

7 “(ii) Reducing congestion.

8 “(iii) Promoting safety.

9 “(iv) Improving the durability and ex-
10 tending the life of transportation infra-
11 structure and the existing transportation
12 system.

13 “(v) Preserving the environment.

14 “(vi) Reducing greenhouse gas emis-
15 sions.”; and

16 (ii) in subparagraph (B)—

17 (I) by striking “Technology and”
18 and inserting “Technology,”;

19 (II) by inserting “, the Adminis-
20 trator of the Federal Transit Admin-
21 istration,” after “Federal Highway
22 Administration”; and

23 (III) by striking “and other
24 modal administrations as appropriate”
25 and inserting “and the Administrators

1 of other operating administrations, as
2 appropriate”; and

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

4 “(7) FOCUSED RESEARCH CONSIDERATIONS.—

5 In awarding grants under this section, the Secretary
6 shall consider how the program under this section
7 advances research on the cybersecurity implications
8 of technologies relating to connected vehicles, con-
9 nected infrastructure, and automated vehicles.”.

10 (2) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) by striking “Not later than 1 year
13 after the date of enactment of this sec-
14 tion,” and inserting the following:

15 “(A) SELECTION OF GRANTS.—Not later
16 than 1 year after the date of enactment of the
17 INVEST in America Act,”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) LIMITATIONS.—A grant under this
21 subsection may not include a cooperative agree-
22 ment described in section 6305 of title 31.”;

23 (B) in paragraph (2)—

24 (i) in subparagraph (A) by striking “5
25 consortia” and inserting “6 consortia”;

1 (ii) in subparagraph (B)—

2 (I) in clause (i) by striking “not
3 greater than \$4,000,000 and not less
4 than \$2,000,000” and inserting “not
5 greater than \$4,250,000 and not less
6 than \$2,250,000”; and

7 (II) in clause (ii) by striking
8 “section 6503(c)” and inserting “sub-
9 section (b)(4)(A)”;

10 (iii) in subparagraph (C) by striking
11 “100 percent” and inserting “50 percent”;

12 and

13 (iv) by adding at the end the fol-
14 lowing:

15 “(D) REQUIREMENT.—In awarding grants
16 under this section, the Secretary shall award 1
17 grant to a national consortia for each focus
18 area described in subsection (b)(4)(A).”;

19 (C) in paragraph (3)—

20 (i) in subparagraph (C) by striking
21 “not greater than \$3,000,000 and not less
22 than \$1,500,000” and inserting “not
23 greater than \$3,250,000 and not less than
24 \$1,750,000”;

1 (ii) in subparagraph (D)(i) by striking
2 “100 percent” and inserting “50 percent”;
3 and

4 (iii) by striking subparagraph (E);
5 and
6 (D) in paragraph (4)—

7 (i) in subparagraph (A) by striking
8 “greater than \$2,000,000 and not less
9 than \$1,000,000” and inserting “greater
10 than \$2,250,000 and not less than
11 \$1,250,000”; and

12 (ii) by striking subparagraph (C) and
13 inserting the following:

14 “(C) CONSIDERATION.—In awarding
15 grants under this section, the Secretary shall
16 consider historically black colleges and univer-
17 sities, as such term is defined in section 371(a)
18 of the Higher Education Act of 1965 (20
19 U.S.C. 1067q), and other minority institutions,
20 as such term is defined by section 365 of the
21 Higher Education Act (20 U.S.C. 1067k), or
22 consortia that include such institutions that
23 have demonstrated an ability in transportation-
24 related research.

25 “(D) FOCUSED RESEARCH.—

1 “(i) IN GENERAL.—In awarding
2 grants under this section, the Secretary
3 shall select not less than one grant recipi-
4 ent with each of the following focus areas:

5 “(I) Transit.

6 “(II) Connected and automated
7 vehicle technology, including cyberse-
8 curity implications of technologies re-
9 lating to connected vehicles, connected
10 infrastructure, and automated vehicle
11 technology.

12 “(III) Non-motorized transpor-
13 tation, including bicycle and pedes-
14 trian safety.

15 “(IV) The surface transportation
16 workforce, including—

17 “(aa) current and future
18 workforce needs and challenges;
19 and

20 “(bb) the impact of tech-
21 nology on the transportation sec-
22 tor.

23 “(V) Climate change mitigation,
24 including—

1 “(aa) researching the types
2 of transportation projects that
3 are expected to provide the most
4 significant greenhouse gas emis-
5 sions reductions from the surface
6 transportation sector; and

7 “(bb) researching the types
8 of transportation projects that
9 are not expected to provide sig-
10 nificant greenhouse gas emissions
11 reductions from the surface
12 transportation sector.

13 “(ii) ADDITIONAL GRANTS.—In
14 awarding grants under this section and
15 after awarding grants pursuant to clause
16 (i), the Secretary may award any remain-
17 ing grants to any grant recipient based on
18 the criteria described in subsection
19 (b)(4)(A).”;

20 (3) in subsection (d)(3) by striking “fiscal years
21 2016 through 2020” and inserting “fiscal years
22 2023 through 2026”;

23 (4) by redesignating subsection (f) as sub-
24 section (g); and

1 (5) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) SURPLUS AMOUNTS.—

4 “(1) IN GENERAL.—Amounts made available to
5 the Secretary to carry out this section that remain
6 unobligated after awarding grants under subsection
7 (c) shall be made available under the unsolicited re-
8 search initiative under section 5506.

9 “(2) LIMITATION ON AMOUNTS.—Amounts
10 under paragraph (1) shall not exceed \$2,000,000 for
11 any given fiscal year.”.

12 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

13 (a) IN GENERAL.—Subchapter I of chapter 55 of title
14 49, United States Code, is amended by adding at the end
15 the following:

16 **“§ 5506. Unsolicited research initiative**

17 “(a) IN GENERAL.—Not later than 180 days after
18 the date of enactment of this section, the Secretary shall
19 establish a program under which an eligible entity may
20 at any time submit unsolicited research proposals for
21 funding under this section.

22 “(b) CRITERIA.—A research proposal submitted
23 under subsection (a) shall meet the purposes of the Sec-
24 retary’s 5-year transportation research and development
25 strategic plan described in section 6503(c)(1).

1 “(c) APPLICATIONS.—To receive funding under this
2 section, eligible entities shall submit to the Secretary an
3 application that is in such form and contains such infor-
4 mation as the Secretary may require.

5 “(d) REPORT.—Not later than 18 months after the
6 date of enactment of this section, and annually thereafter,
7 the Secretary shall make available to the public on a public
8 website a report on the progress and findings of the pro-
9 gram established under subsection (a).

10 “(e) FEDERAL SHARE.—

11 “(1) IN GENERAL.—The Federal share of the
12 cost of an activity carried out under this section may
13 not exceed 50 percent.

14 “(2) NON-FEDERAL SHARE.—All costs directly
15 incurred by the non-Federal partners, including per-
16 sonnel, travel, facility, and hardware development
17 costs, shall be credited toward the non-Federal share
18 of the cost of an activity carried out under this sec-
19 tion.

20 “(f) FUNDING.—

21 “(1) IN GENERAL.—Of the funds made avail-
22 able to carry out the university transportation cen-
23 ters program under section 5505, \$2,000,000 shall
24 be available for each of fiscal years 2023 through
25 2026 to carry out this section.

1 “(2) FUNDING FLEXIBILITY.—

2 “(A) IN GENERAL.—For fiscal years 2023
3 through 2026, funds made available under
4 paragraph (1) shall remain available until ex-
5 pended.

6 “(B) UNCOMMITTED FUNDS.—If the Sec-
7 retary determines, at the end of a fiscal year,
8 funds under paragraph (1) remain unexpended
9 as a result of a lack of meritorious projects
10 under this section, the Secretary may, for the
11 following fiscal year, make remaining funds
12 available under either this section or under sec-
13 tion 5505.

14 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
15 the term ‘eligible entity’ means—

16 “(1) a State;

17 “(2) a unit of local government;

18 “(3) a transit agency;

19 “(4) any nonprofit institution of higher edu-
20 cation, including a university transportation center
21 under section 5505; and

22 “(5) a nonprofit organization.”.

23 “(b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 55 of title 49, United States Code, is amended by in-

1 serting after the item relating to section 5505 the fol-
2 lowing new item:

“5506. Unsolicited research initiative.”.

3 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
4 **FREIGHT TRANSPORTATION RESEARCH PRO-**
5 **GRAM.**

6 (a) IN GENERAL.—Chapter 702 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 70205. National cooperative multimodal freight**
10 **transportation research program**

11 “(a) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this section, the Secretary shall
13 establish and support a national cooperative multimodal
14 freight transportation research program.

15 “(b) AGREEMENT.—Not later than 6 months after
16 the date of enactment of this section, the Secretary shall
17 seek to enter into an agreement with the National Acad-
18 emy of Sciences to support and carry out administrative
19 and management activities relating to the governance of
20 the national cooperative multimodal freight transportation
21 research program.

22 “(c) ADVISORY COMMITTEE.—In carrying out the
23 agreement described in subsection (b), the National Acad-
24 emy of Sciences shall select a multimodal freight transpor-
25 tation research advisory committee consisting of

1 multimodal freight stakeholders, including, at a min-
2 imum—

3 “(1) a representative of the Department of
4 Transportation;

5 “(2) representatives of any other Federal agen-
6 cies relevant in supporting the nation’s multimodal
7 freight transportation research needs;

8 “(3) a representative of a State department of
9 transportation;

10 “(4) a representative of a local government
11 (other than a metropolitan planning organization);

12 “(5) a representative of a metropolitan planning
13 organization;

14 “(6) a representative of the trucking industry;

15 “(7) a representative of the railroad industry;

16 “(8) a representative of the port industry;

17 “(9) a representative of logistics industry;

18 “(10) a representative of shipping industry;

19 “(11) a representative of a safety advocacy
20 group with expertise in freight transportation;

21 “(12) an academic expert on multimodal freight
22 transportation;

23 “(13) an academic expert on the contributions
24 of freight movement to greenhouse gas emissions;

25 and

1 “(14) representatives of labor organizations
2 representing workers in freight transportation.

3 “(d) ELEMENTS.—The national cooperative
4 multimodal freight transportation research program estab-
5 lished under this section shall include the following ele-
6 ments:

7 “(1) NATIONAL RESEARCH AGENDA.—The advi-
8 sory committee under subsection (c), in consultation
9 with interested parties, shall recommend a national
10 research agenda for the program established in this
11 section.

12 “(2) INVOLVEMENT.—Interested parties may—

13 “(A) submit research proposals to the advi-
14 sory committee;

15 “(B) participate in merit reviews of re-
16 search proposals and peer reviews of research
17 products; and

18 “(C) receive research results.

19 “(3) OPEN COMPETITION AND PEER REVIEW OF
20 RESEARCH PROPOSALS.—The National Academy of
21 Sciences may award research contracts and grants
22 under the program through open competition and
23 merit review conducted on a regular basis.

24 “(4) EVALUATION OF RESEARCH.—

1 “(A) PEER REVIEW.—Research contracts
2 and grants under the program may allow peer
3 review of the research results.

4 “(B) PROGRAMMATIC EVALUATIONS.—The
5 National Academy of Sciences shall conduct
6 periodic programmatic evaluations on a regular
7 basis of research contracts and grants.

8 “(5) DISSEMINATION OF RESEARCH FIND-
9 INGS.—

10 “(A) IN GENERAL.—The National Acad-
11 emy of Sciences shall disseminate research find-
12 ings to researchers, practitioners, and decision-
13 makers, through conferences and seminars, field
14 demonstrations, workshops, training programs,
15 presentations, testimony to government offi-
16 cials, a public website for the National Academy
17 of Sciences, publications for the general public,
18 and other appropriate means.

19 “(B) REPORT.—Not more than 18 months
20 after the date of enactment of this section, and
21 annually thereafter, the Secretary shall make
22 available on a public website a report that de-
23 scribes the ongoing research and findings of the
24 program.

1 “(e) CONTENTS.—The national research agenda
2 under subsection (d)(1) shall include—

3 “(1) techniques and tools for estimating and
4 identifying both quantitative and qualitative public
5 benefits derived from multimodal freight transpor-
6 tation projects, including—

7 “(A) greenhouse gas emissions reduction;

8 “(B) congestion reduction; and

9 “(C) safety benefits;

10 “(2) the impact of freight delivery vehicles, in-
11 cluding trucks, railcars, and non-motorized vehicles,
12 on congestion in urban and rural areas;

13 “(3) the impact of both centralized and dis-
14 parate origins and destinations on freight movement;

15 “(4) the impacts of increasing freight volumes
16 on transportation planning, including—

17 “(A) first-mile and last-mile challenges to
18 multimodal freight movement;

19 “(B) multimodal freight travel in both
20 urban and rural areas; and

21 “(C) commercial motor vehicle parking and
22 rest areas;

23 “(5) the effects of Internet commerce and accel-
24 erated delivery speeds on freight movement and in-

1 creased commercial motor vehicle volume, including
2 impacts on—

3 “(A) safety on public roads;

4 “(B) congestion in both urban and rural
5 areas;

6 “(C) first-mile and last-mile challenges and
7 opportunities;

8 “(D) the environmental impact of freight
9 transportation, including on air quality and on
10 greenhouse gas emissions; and

11 “(E) vehicle miles-traveled by freight-deliv-
12 ering vehicles;

13 “(6) the impacts of technological advancements
14 in freight movement, including impacts on—

15 “(A) congestion in both urban and rural
16 areas;

17 “(B) first-mile and last-mile challenges
18 and opportunities; and

19 “(C) vehicle miles-traveled;

20 “(7) methods and best practices for aligning
21 multimodal infrastructure improvements with
22 multimodal freight transportation demand, including
23 improvements to the National Multimodal Freight
24 Network under section 70103; and

1 ferred to in this section as “wildlife-vehicle colli-
2 sions”).

3 (2) CONTENTS.—

4 (A) AREAS OF STUDY.—The study re-
5 quired under paragraph (1) shall—

6 (i) update and expand on, as appro-
7 priate—

8 (I) the report titled “Wildlife Ve-
9 hicle Collision Reduction Study: 2008
10 Report to Congress”: and

11 (II) the document titled “Wildlife
12 Vehicle Collision Reduction Study:
13 Best Practices Manual” and dated
14 October 2008; and

15 (ii) include—

16 (I) an assessment, as of the date
17 of the study, of—

18 (aa) the causes of wildlife-
19 vehicle collisions;

20 (bb) the impact of wildlife-
21 vehicle collisions on motorists
22 and wildlife; and

23 (cc) the impacts of roads
24 and traffic on habitat

1 connectivity for terrestrial and
2 aquatic species; and

3 (II) solutions and best practices
4 for—

5 (aa) reducing wildlife-vehicle
6 collisions; and

7 (bb) improving habitat
8 connectivity for terrestrial and
9 aquatic species.

10 (B) METHODS.—In carrying out the study
11 required under paragraph (1), the Secretary
12 shall—

13 (i) conduct a thorough review of re-
14 search and data relating to—

15 (I) wildlife-vehicle collisions; and

16 (II) habitat fragmentation that
17 results from transportation infrastruc-
18 ture;

19 (ii) survey current practices of the
20 Department of Transportation and State
21 departments of transportation to reduce
22 wildlife-vehicle collisions; and

23 (iii) consult with—

24 (I) appropriate experts in the
25 field of wildlife-vehicle collisions; and

1 (II) appropriate experts on the
2 effects of roads and traffic on habitat
3 connectivity for terrestrial and aquatic
4 species.

5 (3) REPORT.—

6 (A) IN GENERAL.—Not later than 18
7 months after the date of enactment of this Act,
8 the Secretary shall submit to Congress a report
9 on the results of the study required under para-
10 graph (1).

11 (B) CONTENTS.—The report required
12 under subparagraph (A) shall include—

13 (i) a description of—

14 (I) the causes of wildlife-vehicle
15 collisions;

16 (II) the impacts of wildlife-vehicle
17 collisions; and

18 (III) the impacts of roads and
19 traffic on—

20 (aa) species listed as threat-
21 ened species or endangered spe-
22 cies under the Endangered Spe-
23 cies Act of 1973 (16 U.S.C. 1531
24 et seq.);

1 (bb) species identified by
2 States as species of greatest con-
3 servation need;

4 (cc) species identified in
5 State wildlife plans; and

6 (dd) medium and small ter-
7 restrial and aquatic species;

8 (ii) an economic evaluation of the
9 costs and benefits of installing highway in-
10 frastructure and other measures to miti-
11 gate damage to terrestrial and aquatic spe-
12 cies, including the effect on jobs, property
13 values, and economic growth to society, ad-
14 jacent communities, and landowners;

15 (iii) recommendations for preventing
16 wildlife-vehicle collisions, including rec-
17 ommended best practices, funding re-
18 sources, or other recommendations for ad-
19 dressing wildlife-vehicle collisions; and

20 (iv) guidance to develop, for each
21 State that agrees to participate, a vol-
22 untary joint statewide transportation and
23 wildlife action plan.

1 (C) PURPOSES.—The purpose of the guid-
2 ance described in subparagraph (B)(iv) shall
3 be—

4 (i) to address wildlife-vehicle colli-
5 sions; and

6 (ii) to improve habitat connectivity for
7 terrestrial and aquatic species.

8 (D) CONSULTATION.—The Secretary shall
9 develop the guidance described under subpara-
10 graph (B)(iv) in consultation with—

11 (i) Federal land management agen-
12 cies;

13 (ii) State departments of transpor-
14 tation;

15 (iii) State fish and wildlife agencies;
16 and

17 (iv) Tribal governments.

18 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
19 CARCASS DATA.—

20 (1) STANDARDIZATION METHODOLOGY.—

21 (A) IN GENERAL.—The Secretary of
22 Transportation, acting through the Adminis-
23 trator of the Federal Highway Administration,
24 shall develop a quality standardized method-
25 ology for collecting and reporting spatially accu-

1 rate wildlife collision and carcass data for the
2 National Highway System, taking into consider-
3 ation the practicability of the methodology with
4 respect to technology and cost.

5 (B) **METHODOLOGY.**—In developing the
6 standardized methodology under subparagraph
7 (A), the Secretary shall—

8 (i) survey existing methodologies and
9 sources of data collection, including the
10 Fatality Analysis Reporting System, the
11 General Estimates System of the National
12 Automotive Sampling System, and the
13 Highway Safety Information System; and

14 (ii) to the extent practicable, identify
15 and correct limitations of such existing
16 methodologies and sources of data collec-
17 tion.

18 (C) **CONSULTATION.**—In developing the
19 standardized methodology under subparagraph
20 (A), the Secretary shall consult with—

21 (i) the Secretary of the Interior;

22 (ii) the Secretary of Agriculture, act-
23 ing through the Chief of the Forest Serv-
24 ice;

1 (iii) Tribal, State, and local transpor-
2 tation and wildlife authorities;

3 (iv) metropolitan planning organiza-
4 tions (as such term is defined in section
5 134(b) of title 23, United States Code);

6 (v) members of the American Associa-
7 tion of State Highway and Transportation
8 Officials;

9 (vi) members of the Association of
10 Fish and Wildlife Agencies;

11 (vii) experts in the field of wildlife-ve-
12 hicle collisions;

13 (viii) nongovernmental organizations;
14 and

15 (ix) other interested stakeholders, as
16 appropriate.

17 (2) STANDARDIZED NATIONAL DATA SYSTEM
18 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

19 The Secretary shall—

20 (A) develop a template for State implemen-
21 tation of a standardized national wildlife colli-
22 sion and carcass data system for the National
23 Highway System that is based on the standard-
24 ized methodology developed under paragraph
25 (1); and

1 (B) encourage the voluntary implementa-
2 tion of the template developed under subpara-
3 graph (A) for States, metropolitan planning or-
4 ganizations, and additional relevant transpor-
5 tation stakeholders.

6 (3) REPORTS.—

7 (A) METHODOLOGY.—The Secretary shall
8 submit to Congress a report describing the de-
9 velopment of the standardized methodology re-
10 quired under paragraph (1) not later than—

11 (i) the date that is 18 months after
12 the date of enactment of this Act; and

13 (ii) the date that is 180 days after the
14 date on which the Secretary completes the
15 development of such standardized method-
16 ology.

17 (B) IMPLEMENTATION.—Not later than 3
18 years after the date of enactment of this Act,
19 the Secretary shall submit to Congress a report
20 describing—

21 (i) the status of the voluntary imple-
22 mentation of the standardized methodology
23 developed under paragraph (1) and the
24 template developed under paragraph
25 (2)(A);

1 (ii) whether the implementation of the
2 standardized methodology developed under
3 paragraph (1) and the template developed
4 under paragraph (2)(A) has impacted ef-
5 forts by States, units of local government,
6 and other entities—

7 (I) to reduce the number of wild-
8 life-vehicle collisions; and

9 (II) to improve habitat
10 connectivity;

11 (iii) the degree of the impact de-
12 scribed in clause (ii); and

13 (iv) the recommendations of the Sec-
14 retary, including recommendations for fur-
15 ther study aimed at reducing motorist col-
16 lisions involving wildlife and improving
17 habitat connectivity for terrestrial and
18 aquatic species on the National Highway
19 System, if any.

20 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
21 retary of Transportation shall—

22 (1) establish guidance, to be carried out by
23 States on a voluntary basis, that contains a thresh-
24 old for determining whether a highway shall be eval-
25 uated for potential mitigation measures to reduce

1 wildlife-vehicle collisions and increase habitat
2 connectivity for terrestrial and aquatic species, tak-
3 ing into consideration—

4 (A) the number of wildlife-vehicle collisions
5 on the highway that pose a human safety risk;

6 (B) highway-related mortality and effects
7 of traffic on the highway on—

8 (i) species listed as endangered spe-
9 cies or threatened species under the En-
10 dangered Species Act of 1973 (16 U.S.C.
11 1531 et seq.);

12 (ii) species identified by a State as
13 species of greatest conservation need;

14 (iii) species identified in State wildlife
15 plans; and

16 (iv) medium and small terrestrial and
17 aquatic species; and

18 (C) habitat connectivity values for terres-
19 trial and aquatic species and the barrier effect
20 of the highway on the movements and migra-
21 tions of those species.

22 (d) **WORKFORCE DEVELOPMENT AND TECHNICAL**
23 **TRAINING.**—

24 (1) **IN GENERAL.**—Not later than 3 years after
25 the date of enactment of this Act, the Secretary

1 shall, based on the study conducted under subsection
2 (a), develop a series of in-person and online work-
3 force development and technical training courses—

4 (A) to reduce wildlife-vehicle collisions; and

5 (B) to improve habitat connectivity for ter-
6 restrial and aquatic species.

7 (2) AVAILABILITY.—The Secretary shall—

8 (A) make the series of courses developed
9 under paragraph (1) available for transpor-
10 tation and fish and wildlife professionals; and

11 (B) update the series of courses not less
12 frequently than once every 2 years.

13 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
14 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
15 TION STANDARDS.—Section 144 of title 23, United States
16 Code, is amended in subsection (a)(2)—

17 (1) in subparagraph (B) by inserting “, resil-
18 ience,” after “safety”;

19 (2) in subparagraph (D) by striking “and” at
20 the end;

21 (3) in subparagraph (E) by striking the period
22 at the end and inserting “; and”; and

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

24 “(F) to ensure adequate passage of aquatic
25 and terrestrial species, where appropriate.”;

1 **SEC. 5108. RESEARCH ACTIVITIES.**

2 Section 330(g) of title 49, United States Code, is
3 amended by striking “each of fiscal years 2016 through
4 2020” and inserting “each of fiscal years 2023 through
5 2026”.

6 **SEC. 5109. TRANSPORTATION EQUITY RESEARCH PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall carry out a transportation equity research program
10 for research and demonstration activities that focus on the
11 impacts that surface transportation planning, investment,
12 and operations have on low-income populations, minority
13 populations, and other underserved populations that may
14 be dependent on public transportation. Such activities
15 shall include research on surface transportation equity
16 issues, the development of strategies to advance economic
17 and community development in public transportation-de-
18 pendent populations, and the development of training pro-
19 grams that promote the employment of low-income popu-
20 lations, minority populations, and other underserved popu-
21 lations on Federal-aid transportation projects constructed
22 in their communities.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section
25 \$2,000,000 for each of fiscal years 2023 through 2026.

1 (c) AVAILABILITY OF AMOUNTS.—Amounts made
2 available to the Secretary to carry out this section shall
3 remain available for a period of 3 years beginning after
4 the last day of the fiscal year for which the amounts are
5 authorized.

6 **SEC. 5110. SURFACE TRANSPORTATION RESEARCH, DEVELOP-**
7 **MENT, AND TECHNOLOGY.**

8 Section 502(b)(3)(C) of title 23, United States Code,
9 is amended by inserting “entities that represent the needs
10 of metropolitan planning organizations,” after “Offi-
11 cials,”.

12 **SEC. 5111. METROPOLITAN PLANNING RESEARCH PILOT**
13 **PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than 6 months after
15 the date of enactment of this Act, the Secretary of Trans-
16 portation shall seek to enter into an agreement with a non-
17 profit nongovernmental entity that exclusively serves the
18 needs and interests of metropolitan planning organizations
19 to establish a pilot program to provide awards to eligible
20 entities to carry out eligible activities to enhance and im-
21 prove metropolitan planning practices in surface transpor-
22 tation.

23 (b) GOALS.—The goals of the pilot program estab-
24 lished under this section include—

1 (1) enhancing metropolitan planning practices
2 in surface transportation;

3 (2) improving the ability of metropolitan plan-
4 ning organizations to meet performance measures
5 and targets under section 150 of title 23, United
6 States Code;

7 (3) preparing for the impact that emerging
8 technologies, such as connected and automated vehi-
9 cles, will have on the metropolitan planning process;

10 (4) improving environmental considerations in
11 the metropolitan planning process;

12 (5) reducing greenhouse gas emissions and lim-
13 iting the effects of climate change;

14 (6) improving access to jobs and services;

15 (7) supporting underserved communities; and

16 (8) expanding the ability of metropolitan plan-
17 ning organizations to collect public input and
18 strengthen community engagement.

19 (c) FORMS OF ASSISTANCE.—An award provided
20 under this section may be in the form of a grant, contract,
21 or cooperative agreement.

22 (d) COMPETITIVE SELECTION PROCESS.—

23 (1) APPLICATIONS.—To be eligible to receive an
24 award under this section, an eligible entity shall sub-
25 mit to the Secretary an application in such form and

1 containing such information as the Secretary may
2 require.

3 (2) SELECTION CRITERIA.—The Secretary may
4 provide awards under this section to any eligible en-
5 tity based on the demonstrated ability of the entity
6 to fulfill the goals described under subsection (b)
7 and carry out eligible activities.

8 (e) TRANSPARENCY.—The Secretary shall submit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate a report describ-
12 ing the selection process for providing an award under this
13 section and the results of activities carried out under this
14 section.

15 (f) DEFINITIONS.—In this section:

16 (1) ELIGIBLE ACTIVITY.—The term “eligible
17 activity” means—

18 (A) carrying out research to improve met-
19 ropolitan planning practices;

20 (B) developing new metropolitan planning
21 tools;

22 (C) improving existing metropolitan plan-
23 ning tools and practices; or

1 (D) any other research activities the Sec-
2 retary determines to be appropriate, consistent
3 with the goals under subsection (b).

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) a metropolitan planning organization
7 designated under section 134(d) of title 23,
8 United States Code;

9 (B) a metropolitan planning organization
10 working in partnership with a nonprofit organi-
11 zation;

12 (C) a metropolitan planning organization
13 working in partnership with a county; or

14 (D) a group of entities described under
15 subparagraphs (A) through (C).

16 (g) FEDERAL SHARE.—The Federal share of the cost
17 of an activity carried out using an award under this sec-
18 tion shall be 100 percent.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—From the amounts made
21 available to carry out section 503(b) of title 23,
22 United States Code, for each of fiscal years 2023
23 through 2026, the Secretary may expend \$1,000,000
24 to carry out this section.

1 (2) ADMINISTRATIVE EXPENSES.—Of the
2 amounts made available under paragraph (1), the
3 Secretary may use up to 5 percent of such funds for
4 administrative expenses.

5 (i) INFORMATION COLLECTION.—Any survey, ques-
6 tionnaire, or interview that the Secretary determines to
7 be necessary to carry out reporting requirements relating
8 to any program assessment or evaluation activity under
9 this section, including customer satisfaction assessments,
10 shall not be subject to chapter 35 of title 44, United
11 States Code (commonly known as the “Paperwork Reduc-
12 tion Act”).

13 **Subtitle B—Technology** 14 **Deployment**

15 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT** 16 **PROGRAM.**

17 Section 503(e) of title 23, United States Code, is
18 amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (A) by inserting “,
21 while considering the impacts on jobs” after
22 “transportation community”;

23 (B) in subparagraph (D) by striking “;
24 and” and inserting a semicolon;

1 (C) in subparagraph (E) by striking the
2 period and inserting “; and”; and

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

4 “(F) reducing greenhouse gas emissions
5 and limiting the effects of climate change.”;
6 and

7 (2) in paragraph (2)(A) by striking the period
8 and inserting “and findings from the materials to
9 reduce greenhouse gas emissions program under
10 subsection (d).”.

11 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
12 **MENT OF PAVEMENT TECHNOLOGIES.**

13 Section 503(c)(3) of title 23, United States Code, is
14 amended—

15 (1) in subparagraph (B)—

16 (A) in clause (v) by striking “; and” and
17 inserting a semicolon;

18 (B) in clause (vi) by striking the period
19 and inserting “; and”; and

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

21 “(vii) the deployment of innovative
22 pavement designs, materials, and practices
23 that reduce or sequester the amount of
24 greenhouse gas emissions generated during
25 the production of highway materials and

1 the construction of highways, with consid-
2 eration for findings from the materials to
3 reduce greenhouse gas emissions program
4 under subsection (d).”;

5 (2) in subparagraph (C) by striking “fiscal
6 years 2016 through 2020” and inserting “fiscal
7 years 2023 through 2026”; and

8 (3) in subparagraph (D)(ii)—

9 (A) in subclause (III) by striking “; and”
10 and inserting a semicolon;

11 (B) in subclause (IV) by striking the pe-
12 riod and inserting a semicolon; and

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

14 “(V) pavement monitoring and
15 data collection practices;

16 “(VI) pavement durability and
17 resilience;

18 “(VII) stormwater management;

19 “(VIII) impacts on vehicle effi-
20 ciency;

21 “(IX) the energy efficiency of the
22 production of paving materials and
23 the ability of paving materials to en-
24 hance the environment and promote
25 sustainability;

1 “(X) integration of renewable en-
2 ergy in pavement designs; and

3 “(XI) greenhouse gas emissions
4 reduction, including findings from the
5 materials to reduce greenhouse gas
6 emissions program under subsection
7 (d).”.

8 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
9 **DAY COUNTS INITIATIVE.**

10 (a) IN GENERAL.—Chapter 5 of title 23, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 520. Every Day Counts initiative**

14 “(a) IN GENERAL.—It is in the national interest for
15 the Department of Transportation, State departments of
16 transportation, and all other recipients of Federal surface
17 transportation funds—

18 “(1) to identify, accelerate, and deploy innova-
19 tion aimed at expediting project delivery;

20 “(2) enhancing the safety of the roadways of
21 the United States, and protecting the environment;

22 “(3) to ensure that the planning, design, engi-
23 neering, construction, and financing of transpor-
24 tation projects is done in an efficient and effective
25 manner;

1 “(4) to promote the rapid deployment of proven
2 solutions that provide greater accountability for pub-
3 lic investments and encourage greater private sector
4 involvement; and

5 “(5) to create a culture of innovation within the
6 highway community.

7 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
8 the policy described in subsection (a), the Administrator
9 of the Federal Highway Administration shall continue the
10 Every Day Counts initiative to work with States, local
11 transportation agencies, all other recipients of Federal
12 surface transportation funds, and industry stakeholders,
13 including labor representatives, to identify and deploy
14 proven innovative practices and products that—

15 “(1) accelerate innovation deployment;

16 “(2) expedite the project delivery process;

17 “(3) improve environmental sustainability;

18 “(4) enhance roadway safety;

19 “(5) reduce congestion; and

20 “(6) reduce greenhouse gas emissions.

21 “(c) CONSIDERATIONS.—In carrying out the Every
22 Day Counts initiative, the Administrator shall consider
23 any innovative practices and products in accordance with
24 subsections (a) and (b), including—

1 “(1) research results from the university trans-
2 portation centers program under section 5505 of
3 title 49; and

4 “(2) results from the materials to reduce green-
5 house gas emissions program in section 503(d).

6 “(d) INNOVATION DEPLOYMENT.—

7 “(1) IN GENERAL.—At least every 2 years, the
8 Administrator shall work collaboratively with stake-
9 holders to identify a new collection of innovations,
10 best practices, and data to be deployed to highway
11 stakeholders through case studies, outreach, and
12 demonstration projects.

13 “(2) REQUIREMENTS.—In identifying a collec-
14 tion described in paragraph (1), the Secretary shall
15 take into account market readiness, impacts, bene-
16 fits, and ease of adoption of the innovation or prac-
17 tice.

18 “(e) PUBLICATION.—Each collection identified under
19 subsection (d) shall be published by the Administrator on
20 a publicly available website.

21 “(f) FUNDING.—The Secretary may use funds made
22 available to carry out section 503(c) to carry out this sec-
23 tion.

1 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to allow the Secretary to waive any
3 requirement under any other provision of Federal law.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 5 of title 23, United States Code, is amended by add-
6 ing at the end the following new item:

“520. Every Day Counts initiative.”.

7 (c) REPEAL.—Section 1444 of the FAST Act (23
8 U.S.C. 101 note), and the item related to such section in
9 the table of contents in section 1(b) of such Act, are re-
10 pealed.

11 **Subtitle C—Emerging Technologies**

12 **SEC. 5301. MOBILITY THROUGH ADVANCED TECH-** 13 **NOLOGIES.**

14 Section 503(c)(4) of title 23, United States Code, is
15 amended—

16 (1) in subparagraph (A)—

17 (A) by striking “Not later than 6 months
18 after the date of enactment of this paragraph,
19 the” and inserting “The”;

20 (B) by striking “establish an advanced
21 transportation and congestion management
22 technologies deployment” and inserting “estab-
23 lish a mobility through advanced technologies”;

24 (C) by inserting “mobility,” before “effi-
25 ciency,”; and

1 (D) by inserting “environmental impacts,”
2 after “system performance,”;

3 (2) in subparagraph (B)—

4 (A) by striking clause (i) and inserting the
5 following:

6 “(i) reduce costs, improve return on
7 investments, and improve person through-
8 put and mobility, including through the op-
9 timization of existing transportation capac-
10 ity;”;

11 (B) in clause (iv) by inserting “bicyclist,
12 and” before “pedestrian”;

13 (C) in clause (vii) by striking “; or” and
14 inserting a semicolon;

15 (D) in clause (viii)—

16 (i) by striking “accelerate” and insert-
17 ing “prepare for”; and

18 (ii) by striking the period and insert-
19 ing “; or”; and

20 (E) by adding at the end the following:

21 “(ix) reduce greenhouse gas emissions
22 and limit the effects of climate change.”;

23 (3) in subparagraph (C)—

1 (A) in clause (ii)(II)(aa) by striking “con-
2 gestion” and inserting “congestion and delays,
3 greenhouse gas emissions”; and

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

5 “(iii) CONSIDERATIONS.—An applica-
6 tion submitted under this paragraph may
7 include a description of how the proposed
8 project would support the national goals
9 described in section 150(b), the achieve-
10 ment of metropolitan and statewide targets
11 established under section 150(d), or the
12 improvement of transportation system ac-
13 cess consistent with section 150(f), includ-
14 ing through—

15 “(I) the congestion and on-road
16 mobile-source emissions performance
17 measures established under section
18 150(c)(5); or

19 “(II) the greenhouse gas emis-
20 sions performance measures estab-
21 lished under section 150(c)(7).”;

22 (4) in subparagraph (D) by adding at the end
23 the following:

24 “(iv) PRIORITIZATION.—In awarding
25 a grant under this paragraph, the Sec-

1 retary shall prioritize projects that, in ac-
2 cordance with the criteria described in sub-
3 paragraph (B)—

4 “(I) improve person throughput
5 and mobility, including through the
6 optimization of existing transportation
7 capacity;

8 “(II) deliver environmental bene-
9 fits;

10 “(III) reduce the number and se-
11 verity of traffic crashes and increase
12 driver, passenger, bicyclist, and pedes-
13 trian safety; or

14 “(IV) reduce greenhouse gas
15 emissions and limit the effects of cli-
16 mate change.

17 “(v) GRANT DISTRIBUTION.—In each
18 fiscal year, the Secretary shall award not
19 fewer than 3 grants under this paragraph
20 based on the potential of the project to re-
21 duce the number and severity of traffic
22 crashes and increase, driver, passenger, bi-
23 cyclist, and pedestrian safety.”;

24 (5) in subparagraph (E)—

25 (A) in clause (vi)—

1 (i) by inserting “, vehicle-to-pedes-
2 trian,” after “vehicle-to-vehicle”; and

3 (ii) by inserting “systems to improve
4 vulnerable road user safety,” before “tech-
5 nologies associated with” ;

6 (B) in clause (viii) by striking “; or” and
7 inserting a semicolon;

8 (C) in clause (ix) by striking “disabled in-
9 dividuals.” and inserting “disabled individuals,
10 including activities under section 5316 of title
11 49; or”; and

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

13 “(x) measures to safeguard surface
14 transportation system technologies under
15 this subparagraph from cybersecurity
16 threats.”.

17 (6) by striking subparagraph (G) and inserting
18 the following:

19 “(G) REPORTING.—

20 “(i) APPLICABILITY OF LAW.—The
21 program under this paragraph shall be
22 subject to the accountability and oversight
23 requirements in section 106(m).

24 “(ii) REPORT.—Not later than 3
25 years after the date that the first grant is

1 awarded under this paragraph, and each
2 year thereafter, the Secretary shall make
3 available to the public on a website a re-
4 port that describes the effectiveness of
5 grant recipients in meeting their projected
6 deployment plans, including data provided
7 under subparagraph (F) on how the pro-
8 gram has provided benefits, such as how
9 the program has—

10 “(I) reduced traffic-related fatali-
11 ties and injuries;

12 “(II) reduced traffic congestion
13 and improved travel time reliability;

14 “(III) reduced transportation-re-
15 lated emissions;

16 “(IV) optimized multimodal sys-
17 tem performance;

18 “(V) improved access to trans-
19 portation alternatives;

20 “(VI) provided the public with
21 access to real-time integrated traffic,
22 transit, and multimodal transpor-
23 tation information to make informed
24 travel decisions;

1 “(VII) provided cost savings to
2 transportation agencies, businesses,
3 and the traveling public;

4 “(VIII) created or maintained
5 transportation jobs and supported
6 transportation workers; or

7 “(IX) provided other benefits to
8 transportation users and the general
9 public.

10 “(iii) CONSIDERATIONS.—If applica-
11 ble, the Secretary shall ensure that the ac-
12 tivities described in subclauses (I) and (IV)
13 of clause (ii) reflect—

14 “(I) any information described in
15 subparagraph (C)(iii) that is included
16 by an applicant; or

17 “(II) the project prioritization
18 guidelines under subparagraph
19 (D)(iv).”;

20 (7) in subparagraph (I) by striking “FUNDING”
21 and all that follows through “the Secretary may set
22 aside” and inserting the following: “FUNDING.—Of
23 the amounts made available to carry out this para-
24 graph, the Secretary may set aside”;

1 (8) in subparagraph (J) by striking the period
2 at the end and inserting “, except that the Federal
3 share of the cost of a project for which a grant is
4 awarded under this paragraph shall not exceed 80
5 percent.”;

6 (9) in subparagraph (K) by striking “amount
7 described under subparagraph (I)” and inserting
8 “funds made available to carry out this paragraph”;

9 (10) by striking subparagraph (M) and insert-
10 ing the following:

11 “(M) GRANT FLEXIBILITY.—If, by August
12 1 of each fiscal year, the Secretary determines
13 that there are not enough grant applications
14 that meet the requirements described in sub-
15 paragraph (C) to carry out this paragraph for
16 a fiscal year, the Secretary shall transfer to the
17 technology and innovation deployment pro-
18 gram—

19 “(i) any of the funds made available
20 to carry out this paragraph in a fiscal year
21 that the Secretary has not yet awarded
22 under this paragraph; and

23 “(ii) an amount of obligation limita-
24 tion equal to the amount of funds that the
25 Secretary transfers under clause (i).”; and

1 (11) in subparagraph (N)—

2 (A) in clause (i) by inserting “an urban-
3 ized area with” before “a population of”; and

4 (B) in clause (iii) by striking “a any” and
5 inserting “any”.

6 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
7 **GRAM.**

8 (a) USE OF FUNDS FOR ITS ACTIVITIES.—Section
9 513(c)(1) of title 23, United States Code, is amended by
10 inserting “greenhouse gas emissions reduction,” before
11 “and congestion management”.

12 (b) GOALS AND PURPOSES.—Section 514(a) of title
13 23, United States Code, is amended—

14 (1) in paragraph (6) by striking “national
15 freight policy goals” and inserting “national
16 multimodal freight policy goals and activities de-
17 scribed in subtitle IX of title 49”;

18 (2) by redesignating paragraphs (4), (5), and
19 (6) as paragraphs (5), (6), and (7), respectively; and

20 (3) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) reduction of greenhouse gas emissions and
23 mitigation of the effects of climate change;”.

1 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—

2 Section 515(h) of title 23, United States Code, is amend-
3 ed—

4 (1) in paragraph (2)—

5 (A) by striking “20 members” and insert-
6 ing “25 members”;

7 (B) in subparagraph (A) by striking
8 “State highway department” and inserting
9 “State department of transportation”;

10 (C) in subparagraph (B) by striking “local
11 highway department” and inserting “local de-
12 partment of transportation”;

13 (D) by striking subparagraphs (E), (F),
14 (G), (H), (I), and (J) and inserting the fol-
15 lowing:

16 “(E) a private sector representative of the
17 intelligent transportation systems industry;

18 “(F) a representative from an advocacy
19 group concerned with safety, including bicycle
20 and pedestrian interests;

21 “(G) a representative from a labor organi-
22 zation; and”;

23 (E) by redesignating subparagraph (K) as
24 subparagraph (H); and

25 (F) by striking subparagraph (L);

1 (2) in paragraph (3)—

2 (A) in subparagraph (A) by striking “sec-
3 tion 508” and inserting “section 6503 of title
4 49”;

5 (B) in subparagraph (B)—

6 (i) in clause (ii)—

7 (I) by inserting “in both urban
8 and rural areas” after “by users”;
9 and

10 (II) by striking “; and” and in-
11 serting a semicolon;

12 (ii) in clause (iii) by striking the pe-
13 riod and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(iv) assess how Federal transpor-
17 tation resources, including programs under
18 this title, are being used to advance intel-
19 ligent transportation systems.”; and

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

21 “(C) Convene not less frequently than
22 twice each year, either in person or remotely.”;

23 (3) in paragraph (4) by striking “May 1” and
24 inserting “April 1”; and

1 (4) in paragraph (5) by inserting “, except that
2 section 14 of such Act shall not apply” before the
3 period at the end.

4 (d) RESEARCH AND DEVELOPMENT.—Section 516(a)
5 of title 23, United States Code, is amended by inserting
6 “including through grants to entities or groups of entities,
7 such as institutions of higher education,” after “research
8 and development,”.

9 (e) RESEARCH AND DEVELOPMENT PRIORITY
10 AREAS.—Section 516(b) of title 23, United States Code,
11 is amended—

12 (1) by redesignating paragraphs (5), (6), and
13 (7) as paragraphs (6), (7), and (8), respectively;

14 (2) by inserting after paragraph (4) the fol-
15 lowing:

16 “(5) demonstrate reductions in greenhouse gas
17 emissions;”;

18 (3) in paragraph (7), as so redesignated, by
19 striking “; or” and inserting a semicolon;

20 (4) in paragraph (8), as so redesignated, by
21 striking the period and inserting a semicolon; and

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

23 “(9) integrate existing observational networks
24 and data management systems for road weather ap-
25 plications; or

1 “(10) facilitate the interconnectivity of data
2 and information technology systems across different
3 observational networks and different users.”.

4 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
5 **MOBILITY INNOVATION CLEARINGHOUSE.**

6 (a) IN GENERAL.—Subchapter I of chapter 55 of title
7 49, United States Code, is further amended by adding at
8 the end the following:

9 **“§ 5507. National highly automated vehicle and mo-**
10 **bility innovation clearinghouse**

11 “(a) IN GENERAL.—The Secretary shall make a
12 grant to an institution of higher education engaged in re-
13 search on the secondary impacts of highly automated vehi-
14 cles and mobility innovation to—

15 “(1) operate a national highly automated vehi-
16 cle and mobility innovation clearinghouse;

17 “(2) collect, conduct, and fund research on the
18 secondary impacts of highly automated vehicles and
19 mobility innovation;

20 “(3) make such research available on a public
21 website; and

22 “(4) conduct outreach and dissemination of the
23 information described in this subsection to assist
24 communities.

25 “(b) DEFINITIONS.—In this section:

1 “(1) HIGHLY AUTOMATED VEHICLE.—The term
2 ‘highly automated vehicle’ means a motor vehicle
3 that is designed to be operated by a level 3 or level
4 4 automated driving system for trips within its oper-
5 ational design domain or a level 5 automated driving
6 system for all trips according to the recommended
7 standards published in April 2021, by the Society of
8 Automotive Engineers International (J301619
9 202104) or, when adopted, equivalent standards es-
10 tablished by the Secretary under chapter 301 of title
11 49, United States Code, with respect to automated
12 motor vehicles.

13 “(2) MOBILITY INNOVATION.—The term ‘mobil-
14 ity innovation’ means an activity described in section
15 5316, including mobility on demand and mobility as
16 a service (as such terms are defined in such section).

17 “(3) INSTITUTION OF HIGHER EDUCATION.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 101 of the Higher
20 Education Act of 1965 (20 U.S.C. 1001).

21 “(4) SECONDARY IMPACTS.—The term ‘sec-
22 ondary impacts’ means the impacts on land use,
23 urban design, transportation systems, real estate,
24 accessibility, municipal budgets, social equity, avail-

1 ability and quality of jobs, air quality and climate,
2 energy consumption, and the environment.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 55 of title 49, United States Code, is amended by in-
5 serting after the item relating to section 5506, as added
6 by this Act, the following:

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

7 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
8 retary of Transportation shall ensure that the institution
9 of higher education that receives the grant described in
10 section 5507(a)(1) of title 49, United States Code, as
11 added by subsection (a), shall establish the national highly
12 automated vehicle clearinghouse described in such section
13 not later than 180 days after the date of enactment of
14 this Act.

15 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
16 **MATED VEHICLES AND ROAD USERS.**

17 (a) PURPOSE.—The purpose of this section shall be
18 to ensure that the increasing deployment of automated ve-
19 hicles does not jeopardize the safety of road users.

20 (b) STUDY.—

21 (1) ESTABLISHMENT.—Not later than 9
22 months after the date of enactment of this Act, the
23 Secretary of Transportation shall initiate a study on

1 the ability of automated vehicles to safely interact
2 with other road users.

3 (2) CONTENTS.—In carrying out the study
4 under paragraph (1), the Secretary shall—

5 (A) examine the ability of automated vehi-
6 cles to safely interact with general road users,
7 including vulnerable road users;

8 (B) identify barriers to improving the safe-
9 ty of interactions between automated vehicles
10 and general road users; and

11 (C) issue recommendations to improve the
12 safety of interactions between automated vehi-
13 cles and general road users, including, at a
14 minimum—

15 (i) technology advancements with the
16 potential to facilitate safer interactions be-
17 tween automated vehicles and general road
18 users given the safety considerations in
19 paragraph (3);

20 (ii) road user public awareness; and

21 (iii) improvements to transportation
22 planning and road design.

23 (3) CONSIDERATIONS.—In carrying out the
24 study under paragraph (1), the Secretary shall take
25 into consideration whether automated vehicles can

1 safely operate within the surface transportation sys-
2 tem, including—

3 (A) the degree to which ordinary human
4 behaviors make it difficult for an automated ve-
5 hicle to safely, reliably predict human actions;

6 (B) unique challenges for automated vehi-
7 cles in urban and rural areas;

8 (C) the degree to which an automated ve-
9 hicle is capable of uniformly recognizing and re-
10 sponding to individuals with disabilities and in-
11 dividuals of different sizes, ages, races, and
12 other varying characteristics;

13 (D) for bicyclist, motorecyclist, and pedes-
14 trian road users—

15 (i) the varying and non-standardized
16 nature of bicyclist and pedestrian infra-
17 structure in different locations;

18 (ii) the close proximity to motor vehi-
19 cles within which bicyclists often operate,
20 including riding in unprotected bike lanes
21 and crossing lanes to make a left turn, and
22 the risk of such close proximity; and

23 (iii) roadways that lack marked bicy-
24 clist infrastructure, particularly in

1 midsized and rural areas, on which
2 bicyclists often operate;

3 (E) for motorcyclist road users, the close
4 proximity to other motor vehicles within which
5 motorcyclists operate, including operating be-
6 tween lanes of slow or stopped traffic; and

7 (F) depending on the level of automation
8 of the vehicle, the degree to which human inter-
9 vention remains necessary to safely operate an
10 automated vehicle to ensure the safety of gen-
11 eral road users in circumstances including—

12 (i) dangerous weather;

13 (ii) an electronic or system malfunc-
14 tion of the automated vehicle; and

15 (iii) a cybersecurity threat to the op-
16 eration of the vehicle.

17 (4) PUBLIC COMMENT.—Before conducting the
18 study under paragraph (1), the Secretary shall pro-
19 vide an opportunity for public comment on the study
20 proposal.

21 (c) WORKING GROUP.—

22 (1) ESTABLISHMENT.—Not later than 6
23 months after the date of enactment of this Act, the
24 Secretary of Transportation shall establish a work-

1 ing group to assist in the development of the study
2 and recommendations under subsection (b).

3 (2) MEMBERSHIP.—The working group estab-
4 lished under paragraph (1) shall include representa-
5 tion from—

6 (A) the National Highway Traffic Safety
7 Administration;

8 (B) State departments of transportation;

9 (C) local governments (other than metro-
10 politan planning organizations, as such term is
11 defined in section 134(b) of title 23, United
12 States Code);

13 (D) transit agencies;

14 (E) metropolitan planning organizations
15 (as such term is defined in section 134(b) of
16 title 23, United States Code);

17 (F) bicycle and pedestrian safety groups;

18 (G) highway and automobile safety groups;

19 (H) truck safety groups;

20 (I) law enforcement officers and first re-
21 sponders;

22 (J) motor carriers and independent owner-
23 operators;

24 (K) the road construction industry;

25 (L) labor organizations;

1 (M) academic experts on automated vehicle
2 technologies;

3 (N) manufacturers and developers of both
4 passenger and commercial automated vehicles;

5 (O) a motorcyclist rights group; and

6 (P) other industries and entities as the
7 Secretary determines appropriate.

8 (3) DUTIES.—The working group established
9 under paragraph (1) shall assist the Secretary by, at
10 a minimum—

11 (A) assisting in the development of the
12 scope of the study under subsection (b);

13 (B) reviewing the data and analysis from
14 such study;

15 (C) provide ongoing recommendations and
16 feedback to ensure that such study reflects the
17 contents described in paragraphs (2) and (3) of
18 subsection (b); and

19 (D) providing input to the Secretary on
20 recommendations required under subsection
21 (b)(2)(C).

22 (4) APPLICABILITY OF THE FEDERAL ADVISORY
23 COMMITTEE ACT.—The working group under this
24 subsection shall be subject to the Federal Advisory

1 Committee Act (5 U.S.C. App.), except that section
2 14 of such Act shall not apply.

3 (d) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate, and make publicly available, the study initiated
9 under subsection (b), including recommendations for en-
10 suring that automated vehicles safely interact with general
11 road users.

12 (e) DEFINITIONS.—In this section:

13 (1) AUTOMATED VEHICLE.—The term “auto-
14 mated vehicle” means a motor vehicle that is de-
15 signed to be operated by a level 3 or level 4 auto-
16 mated driving system for trips within its operational
17 design domain or a level 5 automated driving system
18 for all trips according to the recommended standards
19 published in April 2021, by the Society of Auto-
20 motive Engineers International (J301619 202104)
21 or, when adopted, equivalent standards established
22 by the Secretary under chapter 301 of title 49,
23 United States Code, with respect to automated
24 motor vehicles.

1 (2) GENERAL ROAD USERS.—The term “gen-
2 eral road users” means—

3 (A) motor vehicles driven by individuals;

4 (B) bicyclists and pedestrians;

5 (C) motorcycleists;

6 (D) workers in roadside construction
7 zones;

8 (E) emergency response vehicles, including
9 first responders;

10 (F) vehicles providing local government
11 services, including street sweepers and waste
12 collection vehicles;

13 (G) law enforcement officers;

14 (H) personnel who manually direct traffic,
15 including crossing guards;

16 (I) users of shared micromobility (includ-
17 ing bikesharing and shared scooter systems);
18 and

19 (J) other road users that may interact
20 with automated vehicles, as determined by the
21 Secretary of Transportation.

22 (3) VULNERABLE ROAD USER.—The term “vul-
23 nerable road user” has the meaning given such term
24 in section 148(a) of title 23, United States Code.

1 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
2 **TATION TECHNOLOGY COUNCIL.**

3 (a) IN GENERAL.—Chapter 1 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 118. Nontraditional and Emerging Transportation**
7 **Technology Council**

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish a Nontraditional and Emerging
10 Transportation Technology Council (hereinafter referred
11 to as the ‘Council’) in accordance with this section.

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-
14 posed of the following officers of the Department of
15 Transportation:

16 “(A) The Secretary of Transportation.

17 “(B) The Deputy Secretary of Transpor-
18 tation.

19 “(C) The Under Secretary of Transpor-
20 tation for Policy.

21 “(D) The General Counsel of the Depart-
22 ment of Transportation.

23 “(E) The Chief Information Officer of the
24 Department of Transportation.

25 “(F) The Assistant Secretary for Research
26 and Technology.

1 “(G) The Assistant Secretary for Budget
2 and Programs.

3 “(H) The Administrator of the Federal
4 Aviation Administration.

5 “(I) The Administrator of the Federal
6 Highway Administration.

7 “(J) The Administrator of the Federal
8 Motor Carrier Safety Administration.

9 “(K) The Administrator of the Federal
10 Railroad Administration.

11 “(L) The Administrator of the Federal
12 Transit Administration.

13 “(M) The Administrator of the Federal
14 Maritime Administration.

15 “(N) The Administrator of the National
16 Highway Traffic Safety Administration.

17 “(O) The Administrator of the Pipeline
18 and Hazardous Materials Safety Administra-
19 tion.

20 “(2) ADDITIONAL MEMBERS.—The Secretary
21 may designate additional members of the Depart-
22 ment to serve as at-large members of the Council.

23 “(3) CHAIR AND VICE CHAIR.—The Secretary
24 may designate officials to serve as the Chair and

1 Vice Chair of the Council and of any working groups
2 of the Council.

3 “(c) DUTIES.—The Council shall—

4 “(1) identify and resolve any jurisdictional or
5 regulatory gaps or inconsistencies associated with
6 nontraditional and emerging transportation tech-
7 nologies, modes, or projects pending or brought be-
8 fore the Department to eliminate, so far as prac-
9 ticable, impediments to the prompt and safe deploy-
10 ment of new and innovative transportation tech-
11 nology, including with respect to safety regulation
12 and oversight, environmental review, and funding
13 issues;

14 “(2) coordinate the Department’s internal over-
15 sight of nontraditional and emerging transportation
16 technologies, modes, or projects and engagement
17 with external stakeholders;

18 “(3) within applicable statutory authority other
19 than this paragraph, develop and establish depart-
20 ment-wide processes, solutions, and best practices
21 for identifying, managing and resolving issues re-
22 garding emerging transportation technologies,
23 modes, or projects pending or brought before the
24 Department; and

1 (2) Consortia of institutions of higher edu-
2 cation.

3 (3) Nonprofit organizations with a dem-
4 onstrated capacity to develop and provide career
5 pathway programs through labor-management part-
6 nerships, pre-apprenticeships, or registered appren-
7 ticeships on a nationwide basis.

8 (4) Local governments.

9 (c) LIMITATION ON AWARDS.—An entity may only
10 receive one grant in a fiscal year under this section.

11 (d) USE OF FUNDS.—

12 (1) IN GENERAL.—A recipient of a grant under
13 this section may only use grant amounts for devel-
14 oping and carrying out training programs, includ-
15 ing—

16 (A) identifying and testing new duties for
17 existing jobs impacted by the use of automated
18 vehicles, including mechanical work, diagnostic
19 work, and fleet operations management;

20 (B) educational programs, including—

21 (i) coursework or curricula through
22 which participants may pursue a degree or
23 certification; and

24 (ii) tuition and direct education ex-
25 penses, excluding salaries, in connection

1 with the education and training of surface
2 transportation workers whose jobs have
3 been affected by the use of automated ve-
4 hicles; and

5 (C) employee professional development, in-
6 cluding worker training or retraining, including
7 train-the-trainer programs, to upgrade the skills
8 of surface transportation workers whose jobs
9 have been affected by the use of automated ve-
10 hicles.

11 (2) REPORTING.—A recipient of a grant under
12 this section shall report to the Secretary the fol-
13 lowing information:

14 (A) The sectors of the surface transpor-
15 tation system from which workers are being dis-
16 placed.

17 (B) The skills and professions for which
18 workers are being retrained.

19 (C) How many workers have benefitted
20 from a grant awarded under this section.

21 (D) Relevant demographic information of
22 impacted workers.

23 (3) LIMITATION.—Funds made available under
24 this section may not be used to evaluate the effec-
25 tiveness of automated vehicle technologies.

1 (e) SELECTION CRITERIA.—In selecting grant recipi-
2 ents under this section, the Secretary shall consider the
3 extent to which an applicant—

4 (1) demonstrates the capability to develop cur-
5 ricula and provide training, provide retraining, or
6 upgrade the skills of individuals described in sub-
7 section (a);

8 (2) will provide program participants with prac-
9 tical experience and on-the-job training; and

10 (3) demonstrates a commitment to carry out a
11 surface transportation workforce development pro-
12 gram through degree-granting programs or pro-
13 grams that provide other industry-recognized creden-
14 tials.

15 (f) FEDERAL SHARE.—

16 (1) IN GENERAL.—The Federal share of the
17 cost of a grant under this section shall be 100 per-
18 cent.

19 (2) AVAILABILITY OF FUNDS.—For a recipient
20 of a grant under this section carrying out activities
21 under such grant in partnership with a public trans-
22 portation agency that is receiving funds under sec-
23 tion 5307, 5337, or 5339 of title 49, United States
24 Code, up to 0.5 percent of amounts made available

1 under any such section may qualify as the non-Fed-
2 eral share under paragraph (1).

3 (g) REPORT REQUIREMENTS.—Not later than 60
4 days after grants are awarded in a fiscal year under this
5 section, the Secretary shall submit to the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives and the Committees on Commerce, Science,
8 and Transportation, Banking, Housing, and Urban Af-
9 fairs, and Environment and Public Works of the Senate,
10 and make publicly available, a report that includes—

11 (1) a list of all grant recipients for such fiscal
12 year;

13 (2) an explanation of why each recipient was
14 chosen in accordance with the selection criteria
15 under subsection (e);

16 (3) a summary of activities planned to be car-
17 ried out by each recipient and how such activities re-
18 late to the goals established under subsection (a);

19 (4) the grant amount awarded to each recipi-
20 ent; and

21 (5) the information required to be provided to
22 the Secretary under subsection (d)(2).

23 (h) DEFINITIONS.—In this section:

24 (1) AUTOMATED VEHICLE.—The term “auto-
25 mated vehicle” means a motor vehicle that is de-

1 signed to be operated by a level 3 or level 4 auto-
2 mated driving system for trips within its operational
3 design domain or a level 5 automated driving system
4 for all trips according to the recommended standards
5 published in April 2021, by the Society of Auto-
6 motive Engineers International (J301619 202104)
7 or, when adopted, equivalent standards established
8 by the Secretary under chapter 301 of title 49,
9 United States Code, with respect to automated
10 motor vehicles.

11 (2) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given the term in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001).

15 (3) PUBLIC TRANSPORTATION.—The term
16 “public transportation” has the meaning given such
17 term in section 5302 of title 49, United States Code.

18 (4) PRE-APPRENTICESHIP.—The term “pre-ap-
19 prenticeship” means a training model or program
20 that prepares individuals for acceptance into a reg-
21 istered apprenticeship and has a demonstrated part-
22 nership with one or more registered apprenticeships.

23 (5) REGISTERED APPRENTICESHIP.—The term
24 “registered apprenticeship” means an apprenticeship
25 program registered under the Act of August 16,

1 1937 (29 U.S.C. 50 et seq.; commonly known as the
2 “National Apprenticeship Act”), that satisfies the
3 requirements of parts 29 and 30 of title 29, Code
4 of Federal Regulations (as in effect on January 1,
5 2020).

6 (i) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated \$50,000,000 for each of fiscal years
9 2023 through 2026 to carry out this section.

10 (2) AVAILABILITY OF AMOUNTS.—Amounts
11 made available to the Secretary to carry out this sec-
12 tion shall remain available for a period of 3 years
13 after the last day of the fiscal year for which the
14 amounts are authorized.

15 **SEC. 5307. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall establish and implement a pilot program (in
20 this section referred to as the “program”) to leverage
21 anonymous crowdsourced data from third-party entities to
22 improve transportation management capabilities and effi-
23 ciency on Federal-aid highways.

24 (b) GOALS.—The goals of the program include the
25 utilization of anonymous crowdsourced data from third

1 parties to implement integrated traffic management sys-
2 tems which leverage real-time data to provide dynamic and
3 efficient traffic-flow management for purposes of—

4 (1) adjusting traffic light cycle times to opti-
5 mize traffic management and decrease congestion;

6 (2) expanding or contracting lane capacity to
7 meet traffic demand;

8 (3) enhancing traveler notification of service
9 conditions;

10 (4) prioritizing high-priority vehicles such as
11 emergency response and law enforcement within the
12 transportation system; and

13 (5) any other purposes which the Secretary
14 deems an appropriate use of anonymous user data.

15 (c) PARTNERSHIP.—In carrying out the program, the
16 Secretary is authorized to enter into agreements with pub-
17 lic and private sector entities to accomplish the goals listed
18 in subsection (b).

19 (d) DATA PRIVACY AND SECURITY.—The Secretary
20 shall ensure the protection of privacy for all sources of
21 data utilized in the program, promoting cybersecurity to
22 prevent hacking, spoofing, and disruption of connected
23 and automated transportation systems.

24 (e) PROGRAM LOCATIONS.—In carrying out the pro-
25 gram, the Secretary shall initiate programs in a variety

1 of areas, including urban, suburban, rural, tribal, or any
2 other appropriate settings.

3 (f) BEST PRACTICES.—Not later than 3 years after
4 date of enactment of this Act, the Secretary shall publicly
5 make available best practices to leverage private user data
6 to support improved transportation management capabili-
7 ties and efficiency, including—

8 (1) legal considerations when acquiring private
9 user data for public purposes; and

10 (2) protecting privacy and security of individual
11 user data.

12 (g) REPORT.—The Secretary shall annually submit
13 a report to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works of the Senate
16 a report detailing—

17 (1) a description of the activities carried out
18 under the pilot program;

19 (2) an evaluation of the effectiveness of the
20 pilot program in meeting goals described in sub-
21 section (b);

22 (3) policy recommendations to improve integra-
23 tion of systems between public and private entities;
24 and

1 (4) a description of costs associated with equip-
2 ping and maintaining systems.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums as are necessary
5 to carry out the program.

6 (i) SUNSET.—On a date that is 5 years after the en-
7 actment of this Act, this program shall cease to be effec-
8 tive.

9 **SEC. 5308. THIRD-PARTY DATA PLANNING INTEGRATION**
10 **PILOT PROGRAM.**

11 (a) IN GENERAL.—Not later than 180 days after en-
12 actment of this Act, the Secretary of Transportation shall
13 establish and implement a pilot program (in this section
14 referred to as the “program”) to leverage anonymous
15 crowdsourced data from third-party entities to improve
16 transportation management capabilities and efficiency on
17 Federal-aid highways.

18 (b) GOALS.—The goals of the program include the
19 utilization of anonymous crowdsourced data from third
20 parties to—

21 (1) utilize private-user data to inform infra-
22 structure planning decisions for the purposes of—

23 (A) reducing congestion;

24 (B) decreasing miles traveled;

25 (C) increasing safety;

1 (D) improving freight efficiency;
2 (E) enhancing environmental conditions;
3 and
4 (F) other purposes as the Secretary deems
5 necessary.

6 (c) PARTNERSHIP.—In carrying out the program, the
7 Secretary is authorized to enter into agreements with pub-
8 lic and private sector entities to accomplish the goals listed
9 in subsection (b).

10 (d) DATA PRIVACY AND SECURITY.—The Secretary
11 shall ensure the protection of privacy for all sources of
12 data utilized in the program, promoting cybersecurity to
13 prevent hacking, spoofing, and disruption of connected
14 and automated 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
4 a report to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Environment and Public Works of the Senate
7 a report detailing—

8 (1) a description of the activities carried out
9 under the pilot program;

10 (2) an evaluation of the effectiveness of the
11 pilot program in meeting goals described in sub-
12 section (b); and

13 (3) policy recommendations to improve the im-
14 plementation of anonymous crowdsourced data into
15 planning decisions.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated such sums as are necessary
18 to carry out the program.

19 (i) SUNSET.—On a date that is 5 years after the en-
20 actment of this Act, this program shall cease to be effec-
21 tive.

22 **SEC. 5309. AUTOMATED COMMERCIAL VEHICLE REPORT-**
23 **ING.**

24 (a) ESTABLISHMENT.—Not later than 1 year after
25 the date of enactment of this Act, the Secretary of Trans-

1 portation shall establish a repository for submitting enti-
2 ties to submit information to the Secretary on operations
3 of automated commercial motor vehicles in interstate com-
4 merce.

5 (b) PURPOSES.—The purpose of this section shall be
6 to ensure automated commercial motor vehicle safety and
7 transparency in developing and maintaining the repository
8 under this section.

9 (c) INFORMATION REQUIRED.—

10 (1) SUBMISSIONS.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary
12 shall develop a process for submitting entities oper-
13 ating automated commercial motor vehicles in inter-
14 state commerce to provide the following information
15 in accordance with paragraph (2):

16 (A) The name of the submitting entity re-
17 sponsible for the operation of an automated
18 commercial motor vehicle or vehicles.

19 (B) The make, model, and weight class of
20 such vehicle or vehicles.

21 (C) The intended level of automation of
22 such vehicle or vehicles, according to the tax-
23 onomy described in subsection (f)(1).

24 (D) The Department of Transportation
25 number or operating authority assigned to the

1 submitting entity described in subparagraph
2 (A), if applicable.

3 (E) A list of States in which the operation
4 of such vehicle or vehicles will occur and a list
5 of Federal-aid highways (as defined in section
6 101(a) of title 23, United States Code) on
7 which the operation will occur, as well as total
8 miles traveled in the previous year on a bian-
9 nual basis.

10 (F) Any cargo classifications or passengers
11 to be transported in such vehicle or vehicles, in-
12 cluding whether the submitting entity is trans-
13 porting such cargo or passengers under con-
14 tract with another entity.

15 (G) Documentation of training or certifi-
16 cations provided to any drivers, or other indi-
17 viduals directly involved in the performance of
18 the dynamic driving task or fallback during op-
19 eration of the vehicle, if any.

20 (H) Any fatigue management plans or
21 work hour limitations applicable to drivers, if
22 any, consistent with such standards of the De-
23 partment regarding automated commercial
24 motor vehicle drivers.

1 (I) Law enforcement interaction plans for
2 automated commercial motor vehicles submitted
3 to State transportation agencies or State and
4 local law enforcement agencies.

5 (J) Proof of insurance coverage.

6 (2) SUBMISSION AND UPDATES.—

7 (A) IN GENERAL.—A submitting entity re-
8 sponsible for the operation of an automated
9 commercial motor vehicle shall provide the in-
10 formation required under this subsection not
11 later than 60 days after the Secretary has pub-
12 lished the notice establishing the process de-
13 scribed in paragraph (1).

14 (B) MATERIAL CHANGE OF INFORMA-
15 TION.—The submitting entity responsible for
16 the operation of an automated commercial
17 motor vehicle shall notify the Secretary of any
18 material changes to the information previously
19 provided pursuant to this subsection on an an-
20 nual basis, or on a more frequent basis speci-
21 fied by the Secretary.

22 (C) AMENDMENT AND CORRECTION.—If a
23 submitting entity responsible for the operation
24 of an automated commercial motor vehicle sub-
25 mits incomplete or inaccurate information pur-

1 suant to subsection (c), the submitting entity
2 shall be given an opportunity to amend or cor-
3 rect the submission within a reasonable time-
4 frame to be established by the Secretary.

5 (d) PUBLIC AVAILABILITY OF INFORMATION.—

6 (1) IN GENERAL.—The Secretary shall make
7 available on a publicly accessible website of the De-
8 partment of Transportation the following informa-
9 tion on automated commercial motor vehicles:

10 (A) The prevalence of planned operations
11 of such vehicles.

12 (B) The characteristics of such operations.

13 (C) The geographic location of such oper-
14 ations in a safe manner that reflects only the
15 most significant public road or roads on which
16 the majority of the route takes place, as deter-
17 mined appropriate by the Secretary.

18 (2) PROTECTION OF INFORMATION.—Any data
19 collected under subsection (c) and made publicly
20 available pursuant to this subsection shall be made
21 available in a manner that—

22 (A) precludes the connection of the data to
23 any individual motor carrier, shipper, company,
24 vehicle manufacturer, or other submitting entity
25 submitting data;

1 (B) protects the safety, privacy, and con-
2 fidentiality of individuals, operators, and sub-
3 mitting entities submitting the data; and

4 (C) protects from disclosing—

5 (i) trade secrets; and

6 (ii) information obtained from a sub-
7 mitting entity that is commercial or finan-
8 cial and privileged or confidential, in ac-
9 cordance with section 552(b)(4) of title 5,
10 United States Code.

11 (e) CRASH DATA.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary
14 shall require submitting entities to submit informa-
15 tion regarding collisions which occur during the op-
16 eration of an automated commercial motor vehicle
17 on public roads while the vehicle's automated driving
18 system is engaged, including—

19 (A) fatalities or bodily injury to persons
20 who, as a result of the injury, immediately re-
21 ceive medical treatment away from the scene of
22 a collision involving the automated commercial
23 motor vehicle;

24 (B) collisions or damage to property in-
25 volving an automated commercial motor vehicle

1 that results in an automated commercial motor
2 vehicle or a motor vehicle being transported
3 away from the scene by a tow truck or other
4 motor vehicle;

5 (C) a full description of how the collision
6 or damage to property occurred, including, if
7 applicable, the role of the automated driving
8 system; and

9 (D) the mode of transportation used by
10 any road users involved in the collision, includ-
11 ing general road users, as such term is defined
12 under section 5304 of this Act.

13 (2) DATA AVAILABILITY.—The Secretary shall
14 ensure that any submitting entity submitting infor-
15 mation under this subsection that has a Department
16 of Transportation number or operating authority
17 from the Federal Motor Carrier Safety Administra-
18 tion—

19 (A) shall be subject to safety monitoring
20 and oversight under the Compliance, Safety,
21 and Accountability program of the Federal
22 Motor Carrier Safety Administration; and

23 (B) shall be included when the Secretary
24 restores the public availability of relevant safety

1 data under such program under section 4202(b)
2 of this Act.

3 (3) RULEMAKING.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, the Sec-
6 retary shall initiate a rulemaking to define the
7 term “safety incident”, including collisions, with
8 respect to automated commercial motor vehicle
9 safety.

10 (B) UPDATE.—Notwithstanding paragraph
11 (1), the Secretary shall carry out this sub-
12 section to require submitting entities to submit
13 information regarding safety incidents instead
14 of collisions upon issuing a final rule under sub-
15 paragraph (A).

16 (C) VOLUNTARY REPORTING.—

17 (i) IN GENERAL.—To support the
18 rulemaking under this paragraph, the Sec-
19 retary shall establish a mechanism through
20 which entities may voluntarily report safety
21 data or other information regarding auto-
22 mated commercial motor vehicles.

23 (ii) USE OF DATA.—The data col-
24 lected under this subparagraph may only

1 be used to support the rulemaking under
2 this paragraph.

3 (iii) PROTECTION FROM DISCLO-
4 SURE.—Data or other information sub-
5 mitted under this subparagraph—

6 (I) shall not be made publicly
7 available; and

8 (II) shall not be disclosed to the
9 public by the Secretary pursuant to
10 section 552(b)(4) of title 5, United
11 States Code, if the data or other in-
12 formation is submitted to the Sec-
13 retary voluntarily and is not required
14 to be submitted to the Secretary
15 under any other provision of law.

16 (f) DEFINITIONS.—In this section:

17 (1) AUTOMATED COMMERCIAL MOTOR VEHI-
18 CLE.—The term “Automated commercial motor ve-
19 hicle” means a commercial motor vehicle (as such
20 term is defined in section 31132 of title 49, United
21 States Code) that is designed to be operated by a
22 level 3 or level 4 automated driving system for trips
23 within its operational design domain or a level 5
24 automated driving system for all trips according to
25 the recommended taxonomy published in April 2021,

1 by the Society of Automotive Engineers Inter-
2 national (J3016__202104) or, when adopted, equiv-
3 alent standards established by the Secretary under
4 chapter 301 of title 49, United States Code, with re-
5 spect to automated motor vehicles.

6 (2) **BROKER.**—The term “broker” has the
7 meaning given such term under section 13102 of
8 title 49, United States Code.

9 (3) **EMPLOYER.**—The term “employer” has the
10 meaning given such term under section 31132 of
11 title 49, United States Code.

12 (4) **FREIGHT FORWARDER.**—The term “freight
13 forwarder” has the meaning given such term in sec-
14 tion 13102 of title 49, United States Code.

15 (5) **MOTOR CARRIER.**—The term “motor car-
16 rier” has the meaning given such term in section
17 13102 of title 49, United States Code.

18 (6) **SUBMITTING ENTITY.**—The term “submit-
19 ting entity” means either—

20 (A) a motor carrier; or

21 (B) a technology company that is carrying
22 out motor carrier-related operations in inter-
23 state commerce on public roads or an employer
24 thereof, such as a motor carrier, freight for-
25 warder, or broker.

1 (7) TRUCK PLATOONING.—The term “truck
2 platooning” means a series of commercial motor ve-
3 hicles traveling in a unified manner with electroni-
4 cally coordinated braking, acceleration, and steering
5 with a driver in the lead commercial motor vehicle.

6 (g) DUPLICATIVE REPORTING.—

7 (1) IN GENERAL.—The Secretary may not re-
8 quire duplicative reporting.

9 (2) JOINT SUBMISSIONS.—Submitting entities
10 working in partnership on the same automated com-
11 mercial motor vehicle operational trips shall make 1
12 submission of the information required under this
13 section for each general route, as determined appro-
14 priate by the Secretary.

15 (3) INFORMATION.—In developing the reporting
16 process required under subsection (c), the Secretary
17 shall ensure, to the extent practicable, that submit-
18 ting entities are not required to submit information
19 previously reported to the Secretary under chapters
20 139 or 311 of title 49, United States Code.

21 (h) SAVINGS PROVISION.—Nothing in this section
22 shall add to or detract from any existing—

23 (1) enforcement authority of the Department of
24 Transportation; or

1 (2) authority to operate automated commercial
2 motor vehicles in interstate commerce on public
3 roads.

4 (i) PENALTIES.—An entity that violates any provi-
5 sion of this section shall be subject to civil penalties under
6 section 521(b)(2)(B), of title 49, United States Code, and
7 criminal penalties under section 521(b)(6)(A) of such title,
8 and any other applicable civil and criminal penalties, as
9 determined by the Secretary.

10 (j) TREATMENT.—In carrying out this section, the
11 Secretary shall treat truck platooning operations the same
12 as automated commercial motor vehicles.

13 **Subtitle D—Surface Transportation** 14 **Funding Pilot Programs**

15 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM** 16 **FUNDING PILOTS.**

17 Section 6020 of the FAST Act (23 U.S.C. 503 note)
18 is amended—

19 (1) by striking subsection (b) and inserting the
20 following:

21 “(b) ELIGIBILITY.—

22 “(1) APPLICATION.—To be eligible for a grant
23 under this section, a State or group of States shall
24 submit to the Secretary an application in such form

1 and containing such information as the Secretary
2 may require.

3 “(2) ELIGIBLE PROJECTS.—The Secretary may
4 provide grants to States or a group of States under
5 this section for the following projects:

6 “(A) STATE PILOT PROJECTS.—

7 “(i) IN GENERAL.—A pilot project to
8 demonstrate a user-based alternative rev-
9 enue mechanism in a State.

10 “(ii) LIMITATION.—If an applicant
11 has previously been awarded a grant under
12 this section, such applicant’s proposed pilot
13 project must be comprised of core activities
14 or iterations not substantially similar in
15 manner or scope to activities previously
16 carried out by the applicant with a grant
17 for a project under this section.

18 “(B) STATE IMPLEMENTATION
19 PROJECTS.—A project—

20 “(i) to implement a user-based alter-
21 native revenue mechanism that collects rev-
22 enue to be expended on projects for the
23 surface transportation system of the State;
24 or

1 “(ii) that demonstrates progress to-
2 wards implementation of a user-based al-
3 ternative revenue mechanism, with consid-
4 eration for previous grants awarded to the
5 applicant under this section.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1) by striking “2 or
8 more future”; and

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

10 “(6) To test solutions to ensure the privacy and
11 security of data collected for the purpose of imple-
12 menting a user-based alternative revenue mecha-
13 nism.”;

14 (3) in subsection (d) by striking “to test the de-
15 sign, acceptance, and implementation of a user-
16 based alternative revenue mechanism” and inserting
17 “to test the design and acceptance of, or implement,
18 a user-based alternative revenue mechanism”;

19 (4) in subsection (g) by striking “50 percent”
20 and inserting “80 percent”;

21 (5) in subsection (i) by inserting “and con-
22 taining a determination of the characteristics of the
23 most successful mechanisms with the highest poten-
24 tial for future widespread deployment” before the
25 period at the end; and

1 (6) by striking subsections (j) and (k) and in-
2 serting the following:

3 “(j) FUNDING.—Of amounts made available to carry
4 out this section—

5 “(1) for fiscal year 2023, \$17,500,000 shall be
6 used to carry out projects under subsection
7 (b)(2)(A) and \$17,500,000 shall be used to carry
8 out projects under subsection (b)(2)(B);

9 “(2) for fiscal year 2024, \$15,000,000 shall be
10 used to carry out projects under subsection
11 (b)(2)(A) and \$20,000,000 shall be used to carry
12 out projects under subsection (b)(2)(B);

13 “(3) for fiscal year 2025, \$12,500,000 shall be
14 used to carry out projects under subsection
15 (b)(2)(A) and \$22,500,000 shall be used to carry
16 out projects under subsection (b)(2)(B); and

17 “(4) for fiscal year 2026, \$10,000,000 shall be
18 used to carry out projects under subsection
19 (b)(2)(A) and \$25,000,000 shall be used to carry
20 out projects under subsection (b)(2)(B).

21 “(k) FUNDING FLEXIBILITY.—Funds made available
22 in a fiscal year for making grants for projects under sub-
23 section (b)(2) that are not obligated in such fiscal year
24 may be made available in the following fiscal year for
25 projects under such subsection or for the national surface

1 transportation system funding pilot under section 5402 of
2 the INVEST in America Act.”.

3 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
4 **FUNDING PILOT.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation, in coordination with the Secretary of the
8 Treasury, shall establish a pilot program to dem-
9 onstrate a national motor vehicle per-mile user fee to
10 restore and maintain the long-term solvency of the
11 Highway Trust Fund and achieve and maintain a
12 state of good repair in the surface transportation
13 system.

14 (2) OBJECTIVES.—The objectives of the pilot
15 program are to—

16 (A) test the design, acceptance, implemen-
17 tation, and financial sustainability of a national
18 per-mile user fee;

19 (B) address the need for additional rev-
20 enue for surface transportation infrastructure
21 and a national per-mile user fee; and

22 (C) provide recommendations regarding
23 adoption and implementation of a national per-
24 mile user fee.

1 (b) PARAMETERS.—In carrying out the pilot program
2 established under subsection (a), the Secretary of Trans-
3 portation, in coordination with the Secretary of the Treas-
4 ury, shall—

5 (1) provide different methods that volunteer
6 participants can choose from to track motor vehicle
7 miles traveled;

8 (2) solicit volunteer participants from all 50
9 States and the District of Columbia;

10 (3) ensure an equitable geographic distribution
11 by population among volunteer participants;

12 (4) include commercial vehicles and passenger
13 motor vehicles in the pilot program; and

14 (5) use components of, and information from,
15 the States selected for the State surface transpor-
16 tation system funding pilot program under section
17 6020 of the FAST Act (23 U.S.C. 503 note).

18 (c) METHODS.—

19 (1) TOOLS.—In selecting the methods described
20 in subsection (b)(1), the Secretary of Transportation
21 shall coordinate with entities that voluntarily provide
22 to the Secretary for use in the program any vehicle-
23 miles-traveled collection tools, which may include the
24 following:

1 (A) Third-party on-board diagnostic
2 (OBD–II) devices.

3 (B) Smart phone applications.

4 (C) Telemetric data collected by auto-
5 makers.

6 (D) Motor vehicle data obtained by car in-
7 surance companies.

8 (E) Data from the States selected for the
9 State surface transportation system funding
10 pilot program under section 6020 of the FAST
11 Act (23 U.S.C. 503 note).

12 (F) Motor vehicle data obtained from fuel-
13 ing stations, electric vehicle charging infrastruc-
14 ture, or alternative fueling infrastructure.

15 (G) Any other method that the Secretary
16 considers appropriate.

17 (2) COORDINATION.—

18 (A) SELECTION.—The Secretary shall de-
19 termine which methods under paragraph (1) are
20 selected for the pilot program.

21 (B) VOLUNTEER PARTICIPANTS.—In a
22 manner that the Secretary considers appro-
23 priate, the Secretary shall provide each selected
24 method to 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
5 per-mile user fee that is equivalent to—

6 (A) the average annual taxes imposed by
7 sections 4041 and 4081 of the Internal Rev-
8 enue Code of 1986 with respect to gasoline or
9 any other fuel used in a motor vehicle (other
10 than aviation gasoline or diesel fuel), 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 re-
17 spect 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
21 preceding sentence to the extent taken into account
22 in determining 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

1 for transfers from such fund under paragraphs (3),
2 (4), 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
7 appropriate 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 advise the Secretary on—

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
6 114–94) (as in effect on the day before the date
7 of enactment of this Act);

8 (C) representatives of the trucking indus-
9 try, including owner-operator independent driv-
10 ers;

11 (D) data security experts with expertise in
12 personal privacy;

13 (E) academic experts on surface transpor-
14 tation;

15 (F) consumer advocates; and

16 (G) advocacy groups focused on equity.

17 (g) PUBLIC AWARENESS CAMPAIGN.—

18 (1) IN GENERAL.—The Secretary of Transpor-
19 tation, with guidance from the advisory board under
20 subsection (f), may carry out a public awareness
21 campaign to increase public awareness regarding a
22 national per-mile user fee, including distributing in-
23 formation related to the pilot program carried out
24 under this section, information from the State sur-
25 face transportation system funding pilot program

1 under section 6020 of the FAST Act (23 U.S.C. 503
2 note), and information related to consumer privacy.

3 (2) CONSIDERATIONS.—In carrying out the
4 public awareness campaign under this subsection,
5 the Secretary shall consider issues unique to each
6 State.

7 (h) REVENUE COLLECTION.—The Secretary of the
8 Treasury, in coordination with the Secretary of Transpor-
9 tation, shall establish a mechanism to collect per-mile user
10 fees established under subsection (d) from volunteer par-
11 ticipants. Such mechanism—

12 (1) may be adjusted as needed to address tech-
13 nical challenges; and

14 (2) may allow third-party vendors to collect the
15 per-mile user fees and forward such fees to the
16 Treasury.

17 (i) AGREEMENT.—The Secretary of Transportation
18 may enter into an agreement with a volunteer participant
19 or an owner of data or technologies, as describe under
20 paragraph (c)(1) containing such terms and conditions as
21 the Secretary considers necessary for participation in the
22 pilot program.

23 (j) LIMITATION.—Any revenue collected through the
24 mechanism established in subsection (h) shall not be con-

1 sidered a toll under section 301 of title 23, United States
2 Code.

3 (k) HIGHWAY TRUST FUND.—The Secretary of the
4 Treasury shall ensure that any revenue collected under
5 subsection (h) is deposited into the Highway Trust Fund.

6 (l) REFUND.—Not more than 45 days after the end
7 of each calendar quarter in which a volunteer participant
8 has participated in the pilot program, the Secretary of the
9 Treasury shall calculate and issue an equivalent refund
10 to volunteer participants for applicable Federal motor fuel
11 taxes under section 4041 and section 4081 of the Internal
12 Revenue Code of 1986, the applicable battery tax under
13 section 4111 of such Code, or both, if applicable.

14 (m) REPORT TO CONGRESS.—Not later than 1 year
15 after the date on which volunteer participants begin par-
16 ticipating in the pilot program, and each year thereafter
17 for the duration of the pilot program, the Secretary of
18 Transportation and the Secretary of the Treasury shall
19 submit to the Committee on Transportation and Infra-
20 structure of the House of Representatives and the Com-
21 mittee on Environment and Public Works of the Senate
22 a report that includes an analysis of—

23 (1) whether the objectives described in sub-
24 section (a)(2) were achieved;

1 (2) how volunteer protections in subsection
2 (e)(2) were complied with;

3 (3) whether per-mile user fees can maintain the
4 long-term solvency of the Highway Trust Fund and
5 achieve and maintain a state of good repair in the
6 surface transportation system;

7 (4) how the personal privacy of volunteers was
8 maintained; and

9 (5) equity effects of the pilot program, includ-
10 ing the effects of the program on low-income com-
11 muters.

12 (n) INFORMATION COLLECTION.—Any survey, ques-
13 tionnaire, or interview that the Secretary determines to
14 be necessary to carry out reporting requirements relating
15 to any program assessment or evaluation activity under
16 this section, including customer satisfaction assessments,
17 shall not be subject to chapter 35 of title 44, United
18 States Code (commonly known as the “Paperwork Reduc-
19 tion Act”).

20 (o) SUNSET.—The pilot program established under
21 this section shall expire on the date that is 4 years after
22 the date on which volunteer participants begin partici-
23 pating in such program.

24 (p) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COMMERCIAL VEHICLE.—The term “com-
2 mercial vehicle” has the meaning given the term
3 commercial motor vehicle in section 31101 of title
4 49, United States Code.

5 (2) HIGHWAY TRUST FUND.—The term “High-
6 way Trust Fund” means the Highway Trust Fund
7 established under section 9503 of the Internal Rev-
8 enue Code of 1986.

9 (3) LIGHT TRUCK.—The term “light truck” has
10 the meaning given the term in section 523.2 of title
11 49, Code of Federal Regulations.

12 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
13 term “medium- and heavy-duty truck” has the
14 meaning given the term “commercial medium- and
15 heavy-duty on-highway vehicle” in section 32901(a)
16 of title 49, United States Code.

17 (5) PER-MILE USER FEE.—The term “per-mile
18 user fee” means a revenue mechanism that—

19 (A) is applied to road users operating
20 motor vehicles on the surface transportation
21 system; and

22 (B) is based on the number of vehicle miles
23 traveled by an individual road user.

24 (6) VOLUNTEER PARTICIPANT.—The term “vol-
25 unteer participant” means—

1 (A) an owner or lessee of an individual pri-
2 vate motor vehicle who volunteers to participate
3 in the pilot program;

4 (B) a commercial vehicle operator who vol-
5 unteers to participate in the pilot program; or

6 (C) an owner of a motor vehicle fleet who
7 volunteers to participate in the pilot program.

8 **Subtitle E—Miscellaneous**

9 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

10 (a) IN GENERAL.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of Transportation shall convene a working
14 group to examine the seating standards for commer-
15 cial drivers.

16 (2) MEMBERS.—At a minimum, the working
17 group shall include—

18 (A) seat manufacturers;

19 (B) commercial vehicle manufacturers;

20 (C) transit vehicle manufacturers;

21 (D) labor representatives for the trucking
22 industry;

23 (E) representatives from organizations en-
24 gaged in collective bargaining on behalf of tran-
25 sit workers in not fewer than three States; and

1 (F) musculoskeletal health experts.

2 (b) OBJECTIVES.—The Secretary shall pursue the
3 following objectives through the working group:

4 (1) To identify health issues, including mus-
5 culoskeletal health issues, that afflict commercial
6 drivers due to sitting for long periods of time while
7 on duty.

8 (2) To identify the impact that commercial ve-
9 hicle sizing, design, and safety measures have on
10 women in comparison to men, and to identify de-
11 signs that may improve the health and safety of
12 women drivers.

13 (3) To identify research topics for further devel-
14 opment and best practices to improve seating.

15 (4) To determine ways to incorporate improved
16 seating into manufacturing standards for public
17 transit vehicles and commercial vehicles.

18 (c) REPORT.—

19 (1) SUBMISSION.—Not later than 18 months
20 after the date of enactment of this Act, the working
21 group shall submit to the Secretary, the Committee
22 on Transportation and Infrastructure of the House
23 of Representatives, and the Committee on Banking,
24 Housing, and Urban Affairs and the Committee on
25 Commerce, Science, and Transportation of the Sen-

1 ate a report on the findings of the working group
2 under this section and any recommendations for the
3 adoption of better ergonomic seating for commercial
4 drivers.

5 (2) PUBLICATION.—Upon receipt of the report
6 in paragraph (1), the Secretary shall publish the re-
7 port on a publicly accessible website of the Depart-
8 ment.

9 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
10 MITTEE ACT.—The Advisory Committee shall be subject
11 to the Federal Advisory Committee Act (5 U.S.C. App.).

12 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**
13 **STATES CODE.**

14 (a) IN GENERAL.—Section 6314 of title 49, United
15 States Code, is repealed.

16 (b) CONFORMING AMENDMENTS.—

17 (1) TITLE ANALYSIS.—The analysis for chapter
18 63 of title 49, United States Code, is amended by
19 striking the item relating to section 6314.

20 (2) SECTION 6307.—Section 6307(b) of title 49,
21 United States Code, is amended—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A) by striking
24 “or section 6314(b)”;

1 (ii) in subparagraph (B) by striking
2 “or section 6314(b)”; and
3 (iii) in subparagraph (C) by striking
4 “or section 6314(b)”; and
5 (B) in paragraph (2)(A) by striking “or
6 section 6314(b)”.

7 **SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH**
8 **PROGRAM.**

9 (a) IN GENERAL.—Subchapter I of chapter 55 of title
10 49, United States Code, is further amended by adding at
11 the end the following:

12 **“§ 5508. Transportation workforce outreach program**

13 “(a) IN GENERAL.—The Secretary shall establish
14 and administer a transportation workforce outreach pro-
15 gram that carries out a series of public service announce-
16 ment campaigns during fiscal years 2023 through 2026.

17 “(b) PURPOSE.—The purpose of each campaign car-
18 ried out under the program shall be to achieve the fol-
19 lowing objectives:

20 “(1) Increase awareness of career opportunities
21 in the transportation sector, including aviation pi-
22 lots, safety inspectors, mechanics and technicians,
23 maritime transportation workers, air traffic control-
24 lers, flight attendants, truck drivers, engineers, tran-

1 sit workers, railroad workers, and other transpor-
2 tation professionals.

3 “(2) Increase diversity, including race, gender,
4 ethnicity, and socioeconomic status, of professionals
5 in the transportation sector.

6 “(c) ADVERTISING.—The Secretary may use, or au-
7 thorize the use of, funds available to carry out the pro-
8 gram for the development, production, and use of broad-
9 cast, digital, and print media advertising and outreach in
10 carrying out campaigns under this section.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
12 carry out this section, there are authorized to be appro-
13 priated \$5,000,000 for each fiscal years 2023 through
14 2026.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 55 of subchapter I of title 49, United States
17 Code, is further amended by inserting after the item relat-
18 ing to section 5507, as added by this Act, the following:
“5508. Transportation workforce outreach program.”.

19 **SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STA-**
20 **TISTICS.**

21 Section 6305 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a), by striking “The Direc-
24 tor” and all that follows to the period and inserting
25 “Notwithstanding section 418 of the FAA Reauthor-

1 recommendations to the Secretary on possible means to
2 improve consideration of projects that serve the unique
3 needs of communities described in subsection (a)(1).

4 (c) DEFINITION OF COVERED DISCRETIONARY
5 GRANT PROGRAM.—For purposes of this section, the term
6 “covered discretionary grant programs” means the
7 Projects of National and Regional Significance program
8 under section 117 of title 23, the Community Transpor-
9 tation Investment Grant program under section 173 of
10 such title, and the Community Climate Innovation Grant
11 program under section 172 of such title.

12 **TITLE VI—MULTIMODAL** 13 **TRANSPORTATION**

14 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

15 Section 70101(b) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (2) by inserting “in rural and
18 urban areas” after “freight transportation”;

19 (2) in paragraph (7)—

20 (A) in subparagraph (B) by striking “;
21 and” and inserting a semicolon;

22 (B) by redesignating subparagraph (C) as
23 subparagraph (D); and

24 (C) by inserting after subparagraph (B)
25 the following:

1 “(C) travel within population centers;
2 and”;

3 (3) in paragraph (9) by striking “; and” and in-
4 serting the following: “including—

5 “(A) greenhouse gas emissions;

6 “(B) local air pollution;

7 “(C) minimizing, capturing, or treating
8 stormwater runoff or other adverse impacts to
9 water quality; and

10 “(D) wildlife habitat loss;”;

11 (4) by redesignating paragraph (10) as para-
12 graph (11); and

13 (5) by inserting after paragraph (9) the fol-
14 lowing:

15 “(10) to decrease any adverse impact of freight
16 transportation on communities located near freight
17 facilities or freight corridors; and”.

18 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

19 Section 70102(c) of title 49, United States Code, is
20 amended by striking “shall” and all that follows through
21 the end and inserting the following: “shall—

22 “(1) update the plan and publish the updated
23 plan on the public website of the Department of
24 Transportation; and

1 “(2) include in the update described in para-
2 graph (1)—

3 “(A) each item described in subsection (b);
4 and

5 “(B) best practices to reduce the adverse
6 environmental impacts of freight-related—

7 “(i) greenhouse gas emissions;

8 “(ii) local air pollution;

9 “(iii) stormwater runoff or other ad-
10 verse impacts to water quality; and

11 “(iv) wildlife habitat loss.”

12 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

13 Section 70103 of title 49, United States Code, is
14 amended—

15 (1) in subsection (b)(2)(C) by striking “of the
16 United States that have” and inserting the fol-
17 lowing: “of the United States that—

18 “(i) have a total annual value of cargo
19 of at least \$1,000,000,000, as identified by
20 United States Customs and Border Protec-
21 tion and reported by the Bureau of the
22 Census; or

23 “(ii) have”; and

24 (2) in subsection (c)—

1 (A) in paragraph (1) by striking “Not
2 later than 1 year after the date of enactment of
3 this section,” and inserting the following:

4 “(A) REPORT TO CONGRESS.—Not later
5 than 30 days after the date of enactment of the
6 INVEST in America Act, the Secretary shall
7 submit to the Committee on Transportation and
8 Infrastructure of the House of Representatives
9 and the Committee on Commerce, Science, and
10 Transportation of the Senate a report detailing
11 a plan to designate a final National Multimodal
12 Freight Network, including a detailed summary
13 of the resources within the Office of the Sec-
14 retary that will be dedicated to carrying out
15 such plan.

16 “(B) DESIGNATION OF NATIONAL
17 MULTIMODAL FREIGHT NETWORK.—Not later
18 than 60 days after the submission of the report
19 described in subparagraph (A),”;

20 (B) in paragraph (3)(C)—

21 (i) by inserting “and metropolitan
22 planning organizations” after “States”;
23 and

24 (ii) by striking “paragraph (4)” and
25 inserting “paragraphs (4) and (5)”;

1 (C) in paragraph (4)—

2 (i) in the header by inserting “AND
3 METROPOLITAN PLANNING ORGANIZATION”
4 after “STATE”;

5 (ii) by redesignating subparagraph
6 (D) as subparagraph (E); and

7 (iii) by striking subparagraph (C) and
8 inserting the following:

9 “(C) CRITICAL URBAN FREIGHT FACILI-
10 TIES AND CORRIDORS.—

11 “(i) AREA WITH A POPULATION OF
12 OVER 500,000.—In an urbanized area with
13 a population of 500,000 or more individ-
14 uals, the representative metropolitan plan-
15 ning organization, in consultation with the
16 State, may designate a freight facility or
17 corridor within the borders of the State as
18 a critical urban freight facility or corridor.

19 “(ii) AREA WITH A POPULATION OF
20 LESS THAN 500,000.—In an urbanized area
21 with a population of less than 500,000 in-
22 dividuals, the State, in consultation with
23 the representative metropolitan planning
24 organization, may designate a freight facil-

1 ity or corridor within the borders of the
2 State as a critical urban freight corridor.

3 “(iii) DESIGNATION.—A designation
4 may be made under subparagraph (i) or
5 (ii) if the facility or corridor is in an ur-
6 banized area, regardless of population, and
7 such facility or corridor—

8 “(I) provides access to the pri-
9 mary highway freight system, the
10 Interstate system, or an intermodal
11 freight facility;

12 “(II) is located within a corridor
13 of a route on the primary highway
14 freight system and provides an alter-
15 native option important to goods
16 movement;

17 “(III) serves a major freight gen-
18 erator, logistics center, or manufac-
19 turing and warehouse industrial land;

20 “(IV) connects to an inter-
21 national port of entry;

22 “(V) provides access to a signifi-
23 cant air, rail, water, or other freight
24 facility in the State; or

1 “(VI) is important to the move-
2 ment of freight within the region, as
3 determined by the metropolitan plan-
4 ning organization or the State.

5 “(D) LIMITATION.—A State may propose
6 additional designations to the National
7 Multimodal Freight Network in the State in an
8 amount that is—

9 “(i) for a highway project, not more
10 than 20 percent of the total mileage des-
11 ignated by the Under Secretary in the
12 State; and

13 “(ii) for a non-highway project, using
14 a limitation determined by the Under Sec-
15 retary.”; and

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

17 “(5) REQUIRED NETWORK COMPONENTS.—In
18 designating or redesignating the National
19 Multimodal Freight Network, the Under Secretary
20 shall ensure that the National Multimodal Freight
21 Network includes the components described in sub-
22 section (b)(2).”.

23 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

24 Section 70201(a) of title 49, United States Code, is
25 amended by striking “and local governments” and insert-

1 ing “local governments, metropolitan planning organiza-
2 tions, and the departments with responsibility for environ-
3 mental protection and air quality of the State”.

4 **SEC. 6005. STATE FREIGHT PLANS.**

5 Section 70202(b) of title 49, United States Code, is
6 amended—

7 (1) in paragraph (3)(A) by inserting “and
8 urban” after “rural”;

9 (2) in paragraph (9) by striking “; and” and in-
10 serting a semicolon;

11 (3) by redesignating paragraph (10) as para-
12 graph (12); and

13 (4) by inserting after paragraph (9) the fol-
14 lowing:

15 “(10) strategies and goals to decrease freight-
16 related—

17 “(A) greenhouse gas emissions;

18 “(B) local air pollution;

19 “(C) stormwater runoff or other adverse
20 impacts to water quality; and

21 “(D) wildlife habitat loss;

22 “(11) strategies and goals to decrease any ad-
23 verse impact of freight transportation on commu-
24 nities located near freight facilities or freight cor-
25 ridors; and”.

1 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

2 (a) STUDY.—Not later than 90 days after the date
3 of enactment of this Act, the Secretary of Transportation,
4 in consultation with the Secretary of the Treasury and the
5 Commissioner of the Internal Revenue Service, shall es-
6 tablish a joint task force to study the establishment and
7 administration of a fee on multimodal freight surface
8 transportation services.

9 (b) CONTENTS.—The study required under sub-
10 section (a) shall include the following:

11 (1) An estimation of the revenue that a fee of
12 up to 1 percent on freight transportation services
13 would raise.

14 (2) An identification of the entities that would
15 be subject to such a fee paid by the owners or sup-
16 pliers of cargo.

17 (3) An analysis of the administrative capacity
18 of Federal agencies and freight industry participants
19 to collect such a fee and ensure compliance with fee
20 requirements.

21 (4) Policy options to prevent avoidance of such
22 a fee, including diversion of freight services to for-
23 eign countries.

24 (c) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Secretary of Transportation
26 shall submit to the Committee on Transportation and In-

1 frastructure and the Committee on Ways and Means of
2 the House of Representatives and the Committee on Envi-
3 ronment and Public Works and the Committee on Finance
4 of the Senate the study required under subsection (a).

5 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
6 **NOVATIVE FINANCE BUREAU.**

7 Section 116 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b) by striking paragraph (1)
10 and inserting the following:

11 “(1) to provide assistance and communicate
12 best practices and financing and funding opportuni-
13 ties to eligible entities for the programs referred to
14 in subsection (d)(1), including by—

15 “(A) conducting proactive outreach to com-
16 munities located outside of metropolitan or
17 micropolitan statistical areas (as such areas are
18 defined by the Office of Management and
19 Budget) using data from the most recent decen-
20 nial Census; and

21 “(B) coordinating with the Office of Rural
22 Development of the Department of Agriculture,
23 the Office of Community Revitalization of the
24 Environmental Protection Agency, and any
25 other agencies that provide technical assistance

1 for rural communities, as determined by the
2 Executive Director;”;

3 (2) by redesignating subsection (j) as sub-
4 section (k); and

5 (3) by inserting after subsection (i) the fol-
6 lowing:

7 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
8 year after the date of enactment of this subsection, and
9 annually thereafter, the Executive Director shall submit
10 to the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee on
12 Environment and Public Works of the Senate a report de-
13 tailing—

14 “(1) the use of funds authorized under section
15 605(f) of title 23; and

16 “(2) the progress of the Bureau in carrying out
17 the purposes described in subsection (b).”.

18 **TITLE VII—TRANSPORTATION**
19 **INFRASTRUCTURE FINANCE**
20 **AND INNOVATION ACT**

21 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
22 **AND INNOVATION ACT.**

23 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
24 23, United States Code, is amended—

25 (1) in subparagraph (A)(iv)—

1 (A) by striking “a rating” and inserting
2 “an investment grade rating”; and

3 (B) by striking “\$75,000,000” and insert-
4 ing “\$150,000,000”; and

5 (2) in subparagraph (B)—

6 (A) by striking “the senior debt” and in-
7 serting “senior debt”; and

8 (B) by striking “credit instrument is for
9 an amount less than \$75,000,000” and insert-
10 ing “total amount of other senior debt and the
11 Federal credit instrument is less than
12 \$150,000,000”.

13 (b) BUY AMERICA APPLICATION.—Section 602(c)(1)
14 of title 23, United States Code, is amended by striking
15 “of title 49” inserting “and section 22905(a) of title 49,
16 subject to the requirements of section 5320(o) of title
17 49,”.

18 (c) NON-FEDERAL SHARE.—Section 603(b) of title
19 23, United States Code, is amended by striking paragraph
20 (8) and inserting the following:

21 “(8) NON-FEDERAL SHARE.—Notwithstanding
22 paragraph (9) and section 117(j)(2), the proceeds of
23 a secured loan under the TIFIA program shall be
24 considered to be part of the non-Federal share of
25 project costs required under this title or chapter 53

1 of title 49, if the loan is repayable from non-Federal
2 funds.”.

3 (d) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
4 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
5 United States Code, is amended by adding at the end the
6 following:

7 “(C) TERRITORIES.—Funds provided for a
8 territory under section 165(c) shall not be con-
9 sidered Federal assistance for purposes of sub-
10 paragraph (A).”.

11 (e) STREAMLINED APPLICATION PROCESS.—Section
12 603(f) of title 23, United States Code, is amended by add-
13 ing at the end the following:

14 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
15 CISIONS.—

16 “(A) IN GENERAL.—Not later than 120
17 days after the date of enactment of this para-
18 graph, the Secretary shall implement an expe-
19 dited decision timeline for public agency bor-
20 rowers seeking secured loans that meet—

21 “(i) the terms under paragraph (2);

22 and

23 “(ii) the additional criteria described
24 in subparagraph (B).

1 “(B) ADDITIONAL CRITERIA.—The addi-
2 tional criteria referred to in subparagraph
3 (A)(ii) are the following:

4 “(i) The secured loan is made on
5 terms and conditions that substantially
6 conform to the conventional terms and
7 conditions established by the National Sur-
8 face Transportation Innovative Finance
9 Bureau.

10 “(ii) The secured loan is rated in the
11 A category or higher.

12 “(iii) The TIFIA program share of el-
13 igible project costs is 33 percent or less.

14 “(iv) The applicant demonstrates a
15 reasonable expectation that the contracting
16 process for the project can commence by
17 not later than 90 days after the date on
18 which a Federal credit instrument is obli-
19 gated for the project under the TIFIA pro-
20 gram.

21 “(v) The project has received a cat-
22 egorical exclusion, a finding of no signifi-
23 cant impact, or a record of decision under
24 the National Environmental Policy Act of
25 1969 (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
6 or 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 (f) 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 (g) ADMINISTRATIVE FUNDS.—Section 608(a)(5) of
16 title 23, United States Code, is amended by striking
17 “\$6,875,000” and all that follows through the period and
18 inserting “2.5 percent for the administration of the TIFIA
19 program.”.

20 (h) APPLICATION PROCESS REPORT.—Section
21 609(b)(2)(A) of title 23, United States Code, is amend-
22 ed—

23 (1) in clause (iv) by striking “and”;

24 (2) in clause (v) by striking the period at the
25 end and inserting “; and”; and

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

2 “(vi) whether the project is located in
3 a metropolitan statistical area,
4 micropolitan statistical area, or neither (as
5 such areas are defined by the Office of
6 Management and Budget).”.

7 (i) STATUS REPORTS.—Section 609 of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(c) STATUS REPORTS.—

11 “(1) IN GENERAL.—The Secretary shall publish
12 on the website for the TIFIA program—

13 “(A) on a monthly basis, a current status
14 report on all submitted letters of interest and
15 applications received for assistance under the
16 TIFIA program; and

17 “(B) on a quarterly basis, a current status
18 report on all approved applications for assist-
19 ance under the TIFIA program.

20 “(2) INCLUSIONS.—Each monthly and quar-
21 terly status report under paragraph (1) shall in-
22 clude, at a minimum, with respect to each project in-
23 cluded in the status report—

24 “(A) the name of the party submitting the
25 letter of interest or application;

1 “(B) the name of the project;

2 “(C) the date on which the letter of inter-
3 est or application was received;

4 “(D) the estimated project eligible costs;

5 “(E) the type of credit assistance sought;

6 and

7 “(F) the anticipated fiscal year and quar-
8 ter for closing of the credit assistance.”

9 **DIVISION C—HAZARDOUS**
10 **MATERIALS TRANSPORTATION**

11 **SEC. 8001. SHORT TITLE.**

12 This division may be cited as the “Improving Haz-
13 ardous Materials Safety Act of 2021”.

14 **TITLE I—AUTHORIZATIONS**

15 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 5128 of title 49, United States Code, is
17 amended—

18 (1) in subsection (a) by striking paragraphs (1)
19 through (5) and inserting the following:

20 “(1) \$75,000,000 for fiscal year 2022;

21 “(2) \$70,000,000 for fiscal year 2023;

22 “(3) \$71,000,000 for fiscal year 2024;

23 “(4) \$73,000,000 for fiscal year 2025; and

24 “(5) \$74,000,000 for fiscal year 2026;”;

25 (2) in subsection (b)—

1 (A) by striking “fiscal years 2016 through
2 2020” and inserting “fiscal years 2022 through
3 2026”; and

4 (B) by striking “\$21,988,000” and insert-
5 ing “\$24,025,000”;

6 (3) in subsection (c) by striking “\$4,000,000
7 for each of fiscal years 2016 through 2020” and in-
8 serting “\$5,000,000 for each of fiscal years 2022
9 through 2026”;

10 (4) in subsection (d) by striking “\$1,000,000
11 for each of fiscal years 2016 through 2020” and in-
12 serting “\$4,000,000 for each of fiscal years 2022
13 through 2026”;

14 (5) by redesignating subsection (e) as sub-
15 section (f); and

16 (6) by inserting after subsection (d) the fol-
17 lowing:

18 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
19 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
20 terials Emergency Preparedness Fund established under
21 section 5116(h), the Secretary may expend \$1,800,000 for
22 each of fiscal years 2022 through 2026 to carry out the
23 grant program under section 5107(j).”.

1 **TITLE II—HAZARDOUS MATE-**
2 **RIALS SAFETY AND IMPROVE-**
3 **MENT**

4 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
5 **TO LITHIUM CELLS AND BATTERIES.**

6 (a) REPEAL.—Section 828 of the FAA Modernization
7 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
8 item relating to such section in the table of contents in
9 section 1(b) of such Act, are repealed.

10 (b) CONFORMING AMENDMENTS.—Section 333 of the
11 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(A) IN GENERAL.—”

16 and all that follows through “the Sec-
17 retary” and inserting “The Secretary”;

18 and

19 (ii) by striking subparagraph (B); and

20 (B) in paragraph (2) by striking “Pursu-
21 ant to section 828 of the FAA Modernization
22 and Reform Act of 2012 (49 U.S.C. 44701
23 note), the Secretary” and inserting “The Sec-
24 retary”;

1 (2) by striking paragraph (4) of subsection (b);

2 and

3 (3) by striking paragraph (1) of subsection (h)

4 and inserting the following:

5 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
6 term ‘ICAO Technical Instructions’ means the Inter-
7 national Civil Aviation Organization Technical In-
8 structions for the Safe Transport of Dangerous
9 Goods by Air.”.

10 (c) LITHIUM BATTERY SAFETY EVALUATION AND
11 REPORT.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of enactment of this Act, the Adminis-
14 trator of the Pipeline and Hazardous Materials Safe-
15 ty Administration, in coordination with the Adminis-
16 trator of the Federal Aviation Administration, shall
17 evaluate outstanding recommendations of the Na-
18 tional Transportation Safety Board regarding trans-
19 portation of lithium batteries by air.

20 (2) REPORT.—Not later than 180 days after
21 the date of enactment of this Act, the Secretary of
22 Transportation shall submit to the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate, a report
2 on the evaluation described in paragraph (1).

3 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
4 **BY RAIL TANK CAR.**

5 (a) STAY OF AUTHORIZATION FOR TRANSPORTATION
6 OF LIQUEFIED NATURAL GAS BY TANK CAR.—

7 (1) IN GENERAL.—Any regulation authorizing
8 the transportation of liquefied natural gas by rail
9 tank car issued before the date of enactment of this
10 Act shall have no force or effect until—

11 (A) the Secretary of Transportation con-
12 ducts the evaluation, testing, and analysis re-
13 quired in subsections (b), (c), and (d);

14 (B) the Secretary issues the report re-
15 quired by subsection (e);

16 (C) the Comptroller General of the United
17 States completes the evaluation and report re-
18 quired under subsection (g); and

19 (D) the Secretary issues a final rule updat-
20 ing the regulation described in this paragraph
21 that incorporates the additional data, research,
22 and analysis required under this section.

23 (2) PERMIT OR APPROVAL.—The Secretary
24 shall rescind any special permit or approval for the

1 transportation of liquefied natural gas by rail tank
2 car issued before the date of enactment of this Act.

3 (b) EVALUATION.—Not later than 120 days after the
4 date of enactment of this Act, the Administrator of the
5 Pipeline and Hazardous Materials Safety Administration,
6 in coordination with the Administrator of the Federal
7 Railroad Administration, shall initiate an evaluation of the
8 safety, security, and environmental risks of transporting
9 liquefied natural gas by rail.

10 (c) TESTING.—In conducting the evaluation under
11 subsection (a), the Administrator of the Pipeline and Haz-
12 ardous Materials Safety shall—

13 (1) perform physical testing of rail tank cars,
14 including, at a minimum, the DOT-113C120-W9
15 specification, to evaluate the performance of such
16 rail tank cars in the event of an accident or derail-
17 ment, including evaluation of the extent to which de-
18 sign and construction features such as steel thick-
19 ness and valve protections prevent or mitigate the
20 release of liquefied natural gas;

21 (2) analyze multiple release scenarios, including
22 derailments, front-end collisions, rear-end collisions,
23 side-impact collisions, grade-crossing collisions,
24 punctures, and impact of an incendiary device, at a
25 minimum of three speeds of travel with a sufficient

1 range of speeds to evaluate the safety, security, and
2 environmental risks posed under real-world oper-
3 ating conditions; and

4 (3) examine the effects of exposure to climate
5 conditions across rail networks, including tempera-
6 ture, humidity, and any other factors that the Ad-
7 ministrator of the Federal Railroad Administration
8 determines could influence performance of rail tank
9 cars and components of such rail tank cars.

10 (d) OTHER FACTORS TO CONSIDER.—In conducting
11 the evaluation under subsection (b), the Administrator of
12 the Pipeline and Hazardous Materials Safety shall evalu-
13 ate the impact of a discharge of liquefied natural gas from
14 a rail tank car on public safety and the environment, and
15 consider—

16 (1) the safety benefits of route restrictions,
17 speed restrictions, enhanced brake requirements,
18 personnel requirements, rail tank car technological
19 requirements, and other operating controls;

20 (2) the inclusion of consist restrictions, includ-
21 ing limitations on the arrangement and quantity of
22 rail tank cars carrying liquefied natural gas in any
23 given consist;

24 (3) the identification of potential impact areas,
25 and the number of homes and structures potentially

1 endangered by a discharge in rural, suburban, and
2 urban environments;

3 (4) the impact of discharge on the environment,
4 including air quality impacts;

5 (5) the benefits of advanced notification to the
6 Department of Transportation, State Emergency
7 Response Commissions, and Tribal Emergency Re-
8 sponse Commissions of routes for moving liquefied
9 natural gas by rail tank car;

10 (6) how first responders respond to an incident,
11 including the extent to which specialized equipment
12 or training would be required and the cost to com-
13 munities for acquiring any necessary equipment or
14 training;

15 (7) whether thermal radiation could occur from
16 a discharge;

17 (8) an evaluation of the rail tank car authorized
18 by the Secretary of Transportation for liquefied nat-
19 ural gas or similar cryogenic liquids, and a deter-
20 mination of whether specific safety enhancements or
21 new standards are necessary to ensure the safety of
22 rail transport of liquefied natural gas; and

23 (9) the risks posed by the transportation of liq-
24 uefied natural gas by International Organization for

1 Standardization containers authorized by the Fed-
2 eral Railroad Administration.

3 (e) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate, and make available to the public—

9 (1) a report based on the evaluation and testing
10 conducted under subsections (b) and (c), which shall
11 include the results of the evaluation and testing and
12 recommendations for mitigating or eliminating the
13 safety, security, environmental, and other risks of an
14 accident or incident involving the transportation of
15 liquefied natural gas by rail; and

16 (2) a complete list of all research related to the
17 transportation of liquefied natural gas by rail con-
18 ducted by the Federal Railroad Administration, the
19 Pipeline and Hazardous Materials Safety Adminis-
20 tration, or any other entity of the Federal Govern-
21 ment since 2010 that includes, for each research
22 item—

23 (A) the title of any reports or studies pro-
24 duced with respect to the research;

1 (B) the agency, entity, or organization per-
2 forming the research;

3 (C) the names of all authors and co-au-
4 thors of any report or study produced with re-
5 spect to the research; and

6 (D) the date any related report was pub-
7 lished or is expected to publish.

8 (f) DATA COLLECTION.—The Administrator of the
9 Federal Railroad Administration and the Administrator of
10 the Pipeline and Hazardous Materials Safety Administra-
11 tion shall collect any relevant data or records necessary
12 to complete the evaluation required by subsection (b).

13 (g) GAO REPORT.—After the evaluation required by
14 subsection (b) has been completed, the Comptroller Gen-
15 eral shall conduct an independent evaluation to verify that
16 the Federal Railroad Administration and the Pipeline and
17 Hazardous Materials Safety Administration complied with
18 the requirements of this Act, and transmit to the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a report on the
22 findings of such independent evaluation.

23 (h) FUNDING.—From the amounts made available
24 for fiscal year 2022 under section 5128(a) of title 49,
25 United States Code, the Secretary shall expend not less

1 than \$4,000,000 and not more than \$6,000,000 to carry
2 out the evaluation under subsection (a).

3 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
4 **MENTS AND GRANTS.**

5 Section 5107 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
8 SPONDER TRAINING.—The Secretary shall establish a pro-
9 gram to make grants, on a competitive basis, to nonprofit
10 organizations to develop hazardous materials response
11 training for emergency responders and make such training
12 available electronically or in person.”.

13 **SEC. 8204. LITHIUM BATTERY APPROVAL.**

14 (a) IN GENERAL.—Chapter 51 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 5129. Lithium battery approval**

18 “(a) APPROVAL TO TRANSPORT CERTAIN BATTERIES
19 IN COMMERCE.—A person may not transport in commerce
20 a specified lithium battery that is determined by the Sec-
21 retary to be a high safety or security risk unless—

22 “(1) the manufacturer of such battery receives
23 an approval from the Secretary; and

1 “(2) the manufacture of such battery meets the
2 requirements of this section and the regulations
3 issued under subsection (d).

4 “(b) TERM OF APPROVAL.—An approval granted to
5 a manufacturer under this section shall not exceed 5
6 years.

7 “(c) APPROVAL PROCESS.—To receive an approval
8 for a specified lithium battery under this section, a manu-
9 facturer shall—

10 “(1) allow the Secretary, or an entity des-
11 ignated by the Secretary, to inspect the applicant’s
12 manufacturing process and procedures;

13 “(2) bear the cost of any inspection carried out
14 under paragraph (1); and

15 “(3) develop and implement, with respect to the
16 manufacture of such battery—

17 “(A) a comprehensive quality management
18 program; and

19 “(B) appropriate product identification,
20 marking, documentation, lifespan, and tracking
21 measures.

22 “(d) REGULATIONS REQUIRED.—Not later than 2
23 years after the date of enactment of this section, the Sec-
24 retary shall issue regulations to carry out this section.
25 Such regulations shall include—

1 “(1) parameters for, and a process for receiv-
2 ing, an approval under this section; and

3 “(2) a determination of the types of specified
4 lithium batteries that pose a high safety or security
5 risk in transport, including battery or cell type, size,
6 and energy storage capacity.

7 “(e) SPECIFIED LITHIUM BATTERY DEFINED.—In
8 this section, the term ‘specified lithium battery’ means—

9 “(1) a lithium ion cell or battery; or

10 “(2) a lithium metal cell or battery.”

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 51 of title 49, United States Code, is amended by add-
13 ing at the end the following:

“5129. Lithium battery approval.”

14 **DIVISION D—RAIL**

15 **SEC. 9001. SHORT TITLE.**

16 This division may be cited as the “Transforming Rail
17 by Accelerating Investment Nationwide Act” or the
18 “TRAIN Act”.

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. Bridges, stations, and tunnels (BeST) grant program.

Sec. 9106. Buy America.

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. Access to recreational trails.
- Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.
- Sec. 9218. Amtrak and private cars.
- Sec. 9219. Amtrak Office of Community Outreach.
- Sec. 9220. Long-distance customer enhancement program.
- Sec. 9221. Amtrak carbon-free and renewable energy initiatives.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 9301. Northeast Corridor Commission.
- Sec. 9302. Northeast Corridor planning.
- Sec. 9303. Protective arrangements.
- Sec. 9304. Interstate rail compacts.
- Sec. 9305. High-speed rail updates.
- Sec. 9306. State rail planning formula 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.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

- Sec. 9501. Study on safety impact of long trains.
- Sec. 9502. FRA safety reporting.
- Sec. 9503. Waiver notice requirements.
- Sec. 9504. Notice of FRA comprehensive safety culture assessments.
- Sec. 9505. FRA accident and incident investigations.
- Sec. 9506. Freight train crew size safety standards.
- Sec. 9507. Border crossings.
- Sec. 9508. Yardmasters hours of service.
- Sec. 9509. Leaking brakes.
- Sec. 9510. Report on PTC system failures.
- Sec. 9511. Fatigue reduction management plans.
- Sec. 9512. Assault prevention and response plans.
- Sec. 9513. Critical incident stress plans.
- Sec. 9514. Crewmember certification and qualification.
- Sec. 9515. Safety management team communication.
- Sec. 9516. GAO study on reorganization of Office of Railroad Safety.
- Sec. 9517. Open-top rail car public input.
- Sec. 9518. New passenger service pre-revenue safety validation plan.

Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.

Subtitle B—Grade Crossing Safety

Sec. 9551. Highway-rail grade crossing separation grants.

Sec. 9552. Rail safety public awareness grant.

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

Sec. 9554. National blocked crossing database.

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

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

Sec. 9557. Railroad trespassing enforcement grants.

Sec. 9558. Railroad trespassing suicide prevention grants.

Sec. 9559. Including railroad suicides.

Sec. 9560. Report on safety measures required for Quiet Zones.

TITLE VI—MISCELLANEOUS

Sec. 9601. Rail network climate change vulnerability assessment.

Sec. 9602. Advance acquisition.

Sec. 9603. University rail climate innovation grant program.

Sec. 9604. Workforce diversity and development.

Sec. 9605. Requirements for railroad freight cars entering service in United States.

1 **TITLE I—AUTHORIZATIONS**

2 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

4 (1) NORTHEAST CORRIDOR.—There are author-
5 ized to be appropriated to the Secretary of Trans-
6 portation for the use of Amtrak for activities associ-
7 ated with the Northeast Corridor the following
8 amounts:

9 (A) For fiscal year 2022, \$2,500,000,000.

10 (B) For fiscal year 2023, \$2,600,000,000.

11 (C) For fiscal year 2024, \$2,700,000,000.

12 (D) For fiscal year 2025, \$2,800,000,000.

13 (E) For fiscal year 2026, \$2,900,000,000.

1 (2) NATIONAL NETWORK.—There are author-
2 ized to be appropriated to the Secretary for the use
3 of Amtrak for activities associated with the National
4 Network the following amounts:

5 (A) For fiscal year 2022, \$3,500,000,000.

6 (B) For fiscal year 2023, \$3,600,000,000.

7 (C) For fiscal year 2024, \$3,700,000,000.

8 (D) For fiscal year 2025, \$3,800,000,000.

9 (E) For fiscal year 2026, \$3,900,000,000

10 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
11 retary may withhold up to one-half of one percent annually
12 from the amounts made available under subsection (a) for
13 oversight.

14 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
15 SUPPORTED ROUTES.— For fiscal year 2022, if funds are
16 made available under subsection (a)(2) in excess of the
17 amounts authorized for fiscal year 2020 under section
18 11101(b) of the FAST Act (Public Law 114–94), Amtrak
19 shall use up to \$250,000,000 of the excess funds to defray
20 the share of operating costs of Amtrak’s national assets
21 (as such term is defined in section 24320(c)(5) of title
22 49, United States Code) and corporate services (as such
23 term is defined pursuant to section 24317(b) of title 49,
24 United States Code) that is allocated to the State-sup-
25 ported services. After the update of the cost methodology

1 policy required under section 24712(a)(7)(B) of title 49,
2 United States Code, is implemented, there are authorized
3 to be appropriated to the Secretary for the use of Amtrak
4 such sums as may be necessary for each of the fiscal years
5 2023 through 2026 for the implementation of the updated
6 policy.

7 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
8 funds made available under subsection (a)(2), the Sec-
9 retary may make available up to \$4,000,000 for each fis-
10 cal year for the State-Supported Route Committee estab-
11 lished under section 24712 of title 49, United States Code.

12 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
13 funds made available under subsection (a)(1), the Sec-
14 retary may make available up to \$6,000,000 for each fis-
15 cal year for the Northeast Corridor Commission estab-
16 lished under section 24905 of title 49, United States Code.

17 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
18 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
19 thorized to be appropriated to the Office of Inspector Gen-
20 eral of Amtrak the following amounts:

21 (1) For fiscal year 2022, \$26,500,000.

22 (2) For fiscal year 2023, \$27,000,000.

23 (3) For fiscal year 2024, \$27,500,000.

24 (4) For fiscal year 2025, \$28,000,000.

25 (5) For fiscal year 2026, \$28,500,000.

1 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
2 TION, AND EXPANSION GRANTS.—

3 (1) There are authorized to be appropriated to
4 the Secretary to carry out section 22906 of title 49,
5 United States Code, the following amounts:

6 (A) For fiscal year 2022, \$4,800,000,000.

7 (B) For fiscal year 2023, \$4,900,000,000.

8 (C) For fiscal year 2024, \$5,000,000,000.

9 (D) For fiscal year 2025, \$5,100,000,000.

10 (E) For fiscal year 2026, \$5,200,000,000.

11 (2) PROJECT MANAGEMENT OVERSIGHT.—The
12 Secretary may withhold up to 1 percent of the total
13 amount appropriated under paragraph (1) for the
14 costs of program management oversight, including
15 providing technical assistance and project planning
16 guidance, of grants carried out under section 22906
17 of title 49, United States Code.

18 (3) HIGH-SPEED RAIL CORRIDOR PLANNING.—
19 The Secretary shall withhold at least 4 percent of
20 funding in paragraph (1) for the purposes described
21 in section 22906(a)(1)(B) of title 49, United States
22 Code. Any funds withheld by this paragraph that re-
23 main unobligated at the end of the fiscal year fol-
24 lowing the fiscal year in which such funds are made

1 available may be used for any eligible project under
2 section 22906 of such title.

3 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
4 SAFETY IMPROVEMENTS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the Secretary to carry out section
7 22907 of title 49, United States Code, the following
8 amounts:

9 (A) For fiscal year 2022, \$1,200,000,000.

10 (B) For fiscal year 2023, \$1,300,000,000.

11 (C) For fiscal year 2024, \$1,400,000,000.

12 (D) For fiscal year 2025, \$1,500,000,000.

13 (E) For fiscal year 2026, \$1,600,000,000.

14 (2) PROJECT MANAGEMENT OVERSIGHT.—The
15 Secretary may withhold up to 2 percent of the total
16 amount appropriated under paragraph (1) for the
17 costs of program management oversight, including
18 providing technical assistance and project planning
19 guidance, of grants carried out under section 22907
20 of title 49, United States Code.

21 (3) RAIL SAFETY PUBLIC AWARENESS.—Of the
22 amounts made available under paragraph (1), the
23 Secretary may make available up to \$5,000,000 for
24 each of fiscal years 2022 through 2026 to make

1 grants under section 22907(o) of title 49, United
2 States Code.

3 (4) RAILROAD TRESPASSING ENFORCEMENT.—
4 Of the amounts made available under paragraph (1),
5 the Secretary may make available up to \$250,000
6 for each of fiscal years 2022 through 2026 to make
7 grants under section 22907(p) of title 49, United
8 States Code.

9 (5) RAILROAD TRESPASSING SUICIDE PREVEN-
10 TION.—Of the amounts made available under para-
11 graph (1), the Secretary may make available up to
12 \$1,000,000 for each of fiscal years 2022 through
13 2026 to make grants under section 22907(q) of title
14 49, United States Code.

15 (i) BRIDGES, STATIONS, AND TUNNELS GRANTS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to the Secretary to carry out section
18 22909 of title 49, United States Code, the following
19 amounts:

20 (A) For fiscal year 2022, \$4,800,000,000.

21 (B) For fiscal year 2023, \$4,900,000,000.

22 (C) For fiscal year 2024, \$5,000,000,000.

23 (D) For fiscal year 2025, \$5,100,000,000.

24 (E) For fiscal year 2026, \$5,200,000,000.

1 (2) PROJECT MANAGEMENT OVERSIGHT.—The
2 Secretary may withhold up to one half of 1 percent
3 of the total amount appropriated under paragraph
4 (1) for the costs of program management oversight,
5 including providing technical assistance and project
6 planning guidance, of grants carried out under sec-
7 tion 22909 of title 49, United States Code.

8 (j) RAILROAD REHABILITATION AND IMPROVEMENT
9 FINANCING.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary for payment of credit
12 risk premiums in accordance with section 502(f)(1)
13 of the Railroad Revitalization and Regulatory Re-
14 form Act of 1976 (45 U.S.C. 822(f)(1)) the fol-
15 lowing amounts, to remain available until expended:

16 (A) For fiscal year 2022, \$160,000,000.

17 (B) For fiscal year 2023, \$170,000,000.

18 (C) For fiscal year 2024, \$180,000,000.

19 (D) For fiscal year 2025, \$190,000,000.

20 (E) For fiscal year 2026, \$200,000,000.

21 (2) REFUND OF PREMIUM.—There are author-
22 ized to be appropriated to the Secretary
23 \$70,000,000 to repay the credit risk premium under
24 section 502 of the Railroad Revitalization and Regu-
25 latory Reform Act of 1976 (45 U.S.C. 822) for each

1 loan in cohort 3, as defined by the memorandum to
2 the Office of Management and Budget of the De-
3 partment of Transportation dated November 5,
4 2018, with interest accrued thereon, not later than
5 60 days after the date on which all obligations at-
6 tached to each such loan have been satisfied. For
7 each such loan for which obligations have been satis-
8 fied as of the date of enactment of this Act, the Sec-
9 retary shall repay the credit risk premium of each
10 such loan, with interest accrued thereon, not later
11 than 60 days after the date of the enactment of this
12 Act.

13 (k) RESTORATION AND ENHANCEMENT GRANTS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to the Secretary to carry out section
16 22908 of title 49, United States Code, \$20,000,000
17 for each of fiscal years 2022 through 2026.

18 (2) PROJECT MANAGEMENT OVERSIGHT.—The
19 Secretary may withhold up to 1 percent from the
20 total amounts appropriated under paragraph (1) for
21 the costs of project management oversight of grants
22 carried out under section 22908 of title 49, United
23 States Code.

24 (l) GRADE CROSSING SEPARATION GRANTS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary to carry out section
3 20171 of title 49, United States Code, (as added by
4 section 9551 of this Act) the following amounts:

5 (A) For fiscal year 2022, \$450,000,000.

6 (B) For fiscal year 2023, \$475,000,000.

7 (C) For fiscal year 2024, \$500,000,000.

8 (D) For fiscal year 2025, \$525,000,000.

9 (E) For fiscal year 2026, \$550,000,000.

10 (2) PROJECT MANAGEMENT OVERSIGHT.—The
11 Secretary may withhold up to 2 percent from the
12 total amounts appropriated under paragraph (1) for
13 the costs of project management oversight, including
14 providing technical assistance and project planning
15 guidance, of grants carried out under section 20171
16 of title 49, United States Code.

17 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
18 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
19 of title 49, United States Code, is amended to read as
20 follows:

21 **“§ 20117. Authorization of appropriations**

22 “(a) SAFETY AND OPERATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary of Transportation for
25 the operations of the Federal Railroad Administra-

1 tion and to carry out railroad safety activities au-
2 thorized or delegated to the Administrator—

3 “(A) \$290,500,000 for fiscal year 2022;

4 “(B) \$303,300,000 for fiscal year 2023;

5 “(C) \$316,100,000 for fiscal year 2024;

6 “(D) \$324,400,000 for fiscal year 2025;

7 and

8 “(E) \$332,900,000 for fiscal year 2026.

9 “(2) AUTOMATED TRACK INSPECTION PROGRAM
10 AND DATA ANALYSIS.—From the funds made avail-
11 able under paragraph (1) for each of fiscal years
12 2022 through 2026, not more than \$17,000,000
13 may be expended for the Automated Track Inspec-
14 tion Program and data analysis related to track in-
15 spection. Such funds shall remain available until ex-
16 pended.

17 “(3) STATE PARTICIPATION GRANTS.—Amounts
18 made available under paragraph (1) for grants
19 under section 20105(e) shall remain available until
20 expended.

21 “(4) REGIONAL PLANNING GUIDANCE.—The
22 Secretary may withhold up to \$20,000,000 from the
23 amounts made available for each fiscal year under
24 paragraph (1) to facilitate and provide guidance for

1 regional planning processes, including not more than
2 \$500,000 annually for each interstate rail compact.

3 “(5) RAILROAD SAFETY INSPECTORS.—

4 “(A) IN GENERAL.—The Secretary shall
5 ensure that the number of full-time equivalent
6 railroad safety inspection personnel employed
7 by the Office of Railroad Safety of the Federal
8 Railroad Administration does not fall below the
9 following:

10 “(i) 379 for fiscal year 2022;

11 “(ii) 403 for fiscal year 2023;

12 “(iii) 422 for fiscal year 2024;

13 “(iv) 424 for fiscal year 2025; and

14 “(v) 426 for fiscal year 2026.

15 “(B) CONSIDERATION.—In meeting the
16 minimum railroad safety inspector levels under
17 subparagraph (A), the Secretary shall consider
18 the ability of railroad safety inspectors to ana-
19 lyze railroad safety data.

20 “(C) FUNDING.—From the amounts made
21 available to the Secretary under subsection
22 (a)(1), the Secretary shall use the following
23 amounts to carry out subparagraph (A):

24 “(i) \$3,244,104 for fiscal year 2022.

25 “(ii) \$6,488,208 for fiscal year 2023.

1 “(iii) \$9,056,457 for fiscal year 2024.

2 “(iv) \$9,326,799 for fiscal year 2025.

3 “(v) \$9,597,141 for fiscal year 2026.

4 “(6) OTHER SAFETY PERSONNEL.—

5 “(A) INCREASE IN NUMBER OF SUPPORT
6 EMPLOYEES.—The Secretary shall, for each of
7 fiscal years 2022 and 2023, increase by 10 the
8 total number of full-time equivalent employees
9 working as specialists, engineers, or analysts in
10 the field supporting inspectors compared to the
11 number of such employees employed in the pre-
12 vious fiscal year.

13 “(B) FUNDING.—From the amounts made
14 available to the Secretary under subsection
15 (a)(1), the Secretary shall use the following
16 amounts to carry out subparagraph (A):

17 “(i) \$1,631,380 for fiscal year 2022.

18 “(ii) \$3,262,760 for fiscal year 2023.

19 “(iii) \$3,262,760 for fiscal year 2024.

20 “(iv) \$3,262,760 for fiscal year 2025.

21 “(v) \$3,262,760 for fiscal year 2026.

22 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

23 “(1) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to the Sec-
25 retary of Transportation for necessary expenses for

1 carrying out railroad research and development ac-
2 tivities the following amounts which shall remain
3 available until expended:

4 “(A) \$67,000,000 for fiscal year 2022.

5 “(B) \$69,000,000 for fiscal year 2023.

6 “(C) \$71,000,000 for fiscal year 2024.

7 “(D) \$73,000,000 for fiscal year 2025.

8 “(E) \$75,000,000 for fiscal year 2026.

9 “(2) SHORT LINE SAFETY.—From funds made
10 available under paragraph (1) for each of fiscal
11 years 2022 through 2026, the Secretary may expend
12 not more than \$4,000,000—

13 “(A) for grants to improve safety practices
14 and training for Class II and Class III freight,
15 commuter, and intercity passenger railroads;
16 and

17 “(B) to develop safety management sys-
18 tems for Class II and Class III freight, com-
19 muter, and intercity passenger railroads
20 through the continued development of safety
21 culture assessments, transportation emergency
22 response plans, training and education, out-
23 reach activities, best practices for trespassing
24 prevention and employee trauma response, and
25 technical assistance.

1 “(3) UNIVERSITY RAIL CLIMATE INNOVATION
2 GRANT PROGRAM.—Of the amounts made available
3 under paragraph (1), the Secretary may make avail-
4 able up to \$20,000,000 for each of fiscal years 2022
5 through 2026 to make grants under section 22912.

6 “(4) SUICIDE PREVENTION RESEARCH FUND-
7 ING.—From funds made available under paragraph
8 (1) for each of fiscal years 2022 through 2026, the
9 Secretary may make available not less than
10 \$1,000,000 for human factors research undertaken
11 by the Federal Railroad Administration, including
12 suicide countermeasure evaluation, data exploration
13 and quality improvement, and other initiatives as ap-
14 propriate.”.

15 (n) LIMITATION ON FINANCIAL ASSISTANCE FOR
16 STATE-OWNED ENTERPRISES.—

17 (1) IN GENERAL.—Funds provided under this
18 section and the amendments made by this section
19 may not be used in awarding a contract, sub-
20 contract, grant, or loan to an entity that is owned
21 or controlled by, is a subsidiary of, or is otherwise
22 related legally or financially to a corporation based
23 in a country that—

24 (A) is identified as a nonmarket economy
25 country (as defined in section 771(18) of the

1 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
2 the date of enactment of this Act;

3 (B) was identified by the United States
4 Trade Representative in the most recent report
5 required by section 182 of the Trade Act of
6 1974 (19 U.S.C. 2242) as a priority foreign
7 country under subsection (a)(2) of that section;
8 and

9 (C) is subject to monitoring by the Trade
10 Representative under section 306 of the Trade
11 Act of 1974 (19 U.S.C. 2416).

12 (2) EXCEPTION.—For purposes of paragraph
13 (1), the term “otherwise related legally or finan-
14 cially” does not include a minority relationship or in-
15 vestment.

16 (3) INTERNATIONAL AGREEMENTS.—This sub-
17 section shall be applied in a manner consistent with
18 the obligations of the United States under inter-
19 national agreements.

20 (o) RAIL TRUST FUND.—

21 (1) IN GENERAL.—

22 (A) FUNDING.—Beginning on the date on
23 which a rail trust fund is established, any
24 amounts made available under subsections (a),

1 (g), (h), (i), (j)(1), (k), and (l) shall be derived
2 from such fund.

3 (B) RAIL TRUST FUND DEFINED.—In this
4 subsection, the term “rail trust fund” means a
5 trust fund established under the Internal Rev-
6 enue Code of 1986 for making certain expendi-
7 tures for the benefit of rail and for crediting
8 certain taxes and penalties collected relating to
9 rail.

10 (2) SENSE OF COMMITTEE ON NEED FOR RAIL
11 TRUST FUND.—The following is the sense of the
12 Committee on Transportation and Infrastructure of
13 the House of Representatives:

14 (A) There is a discrepancy in historical
15 Federal investment between highways, aviation,
16 and intercity passenger rail. Between 1949 and
17 2017, the Federal Government invested more
18 than \$2 trillion in our nation’s highways and
19 over \$777 billion in aviation. The Federal Gov-
20 ernment has invested \$96 billion in intercity
21 passenger rail, beginning in 1971 with the cre-
22 ation of the National Railroad Passenger Cor-
23 poration. Intercity passenger rail Federal in-
24 vestment is only 12 percent of Federal aviation

1 investment and less than 5 percent of Federal
2 highway investment.

3 (B) Congress has recognized the value and
4 importance of a predictable, dedicated funding
5 source through a trust fund for all other modes
6 of transportation including for aviation, high-
7 ways, transit, and waterways. The Highway
8 Trust Fund was created in 1956. The Airport
9 and Aviation Trust Fund was created in 1970.
10 The Inland Waterways Trust Fund was created
11 in 1978. Mass transit was added to the High-
12 way Trust Fund in 1983. The Harbor Mainte-
13 nance Trust Fund was created in 1986. With
14 regard to Federal transportation investment,
15 only intercity passenger and freight rail do not
16 have a predictable, dedicated funding source
17 through a trust fund.

18 (C) The Federal Railroad Administration
19 has identified more than \$300 billion worth of
20 investment needed to develop both high-speed
21 and higher speed intercity passenger rail cor-
22 ridors around the United States. In addition, a
23 Federal Railroad Administration report from
24 2014 found that shortline and regional rail-
25 roads need \$7 billion of investment. The feder-

1 “(1) ESTABLISHMENT.—The Secretary of
2 Transportation shall establish a program to make
3 grants to eligible applicants for—

4 “(A) capital projects that—

5 “(i) provide high-speed rail or inter-
6 city rail passenger transportation;

7 “(ii) improve high-speed rail or inter-
8 city rail passenger performance, including
9 congestion mitigation, reliability improve-
10 ments, achievement of on-time perform-
11 ance standards established under section
12 207 of the Rail Safety Improvement Act of
13 2008 (49 U.S.C. 24101 note), reduced trip
14 times, increased train frequencies, higher
15 operating speeds, electrification, and other
16 improvements, as determined by the Sec-
17 retary; and

18 “(iii) expand or establish high-speed
19 rail or intercity rail passenger transpor-
20 tation and facilities; or

21 “(B) corridor planning activities for high-
22 speed rail described in section 26101(b).

23 “(2) PURPOSES.—Grants under this section
24 shall be for projects that improve mobility, oper-

1 ational performance, or growth of high-speed rail or
2 intercity rail passenger transportation.

3 “(b) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE APPLICANT.—The term ‘eligible
5 applicant’ means—

6 “(A) a State;

7 “(B) a group of States;

8 “(C) an Interstate Compact;

9 “(D) a public agency or publicly chartered
10 authority established by 1 or more States;

11 “(E) a political subdivision of a State;

12 “(F) Amtrak, acting on its own behalf or
13 under a cooperative agreement with 1 or more
14 States; or

15 “(G) an Indian Tribe.

16 “(2) CAPITAL PROJECT.—The term ‘capital
17 project’ means—

18 “(A) a project or program for acquiring,
19 constructing, or improving—

20 “(i) passenger rolling stock;

21 “(ii) infrastructure assets, including
22 tunnels, bridges, stations, track and track
23 structures, communication and signaliza-
24 tion improvements; and

1 “(iii) a facility of use in or for the pri-
2 mary benefit of high-speed or intercity rail
3 passenger transportation;

4 “(B) project planning, development, de-
5 sign, engineering, location surveying, mapping,
6 environmental analysis or studies;

7 “(C) acquiring right-of-way or payments
8 for rail trackage rights agreements;

9 “(D) making highway-rail grade crossing
10 improvements related to high-speed rail or
11 intercity rail passenger transportation service;

12 “(E) electrification;

13 “(F) mitigating environmental impacts; or

14 “(G) a project relating to other assets de-
15 termined appropriate by the Secretary.

16 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
17 TATION.—The term ‘intercity rail passenger trans-
18 portation’ has the meaning given such term in sec-
19 tion 24102.

20 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
21 rail’ has the meaning given such term in section
22 26105.

23 “(5) STATE.—The term ‘State’ means each of
24 the 50 States and the District of Columbia.

1 “(6) SOCIALLY DISADVANTAGED INDIVID-
2 UALS.—The term ‘socially disadvantaged individuals’
3 has the meaning given the term ‘socially and eco-
4 nomically disadvantaged individuals’ in section 8(d)
5 of the Small Business Act (15 U.S.C. 637(d)).

6 “(c) PROJECT REQUIREMENTS.—

7 “(1) REQUIREMENTS.—To be eligible for a
8 grant under this section, an eligible applicant shall
9 demonstrate that such applicant has or will have—

10 “(A) the legal, financial, and technical ca-
11 pacity to carry out the project;

12 “(B) satisfactory continuing control over
13 the use of the equipment or facilities that are
14 the subject of the project; and

15 “(C) an agreement in place for mainte-
16 nance of such equipment or facilities.

17 “(2) HIGH-SPEED RAIL REQUIREMENTS.—

18 “(A) CORRIDOR PLANNING ACTIVITIES.—
19 Notwithstanding paragraph (1), the Secretary
20 shall evaluate projects described in subsection
21 (a)(1)(B) based on the criteria under section
22 26101(c).

23 “(B) HIGH-SPEED RAIL PROJECT RE-
24 QUIREMENTS.—To be eligible for a grant for a
25 high-speed rail project, an eligible applicant

1 shall demonstrate compliance with section
2 26106(e)(2)(A).

3 “(d) PROJECT SELECTION CRITERIA.—

4 “(1) PRIORITY.—In selecting a project for a
5 grant under this section, the Secretary shall give
6 preference to projects that—

7 “(A) are supported by multiple States or
8 are included in a multi-state regional plan or
9 planning process;

10 “(B) achieve environmental benefits such
11 as a reduction in greenhouse gas emissions or
12 an improvement in local air quality; or

13 “(C) improve service to and investment in
14 socially disadvantaged individuals.

15 “(2) ADDITIONAL CONSIDERATIONS.—In select-
16 ing an applicant for a grant under this section, the
17 Secretary shall consider—

18 “(A) the proposed project’s anticipated im-
19 provements to high-speed rail or intercity rail
20 passenger transportation, including anticipated
21 public benefits on the—

22 “(i) effects on system and service per-
23 formance;

1 “(ii) effects on safety, competitive-
2 ness, reliability, trip or transit time, and
3 resilience;

4 “(iii) overall transportation system,
5 including efficiencies from improved inte-
6 gration with other modes of transportation
7 or benefits associated with achieving modal
8 shifts;

9 “(iv) ability to meet existing, antici-
10 pated, or induced passenger or service de-
11 mand; and

12 “(v) projected effects on regional and
13 local economies along the corridor, includ-
14 ing increased competitiveness, productivity,
15 efficiency, and economic development;

16 “(B) the eligible applicant’s past perform-
17 ance in developing and delivering similar
18 projects;

19 “(C) if applicable, the consistency of the
20 project with planning guidance and documents
21 set forth by the Secretary or required by law;
22 and

23 “(D) if applicable, agreements between all
24 stakeholders necessary for the successful deliv-
25 ery of the project.

1 “(3) ADDITIONAL SCREENING FOR HIGH-SPEED
2 RAIL.—In selecting an applicant for a grant under
3 this section, for high-speed rail projects, the Sec-
4 retary shall, in addition to the application of para-
5 graphs (1) and (2), apply the selection and consider-
6 ation criteria described in subparagraphs (B) and
7 (C) of section 26106(e)(2).

8 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

9 “(1) TOTAL PROJECT COST ESTIMATE.—The
10 Secretary shall estimate the total cost of a project
11 under this section based on the best available infor-
12 mation, including engineering studies, studies of eco-
13 nomic feasibility, environmental analyses, and infor-
14 mation on the expected use of equipment or facili-
15 ties.

16 “(2) FEDERAL SHARE.—The Federal share of
17 total project costs under this section shall not exceed
18 90 percent.

19 “(3) TREATMENT OF REVENUE.—Applicants
20 may use ticket and other revenues generated from
21 operations and other sources to satisfy the non-Fed-
22 eral share requirements.

23 “(f) LETTERS OF INTENT.—

1 “(1) IN GENERAL.—The Secretary shall, to the
2 maximum extent practicable, issue a letter of intent
3 to a recipient of a grant under this section that—

4 “(A) announces an intention to obligate,
5 for a project under this section, an amount that
6 is not more than the amount stipulated as the
7 financial participation of the Secretary in the
8 project, regardless of authorized amounts; and

9 “(B) states that the contingent commit-
10 ment—

11 “(i) is not an obligation of the Fed-
12 eral Government; and

13 “(ii) is subject to the availability of
14 appropriations for grants under this sec-
15 tion and subject to Federal laws in force or
16 enacted after the date of the contingent
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 before issuing a letter of intent under para-
21 graph (1), the Secretary shall submit written
22 notification to—

23 “(i) the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives;

1 “(ii) the Committee on Appropriations
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-
11 section (d) for selecting the project for a
12 grant; and

13 “(iii) a description of how the project
14 meets such criteria.

15 “(g) APPROPRIATIONS REQUIRED.—An obligation
16 may be made under this section only when amounts are
17 appropriated for such purpose.

18 “(h) AVAILABILITY.—Amounts made available to
19 carry out this section shall remain available until ex-
20 pended.

21 “(i) GRANT CONDITIONS.—Except as specifically pro-
22 vided in this section, the use of any amounts appropriated
23 for grants under this section shall be subject to the grant
24 conditions under section 22905, except that the domestic

1 buying preferences of section 24305(f) shall apply to Am-
2 trak in lieu of the requirements of section 22905(a).”.

3 (b) CLERICAL AMENDMENT.—The item relating to
4 section 22906 in the analysis for chapter 229 of title 49,
5 United States Code, is amended to read as follows:

“22906. Passenger rail improvement, modernization, and expansion grants.”.

6 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
7 **SAFETY IMPROVEMENT GRANTS.**

8 Section 22907 of title 49, United States Code, is
9 amended—

10 (1) in subsection (b)—

11 (A) in the matter preceding paragraph (1)
12 by striking “The following” and inserting “Ex-
13 cept as provided in subsections (o), (p), and (q),
14 the following”;

15 (B) in paragraph (1) by inserting “or the
16 District of Columbia” before the period;

17 (C) in paragraph (10) by striking “trans-
18 portation center”; and

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

20 “(12) A commuter authority (as such term is
21 defined in section 24102).

22 “(13) An Indian Tribe.”;

23 (2) in subsection (c)—

24 (A) in paragraph (1) by inserting “and up-
25 grades” after “Deployment”;

1 (B) by striking paragraph (2);

2 (C) by redesignating paragraphs (3)
3 through (12) as paragraphs (2) through (11),
4 respectively;

5 (D) in paragraph (2), as so redesignated,
6 by inserting “or safety” after “address conges-
7 tion”;

8 (E) in paragraph (3), as so redesignated,
9 by striking “identified by the Secretary” and all
10 that follows through “rail transportation” and
11 inserting “to improve service or facilitate rider-
12 ship growth in intercity rail passenger transpor-
13 tation or commuter rail passenger transpor-
14 tation (as such term is defined in section
15 24102”;

16 (F) in paragraph (4), as so redesignated,
17 by inserting “to establish new quiet zones or”
18 after “engineering improvements”;

19 (G) in paragraph (9), as so redesignated,
20 by inserting “, including for suicide prevention
21 and other rail trespassing prevention” before
22 the period;

23 (3) in subsection (e)—

24 (A) by striking paragraph (1) and insert-
25 ing the following:

1 “(1) IN GENERAL.—In selecting a recipient of
2 a grant for an eligible project, the Secretary shall
3 give preference to—

4 “(A) projects that will maximize the net
5 benefits of the funds made available for use
6 under this section, considering the cost-benefit
7 analysis of the proposed project, including an-
8 ticipated private and public benefits relative to
9 the costs of the proposed project and factoring
10 in the other considerations described in para-
11 graph (2); and

12 “(B) projects that improve service to, or
13 provide direct benefits to, socially disadvantaged
14 individuals (as defined in section 22906(b)), in-
15 cluding relocating or mitigating infrastructure
16 that limits community connectivity, including
17 mobility, access, or economic development of
18 such individuals.”; and

19 (B) in paragraph (3) by striking “para-
20 graph (1)(B)” and inserting “paragraph
21 (1)(A)”;

22 (4) in subsection (h)(2) by inserting “, except
23 that a grant for a capital project involving zero-
24 emission locomotive technologies shall not exceed an

1 amount in excess of 90 percent of the total project
2 costs” before the period.

3 (5) by redesignating subsections (i), (j), and (k)
4 as subsections (l), (m), and (n) respectively; and

5 (6) by inserting after subsection (h) the fol-
6 lowing:

7 “(i) LARGE PROJECTS.—Of the amounts made avail-
8 able under this section, at least 25 percent shall be for
9 projects that have total project costs of greater than
10 \$100,000,000.

11 “(j) COMMUTER RAIL.—

12 “(1) ADMINISTRATION OF FUNDS.—The
13 amounts awarded under this section for commuter
14 rail passenger transportation projects shall be trans-
15 ferred by the Secretary, after selection, to the Fed-
16 eral Transit Administration for administration of
17 funds in accordance with chapter 53.

18 “(2) GRANT CONDITION.—

19 “(A) IN GENERAL.—Notwithstanding sec-
20 tion 22905(f)(1) and 22907(j)(1), as a condi-
21 tion of receiving a grant under this section that
22 is used to acquire, construct, or improve rail-
23 road right-of-way or facilities, any employee
24 covered by the Railway Labor Act (45 U.S.C.
25 151 et seq.) and the Railroad Retirement Act

1 of 1974 (45 U.S.C. 231 et seq.) who is ad-
2 versely affected by actions taken in connection
3 with the project financed in whole or in part by
4 such grant shall be covered by employee protec-
5 tive arrangements established under section
6 22905(e).

7 “(B) APPLICATION OF PROTECTIVE AR-
8 RANGEMENT.—The grant recipient and the suc-
9 cessors, assigns, and contractors of such recipi-
10 ent shall be bound by the protective arrange-
11 ments required under subparagraph (A). Such
12 recipient shall be responsible for the implemen-
13 tation of such arrangement and for the obliga-
14 tions under such arrangement, but may arrange
15 for another entity to take initial responsibility
16 for compliance with the conditions of such ar-
17 rangement.

18 “(3) APPLICATION OF LAW.—Subsection (g) of
19 section 22905 shall not apply to grants awarded
20 under this section for commuter rail passenger
21 transportation projects.

22 “(k) DEFINITION OF CAPITAL PROJECT.—In this
23 section, the term ‘capital project’ means a project or pro-
24 gram for—

1 “(1) acquiring, constructing, improving, or in-
2 specting equipment, track and track structures, or a
3 facility, expenses incidental to acquisition or con-
4 struction (including project-level planning, designing,
5 engineering, location surveying, mapping, environ-
6 mental studies, and acquiring right-of-way), pay-
7 ments for rail trackage rights agreements, highway-
8 rail grade crossing improvements, mitigating envi-
9 ronmental impacts, communication and signalization
10 improvements, relocation assistance, acquiring re-
11 placement housing sites, and acquiring, constructing,
12 relocating, and rehabilitating replacement housing;

13 “(2) rehabilitating, remanufacturing, or over-
14 hauling rail rolling stock and facilities;

15 “(3) costs associated with developing State or
16 multi-State regional rail plans; and

17 “(4) the first-dollar liability costs for insurance
18 related to the provision of intercity passenger rail
19 service under section 22904.”; and

20 (7) by striking subsection (l).

21 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
22 **MENT FINANCING.**

23 (a) IN GENERAL.—Section 502 of the Railroad Revi-
24 talization and Regulatory Reform Act of 1976 (45 U.S.C.
25 822) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A) by inserting
4 “civil works such as cuts and fills, stations,
5 tunnels,” after “components of track,”;
6 and

7 (ii) in subparagraph (D) by inserting
8 “, permitting,” after “reimburse plan-
9 ning”; and

10 (B) by striking paragraph (3);

11 (2) by striking subsection (e)(1) and inserting
12 the following:

13 “(1) DIRECT LOANS.—The interest rate on a
14 direct loan under this section shall be not less than
15 the yield on United States Treasury securities of a
16 similar maturity to the maturity of the direct loan
17 on the date of execution of the loan agreement.”;

18 (3) in subsection (f)—

19 (A) in paragraph (1) by adding “The Sec-
20 retary shall only apply appropriations of budget
21 authority to cover the costs of direct loans and
22 loan guarantees as required under section
23 504(b)(1) of the Federal Credit Reform Act of
24 1990 (2 U.S.C. 661c(b)(1)), including the cost
25 of a modification thereof, in whole or in part,

1 for entities described in paragraphs (1) through
2 (3) of subsection (a).” at the end;

3 (B) in paragraph (3) by striking subpara-
4 graph (C) and inserting the following:

5 “(C) An investment-grade rating on the di-
6 rect loan or loan guarantee, as applicable, if the
7 total amount of the direct loan or loan guar-
8 antee is less than \$100,000,000.

9 “(D) In the case of a total amount of a di-
10 rect loan or loan guarantee greater than
11 \$100,000,000, an investment-grade rating from
12 at least 2 rating agencies on the direct loan or
13 loan guarantee, or an investment-grade rating
14 on the direct loan or loan guarantee and a pro-
15 jection of freight or passenger demand for the
16 project based on regionally developed economic
17 forecasts, including projections of any modal di-
18 version resulting from the project.”; and

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

20 “(5) REPAYMENT OF CREDIT RISK PRE-
21 MIUMS.—The Secretary shall return credit risk pre-
22 miums paid, and interest accrued thereon, to the
23 original source when all obligations of a loan or loan
24 guarantee have been satisfied. This paragraph ap-
25 plies to any project that has been granted assistance

1 under this section after the date of enactment of the
2 TRAIN Act.”; and

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

4 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
5 provided under this section may be used as the non-Fed-
6 eral share of project costs under this title or chapter 53
7 of title 49 if such loan is repayable from non-Federal
8 funds.

9 “(o) BUY AMERICA.—

10 “(1) IN GENERAL.—In awarding direct loans or
11 loan guarantees under this section, the Secretary
12 shall require each recipient to comply with section
13 22905(a) of title 49, United States Code.

14 “(2) SPECIFIC COMPLIANCE.—Notwithstanding
15 paragraph (1), the Secretary shall require—

16 “(A) Amtrak to comply with section
17 24305(f) of title 49, United States Code; and

18 “(B) a commuter authority (as defined in
19 section 24102 of title 49, United States Code)
20 to comply with section 5320 of title 49, United
21 States Code.”.

22 (b) GUIDANCE.—Not later than 9 months after the
23 date of enactment of this Act, the Secretary shall publish
24 guidance that provides applicants for assistance under sec-
25 tion 502 of the Railroad Revitalization and Regulatory Re-

1 form Act of 1976 (45 U.S.C. 822) information regarding
2 the types of data, assumptions, and other factors typically
3 used to calculate credit risk premiums required under sub-
4 section (f) of such section. Such guidance shall include in-
5 formation to help applicants understand how different fac-
6 tors may increase or decrease such credit risk premiums.

7 **SEC. 9105. BRIDGES, STATIONS, AND TUNNELS (BEST)**
8 **GRANT PROGRAM.**

9 (a) IN GENERAL.—Chapter 229 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 22909. Bridges, stations, and tunnels (BeST) grant**
13 **program**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 shall establish a program (in this section referred to as
16 the ‘BeST Program’) to provide grants to eligible entities
17 for major capital projects included in the BeST Inventory
18 established under subsection (b) for rail bridges, stations,
19 and tunnels that are publicly owned or owned by Amtrak
20 to enable safety, capacity, and mobility improvements.

21 “(b) INVENTORY.—

22 “(1) ESTABLISHMENT.—Not later than 90 days
23 after the date of enactment of the TRAIN Act, the
24 Secretary shall establish, and publish on the website
25 of the Department of Transportation an inventory

1 (in this section referred to as the ‘BeST Inventory’)
2 for publicly owned and Amtrak owned major capital
3 projects designated by the Secretary to be eligible
4 for funding under this section. The BeST Inventory
5 shall include major capital projects to acquire, refur-
6 bish, rehabilitate, or replace rail bridges, stations, or
7 tunnels and any associated and co-located projects.

8 “(2) CONSIDERATIONS.—In selecting projects
9 for inclusion in the BeST Inventory, the Secretary
10 shall give priority to projects that provide the most
11 benefit for intercity passenger rail service in relation
12 to projected costs and that are less likely to secure
13 all of the funding required from other sources.

14 “(3) UPDATES TO BEST INVENTORY.—Every 2
15 years after the establishment of the BeST Inventory
16 under paragraph (1), the Secretary shall update the
17 Inventory in its annual budget justification.

18 “(4) ELIGIBILITY FOR BEST INVENTORY.—
19 Projects included in the BeST Inventory—

20 “(A) shall be—

21 “(i) consistent with the record of deci-
22 sion issued by the Federal Railroad Ad-
23 ministration in July 2017 titled ‘NEC FU-
24 TURE: A Rail Investment Plan for the

1 Northeast Corridor’ (known as the ‘Se-
2 lected Alternative’);

3 “(ii) consistent with the most recent
4 service development plan under section
5 24904(a) (hereinafter in this section re-
6 ferred to as the ‘Service Development
7 Plan’); and

8 “(iii) located in a territory for which
9 a cost allocation policy is maintained pur-
10 suant to section 24905(c) of such title; or

11 “(B) shall be consistent with a multi-state
12 regional planning document equivalent to the
13 document referred to in subparagraph (A)(i)
14 with a completed Tier I environmental review of
15 such document pursuant to the National Envi-
16 ronmental Policy Act of 1969 (42 U.S.C. 4321
17 et seq.).

18 “(5) PROJECT FUNDING SEQUENCING.—The
19 Secretary shall determine the order of priority for
20 projects in the BeST Inventory based on projects
21 identified in paragraph (4) and project management
22 plans as described in subsection (d). The Secretary
23 may alter the BeST Inventory as necessary if appli-
24 cants are not carrying out the schedule identified in
25 the Inventory.

1 “(6) TERMS.—The Secretary shall ensure the
2 BeST Inventory establishes, for each project in-
3 cluded in such Inventory—

4 “(A) the roles and terms of participation
5 by any rail bridge, station, or tunnel owners
6 and railroad carriers in the project; and

7 “(B) the timeline for such project that en-
8 sures efficient completion of the project.

9 “(7) SPECIAL FINANCIAL RULES.—

10 “(A) IN GENERAL.—Projects listed in the
11 BeST Inventory may include an agreement with
12 a commitment, contingent on future amounts to
13 be specified in law for commitments under this
14 paragraph, to obligate an additional amount
15 from future available budget authority specified
16 in law.

17 “(B) STATEMENT OF CONTINGENT COM-
18 MITMENT.—An obligation or administrative
19 commitment under this paragraph may be made
20 only when amounts are appropriated. An agree-
21 ment shall state that any contingent commit-
22 ment is not an obligation of the Federal Gov-
23 ernment, and is subject to the availability of ap-
24 propriations under Federal law and to Federal

1 laws in force or enacted after the date of the
2 contingent commitment.

3 “(C) FINANCING COSTS.—Financing costs
4 of carrying out the project may be considered a
5 cost of carrying out the project under the BeST
6 Inventory.

7 “(c) EXPENDITURE OF FUNDS.—

8 “(1) APPLICATION OF LAW.—The non-Federal
9 share for a grant provided under this section shall
10 be calculated in accordance with section 24905(e) or
11 section 24712(a)(7) if either such section are appli-
12 cable to the railroad territory at the project location.

13 “(2) FEDERAL SHARE OF TOTAL PROJECT
14 COSTS.—The Federal share for the total cost of a
15 project under this section shall be 90 percent. A re-
16 cipient of funds under this section may use any
17 source of funds, including other Federal financial as-
18 sistance to satisfy the non-Federal funds require-
19 ment.

20 “(3) AVAILABILITY OF FUNDS.—Funds made
21 available under this section shall remain available
22 for obligation by the Secretary for a period of 10
23 years after the last day of the fiscal year for which
24 the funds are appropriated, and remain available for

1 expenditure by the recipient of grant funds without
2 fiscal year limitation.

3 “(4) ELIGIBLE USES.—Funds made available
4 under this section may be used for projects con-
5 tained in the most recent BeST Inventory, including
6 pre-construction expenses and the acquisition of real
7 property interests.

8 “(5) FUNDS AWARDED TO AMTRAK.—Grants
9 made to Amtrak shall be provided in accordance
10 with the requirements of section 24319.

11 “(6) GRANT CONDITIONS.—Except as provided
12 in this section, the use of any amounts made avail-
13 able for grants under this section shall be subject to
14 the grant requirements in section 22905.

15 “(d) PROGRAM MANAGEMENT.—

16 “(1) SUBMISSION OF PROJECT MANAGEMENT
17 PLANS.—The Secretary shall establish a process, in-
18 cluding specifying formats, methods, and procedures,
19 for applicants to submit a project management plan
20 to the Secretary for a project in the BeST Inven-
21 tory. Consistent with requirements in section 22903,
22 project management plans shall—

23 “(A) describe the schedules, management
24 actions, workforce availability, interagency
25 agreements, permitting, track outage avail-

1 ability, and other factors that will determine the
2 entity's ability to carry out a project included in
3 the BeST Inventory; and

4 “(B) be updated and resubmitted in ac-
5 cordance with this subsection every 2 years ac-
6 cording to the schedule in the most recent Serv-
7 ice Development Plan, or equivalent multi-state
8 regional planning document with a completed
9 Tier I environmental review conducted pursuant
10 to the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.).

12 “(2) NORTHEAST CORRIDOR PROJECTS.—For
13 projects on the Northeast Corridor, an applicant
14 shall submit such project management plan to the
15 Northeast Corridor Commission. Upon receipt of
16 such plan, the Northeast Corridor Commission shall
17 submit to the Secretary an updated Service Develop-
18 ment Plan that describes the schedule and sequenc-
19 ing of all capital projects on the Northeast Corridor,
20 including estimates of the amount each sponsor enti-
21 ty will need in program funding for each of the next
22 2 fiscal years to carry out the entity's projects ac-
23 cording to the Service Development Plan.

24 “(e) COST METHODOLOGY POLICY REQUIRE-
25 MENTS.—

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that recipients of funds under this section adhere to
3 the policies established pursuant to 24905(c) or sec-
4 tion 209 of the Passenger Rail Investment and Im-
5 provement Act of 2008 (49 U.S.C. 24101 note), or
6 any updates to any such cost methodology policy.

7 “(2) PENALTY FOR NONCOMPLIANCE.—If such
8 recipient does not maintain adherence to the policies
9 described in paragraph (1), the Secretary may with-
10 hold funds under this subsection from such recipient
11 up to the amount of the recipient’s shortfall, and, if
12 the shortfall is not remedied after a reasonable pe-
13 riod, may permanently reallocate such funds to other
14 recipients.

15 “(f) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) a State;

19 “(B) a group of States;

20 “(C) an Interstate Compact;

21 “(D) a public agency or publicly chartered
22 authority established by one or more States;

23 “(E) a political subdivision of a State;

24 “(F) Amtrak acting on its own behalf or in
25 partnership with 1 or more States; or

1 “(G) any combination of the entities listed
2 in subparagraphs (A) through (F).

3 “(2) MAJOR CAPITAL PROJECT.—The term
4 ‘major capital project’ means a rail bridge, station,
5 or tunnel project related to intercity passenger rail
6 service that has a total project cost of at least
7 \$500,000,000.

8 “(3) NORTHEAST CORRIDOR.—The term
9 ‘Northeast Corridor’ has the meaning given the term
10 in section 24904(e).

11 “(4) PUBLICLY OWNED.—The term ‘publicly
12 owned’ means major capital projects that are at
13 least partially owned or planned to be owned by the
14 Federal Government or an eligible entity.

15 “(5) CO-LOCATED PROJECT.—The term ‘co-lo-
16 cated project’ means a capital project that is adja-
17 cent to a major capital project and can be carried
18 out during the same period.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 229 of title 49, United States Code, is amended by
21 adding at the end the following:

 “22909. Bridges, stations, and tunnels (BeST) grant program.”.

22 **SEC. 9106. BUY AMERICA.**

23 Section 22905(a) of title 49, United States Code, is
24 amended—

25 (1) in paragraph (2)—

1 (A) in subparagraph (B) by adding “or” at
2 the end;

3 (B) by striking subparagraph (C); and

4 (C) by redesignating subparagraph (D) as
5 subparagraph (C);

6 (2) by striking paragraph (4) and inserting the
7 following:

8 “(4)(A) If the Secretary receives a request for
9 a waiver under paragraph (2), the Secretary shall
10 provide notice of and an opportunity for public com-
11 ment on the request at least 30 days before making
12 a finding based on the request.

13 “(B) A notice provided under subparagraph (A)
14 shall—

15 “(i) include the information available to
16 the Secretary concerning the request, including
17 whether the request is being made under sub-
18 paragraph (A), (B), or (C) of paragraph (2);
19 and

20 “(ii) be provided by electronic means, in-
21 cluding on the official public website of the De-
22 partment of Transportation.”;

23 (3) in paragraph (5)—

24 (A) by striking “2012” and inserting
25 “2020, and each year thereafter”; and

1 (B) by inserting “during the preceding fis-
2 cal year” before the period; and

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

4 “(12) The requirements of this subsection apply
5 to all contracts for a project carried out within the
6 scope of the applicable finding, determination, or de-
7 cisions under the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
9 funding source for activities carried out pursuant to
10 such contracts, if at least 1 contract for the project
11 is funded with amounts made available to carry out
12 a provision specified in paragraph (1).”.

13 **TITLE II—AMTRAK REFORMS**

14 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

15 Section 24101 of title 49, United States Code, is
16 amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “, to the extent its
20 budget allows,”; and

21 (ii) by striking “between crowded
22 urban areas and in other areas of” and in-
23 serting “throughout”;

24 (B) in paragraph (2) by striking the period
25 and inserting “, thereby providing additional

1 capacity for the traveling public and widespread
2 air quality benefits.”;

3 (C) in paragraph (4)—

4 (i) by striking “greater” and inserting
5 “high”; and

6 (ii) by striking “to Amtrak to achieve
7 a performance level sufficient to justify ex-
8 pending public money” and inserting “in
9 order to meet the intercity passenger rail
10 needs of the United States”;

11 (D) in paragraph (5)—

12 (i) by inserting “intercity and” after
13 “efficient”; and

14 (ii) by striking “the energy conserva-
15 tion and self-sufficiency” and inserting
16 “addressing climate change, energy con-
17 servation, and self-sufficiency”;

18 (E) in paragraph (6) by striking “through
19 its subsidiary, Amtrak Commuter,”; and

20 (F) by adding at the end the following:

21 “(9) Long-distance intercity passenger rail pro-
22 vides economic benefits to rural communities and of-
23 fers intercity travel opportunities where such options
24 are often limited, making long-distance intercity pas-

1 senger rail an important part of the national trans-
2 portation system.

3 “(10) The Northeast Corridor, long-distance
4 routes, and State-supported routes are inter-
5 connected and collectively provide national rail pas-
6 senger transportation.

7 “(11) Investments in intercity and commuter
8 rail passenger transportation support jobs that pro-
9 vide a pathway to the middle class.”;

10 (2) in subsection (b) by striking “The” and all
11 that follows through “consistent” and inserting
12 “The mission of Amtrak is to provide a safe, effi-
13 cient, and high-quality national intercity passenger
14 rail system that is trip-time competitive with other
15 intercity travel options, consistent”;

16 (3) in subsection (c)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) use its best business judgment in acting to
20 maximize the benefits of public funding;”;

21 (B) in paragraph (2)—

22 (i) by striking “minimize Government
23 subsidies by encouraging” and inserting
24 “work with”; and

1 (ii) by striking the semicolon and in-
2 serting “and improvements to service;”;

3 (C) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) manage the passenger rail network in the
6 interest of public transportation needs, including
7 current and future Amtrak passengers;”;

8 (D) in paragraph (7) by striking “encour-
9 age” and inserting “work with”;

10 (E) in paragraph (11) by striking “and”
11 the last place it appears; and

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

14 “(12) utilize and manage resources with a long-
15 term perspective, including sound investments that
16 take into account the overall lifecycle costs of an
17 asset;

18 “(13) ensure that service is accessible and ac-
19 commodating to passengers with disabilities; and

20 “(14) maximize the benefits Amtrak generates
21 for the United States by creating quality jobs and
22 supporting the domestic workforce.”; and

23 (4) by striking subsection (d).

1 **SEC. 9202. AMTRAK STATUS.**

2 Section 24301(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1) by striking “20102(2)”
5 and inserting “20102”; and

6 (2) in paragraph (2) by inserting “serving the
7 public interest in reliable passenger rail service”
8 after “for-profit corporation”.

9 **SEC. 9203. BOARD OF DIRECTORS.**

10 (a) IN GENERAL.—Section 24302 of title 49, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (B) by striking
15 “President of Amtrak” and inserting
16 “Chief Executive Officer of Amtrak”; and

17 (ii) by striking subparagraph (C) and
18 inserting the following:

19 “(C) 8 individuals appointed by the Presi-
20 dent of the United States, by and with the ad-
21 vice and consent of the Senate, with a record of
22 support for national intercity passenger rail
23 service. Of the individuals appointed—

24 “(i) 1 shall be a Mayor or Governor of
25 a location served by a regularly scheduled
26 Amtrak service on the Northeast Corridor;

1 “(ii) 1 shall be a Mayor or Governor
2 of a location served by a regularly sched-
3 uled Amtrak service that is not on the
4 Northeast Corridor;

5 “(iii) 1 shall be a representative of
6 Amtrak employees;

7 “(iv) 1 shall be an individual with a
8 history of regular Amtrak ridership and an
9 understanding of the concerns of intercity
10 rail passengers;

11 “(v) 1 shall be an individual with—

12 “(I) demonstrated experience or
13 demonstrated interest in the North-
14 east Corridor and the National Net-
15 work; and

16 “(II) industry experience or
17 qualifications in transportation,
18 freight and passenger rail transpor-
19 tation, travel, or passenger air trans-
20 portation; and

21 “(vi) 1 shall be an individual with
22 general business and financial experience
23 who has demonstrated experience or dem-
24 onstrated interest in the Northeast Cor-
25 ridor and the National Network.”;

1 (B) in paragraph (2) by inserting “users of
2 Amtrak, including the elderly and individuals
3 with disabilities, and” after “and balanced rep-
4 resentation of”;

5 (C) in paragraph (3)—

6 (i) by striking “Not more than 5” and
7 inserting “Not more than 4”; and

8 (ii) by adding at the end the fol-
9 lowing: “A member of the Board appointed
10 under clause (i) or (ii) of paragraph (1)(C)
11 shall serve for a term of 5 years or until
12 such member leaves the elected office such
13 member occupied at the time such member
14 was appointed, whichever is first.”;

15 (D) in paragraph (4) by striking “Presi-
16 dent” and inserting “Chief Executive Officer”;
17 and

18 (E) by striking paragraph (5) and insert-
19 ing the following:

20 “(5) The Secretary and any Governor of a
21 State may be represented at a Board meeting by a
22 designee.”;

23 (2) in subsection (b)—

24 (A) by striking “PAY AND EXPENSES” and
25 inserting “DUTIES, PAY, AND EXPENSES”; and

1 (B) by inserting “Each director must con-
2 sider the well-being of current and future Am-
3 trak passengers, the public interest in sustain-
4 able national passenger rail service, and balance
5 the preceding considerations with the fiduciary
6 responsibilities of the director and the mission
7 and goals of Amtrak.” before “Each director
8 not employed by the United States Government
9 or Amtrak”; and

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

11 “(g) GOVERNOR DEFINED.—In this section, the term
12 ‘Governor’ means the Governor of a State or the Mayor
13 of the District of Columbia and includes a designee of the
14 Governor.”.

15 (b) TIMING OF NEW BOARD REQUIREMENTS.—The
16 appointment and membership requirements under section
17 24302 of title 49, United States Code (as amended by this
18 Act), shall apply to any member of the Board appointed
19 pursuant to subsection (a)(1)(C) of such section who is
20 appointed on or after the date of enactment of this Act.

21 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

22 (a) IN GENERAL.—Section 24308(c) of title 49,
23 United States Code, is amended by adding at the end the
24 following: “Notwithstanding section 24103(a) and section
25 24308(f), Amtrak shall have the right to bring an action

1 for equitable or other relief in the United States District
2 Court for the District of Columbia to enforce the pref-
3 erence rights granted under this subsection.”.

4 (b) CONFORMING AMENDMENT.—Section 24103 of
5 title 49, United States Code, is amended by inserting “and
6 section 24308(e)” before “, only the Attorney General”.

7 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
8 **TO AMTRAK.**

9 Section 24308(e) of title 49, United States Code, is
10 amended—

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

13 “(1)(A) When a rail carrier does not agree to
14 allow Amtrak to operate additional trains in accord-
15 ance with proposed schedules over any rail line of
16 the carrier on which Amtrak is operating or seeks to
17 operate, Amtrak may submit an application to the
18 Board for an order requiring the carrier to allow for
19 the operation of the requested trains. Not later than
20 90 days after receipt of such application, the Board
21 shall determine whether the additional trains would
22 unreasonably impair freight transportation and—

23 “(i) upon a determination that such trains
24 do not unreasonably impair freight transpor-
25 tation, order the rail carrier to allow for the op-

1 eration of such trains on a schedule established
2 by the Board; or

3 “(ii) upon a determination that such trains
4 do unreasonably impair freight transportation,
5 initiate a proceeding to determine any addi-
6 tional infrastructure investments required by,
7 or on behalf of, Amtrak.

8 “(B) If Amtrak seeks to resume operation of a
9 train that Amtrak operated during the 5-year period
10 preceding an application described in subparagraph
11 (A), the Board shall apply a presumption that the
12 resumed operation of such train will not unreason-
13 ably impair freight transportation unless the Board
14 finds that there are substantially changed cir-
15 cumstances.”;

16 (2) in paragraph (2)—

17 (A) by striking “The Board shall consider”
18 and inserting “The Board shall”;

19 (B) by striking subparagraph (A) and in-
20 serting the following:

21 “(A) in making the determination under para-
22 graph (1), take into account any infrastructure in-
23 vestments previously made by, or on behalf of, Am-
24 trak, or proposed in Amtrak’s application, with the
25 rail carrier having the burden of demonstrating that

1 the additional trains will unreasonably impair the
2 freight transportation; and”;

3 (C) in subparagraph (B) by inserting “con-
4 sider investments described in subparagraph
5 (A) and” after “times,”; and
6 (3) by adding at the end the following:

7 “(4) In a proceeding initiated by the Board
8 under paragraph (1)(A)(ii), the Board shall solicit
9 the views of the parties and require the parties to
10 provide any necessary data or information. Not later
11 than 180 days after the date on which the Board
12 makes a determination under paragraph (1)(A)(ii),
13 the Board shall issue an order requiring the rail car-
14 rier to allow for the operation of the requested trains
15 provided that any conditions enumerated by the
16 Board are met. In determining the necessary level of
17 additional infrastructure or other investments need-
18 ed to mitigate unreasonable interference, the Board
19 shall use any criteria, assumptions, and processes it
20 considers appropriate.

21 “(5) The provisions of this subsection shall be
22 in addition to any other statutory or contractual
23 remedies Amtrak may have with respect to operating
24 the additional trains.”.

1 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

2 (a) IN GENERAL.—Section 28103 of title 49, United
3 States Code, is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

9 “(1) IN GENERAL.—Amtrak may not impose a
10 choice-of-forum clause that attempts to preclude a
11 passenger, or a person who purchases a ticket for
12 rail transportation on behalf of a passenger, from
13 bringing a claim against Amtrak in any court of
14 competent jurisdiction, including a court within the
15 jurisdiction of the residence of such passenger in the
16 United States (provided that Amtrak does business
17 within that jurisdiction).

18 “(2) COURT OF COMPETENT JURISDICTION.—

19 Under this subsection, a court of competent jurisdic-
20 tion may not include an arbitration forum.”.

21 (b) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall apply to any claim that
23 arises on or after the date of enactment of this Act.

24 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

25 (a) ASSESSMENT.—Amtrak shall conduct an assess-
26 ment and review of all Amtrak policies, procedures, proto-

1 cols, and guidelines for compliance with the requirements
2 of the Americans With Disabilities Act of 1990 (42 U.S.C.
3 12101 et seq.).

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, Amtrak shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report on the
9 results of the assessment conducted under subsection (a).

10 (c) CONTENTS.—The report required under sub-
11 section (b) shall include—

12 (1) a summary of the policies, procedures, pro-
13 tocols, and guidelines reviewed;

14 (2) any necessary changes to such policies, pro-
15 cedures, protocols, and guidelines to ensure compli-
16 ance with the Americans With Disabilities Act of
17 1990 (42 U.S.C. 12101 et seq.), including full com-
18 pliance under such Act for stations and facilities for
19 which Amtrak has responsibility under such Act and
20 consideration of the needs of individuals with disabil-
21 ities when procuring rolling stock and setting ticket
22 fares; and

23 (3) an implementation plan and timeline for
24 making any such necessary changes.

1 (d) ENGAGEMENT.—Amtrak shall engage with a
2 range of advocates for individuals with disabilities during
3 the assessment conducted under subsection (a), and de-
4 velop an ongoing and standardized process for engagement
5 with advocates for individuals with disabilities.

6 (e) PERIODIC EVALUATION.—At least once every 2
7 years, Amtrak shall review and update, as necessary, Am-
8 trak policies, procedures, protocols, and guidelines to en-
9 sure compliance with the Americans With Disabilities Act
10 of 1990 (42 U.S.C. 12101 et seq.).

11 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

12 (a) IN GENERAL.—Chapter 243 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 24323. Prohibition on smoking on Amtrak trains**

16 “(a) PROHIBITION.—Beginning on the date of enact-
17 ment of the TRAIN Act, Amtrak shall prohibit smoking
18 on board Amtrak trains.

19 “(b) ELECTRONIC CIGARETTES.—

20 “(1) INCLUSION.—The use of an electronic cig-
21 arette shall be treated as smoking for purposes of
22 this section.

23 “(2) ELECTRONIC CIGARETTE DEFINED.—In
24 this section, the term ‘electronic cigarette’ means a
25 device that delivers nicotine or other substances to

1 a user of the device in the form of a vapor that is
2 inhaled to simulate the experience of smoking.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 chapter 243 of title 49, United States Code, is amended
5 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

6 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
7 **TRAK.**

8 Section 24712 of title 49, United States Code, is
9 amended to read as follows:

10 **“§ 24712. State-supported routes operated by Amtrak**

11 **“(a) STATE-SUPPORTED ROUTE COMMITTEE.—**

12 **“(1) ESTABLISHMENT.—**Not later than 180
13 days after the date of enactment of the Passenger
14 Rail Reform and Investment Act of 2015, the Sec-
15 retary of Transportation shall establish the State-
16 Supported Route Committee (referred to in this sec-
17 tion as the ‘Committee’) to promote mutual coopera-
18 tion and planning pertaining to the current and fu-
19 ture rail operations of Amtrak and related activities
20 of trains operated by Amtrak on State-supported
21 routes and to further implement section 209 of the
22 Passenger Rail Investment and Improvement Act of
23 2008 (49 U.S.C. 24101 note).

24 **“(2) MEMBERSHIP.—**

1 “(A) IN GENERAL.—The Committee shall
2 consist of—

3 “(i) members representing Amtrak;

4 “(ii) members representing the De-
5 partment of Transportation, including the
6 Federal Railroad Administration; and

7 “(iii) members representing States.

8 “(B) NON-VOTING MEMBERS.—The Com-
9 mittee may invite and accept other non-voting
10 members to participate in Committee activities,
11 as appropriate.

12 “(3) DECISIONMAKING.—The Committee shall
13 establish a bloc voting system under which, at a
14 minimum—

15 “(A) there are 3 separate voting blocs to
16 represent the Committee’s voting members, in-
17 cluding—

18 “(i) 1 voting bloc to represent the
19 members described in paragraph (2)(A)(i);

20 “(ii) 1 voting bloc to represent the
21 members described in paragraph (2)(A)(ii);
22 and

23 “(iii) 1 voting bloc to represent the
24 members described in paragraph
25 (2)(A)(iii);

1 “(B) each voting bloc has 1 vote;

2 “(C) the votes of the voting bloc rep-
3 resenting the members described in paragraph
4 (2)(A)(iii) requires the support of at least two-
5 thirds of that voting bloc’s members; and

6 “(D) the Committee makes decisions by
7 unanimous consent of the 3 voting blocs.

8 “(4) ABILITY TO CONDUCT CERTAIN BUSI-
9 NESS.—If all members of a voting bloc described in
10 paragraph (3) abstain from a Committee decision,
11 agreement between the other voting blocs consistent
12 with the procedures set forth in paragraph (3) shall
13 be deemed unanimous consent.

14 “(5) MEETINGS; RULES AND PROCEDURES.—
15 The Committee shall define and periodically update
16 the rules and procedures governing the Committee’s
17 proceedings. The rules and procedures shall—

18 “(A) incorporate and further describe the
19 decisionmaking procedures to be used in accord-
20 ance with paragraph (3); and

21 “(B) be adopted in accordance with such
22 decisionmaking procedures.

23 “(6) COMMITTEE DECISIONS.—Decisions made
24 by the Committee in accordance with the Commit-

1 tee's rules and procedures, once established, are
2 binding on all Committee members.

3 “(7) COST METHODOLOGY POLICY.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the Committee may amend the cost
6 methodology policy required and previously ap-
7 proved under section 209 of the Passenger Rail
8 Investment and Improvement Act of 2008 (49
9 U.S.C. 24101 note).

10 “(B) REVISIONS TO COST METHODOLOGY
11 POLICY.—

12 “(i) REQUIREMENT TO REVISE AND
13 UPDATE.—Subject to the requirements of
14 clause (iii), the Committee shall, not later
15 than March 31, 2022, update the cost
16 methodology policy required and previously
17 approved under section 209 of the Pas-
18 senger Rail Investment and Improvement
19 Act of 2008 (49 U.S.C. 24101 note). Such
20 update shall be consistent with the prin-
21 ciples for revision of the Committee pursu-
22 ant to such section and consistent with any
23 subsequent changes to such principles ap-
24 proved by the Committee. The Committee
25 shall implement the updated policy begin-

1 ning in fiscal year 2023 and shall submit
2 to the Committee on Transportation and
3 Infrastructure of the House of Representa-
4 tives and the Committee on Commerce,
5 Science, and Transportation of the Senate
6 a report documenting and explaining any
7 changes to the policy and plans for imple-
8 mentation not later than 30 days after the
9 adoption of the updated policy.

10 “(ii) IMPLEMENTATION IMPACTS ON
11 FEDERAL FUNDING.—To the extent that a
12 policy implemented pursuant to clause (i)
13 assigns to Amtrak costs that were pre-
14 viously allocated to States, Amtrak shall
15 request such costs in the general and legis-
16 lative annual report required by section
17 24315 or in any appropriate subsequent
18 Federal funding request for the fiscal year
19 in which the revised policy is implemented.

20 “(iii) PROCEDURES FOR CHANGING
21 METHODOLOGY.—The rules and proce-
22 dures implemented under paragraph (5)
23 shall include procedures for changing the
24 cost methodology policy under this sub-
25 paragraph, notwithstanding section 209(b)

1 of the Passenger Rail Investment and Im-
2 provement Act (49 U.S.C. 22 24101 note),
3 and procedures or broad guidelines for
4 conducting financial planning, including
5 operating and capital forecasting, report-
6 ing, and data sharing and governance.

7 “(C) REQUIREMENTS.—The cost method-
8 ology policy shall—

9 “(i) ensure equal treatment in the
10 provision of like services of all States and
11 groups of States;

12 “(ii) assign to each route the costs in-
13 curred only for the benefit of that route
14 and a proportionate share, based upon fac-
15 tors that reasonably reflect relative use, of
16 costs incurred for the common benefit of
17 more than 1 route; and

18 “(iii) promote increased efficiency in
19 Amtrak’s operating and capital activities.

20 “(b) INVOICES AND REPORTS.—

21 “(1) MONTHLY INVOICE.—Not later than April
22 15, 2016, and monthly thereafter, Amtrak shall pro-
23 vide to each State that sponsors a State-supported
24 route a monthly invoice of the cost of operating such
25 route, including fixed costs and third-party costs.

1 “(2) PLANNING AND DEMAND REPORTS.—A
2 State shall provide to the Committee and Amtrak
3 planning and demand reports with respect to a
4 planned or existing State-supported route.

5 “(3) FINANCIAL AND PERFORMANCE RE-
6 PORTS.—The Committee shall require Amtrak to
7 provide to the States and the Committee financial
8 and performance reports at a frequency, and con-
9 taining such information, as determined appropriate
10 by the Committee.

11 “(c) DISPUTE RESOLUTION.—

12 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
13 a dispute arises with respect to the rules and proce-
14 dures implemented under subsection (a)(5), an in-
15 voice or a report provided under subsection (b), im-
16 plementation or compliance with the cost method-
17 ology policy developed under section 209 of the Pas-
18 senger Rail Investment and Improvement Act of
19 2008 (49 U.S.C. 24101 note) or amended under
20 subsection (a)(7) of this section, either Amtrak or
21 the State may request that the Surface Transpor-
22 tation Board conduct dispute resolution under this
23 subsection.

24 “(2) PROCEDURES.—The Surface Transpor-
25 tation Board shall establish procedures for resolu-

1 tion of disputes brought before it under this sub-
2 section, which may include provision of professional
3 mediation services.

4 “(3) BINDING EFFECT.—A decision of the Sur-
5 face Transportation Board under this subsection
6 shall be binding on the parties to the dispute.

7 “(4) OBLIGATION.—Nothing in this subsection
8 shall affect the obligation of a State to pay an
9 amount related to a State-supported route that a
10 State sponsors that is not in dispute.

11 “(d) ASSISTANCE.—

12 “(1) IN GENERAL.—The Secretary may provide
13 assistance to the parties in the course of negotia-
14 tions for a contract for operation of a State-sup-
15 ported route.

16 “(2) FINANCIAL ASSISTANCE.—From among
17 available funds, the Secretary shall provide—

18 “(A) financial assistance to Amtrak or 1 or
19 more States to perform requested independent
20 technical analysis of issues before the Com-
21 mittee; and

22 “(B) administrative expenses that the Sec-
23 retary determines necessary.

24 “(e) PERFORMANCE METRICS.—In negotiating a con-
25 tract for operation of a State-supported route, Amtrak

1 and the State or States that sponsor the route shall con-
2 sider including provisions that provide penalties and incen-
3 tives for performance, including incentives to—

4 “(1) increase revenue;

5 “(2) reduce costs;

6 “(3) finalize contracts by the beginning of the
7 Federal fiscal year; and

8 “(4) require States to promptly make payments
9 for services delivered.

10 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

11 “(1) IN GENERAL.—The Committee shall de-
12 velop and annually review and update, as necessary,
13 a statement of goals, objectives, and associated rec-
14 ommendations concerning the future of State-sup-
15 ported routes operated by Amtrak. The statement
16 shall identify the roles and responsibilities of Com-
17 mittee members and any other relevant entities, such
18 as host railroads, in meeting the identified goals and
19 objectives, or carrying out the recommendations.
20 The statement shall include a list of capital projects,
21 including infrastructure, fleet, station, and facility
22 initiatives, needed to support the growth of State-
23 supported routes. The Committee may consult with
24 such relevant entities, as the Committee considers
25 appropriate, when developing the statement.

1 “(2) TRANSMISSION OF STATEMENT OF GOALS
2 AND OBJECTIVES.—Not later than March 31 of each
3 year, the Committee shall submit to the Committee
4 on Commerce, Science, and Transportation of the
5 Senate and the Committee on Transportation and
6 Infrastructure of the House of Representatives the
7 most recent annual update to the statement devel-
8 oped under paragraph (1).

9 “(g) NEW OR EXPANDED STATE-SUPPORTED
10 ROUTES.—

11 “(1) COORDINATION AND CONSULTATION.—In
12 developing a new State-supported route or expand-
13 ing an existing State-supported route, Amtrak shall
14 closely coordinate with all States in which such route
15 operates, and shall consult with the following:

16 “(A) The local municipalities in which the
17 proposed route operates.

18 “(B) Commuter authorities and regional
19 transportation authorities (as such terms are
20 defined in section 24102) in the areas proposed
21 to be served by such route.

22 “(C) The owner of any rail infrastructure
23 over which the proposed route operates.

24 “(D) Administrator of the Federal Rail-
25 road Administration.

1 “(E) Other stakeholders, as appropriate.

2 “(2) STATE COMMITMENTS.—Notwithstanding
3 any other provision of law, before beginning con-
4 struction necessary for, or beginning operation of, a
5 State-supported route that is initiated or expanded
6 on or after the date of enactment of the TRAIN
7 Act, Amtrak shall enter into an agreement with the
8 State in which the proposed route operates for shar-
9 ing ongoing fully allocated operating costs and cap-
10 ital costs in accordance with—

11 “(A) the cost methodology policy described
12 under subsection (a)(7); or

13 “(B) the alternative cost methodology
14 schedule described in paragraph (3).

15 “(3) ALTERNATIVE COST METHODOLOGY.—
16 Under the cost methodology schedule described in
17 this paragraph, with respect to costs not covered by
18 revenues for the operation of a State-supported
19 route, Amtrak shall pay—

20 “(A) the share Amtrak otherwise would
21 have paid under the cost methodology under
22 subsection (a); and

23 “(B) a percentage of the share that the
24 State otherwise would have paid under the cost

1 methodology policy under subsection (a) accord-
2 ing to the following:

3 “(i) Amtrak shall pay up to 100 per-
4 cent of the capital costs and planning costs
5 necessary to initiate a new State-supported
6 route or expand an existing State-sup-
7 ported route, including planning and devel-
8 opment, design, and environmental anal-
9 ysis costs, prior to beginning operations on
10 the new route.

11 “(ii) For the first 2 years of oper-
12 ation, Amtrak shall pay for 100 percent of
13 operating costs and capital costs.

14 “(iii) For the third year of operation,
15 Amtrak shall pay 90 percent of operating
16 costs and capital costs and the State shall
17 pay the remainder.

18 “(iv) For the fourth year of operation,
19 Amtrak shall pay 80 percent of operating
20 costs and capital costs and the State shall
21 pay the remainder

22 “(v) For the fifth year of operation,
23 Amtrak shall pay 50 percent of operating
24 costs and capital costs and the State shall
25 pay the remainder.

1 “(vi) For the sixth year of operation
2 and thereafter, operating costs and capital
3 costs shall be allocated in accordance with
4 the cost methodology policy described
5 under subsection (a) as applicable.

6 “(4) DEFINITIONS.—In this subsection, the
7 terms ‘capital cost’ and ‘operating cost’ shall apply
8 in the same manner as such terms apply under the
9 cost methodology policy developed under subsection
10 (a).

11 “(h) COST METHODOLOGY UPDATE AND IMPLEMEN-
12 TATION REPORT.—Not later than 18 months after an up-
13 dated cost methodology policy required under subsection
14 (a)(7)(B) is implemented, the Committee shall submit to
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on Com-
17 merce, Science, and Transportation of the Senate a report
18 assessing the implementation of the updated policy.

19 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
20 CHANGES.—Amtrak shall provide an update in the general
21 and legislative annual report required by 24315(b) of
22 planned or proposed changes to State-supported routes,
23 including the introduction of new State-supported routes.
24 In identifying routes to be considered planned or proposed
25 under this subsection, Amtrak shall—

1 “(1) identify the timeframe in which such
2 changes could take effect and whether Amtrak has
3 entered into a commitment with a State under sub-
4 section (g)(2); and

5 “(2) consult with the Committee and any addi-
6 tional States in which a planned or proposed route
7 may operate, not less than 120 days before an an-
8 nual grant request is transmitted to the Secretary.

9 “(j) **RULE OF CONSTRUCTION.**—The decisions of the
10 Committee—

11 “(1) shall pertain to the rail operations of Am-
12 trak and related activities of trains operated by Am-
13 trak on State-sponsored routes; and

14 “(2) shall not pertain to the rail operations or
15 related activities of services operated by other rail
16 carriers on State-supported routes.

17 “(k) **DEFINITION OF STATE.**—In this section, the
18 term ‘State’ means any of the 50 States, including the
19 District of Columbia, that sponsor or propose to sponsor
20 the operation of trains by Amtrak on a State-supported
21 route, or a public entity that sponsors or proposes to spon-
22 sor such operation on such a route.”.

23 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

24 (a) **DEPARTMENT MISSION.**—Not later than 180
25 days after the date of enactment of this Act, Amtrak shall

1 identify the mission of the Amtrak Police Department (in
2 this section referred to as the “Department”), including
3 the scope of the role and priorities of the Department, in
4 mitigating risks to and ensuring the safety and security
5 of Amtrak passengers, employees, trains, stations, facili-
6 ties, and other infrastructure. In identifying such mission,
7 Amtrak shall consider—

8 (1) the unique needs of maintaining the safety
9 and security of Amtrak’s network; and

10 (2) comparable passenger rail systems and the
11 mission of the police departments of such rail sys-
12 tems.

13 (b) WORKFORCE PLANNING PROCESS.—Not later
14 than 120 days after identifying the mission of the Depart-
15 ment under subsection (a), Amtrak shall develop a work-
16 force planning process that—

17 (1) ensures adequate employment levels and al-
18 location of sworn and civilian personnel, including
19 patrol officers, necessary for fulfilling the Depart-
20 ment’s mission; and

21 (2) sets performance goals and metrics for the
22 Department that align with the mission of the De-
23 partment and monitors and evaluates the Depart-
24 ment’s progress toward such goals and metrics.

1 (c) CONSIDERATIONS.—In developing the workforce
2 planning process under subsection (b), Amtrak shall—

3 (1) identify critical positions, skills, and com-
4 petencies necessary for fulfilling the Department’s
5 mission;

6 (2) analyze employment levels and ensure
7 that—

8 (A) an adequate number of civilian and
9 sworn personnel are allocated across the De-
10 partment’s 6 geographic divisions, including pa-
11 trol officers, detectives, canine units, special op-
12 erations unit, strategic operations, intelligence,
13 corporate security, the Office of Professional
14 Responsibilities, and the Office of Chief of Po-
15 lices; and

16 (B) patrol officers have an adequate pres-
17 ence on trains and route segments, and in sta-
18 tions, facilities, and other infrastructure;

19 (3) analyze workforce gaps and develop strate-
20 gies to address any such gaps;

21 (4) consider risks, including those identified by
22 Amtrak’s triannual risk assessments;

23 (5) consider variables, including ridership levels,
24 miles of right-of-way, crime data, call frequencies,
25 interactions with vulnerable populations, and work-

1 load, that comparable passenger rail systems with
2 similar police departments consider in the develop-
3 ment of the workforce plans of such systems; and

4 (6) consider collaboration or coordination with
5 local, State, Tribal, and Federal agencies, and public
6 transportation agencies to support the safety and se-
7 curity of the Amtrak network.

8 (d) CONSULTATION.—In carrying out this section,
9 Amtrak shall consult with the Amtrak Police Department
10 Labor Committee, public safety experts, foreign or domes-
11 tic entities providing passenger rail service comparable to
12 Amtrak, and any other relevant entities, as determined by
13 Amtrak.

14 (e) REPORTS.—

15 (1) REPORT ON MISSION OF DEPARTMENT.—
16 Not later than 10 days after Amtrak identifies the
17 mission of the Department under subsection (a),
18 Amtrak shall submit to the Committee on Transpor-
19 tation and Infrastructure of the House of Represent-
20 atives and the Committee on Commerce, Science,
21 and Transportation of the Senate a report con-
22 taining a description of the mission of the Depart-
23 ment and the reasons for the content of such mis-
24 sion.

1 (2) REPORT ON WORKFORCE PLANNING PROC-
2 ESS.—Not later than 10 days after Amtrak com-
3 pletes the workforce planning process under sub-
4 section (b), Amtrak shall submit to the Committee
5 on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report
8 containing the workforce planning process, the un-
9 derlying data used to develop such process, and how
10 such process will achieve the Department’s mission.

11 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

12 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
13 of title 49, United States Code, is amended to read as
14 follows:

15 **“§ 24321. Amtrak food and beverage**

16 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
17 SERVICES.—On all long-distance routes, Amtrak shall en-
18 sure that all passengers who travel overnight on such
19 route shall have access to purchasing the food and bev-
20 erages that are provided to sleeping car passengers on
21 such route.

22 “(b) FOOD AND BEVERAGE WORKFORCE.—

23 “(1) WORKFORCE REQUIREMENT.—Amtrak
24 shall ensure that any individual onboard a train who

1 prepares or provides food and beverages is an Am-
2 trak employee.

3 “(2) SAVINGS CLAUSE.—No Amtrak employee
4 holding a position as of the date of enactment of the
5 TRAIN Act may be involuntarily separated because
6 of any action taken by Amtrak to implement this
7 section, including any employees who are furloughed
8 as a result of the COVID–19 pandemic.

9 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
10 Amtrak employee holding a position as of the date of en-
11 actment of the Passenger Rail Reform and Investment Act
12 of 2015 is involuntarily separated because of the develop-
13 ment and implementation of the plan required by the
14 amendments made by section 11207 of such Act.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) ANALYSIS.—The item relating to section
17 24321 in the analysis for chapter 243 of title 49,
18 United States Code, is amended to read as follows:
“24321. Amtrak food and beverage.”.

19 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
20 of title 49, United States Code, is amended by strik-
21 ing “only if revenues from the services each year at
22 least equal the cost of providing the services”.

23 (3) CONTRACTING OUT.—Section 121(c) of the
24 Amtrak Reform and Accountability Act of 1997 (49
25 U.S.C. 24312 note; 111 Stat. 2574) is amended by

1 striking “, other than work related to food and bev-
2 erage service,”.

3 (c) AMTRAK FOOD AND BEVERAGE WORKING
4 GROUP.—

5 (1) ESTABLISHMENT.—Not later than 90 days
6 after the date of enactment of this Act, Amtrak shall
7 establish a working group (in this subsection re-
8 ferred to as the “Working Group”) to provide rec-
9 ommendations on Amtrak onboard food and bev-
10 erage services.

11 (2) MEMBERSHIP.—The Working Group shall
12 consist of—

13 (A) an equal number of individuals rep-
14 resenting—

15 (i) Amtrak;

16 (ii) the labor organizations rep-
17 resenting Amtrak employees who prepare
18 or provide onboard food and beverage serv-
19 ices;

20 (iii) the State-Supported Route Com-
21 mittee established by section 24712; and

22 (iv) nonprofit organizations rep-
23 resenting Amtrak passengers; and

1 (B) an individual with culinary or hospi-
2 tality expertise agreed to by the members under
3 clauses (i) through (iv) of subparagraph (A).

4 (3) RECOMMENDATIONS.—

5 (A) IN GENERAL.—The Working Group
6 shall develop recommendations to increase rid-
7 ership and improve customer satisfaction by—

8 (i) promoting collaboration and en-
9 gagement between Amtrak, Amtrak pas-
10 sengers, and Amtrak employees preparing
11 or providing onboard food and beverage
12 services, prior to Amtrak implementing
13 changes to onboard food and beverage
14 services;

15 (ii) improving onboard food and bev-
16 erage services; and

17 (iii) improving solicitation, reception,
18 and consideration of passenger feedback
19 regarding onboard food and beverage serv-
20 ices.

21 (B) CONSIDERATIONS.—In developing the
22 recommendations under subparagraph (A), the
23 Working Group shall consider—

24 (i) the healthfulness of onboard food
25 and beverages offered, including the ability

1 of passengers to address dietary restric-
2 tions;

3 (ii) the preparation and delivery of on-
4 board food and beverages;

5 (iii) the differing needs of passengers
6 traveling on long-distance routes, State-
7 supported routes, and the Northeast Cor-
8 ridor;

9 (iv) the reinstatement of the dining
10 car service on long-distance routes;

11 (v) Amtrak passenger survey data
12 about the food and beverages offered on
13 Amtrak trains; and

14 (vi) any other issue the Working
15 Group determines appropriate.

16 (4) REPORTS.—

17 (A) INITIAL REPORT.—Not later than 1
18 year after the date on which the Working
19 Group is established, the Working Group shall
20 submit to the Board of Directors of Amtrak,
21 the Committee on Transportation and Infra-
22 structure of the House of Representatives, and
23 the Committee on Commerce, Science, and
24 Transportation of the Senate a report con-

1 taining the recommendations developed under
2 paragraph (3).

3 (B) SUBSEQUENT REPORT.—Not later
4 than 30 days after the date on which the Work-
5 ing Group submits the report required under
6 subparagraph (A), Amtrak shall submit to the
7 Committee on Transportation and Infrastruc-
8 ture of the House of Representatives and the
9 Committee on Commerce, Science, and Trans-
10 portation of the Senate a report on whether
11 Amtrak agrees with the recommendations of the
12 Working Group and describing any plans to im-
13 plement such recommendations.

14 (5) PROHIBITION ON FOOD AND BEVERAGE
15 SERVICE CHANGES.—During the period beginning on
16 the date of enactment of this Act and ending 30
17 days after the date on which Amtrak submits the re-
18 port required under paragraph (4)(B), Amtrak may
19 not make large-scale, structural changes to existing
20 onboard food and beverage services, except that Am-
21 trak shall reverse any changes to onboard food and
22 beverage service made in response to the COVID–19
23 pandemic as Amtrak service is restored.

24 (6) TERMINATION.—The Working Group shall
25 terminate on the date on which Amtrak submits the

1 report required under paragraph (4)(B), except that
2 Amtrak may extend such date by up to 1 year if
3 Amtrak determines that the Working Group is bene-
4 ficial to Amtrak in making decisions related to on-
5 board food and beverage services. If Amtrak extends
6 such date, Amtrak shall include notification of the
7 extension in the report required under paragraph
8 (4)(B).

9 (7) NONAPPLICABILITY OF FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee
11 Act (5 U.S.C. App.) does not apply to the Working
12 Group established under this section.

13 (8) LONG-DISTANCE ROUTE; NORTHEAST COR-
14 RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—
15 In this subsection, the terms “long-distance route”,
16 “Northeast Corridor”, and “State-supported route”
17 have the meaning given those terms in section
18 24102 of title 49, United States Code.

19 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
20 **OUT.**

21 (a) FURLOUGHED WORK.—Section 121 of the Am-
22 trak Reform and Accountability Act of 1997 (49 U.S.C.
23 24312 note; 111 Stat. 2574) is amended by striking sub-
24 section (d) and inserting the following:

1 “(d) FURLOUGHED WORK.—Amtrak may not con-
2 tract out work within the scope of work performed by an
3 employee in a bargaining unit covered by a collective bar-
4 gaining agreement entered into between Amtrak and an
5 organization representing Amtrak employees during the
6 period of time such employee has been laid off involun-
7 tarily if such employee—

8 “(1) is eligible and qualified under the agree-
9 ment to perform such work in accordance with the
10 seniority of such employee; and

11 “(2) has not been provided an opportunity to be
12 recalled to perform such work.

13 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
14 OUT.—This section does not—

15 “(1) supersede a prohibition or limitation on
16 contracting out work covered by an agreement en-
17 tered into between Amtrak and an organization rep-
18 resenting Amtrak employees; or

19 “(2) prohibit Amtrak and an organization rep-
20 resenting Amtrak employees from entering into an
21 agreement that allows for contracting out the work
22 of a furloughed employee that would otherwise be
23 prohibited under subsection (d).”.

24 “(b) WORKFORCE PLAN.—Section 24320(c)(2) of title
25 49, United State Code, is amended—

1 (1) in subparagraph (C)(iii)(III) by striking
2 “and” at the end;

3 (2) by redesignating subparagraph (D) as sub-
4 paragraph (E); and

5 (3) by inserting after subparagraph (C) the fol-
6 lowing:

7 “(D) a summary of Amtrak’s plan to meet
8 the workforce needs of each asset category,
9 which shall—

10 “(i) identify any gaps in Amtrak’s
11 workforce, including any vacancy, skill gap,
12 or shortage of qualified personnel;

13 “(ii) summarize any action Amtrak is
14 taking to address any such gaps; and

15 “(iii) summarize any anticipated
16 change to the size of the Amtrak workforce
17 and any cause for such change; and”.

18 **SEC. 9213. AMTRAK STAFFING.**

19 Section 24312 of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(c) CALL CENTER STAFFING.—

22 “(1) OUTSOURCING.—Amtrak may not renew
23 or enter into a contract to outsource call center cus-
24 tomer service work on behalf of Amtrak, including
25 through a business process outsourcing group.

1 “(2) TRAINING.—Amtrak shall make available
2 appropriate training programs to any Amtrak call
3 center employee carrying out customer service activi-
4 ties using telephone or internet platforms.

5 “(d) STATION AGENT STAFFING.—

6 “(1) IN GENERAL.—Amtrak shall ensure that
7 at least one Amtrak ticket agent is employed at each
8 station building where at least one Amtrak ticket
9 agent was employed on or after October 1, 2017.

10 “(2) LOCATIONS.—Amtrak shall ensure that at
11 least one Amtrak ticket agent is employed at each
12 station building—

13 “(A) that Amtrak owns, or operates service
14 through, as part of a passenger service route;
15 and

16 “(B) for which the number of passengers
17 boarding or deboarding an Amtrak long-dis-
18 tance train in the previous fiscal year exceeds
19 the average of at least 40 passengers per day
20 over all days in which the station was serviced
21 by Amtrak, regardless of the number of Amtrak
22 vehicles servicing the station per day. For fiscal
23 year 2021, ridership from fiscal year 2019 shall
24 be used to determine qualifying stations.

1 “(3) EXCEPTION.—This subsection does not
2 apply to any station building in which a commuter
3 rail ticket agent has the authority to sell Amtrak
4 tickets.

5 “(4) AMTRAK TICKET AGENT.—For purposes of
6 this section, the term ‘Amtrak ticket agent’ means
7 an Amtrak employee with authority to sell Amtrak
8 tickets onsite and assist in the checking of Amtrak
9 passenger baggage.

10 “(3) EFFECTIVE DATE.—This subsection shall
11 take effect on the earlier of—

12 “(A) the date of the expiration of the
13 emergency declaration issued by the President
14 on March 13, 2020, pursuant to section 501(b)
15 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5191(b));
17 or

18 “(B) the day after the period that is the
19 first 6 consecutive months within a calendar
20 year for which Amtrak ridership exceeds the
21 Amtrak ridership for the same 6 consecutive
22 calendar months in 2019.”.

23 **SEC. 9214. SPECIAL TRANSPORTATION.**

24 Section 24307(a) of title 49, United States Code, is
25 amended—

1 (1) in the matter preceding paragraph (1) by
2 striking “for the following:” and inserting “of at
3 least a 10 percent discount on full-price coach class
4 rail fares for, at a minimum—”;

5 (2) in paragraph (1) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by striking paragraph (2) and inserting the
8 following:

9 “(2) individuals of 12 years of age or younger;

10 “(3) individuals with a disability, as such term
11 is defined in section 3 of the Americans with Dis-
12 abilities Act of 1990 (42 U.S.C. 12102);

13 “(4) members of the Armed Forces on active
14 duty (as those terms are defined in section 101 of
15 title 10) and their spouses and dependents with valid
16 identification;

17 “(5) veterans (as that term is defined in section
18 101 of title 38) with valid identification; and

19 “(6) individuals attending federally accredited
20 postsecondary education institutions with valid stu-
21 dent identification cards.”.

22 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is further amended by adding at the end the
25 following:

1 **“§ 24324. Disaster and emergency relief program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may make grants to Amtrak for—

4 “(1) capital projects to repair, reconstruct, or
5 replace equipment, infrastructure, stations, and
6 other facilities that the Secretary determines are in
7 danger of suffering serious damage, or have suffered
8 serious damage, as a result of an emergency event;

9 “(2) offset revenue lost as a result of such an
10 event; and

11 “(3) support continued operations following
12 emergency events.

13 “(b) COORDINATION OF EMERGENCY FUNDS.—
14 Funds made available to carry out this section shall be
15 in addition to any other funds available and shall not af-
16 fect the ability of Amtrak to use any other funds otherwise
17 authorized by law.

18 “(c) GRANT CONDITIONS.—Grants made under this
19 subsection (a) shall be subject to section 22905(c)(2)(A)
20 and other such terms and conditions as the Secretary de-
21 termines necessary.

22 “(d) DEFINITION OF EMERGENCY EVENT.—In this
23 section, the term ‘emergency event’ has the meaning given
24 such term in section 20103.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 243 of title 49, United States Code, is further amend-
3 ed by adding at the end the following:

“24324. Disaster and emergency relief program.”.

4 **SEC. 9216. ACCESS TO RECREATIONAL TRAILS.**

5 Section 24315 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(i) ACCESS TO RECREATIONAL TRAILS.—At least
8 30 days before implementing a new policy, structure, or
9 operation that impedes access to recreational trails, Am-
10 trak shall work with potentially affected communities,
11 making a good-faith effort to address local concerns about
12 such access. Not later than February 15 of each year, Am-
13 trak shall submit to the Committee on Transportation and
14 Infrastructure of the House of Representatives and the
15 Committee on Environment and Public Works of the Sen-
16 ate a report on any such engagement in the preceding cal-
17 endar year, and any changes to policies, structures, or op-
18 erations affecting access to recreational trails that were
19 considered or made as a result. The report shall include
20 Amtrak’s plans to mitigate the impact to such access.”.

21 **SEC. 9217. AMTRAK CYBERSECURITY ENHANCEMENT AND**
22 **RESILIENCY GRANT PROGRAM.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is further amended by adding at the end the
25 following:

1 **“§ 24325. Amtrak cybersecurity enhancement and re-**
2 **siliency grant program**

3 “(a) IN GENERAL.—The Secretary of Transportation
4 shall make grants to Amtrak for improvements in infor-
5 mation technology systems, including cyber resiliency im-
6 provements for Amtrak information technology assets.

7 “(b) APPLICATION OF BEST PRACTICES.—Any cyber
8 resiliency improvements carried out with a grant under
9 this section shall be consistent with cybersecurity industry
10 best practices and publications issued by the National In-
11 stitute of Standards and Technology.

12 “(c) COORDINATION OF CYBERSECURITY FUNDS.—
13 Funds made available to carry out this section shall be
14 in addition to any other Federal funds and shall not affect
15 the ability of Amtrak to use any other funds otherwise
16 authorized by law for purposes of enhancing the cyberse-
17 curity architecture of Amtrak.

18 “(d) GRANT CONDITIONS.—In carrying out this sec-
19 tion—

20 “(1) to the extent practicable, the Secretary
21 shall provide grants consistent with the process es-
22 tablished under section 24319;

23 “(2) the Secretary shall ensure that a grant
24 made available under this section shall be adminis-
25 tered and disbursed as part of Amtrak’s annual

1 grant agreement as authorized by section
2 24319(d)(1)(B); and

3 “(3) a grant made under this section shall be
4 subject to such terms and conditions as the Sec-
5 retary determines necessary.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 243 of title 49, United States Code, is further amend-
8 ed by adding at the end the following:

“24325. Amtrak cybersecurity enhancement and resiliency grant program.”.

9 **SEC. 9218. AMTRAK AND PRIVATE CARS.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that private cars and charter trains can—

12 (1) improve Amtrak’s financial performance,
13 particularly on the long-distance routes;

14 (2) have promotional value for Amtrak that re-
15 sults in future travel on Amtrak trains by pas-
16 sengers made aware of Amtrak as a result;

17 (3) support private-sector jobs, including for
18 mechanical work and on-board services; and

19 (4) provide good-will benefits to Amtrak.

20 (b) POLICY REVIEW.—Amtrak shall review the policy
21 changes since January 1, 2018, that have caused signifi-
22 cant changes to the relationship between Amtrak and pri-
23 vate car owners and charter train services and evaluate
24 opportunities to strengthen these services, including by re-
25 instating some access points and restoring flexibility to

1 charter-train policies. For charter trains, private cars, and
2 package express carried on regular Amtrak trains, con-
3 sistent with sound business practice, Amtrak should re-
4 cover direct costs plus a reasonable profit margin.

5 **SEC. 9219. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

6 (a) IN GENERAL.—Chapter 243 of title 49, United
7 States Code, is further amended by adding at the end the
8 following new section:

9 **“§ 24326. Amtrak Office of Community Outreach**

10 “(a) IN GENERAL.—Not later than 180 days after
11 the date of enactment of the TRAIN Act, Amtrak shall
12 establish an Office of Community Outreach to engage with
13 communities impacted by Amtrak operations.

14 “(b) RESPONSIBILITIES.—The Office of Community
15 Outreach shall be responsible for—

16 “(1) outreach and engagement with—

17 “(A) local officials before capital improve-
18 ment project plans are finalized; and

19 “(B) local stakeholders and relevant orga-
20 nizations on projects of community significance;

21 “(2) clear explanation and publication of how
22 community members can communicate with Amtrak;

23 “(3) the use of virtual public involvement, social
24 media, and other web-based tools to encourage pub-
25 lic participation and solicit public feedback; and

1 “(4) making publicly available on the website of
2 Amtrak, planning documents for proposed and im-
3 plemented capital improvement projects.

4 “(c) REPORT TO CONGRESS.—Not later than 1 year
5 after the establishment of the Office of Community Out-
6 reach, and annually thereafter, Amtrak shall submit to the
7 Committee on Transportation and Infrastructure in the
8 House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a report
10 that—

11 “(1) describes the community outreach efforts
12 undertaken by the Amtrak Office of Community
13 Outreach for the previous year; and

14 “(2) identifies changes Amtrak made to capital
15 improvement project plans after engagement with af-
16 fected communities.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 243 of title 49, United States Code, is further amend-
19 ed by adding at the end the following:

“24326. Amtrak Office of Community Outreach.”.

20 **SEC. 9220. LONG-DISTANCE CUSTOMER ENHANCEMENT**
21 **PROGRAM.**

22 (a) AUTHORIZATION.—Amtrak shall expend not less
23 than 2.5 percent of the amounts appropriated in each fis-
24 cal year pursuant to section 9101(a)(2) to enhance the
25 customer experience on Amtrak long-distance routes.

1 (b) ELIGIBILITY.—Projects and initiatives to serve
2 the following purposes, including planning and develop-
3 ment, are eligible to be implemented by Amtrak under this
4 section:

5 (1) Rolling stock interior refreshes and rede-
6 signs.

7 (2) Food and beverage service improvements
8 consistent with section 24321 of title 49, United
9 States Code.

10 (3) Wi-Fi service expansion and improvement.

11 (4) Enhanced customer experience at stations.

12 (5) Other customer enhancement initiatives de-
13 veloped by Amtrak, including initiatives developed in
14 accordance with subsection (c).

15 (c) CONSULTATION.—Not later than 90 days after
16 the date of enactment of this Act, and subsequently on
17 a periodic basis, Amtrak shall consult with appropriate
18 States, local governments, labor organizations rep-
19 resenting railroad employees, and national associations
20 that represent rail passengers on ways to enhance the cus-
21 tomer experience on long-distance routes.

22 (d) USE OF FUNDS FOR OTHER PURPOSES.—Am-
23 trak may use funds provided under this section for pur-
24 poses related to long-distance route service other than
25 those listed in subsection (b) if—

1 (1) Amtrak determines the use of funds is nec-
2 essary to—

3 (A) improve the safety of long-distance
4 route operations; or

5 (B) maintain continued operation or serv-
6 ice levels of any such route; and

7 (2) not later than 10 days of the repurposing
8 of such funds, Amtrak submits to the Secretary, the
9 Committee on Transportation and Infrastructure
10 and the Committee on Appropriations of the House
11 of Representatives, and the Committee on Com-
12 merce, Science, and Transportation, and the Com-
13 mittee on Appropriations of the Senate, a report
14 that includes—

15 (A) the amount of funds repurposed for a
16 use described in this subsection, and

17 (B) the reason for the repurposing of such
18 funds.

19 (e) LONG-DISTANCE ROUTE DEFINED.—In this sec-
20 tion, the term “long-distance route” has the meaning
21 given the term in section 24102 of title 49, United States
22 Code.

1 **SEC. 9221. AMTRAK CARBON-FREE AND RENEWABLE EN-**
2 **ERGY INITIATIVES.**

3 (a) IN GENERAL.—Chapter 243 of title 49, United
4 States Code, is further amended by adding at the end the
5 following new section:

6 **“§ 24327. Amtrak carbon-free and renewable energy**
7 **initiatives**

8 “(a) EMISSIONS REDUCTION AND ENERGY PLAN.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of the TRAIN Act, Amtrak
11 shall—

12 “(A) develop a greenhouse gas emissions
13 reduction and energy plan that sets forth a goal
14 of, a strategy for achieving, and potential
15 timelines and funding requirements for—

16 “(i) becoming a net-zero carbon emis-
17 sions transportation provider; and

18 “(ii) achieving net-zero carbon emis-
19 sions with respect to Amtrak operations
20 within the Northeast Corridor;

21 “(B) submit the plan to the Secretary of
22 Transportation, the Committee on Transpor-
23 tation and Infrastructure of the House of Rep-
24 resentatives, and the Committee on Commerce,
25 Science, and Transportation of the Senate; and

26 “(C) publish the plan on Amtrak’s website.

1 “(2) ADDITIONAL REQUIREMENTS.—The plan
2 developed under paragraph (1) shall contain—

3 “(A) at least 1 option for becoming a net-
4 zero carbon emissions transportation provider
5 not later than January 1, 2035; and

6 “(B) at least 1 option for achieving net-
7 zero carbon emissions with respect to Amtrak
8 operations within the Northeast Corridor not
9 later than January 1, 2030.

10 “(3) ANNUAL PROGRESS REPORTS.—

11 “(A) IN GENERAL.—After submission and
12 publication of the plan developed under para-
13 graph (1), Amtrak shall include in each general
14 and legislative annual report required under
15 section 24315(b), an update on Amtrak’s
16 progress towards—

17 “(i) becoming a net-zero carbon emis-
18 sions transportation provider; and

19 “(ii) achieving net-zero carbon emis-
20 sions with respect to Amtrak operations
21 within the Northeast Corridor.

22 “(B) LEGISLATIVE RECOMMENDATIONS.—
23 The update required under subparagraph (A)
24 may include recommendations for legislative

1 changes or changes to funding levels likely to
2 increase the rate of Amtrak's progress.

3 “(b) CARBON-FREE AND RENEWABLE ENERGY
4 USE.—

5 “(1) ENERGY SOURCE REQUIREMENT.—Not
6 later than 180 days after the date of enactment of
7 the TRAIN Act, Amtrak shall ensure that any new
8 or renewed contract between Amtrak and a provider
9 of electricity that is used to meet the needs of train
10 traction power or rail facility power requires that an
11 amount equal to or greater than 25 percent of such
12 electricity is derived from carbon-free or renewable
13 energy sources.

14 “(2) INCREASED ENERGY SOURCE GOALS.—
15 Amtrak shall establish goals for increasing the en-
16 ergy source requirements described in paragraph
17 (1), including a goal of requiring—

18 “(A) at least 50 percent of electricity de-
19 rived from such sources for new or renewed
20 contracts entered into beginning 5 years after
21 the date of enactment of the TRAIN Act; and

22 “(B) 100 percent of electricity derived
23 from such sources for new or renewed contracts
24 entered into on or after January 1, 2030.

1 “(3) EXCEPTIONS.—The requirements of para-
2 graph (1) shall not apply in any case in which—

3 “(A) no provider of electricity is able to
4 provide the necessary levels of carbon-free or
5 renewable energy;

6 “(B) compliance with such requirements
7 would adversely affect Amtrak’s operations or
8 quality of service to an unreasonable degree; or

9 “(C) compliance with such requirements
10 would cause an increase of at least 50 percent
11 in total cost of electricity, as compared to the
12 total cost of electricity Amtrak would otherwise
13 have acquired.

14 “(4) REPORT.—Not later than 1 year after the
15 date of enactment of the TRAIN Act, Amtrak shall
16 submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the
18 Committee on Commerce, Science, and Transpor-
19 tation of the Senate a report that identifies opportu-
20 nities to further increase Amtrak’s use of carbon-
21 free and renewable energy for train traction power
22 needs and facility power needs.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 243 of title 49, United States Code, is further amend-
25 ed by adding at the end the following:

“24327. Amtrak carbon-free and renewable energy initiatives.”.

1 **TITLE III—INTERCITY**
2 **PASSENGER RAIL POLICY**

3 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

4 Section 24905 of title 49, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

7 (A) in subparagraph (A) by striking
8 “members” and inserting “4 members”;

9 (B) in subparagraph (B) by striking
10 “members” and inserting “5 members”; and

11 (C) in subparagraph (D) by striking “and
12 commuter railroad carriers using the Northeast
13 Corridor selected by the Secretary” and insert-
14 ing “railroad carriers and commuter authorities
15 using the Northeast Corridor, as determined by
16 the Commission”;

17 (2) by striking paragraph (2) of subsection (a)
18 and inserting the following:

19 “(2) At least two of the members described in
20 paragraph (1)(B) shall be career appointees, as such
21 term is defined in section 3132(a) of title 5.”;

22 (3) in subsection (b)(3)(B)—

23 (A) in clause (i) by inserting “, including
24 ridership trends,” before “along the Northeast
25 Corridor”;

1 (B) in clause (ii) by striking “capital in-
2 vestment plan described in section 24904.” and
3 inserting “first year of the capital investment
4 plan described in section 24904; and”; and

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

6 “(iii) progress in assessing and elimi-
7 nating the state-of-good-repair backlog.”;

8 (4) in subsection (c)—

9 (A) by striking “(1) DEVELOPMENT” and
10 all that follows through “standardized policy”
11 and inserting the following:

12 “(1) POLICY.—The Commission shall—

13 “(A) maintain and update, as appropriate,
14 the ‘Northeast Corridor Commuter and Inter-
15 city Rail Cost Allocation Policy’ approved on
16 September 17, 2015,”;

17 (B) in paragraph (1)—

18 (i) in subparagraph (B) by striking “a
19 proposed timetable for implementing” and
20 inserting “timetables for implementing and
21 maintaining”;

22 (ii) in subparagraph (C) by striking
23 “the policy and the timetable” and insert-
24 ing “updates to the policy and the time-
25 tables”; and

1 (iii) by striking subparagraph (D) and
2 inserting the following:

3 “(D) support the efforts of the members of
4 the Commission to implement the policy in ac-
5 cordance with such timetables; and”;

6 (C) in paragraph (2)—

7 (i) by striking the first sentence and
8 inserting “In accordance with the time-
9 table developed in paragraph (1), Amtrak
10 and commuter authorities on the North-
11 east Corridor shall implement the policy
12 developed under paragraph (1) in agree-
13 ments for usage of facilities or services.”;

14 (ii) by striking “fail to implement
15 such new agreements” and inserting “fail
16 to implement the policy”; and

17 (iii) by striking “paragraph (1)(A), as
18 applicable” and inserting “paragraph (1)”;

19 and

20 (D) in paragraph (4) by striking “public
21 authorities providing commuter rail passenger
22 transportation” and inserting “commuter au-
23 thorities”;

24 (5) by striking subsection (d);

1 (6) by redesignating subsection (e) as sub-
2 section (d); and

3 (7) in paragraph (1)(D) of subsection (d) (as
4 redesignated by paragraph (6)) by striking “com-
5 muter rail agencies” and inserting “commuter au-
6 thorities”.

7 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

8 (a) IN GENERAL.—Section 24904 of title 49, United
9 States Code, is amended—

10 (1) by redesignating subsection (e) as sub-
11 section (f);

12 (2) by striking subsection (e);

13 (3) by redesignating subsections (a) and (b) as
14 subsections (b) and (c), respectively;

15 (4) by inserting before subsection (b), as so re-
16 designated, the following:

17 “(a) SERVICE DEVELOPMENT PLAN.—

18 “(1) REQUIREMENT.—Not later than December
19 31, 2021, the Northeast Corridor Commission estab-
20 lished under section 24905 (referred to in this sec-
21 tion as the ‘Commission’) shall submit to Congress
22 a service development plan that identifies key state-
23 of-good-repair, capacity expansion, and capital im-
24 provement projects planned for the Northeast Cor-
25 ridor, to upgrade aging infrastructure and improve

1 the reliability, capacity, connectivity, performance,
2 and resiliency of passenger rail service on the North-
3 east Corridor.

4 “(2) CONTENTS.—The service development plan
5 required under paragraph (1) shall—

6 “(A) provide a coordinated and consensus-
7 based plan covering a period of 15 years;

8 “(B) identify service objectives and capital
9 investments needs;

10 “(C) provide a delivery-constrained strat-
11 egy that identifies capital investment phasing,
12 an evaluation of workforce needs, and strategies
13 for managing resources and mitigating con-
14 struction impacts on operations;

15 “(D) describe the anticipated outcomes of
16 each project or program, including an assess-
17 ment of improved capacity, travel time, and
18 other benefits and costs of proposed invest-
19 ments;

20 “(E) include a financial strategy that in-
21 corporates available funding and identifies
22 funding needs and potential sources of such
23 funding; and

24 “(F) be updated at least every 5 years.”;

1 (5) in subsection (b) (as redesignated by para-
2 graph (3))—

3 (A) by striking “Not later than” and all
4 that follows through “shall” and inserting “Not
5 later than November 1 of each year, the Com-
6 mission shall”;

7 (B) in paragraph (1)—

8 (i) in subparagraph (A) by striking “a
9 capital investment plan” and inserting “an
10 annual capital investment plan”; and

11 (ii) in subparagraph (B) by inserting
12 “for the Northeast Corridor” after “capital
13 investment plan”;

14 (C) in paragraph (2)—

15 (i) in subparagraph (A) by striking
16 “and network optimization”;

17 (ii) in subparagraph (B) by striking
18 “and service”;

19 (iii) in subparagraph (C) by striking
20 “first fiscal year after the date on which”
21 and inserting “fiscal year during which”;

22 (iv) in subparagraph (D)—

23 (I) by striking “identify,
24 prioritize,” and all that follows
25 through “and consider” and inserting

1 “document the projects and programs
2 being undertaken to achieve the serv-
3 ice outcomes identified in the North-
4 east Corridor service development
5 plan, once available, and the asset
6 condition needs identified in the
7 Northeast Corridor asset management
8 system described in subsection (e) and
9 consider”; and

10 (II) in clause (i) by inserting
11 “overall estimated” before “benefits”;
12 (v) in subparagraph (E)(i) by striking
13 “normalized capital replacement and”;
14 (vi) in subparagraph (F) by adding
15 “and” at the end;
16 (vii) by striking subparagraph (G);
17 and
18 (viii) by redesignating subparagraph
19 (H) as subparagraph (G); and
20 (D) in paragraph (3)—
21 (i) by striking “paragraph (2)(H)”
22 and inserting “paragraph (2)(G)”;
23 (ii) in subparagraph (A)—
24 (I) by inserting “anticipated” be-
25 fore “funding sources”; and

1 (II) by inserting “and, in the ab-
2 sence of an authorization or appro-
3 priation of funds for a fiscal year, be
4 based on the amount of funding avail-
5 able in the previous fiscal year, plus
6 inflation” after “methods”;

7 (iii) in subparagraph (B) by striking
8 “expected allocated shares of costs” and
9 inserting “status of cost sharing agree-
10 ments”;

11 (iv) in subparagraph (C) by striking
12 “and” at the end;

13 (v) by redesignating subparagraph
14 (D) as subparagraph (E); and

15 (vi) by inserting after subparagraph
16 (C) the following:

17 “(D) include any funding needs in excess
18 of amounts authorized or otherwise available in
19 a fiscal year; and”;

20 (6) in subsection (c) (as redesignated by para-
21 graph (3)) by striking “may be spent only on” and
22 all that follows through the end and inserting “may
23 be spent only on capital projects and programs con-
24 tained in the Commission’s capital investment plan
25 from the previous year.”; and

1 (7) by striking subsection (d) and inserting the
2 following:

3 “(d) REVIEW AND COORDINATION.—The Commis-
4 sion shall gather information from Amtrak, the States in
5 which the Northeast Corridor is located, and commuter
6 rail authorities to support development of the capital in-
7 vestment plan. The Commission may specify a format and
8 other criteria for the information submitted. Submissions
9 to the plan from Amtrak, States in which the Northeast
10 Corridor are located, and commuter rail authorities shall
11 be provided to the Commission in a manner that allows
12 for a reasonable period of review by, and coordination
13 with, affected agencies.

14 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
15 MENT.—With regard to existing infrastructure, Amtrak
16 and other infrastructure owners that provide or support
17 intercity rail passenger transportation on the Northeast
18 Corridor shall develop an asset management system, and
19 use and update such system as necessary, to develop sub-
20 missions to the Northeast Corridor capital investment
21 plan described in subsection (b). Such system shall—

22 “(1) be timed consistent with the Federal Tran-
23 sit Administration process, as authorized under sec-
24 tion 5326, when implemented; and

25 “(2) include, at a minimum—

1 “(A) an inventory of all capital assets
2 owned by the developer of the plan;

3 “(B) an assessment of asset condition;

4 “(C) a description of the resources and
5 processes necessary to bring or maintain those
6 assets in a state of good repair; and

7 “(D) a description of changes in asset con-
8 dition since the previous version of the plan.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) ACCOUNTS.—Section 24317(d)(1) of title
11 49, United States Code, is amended—

12 (A) in subparagraph (B) by striking
13 “24904(a)(2)(E)” and inserting
14 “24904(b)(2)(E)”; and

15 (B) in subparagraph (F) by striking
16 “24904(b)” and inserting “24904(c)”.

17 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
18 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,
19 United States Code, is amended by striking
20 “24904(a)” and inserting “24904(b)”.

21 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

22 Section 22905 of title 49, United States Code, is
23 amended—

24 (1) in subsection (c)(2)(B) by striking “that are
25 equivalent to the protective arrangements established

1 under section 504 of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
3 and inserting “established by the Secretary under
4 subsection (e)(1)”;

5 (2) by redesignating subsections (e) and (f) as
6 subsections (f) and (g), respectively; and

7 (3) by inserting after subsection (d) the fol-
8 lowing:

9 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

10 “(1) ESTABLISHMENT.—Not later than 90 days
11 after the date of enactment of this subsection, the
12 Administrator of the Federal Railroad Administra-
13 tion shall establish protective arrangements equiva-
14 lent to those established under section 504 of the
15 Railroad Revitalization and Regulatory Reform Act
16 of 1976 (45 U.S.C. 836), and require such protec-
17 tive arrangements to apply to employees described
18 under subsection (c)(2)(B) and as required under
19 subsection (j) of section 22907.

20 “(2) PUBLICATION.—The Administrator shall
21 make available on a publicly available website the
22 protective arrangements established under para-
23 graph (1).”.

1 **SEC. 9304. INTERSTATE RAIL COMPACTS.**

2 (a) IDENTIFICATION.—Section 410 of the Amtrak
3 Reform and Accountability Act of 1997 (Public Law 105–
4 134; 49 U.S.C. 24101 note) is amended—

5 (1) in subsection (b)(2) by striking “(except
6 funds made available for Amtrak)”; and

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

8 “(c) INTERSTATE RAIL COMPACTS PROGRAM.—The
9 Secretary of Transportation shall—

10 “(1) make available on a publicly accessible
11 website a list of interstate rail compacts established
12 in accordance with subsection (a);

13 “(2) provide information to the public regarding
14 interstate rail compacts, including how States may
15 establish interstate rail compacts under subsection
16 (a); and

17 “(3) annually update the information provided
18 under paragraph (2).”.

19 (b) GRANTS AUTHORIZED.—Chapter 229 of title 49,
20 United States Code, is further amended by adding at the
21 end the following:

22 **“§ 22910. Interstate rail compacts support program**

23 “(a) IN GENERAL.—The Secretary shall develop and
24 implement a program for providing administrative assist-
25 ance grants to an applicant, on a competitive basis, to sup-
26 port interstate and regional efforts—

1 “(1) to improve the safety, efficiency, or reli-
2 ability of intercity passenger rail; and

3 “(2) to promote and develop intercity passenger
4 rail service, including through initiating, restoring,
5 or enhancing intercity passenger rail service.

6 “(b) APPLICANT SELECTION CRITERIA.—

7 “(1) IN GENERAL.—In awarding grants under
8 this section, the Secretary shall consider—

9 “(A) the amount of funding received (in-
10 cluding funding from railroads) or other signifi-
11 cant participation by State, local, and regional
12 governmental and private entities;

13 “(B) the applicant’s work to facilitate and
14 encourage regional planning for passenger rail
15 improvement, enhancement, and development;

16 “(C) the applicant’s work to foster,
17 through rail transportation systems, economic
18 development, particularly in rural communities,
19 for socially disadvantaged individuals, and for
20 disadvantaged populations;

21 “(D) the applicant’s efforts to provide
22 guidance to local communities on public and
23 private resources relate to community concerns,
24 such as congestion, rail and grade crossing

1 safety, trespasser prevention, quiet zones,
2 idling, and rail line relocations;

3 “(E) whether the applicant seeks to restore
4 service over routes formerly operated by Am-
5 trak, including routes described in section
6 11304(a) of the Passenger Rail Reform and In-
7 vestment Act of 2015 (title XI of division A of
8 Public Law 114–94);

9 “(F) the applicant’s dedication to pro-
10 viding intercity passenger rail service to regions
11 and communities that are underserved or not
12 served by other intercity public transportation;

13 “(G) whether the applicant is enhancing
14 connectivity and geographic coverage of the ex-
15 isting national network of intercity rail pas-
16 senger service;

17 “(H) the applicant’s efforts to engage with
18 entities to deploy railroad safety technology or
19 programs, including trespassing prevention, rail
20 integrity inspection systems, or grade crossing
21 safety;

22 “(I) whether the applicant prepares re-
23 gional rail and corridor service development
24 plans and corresponding environmental anal-
25 ysis; and

1 “(J) whether the applicant has engaged
2 with the Federal, local, or State government
3 and transportation planning agencies to identify
4 projects necessary to enhance multimodal con-
5 nections or facilitate service integration between
6 rail service and other modes, including between
7 intercity rail passenger transportation and
8 intercity bus service, commercial air service, or
9 commuter rail service.

10 “(2) PREFERENCE.—In selecting grant recipi-
11 ents, the Secretary shall give preference to appli-
12 cants that are initiating, restoring, or enhancing
13 intercity rail passenger transportation.

14 “(c) APPLICATION PROCESS.—The Secretary shall
15 prescribe the form and manner of filing applications under
16 this section.

17 “(d) PERFORMANCE MEASURES.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish performance measures for each grant recipient
20 to assess progress in achieving strategic goals and
21 objectives.

22 “(2) ANNUAL REPORT.— The Secretary shall
23 require grant recipients to submit an annual report
24 of the activities of such recipient and information re-

1 lated to applicable performance measures, which
2 may include—

3 “(A) a demonstration of progress to
4 achieve or advance the relevant criteria de-
5 scribed in subsection (c); and

6 “(B) receipt of non-Federal matching
7 funds from each member State at least once
8 during each fiscal year.

9 “(e) FEDERAL SHARE OF TOTAL PROJECT COST.—
10 The Secretary shall require each recipient of a grant under
11 this subsection to provide a non-Federal match of not less
12 than 50 percent of the administrative costs of the inter-
13 state rail compact.

14 “(f) APPLICABLE REQUIREMENTS.—The use of any
15 amounts appropriated for grants under this section shall
16 be subject to the applicable requirements under this chap-
17 ter.

18 “(g) APPLICABILITY.—Amounts appropriated to
19 carry out this section shall remain available until ex-
20 pended.

21 “(h) LIMITATIONS.—

22 “(1) MAXIMUM FUNDING PER APPLICANT.—
23 The Secretary may not award a grant under this
24 section in an amount exceeding \$500,000 for each
25 applicant in any fiscal year.

1 “(2) NUMERIC LIMITATION.—The Secretary
2 may not provide grants under this section to more
3 than 10 interstate rail compacts in any fiscal year.

4 “(i) USE OF INTERSTATE RAIL COMPACT GRANTS
5 AND OTHER FEDERAL FUNDING.—A recipient of an
6 interstate rail compact grant under this section may use
7 such grant in combination with other Federal grants
8 awarded that would benefit the applicable use.

9 “(j) DEFINITIONS.—In this section:

10 “(1) APPLICANT.—The term ‘applicant’ means
11 an interstate rail compact or an interstate commis-
12 sion composed of 2 or more States that has been es-
13 tablished to promote, develop, or operate intercity
14 passenger rail transportation systems.

15 “(2) INTERCITY PASSENGER RAIL SERVICE.—
16 The term ‘intercity passenger rail service’ has the
17 meaning given the term ‘intercity rail passenger
18 transportation’ in section 24102.”.

19 “(c) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 229 of title 49, United States Code, is further amend-
21 ed by adding at the end the following:

 “22910. Interstate rail compacts support program.”.

22 **SEC. 9305. HIGH-SPEED RAIL UPDATES.**

23 “(a) HIGH-SPEED RAIL CORRIDOR PLANNING.—Sec-
24 tion 26101 of title 49, United States Code, is amended—

25 (1) in subsection (b)(1)—

1 (A) in the matter preceding subparagraph
2 (A) by striking “, or if it is an activity de-
3 scribed in subparagraph (M)”;

4 (B) in subparagraph (J) by striking
5 “right-of-way improvements” and inserting
6 “right-of-way acquisition or improvement
7 needs”;

8 (C) in subparagraph (K) by inserting
9 “and” at the end; and

10 (D) by striking subparagraphs (L) and
11 (M) and inserting the following:

12 “(L) public costs in the creation of public pri-
13 vate partnerships.”; and

14 (2) in subsection (c)—

15 (A) by striking paragraphs (1) through (3)
16 and inserting the following:

17 “(1) the extent to which the proposed planning
18 focuses on systems which will provide for high-speed
19 rail;

20 “(2) the integration of the corridor into metro-
21 politan area and statewide transportation planning,
22 including State rail plans;

23 “(3) the use of rail stations within urbanized
24 areas that are located in a geographic area with a

1 greater density population than the urbanized area
2 as a whole;”;

3 (B) in paragraph (4) by inserting before
4 the semicolon “, passenger rail, transit, and
5 other multimodal options”;

6 (C) in paragraph (6) by inserting “and re-
7 duce greenhouse gas emissions” before the
8 semicolon; and

9 (D) in paragraph (11) by inserting “, in-
10 cluding access to affordable housing” before the
11 semicolon.

12 (b) DEFINITIONS.—Section 26105(2) of title 49,
13 United States Code, is amended—

14 (1) by inserting “made available to members of
15 the general public as passengers and reasonably ex-
16 pected to reach speeds of” after “service which is”;

17 (2) in subparagraph (A) by striking “reason-
18 ably expected to reach sustained speeds of more
19 than 125 miles per hour; and” and inserting “160
20 miles per hour or more on shared-use right-of-way;
21 or”; and

22 (3) in subparagraph (B) by striking “made
23 available to members of the general public as pas-
24 sengers” and inserting “186 miles per hour or more
25 on dedicated right-of-way”.

1 (c) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—
2 Section 26106(e)(2) of title 49, United States Code, is
3 amended—

4 (1) in subparagraph (A)(i) by striking “section
5 211 of the Passenger Rail Investment and Improve-
6 ment Act of 2008” and inserting “section
7 24904(a)”; and

8 (2) in subparagraph (C)(i)—

9 (A) by striking subclause (III);

10 (B) by redesignating subclause (II) as sub-
11 clause (III);

12 (C) by inserting after subclause (I) the fol-
13 lowing:

14 “(II) connectivity to rail stations
15 within urbanized areas that are lo-
16 cated in an geographic area with a
17 greater density population than the
18 urbanized area as a whole;” and

19 (D) by striking subclause (IV) and insert-
20 ing the following:

21 “(IV) environmental benefits, in-
22 cluding projects that—

23 “(aa) reduce greenhouse gas
24 emissions; and

1 “(bb) involve electrification
2 or the purchase of environ-
3 mentally sensitive, fuel-efficient,
4 and cost-effective passenger rail
5 equipment;”.

6 **SEC. 9306. STATE RAIL PLANNING FORMULA FUNDS.**

7 (a) IN GENERAL.—Chapter 229 of title 49, United
8 States Code, is further amended by adding at the end the
9 following:

10 **“§ 22911. State rail planning formula funds**

11 “(a) IN GENERAL.—In carrying out this chapter, the
12 Secretary shall allocate an appropriate portion of 1.5 per-
13 cent of the amounts made available for programs under
14 this chapter to provide grants to States—

15 “(1) for State or multi-State regional intercity
16 passenger rail corridor planning or project-specific,
17 intercity passenger rail planning purposes; or

18 “(2) for funding rail projects otherwise eligible
19 under section 22907 if no intercity passenger rail
20 planning is feasible.

21 “(b) LIMITATION OF FUNDS.—Any unobligated bal-
22 ances of a grant under this section remaining after 3 years
23 from the fiscal year in which the grant was made shall
24 be redistributed in an appropriate portion.

25 “(c) DEFINITIONS.—In this section:

1 “(1) APPROPRIATE PORTION.—The term ‘ap-
2 propriate portion’ means a share, for each State—

3 “(A) one quarter of which is comprised of
4 the ratio that the total railroad route miles in
5 such State bears to the total railroad route
6 miles in the United States, excluding from each
7 such total the route miles used exclusively for
8 tourist excursions;

9 “(B) one quarter of which is comprised of
10 the ratio that the population in such State
11 bears to the total population of the United
12 States, as determined by the Bureau of the
13 Census; and

14 “(C) half of which is comprised of the ratio
15 that the Amtrak ridership for fiscal year 2019
16 in each State bears to the total Amtrak rider-
17 ship for fiscal year 2019.

18 “(2) STATE.—The term ‘State’ means each of
19 the 50 States and the District of Columbia.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 229 of title 49, United States Code, is further amend-
22 ed by adding at the end the end the following:

“22911. State rail planning formula funds.”.

1 **TITLE IV—COMMUTER RAIL**
2 **POLICY**

3 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION**
4 **OF TRACKAGE USE REQUESTS.**

5 Section 28502 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 28502. Surface Transportation Board mediation of**
8 **trackage use requests**

9 “A rail carrier shall provide good faith consideration
10 to a reasonable request from a provider of commuter rail
11 passenger transportation for access to trackage and provi-
12 sion of related services. If, after a reasonable period of
13 negotiation, a public transportation authority cannot
14 reach agreement with a rail carrier to use trackage of, and
15 have related services provided by, the rail carrier for pur-
16 poses of commuter rail passenger transportation, the pub-
17 lic transportation authority or the rail carrier may apply
18 to the Board for nonbinding mediation. In any case in
19 which dispatching for the relevant trackage is controlled
20 by a rail carrier other than the trackage owner, both shall
21 be subject to the requirements of this section and included
22 in the Board’s mediation process. The Board shall conduct
23 the nonbinding mediation in accordance with the medi-
24 ation process of section 1109.4 of title 49, Code of Federal
25 Regulations, as in effect on the date of enactment of the

1 TRAIN Act. During such mediation process, the Board
2 shall determine whether the consideration a rail carrier
3 provided to a request was in good faith and whether the
4 request from a provider of commuter rail passenger trans-
5 portation was reasonable. The determinations made in the
6 preceding sentence shall have no effect on the nonbinding
7 nature of the mediation.”.

8 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
9 **OF RIGHTS-OF-WAY USE REQUESTS.**

10 Section 28503 of title 49, United States Code, is
11 amended to read as follows:

12 **“§ 28503. Surface Transportation Board mediation of**
13 **rights-of-way use requests**

14 “A rail carrier shall provide good faith consideration
15 to a reasonable request from a provider of commuter rail
16 passenger transportation for access to rail right-of-way for
17 the construction and operation of a segregated fixed guide-
18 way facility. If, after a reasonable period of negotiation,
19 a public transportation authority cannot reach agreement
20 with a rail carrier to acquire an interest in a railroad
21 right-of-way for the construction and operation of a seg-
22 regated fixed guideway facility to provide commuter rail
23 passenger transportation, the public transportation au-
24 thority or the rail carrier may apply to the Board for non-
25 binding mediation. In any case in which dispatching for

1 the relevant trackage is controlled by a rail carrier other
2 than the right-of-way owner, both shall be subject to the
3 requirements of this section and included in the Board's
4 mediation process. The Board shall conduct the non-
5 binding mediation in accordance with the mediation pro-
6 cess of section 1109.4 of title 49, Code of Federal Regula-
7 tions, as in effect on the date of enactment of the TRAIN
8 Act. During such mediation process, the Board shall de-
9 termine whether the consideration a rail carrier provided
10 to a request was in good faith and whether the request
11 from a provider of commuter rail passenger transportation
12 was reasonable. The determinations made in the preceding
13 sentence shall have no effect on the nonbinding nature of
14 the mediation.”.

15 **TITLE V—RAIL SAFETY**

16 **Subtitle A—Passenger and Freight** 17 **Safety**

18 **SEC. 9501. STUDY ON SAFETY IMPACT OF LONG TRAINS.**

19 (a) STUDY.—The Secretary of Transportation shall
20 conduct a study on the safety impacts of the operation
21 of long trains.

22 (b) CONTENTS.—The study conducted under sub-
23 section (a) shall include—

1 (1) an examination of any potential risks of the
2 operation of long trains and recommendations on
3 mitigation of any such risks;

4 (2) among other safety factors with respect to
5 the operation of such trains, an evaluation of any—

6 (A) potential risk of loss of communica-
7 tions between an end-of-train device, or a dis-
8 tributed power unit, and the locomotive cab, in-
9 cluding communications over differing terrains
10 and conditions;

11 (B) potential risk of loss of radio commu-
12 nications between crewmembers after a crew-
13 member alights from a train, including commu-
14 nications over differing terrains and conditions;

15 (C) potential risk of derailments, including
16 any risks associated with in-train compressive
17 forces and slack action, or other safety risks in
18 differing terrains and conditions;

19 (D) changes in risks or benefits to safety
20 associated with the deployment of multiple dis-
21 tributed power units in the consists of such
22 trains; and

23 (E) impacts of the length of trains on
24 braking and locomotive performance and track
25 wear and tear; and

1 (3) an evaluation of whether additional engineer
2 and conductor training is required for safely oper-
3 ating such trains.

4 (c) COLLABORATION.—In conducting the study re-
5 quired under subsection (a), the Secretary shall collabo-
6 rate with railroad carriers, labor organizations rep-
7 resenting railroad employees, and railroad safety tech-
8 nology manufacturers.

9 (d) RESULTS OF STUDY.—

10 (1) REPORT.—Not later than 24 months after
11 the date of enactment of this Act, the Secretary
12 shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate a report that con-
16 tains—

17 (A) the results of the study required by
18 subsection (a);

19 (B) any recommendations for mitigating
20 safety risks caused by long trains; and

21 (C) a description of any action the Sec-
22 retary intends to take to address any safety risk
23 identified in the study.

24 (2) SHARING STUDY RESULTS.—After submit-
25 ting the report required by paragraph (1), the Sec-

1 retary shall share the results of the study with rail-
2 road carriers, labor organizations representing rail-
3 road employees, and safety technology organizations.

4 (e) SECRETARY ACTION.—Not later than 180 days
5 after the date on which the report required by subsection
6 (d)(1) is submitted, the Secretary shall implement any
7 proposed actions described in such report.

8 (f) DEFINITION.—In this section, the term “long
9 train” means a freight train composed of more than 150
10 rail cars.

11 (g) FUNDING.—From the amounts made available
12 for fiscal year 2021 to carry out section 20117(a) of title
13 49, United States Code, the Secretary shall expend not
14 less than \$1,000,000 and not more than \$2,000,000 to
15 carry out this section.

16 **SEC. 9502. FRA SAFETY REPORTING.**

17 (a) IN GENERAL.—Section 20901 of title 49, United
18 States Code, is amended by inserting “(including the train
19 length, the number of crew members in the controlling lo-
20 comotive cab, and the duties of such crew members)” after
21 “reported accident or incident”.

22 (b) REGULATIONS.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall issue such regulations as are necessary to
25 carry out the amendment made by subsection (a).

1 (c) TREND ANALYSIS.—

2 (1) IN GENERAL.—Chapter 209 of title 49,
3 United States Code, is amended by adding at the
4 end the following:

5 **“§ 20904. Trend analysis**

6 “(a) ANNUAL REVIEW AND ANALYSIS.—Not later
7 than 1 year after the date of enactment of the TRAIN
8 Act, and not less frequently than annually thereafter, the
9 Secretary shall review the reports filed by a railroad car-
10 rier subject to section 20901(a) and analyze the data con-
11 tained in such reports for trends or patterns of potential
12 safety risks.

13 “(b) SECRETARY ACTION.—If the Secretary identi-
14 fies any such trends or patterns, the Secretary shall—

15 “(1) take such actions as are necessary to ad-
16 dress the potential safety risk; and

17 “(2) if appropriate, communicate any such
18 trends or patterns to a representative of any rel-
19 evant railroad carrier and a representative of the
20 employees of such railroad carrier, including any
21 nonprofit employee labor organization representing a
22 craft or class of employees subject to the potential
23 safety risk.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 209 of title 49, United States Code, is
3 amended by adding at the end the following:

“20904. Trend analysis.”.

4 (d) ACCIDENT AND INCIDENT REPORTING.—Section
5 209 of the Rail Safety Improvement Act of 2008 (49
6 U.S.C. 20901 note) is amended by inserting “, and other
7 events required to be reported under part 225 of title 49,
8 Code of Federal Regulations,” after “collisions and fatali-
9 ties”.

10 **SEC. 9503. WAIVER NOTICE REQUIREMENTS.**

11 Section 20103(d) of title 49, United States Code, is
12 amended to read as follows:

13 “(d) NONEMERGENCY WAIVERS.—

14 “(1) IN GENERAL.—The Secretary may waive
15 or suspend compliance with any part of a regulation
16 prescribed or order issued under this chapter if the
17 waiver or suspension is in the public interest and
18 consistent with railroad safety.

19 “(2) NOTICE REQUIRED.—The Secretary
20 shall—

21 “(A) provide timely public notice of any re-
22 quest for a waiver or suspension under this sub-
23 section;

1 “(B) make the application for such waiver
2 or suspension and any related underlying data
3 available to interested parties;

4 “(C) provide the public with notice and a
5 reasonable opportunity to comment on a pro-
6 posed waiver or suspension under this sub-
7 section before making a final decision; and

8 “(D) make public the reasons for granting
9 a waiver or suspension under this subsection.

10 “(3) INFORMATION PROTECTION.—Nothing in
11 this subsection shall be construed to require the re-
12 lease of information protected by law from public
13 disclosure.”.

14 **SEC. 9504. NOTICE OF FRA COMPREHENSIVE SAFETY CUL-**
15 **TURE ASSESSMENTS.**

16 (a) INITIAL NOTICE.—If the Federal Railroad Ad-
17 ministration initiates a comprehensive safety culture as-
18 sessment of an entity providing regularly scheduled inter-
19 city or commuter rail passenger transportation, the Ad-
20 ministration shall notify in electronic format the Com-
21 mittee on Transportation and Infrastructure of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate of such com-
24 prehensive safety culture assessment not later than 10
25 business days after the date on which commencement of

1 any field investigation activity that is part of such assess-
2 ment occurs.

3 (b) FINDINGS.—Not later than 180 days after com-
4 pletion of a comprehensive safety culture assessment de-
5 scribed in subsection (a), the Federal Railroad Adminis-
6 tration shall transmit in electronic format to the Com-
7 mittee on Transportation and Infrastructure of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a summary re-
10 port of the findings of such assessment.

11 (c) DEFINITION OF COMPREHENSIVE SAFETY CUL-
12 TURE ASSESSMENT.—In this section, the term “com-
13 prehensive safety culture assessment” means a focused re-
14 view initiated and managed by the Federal Railroad Ad-
15 ministration based on findings from an accident investiga-
16 tion and involving at least 2 technical disciplines, with the
17 purpose of examining the safety culture of an entity pro-
18 viding regularly scheduled intercity or commuter rail pas-
19 senger transportation.

20 **SEC. 9505. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

21 Section 20902 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b) by striking “subpena” and
24 inserting “subpoena”;

1 (2) in subsection (c) by inserting “The Sec-
2 retary shall develop a process to make available to
3 a representative of the railroad carrier that is the
4 subject of an accident or incident investigation, and
5 to a representative of the employees of such railroad
6 carrier, including a nonprofit employee labor organi-
7 zation representing railroad workers, a draft inves-
8 tigation report for timely review and comment.”
9 after the period at the end; and

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

11 “(d) GATHERING INFORMATION AND TECHNICAL
12 EXPERTISE.—

13 “(1) IN GENERAL.—The Secretary shall create
14 a standard process for investigators to use during
15 accident and incident investigations conducted under
16 this section to—

17 “(A) gather information about an accident
18 or incident under investigation from railroad
19 carriers, contractors or employees of railroad
20 carriers or representatives of employees of rail-
21 road carriers, and others determined relevant
22 by the Secretary; and

23 “(B) consult with railroad carriers, con-
24 tractors or employees of railroad carriers or
25 representatives of employees of railroad car-

1 riers, and others determined relevant by the
2 Secretary, for technical expertise on the facts of
3 the accident or incident under investigation.

4 “(2) CONFIDENTIALITY.—In developing the
5 process under paragraph (1), the Secretary shall fac-
6 tor in ways to maintain the confidentiality of any en-
7 tity identified under paragraph (1) if—

8 “(A) such entity requests confidentiality;

9 “(B) such entity was not involved in the
10 accident or incident; and

11 “(C) maintaining such entity’s confiden-
12 tiality does not adversely affect an investigation
13 of the Federal Railroad Administration.

14 “(3) APPLICATION OF LAW.—This subsection
15 shall not apply to any investigation carried out by
16 the National Transportation Safety Board.”.

17 **SEC. 9506. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

18 (a) IN GENERAL.—Subchapter II of chapter 201 of
19 title 49, United States Code, is amended by adding at the
20 end the following:

21 **“§ 20169. Freight train crew size safety standards**

22 “(a) MINIMUM CREW SIZE.—No freight train may be
23 operated unless such train has a 2-person crew of at least
24 1 appropriately qualified and certified conductor and one
25 appropriately qualified and certified locomotive engineer.

1 “(b) EXCEPTIONS.—Except as provided in subsection
2 (d), the prohibition in subsection (a) shall not apply in
3 any of the following circumstances:

4 “(1) Train operations on track that is not a
5 main line track.

6 “(2) A train operated—

7 “(A) by a railroad carrier that has fewer
8 than 400,000 total employee work hours annu-
9 ally and less than \$40,000,000 annual revenue
10 (adjusted for inflation as measured by the Sur-
11 face Transportation Board Railroad Inflation-
12 Adjusted Index);

13 “(B) at a speed of not more than 25 miles
14 per hour; and

15 “(C) on a track with an average track
16 grade of less than 2 percent for any segment of
17 track that is at least 2 continuous miles.

18 “(3) Locomotives performing assistance to a
19 train that has incurred mechanical failure or lacks
20 the power to traverse difficult terrain, including
21 traveling to or from the location where assistance is
22 provided.

23 “(4) Locomotives that—

24 “(A) are not attached to any equipment or
25 attached only to a caboose; and

1 “(B) do not travel farther than 30 miles
2 from the point of origin of such locomotive.

3 “(5) Train operations staffed with fewer than a
4 two-person crew at least 1 year prior to the date of
5 enactment of this section, if the Secretary deter-
6 mines that the operation achieves an equivalent level
7 of safety.

8 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
9 ceptions under subsection (b) may not be applied to—

10 “(1) a train transporting 1 or more loaded cars
11 carrying material toxic by inhalation, as defined in
12 section 171.8 of title 49, Code of Federal Regula-
13 tions;

14 “(2) a train carrying 20 or more loaded tank
15 cars of a Class 2 material or a Class 3 flammable
16 liquid in a continuous block or a single train car-
17 rying 35 or more loaded tank cars of a Class 2 ma-
18 terial or a Class 3 flammable liquid throughout the
19 train consist; or

20 “(3) a train with a total length of 7,500 feet or
21 greater.

22 “(d) WAIVER.—A railroad carrier may seek a waiver
23 of the requirements of this section pursuant to section
24 20103(d).”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 chapter II of chapter 201 of title 49, United States Code,
3 is amended by adding at the end the following:

“20169. Freight train crew size safety standards.”.

4 **SEC. 9507. BORDER CROSSINGS.**

5 (a) BORDER CROSSINGS.—The Secretary of Trans-
6 portation shall require that—

7 (1) any railroad carrier that is operating a
8 freight train across the southern border into the
9 United States operates the train continually until
10 the last car of the train passes through the scanning
11 facility used for nonintrusive inspection by U.S. Cus-
12 toms and Border Protection located at such border;

13 (2) when the last car of such train passes
14 through such facility, the railroad carrier shall stop
15 such train to conduct a crew interchange and any
16 federally-mandated safety testing; and

17 (3) the railroad carrier ensures that the only in-
18 dividuals that operate such trains after carrying out
19 the activities described in paragraph (2) are individ-
20 uals—

21 (A) who are United States nationals or
22 aliens lawfully admitted for permanent resi-
23 dence in the United States; and

24 (B) whose primary reporting point is in
25 the United States.

1 (b) FUNDING.—

2 (1) SET-ASIDE.—From the amounts made
3 available to carry out section 22907 of title 49,
4 United States Code, the Secretary shall set aside,
5 for each of fiscal years 2022 through 2026,
6 \$60,000,000 for projects to prevent blocked crossing
7 incidents as a result of operations made necessary
8 by subsection (a). Projects eligible for funding under
9 this paragraph are—

10 (A) highway-rail grade crossing separation
11 projects eligible under such section that are lo-
12 cated not further than 1.5 miles from a scan-
13 ning facility described in subsection (a)(1); and

14 (B) projects eligible under such section to
15 relocate a rail line to prevent blocked crossing
16 incidents resulting from trains crossing the
17 southern border.

18 (2) UNOBLIGATED FUNDS.—Any funds pro-
19 vided under paragraph (1) that are unobligated at
20 the end of the second fiscal year following the fiscal
21 year in which such funds are set aside may be used
22 for any eligible project under section 22907.

23 (c) AGREEMENT.—The Secretary shall ensure that a
24 recipient of funds made available under subsection
25 (b)(1)(A) has a written agreement with any railroad car-

1 rier operating over the infrastructure constructed or im-
2 proved with such funds that includes a requirement that
3 any such railroad carrier may not operate trains over such
4 infrastructure that, due to the length of the train, are like-
5 ly to cause blocked crossing incidents.

6 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed as amending any safety regulation
8 of the Federal Railroad Administration or amending or
9 revoking any waivers such Administration has granted
10 under section 20103 of title 49, United States Code.

11 (e) **DEFINITIONS.**—In this section:

12 (1) **RAILROAD CARRIER.**—The term “railroad
13 carrier” has the meaning given such term in section
14 20102 of title 49, United States Code.

15 (2) **SOUTHERN BORDER.**—The term “southern
16 border” means the international border between the
17 United States and Mexico.

18 (3) **BLOCKED CROSSING INCIDENT.**—The term
19 “blocked crossing incident” has the meaning given
20 such term in section 20174(f) of title 49, United
21 States Code.

22 **SEC. 9508. YARDMASTERS HOURS OF SERVICE.**

23 (a) **LIMITATIONS ON DUTY HOURS OF YARDMASTER**
24 **EMPLOYEES.**—Section 21103 of title 49, United States
25 Code, is amended—

1 (1) in the section heading by inserting “**AND**
2 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
3 **PLOYEES**”;

4 (2) by inserting “or yardmaster employee” after
5 “train employee” each place it appears; and

6 (3) in subsection (e) by inserting “or
7 yardmaster employee’s” after “During a train em-
8 ployee’s”.

9 (b) **DEFINITIONS.**—Section 21101 of title 49, United
10 States Code, is amended—

11 (1) in paragraph (3) by inserting “a yardmaster
12 employee,” after “dispatching service employee,”;
13 and

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

15 “(6) ‘yardmaster employee’ means an indi-
16 vidual responsible for supervising and coordi-
17 nating the control of trains and engines oper-
18 ating within a rail yard.”.

19 (c) **CONFORMING AMENDMENT.**—The analysis for
20 chapter 211 of title 49, United States Code, is amended
21 by striking the item relating to section 21103 and insert-
22 ing the following:

“21103. Limitations on duty hours of train employees and yardmaster employ-
ees.”.

1 **SEC. 9509. LEAKING BRAKES.**

2 (a) IN GENERAL.—The Administrator of the Federal
3 Railroad Administration shall take such actions as are
4 necessary to prohibit the use of any service air brake con-
5 trol valve or emergency air brake control valve in any loca-
6 tion north of the 37th parallel during the period beginning
7 on November 1 and ending on March 31 of any year if—

8 (1) the period between the date on which the
9 air brake control valve is in use and the date of the
10 manufacture or recondition of such valve exceeds 15
11 years; and

12 (2) the air brake control valve is operated in—

13 (A) a unit train on or after August 1,
14 2023;

15 (B) a train transporting 1 or more mate-
16 rials poisonous by inhalation, as such term is
17 defined in section 171.8 of title 49, Code of
18 Federal Regulations, on or after August 1,
19 2023; or

20 (C) a non-unit train on or after August 1,
21 2025.

22 (b) REPORTS.—Not later than 1 year after the date
23 of enactment of this Act, and every year thereafter until
24 air brake control valves described in subsection (a) are no
25 longer operating in trains as required under subpara-
26 graphs (A) and (B) of subsection (a)(1), the Adminis-

1 trator shall transmit to the Committee on Transportation
2 and Infrastructure of the House of Representatives and
3 the Committee on Commerce, Science, and Transportation
4 of the Senate a report that identifies—

5 (1) the estimated number of such air brake con-
6 trol valves in use on—

7 (A) unit trains operating north of the 37th
8 parallel between November 1 and April 1; and

9 (B) trains transporting 1 or more material
10 poisonous-by-inhalation operating north of the
11 37th parallel during the period beginning on
12 November 1 and ending on March 31;

13 (2) any issues affecting the industry’s progress
14 toward ensuring that such air brake control valves
15 are phased out in accordance with the requirements
16 of subsection (a); and

17 (3) efforts the Administrator has taken since
18 the previous report to ensure such air brake control
19 valves are phased out in accordance with the re-
20 quirements of subsection (a).

21 **SEC. 9510. REPORT ON PTC SYSTEM FAILURES.**

22 Section 20157 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(m) REPORT OF SYSTEM FAILURES.—The Sec-
25 retary shall require railroad carriers and other entities

1 subject to subsection (a) to regularly report to the Sec-
2 retary failures of positive train control systems. The Sec-
3 retary shall prescribe the type of failure, format, interval,
4 and detail required for reports submitted under this sub-
5 section.”.

6 **SEC. 9511. FATIGUE REDUCTION MANAGEMENT PLANS.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall issue final regulations on fatigue management
10 plans based on the notice of proposed rulemaking pub-
11 lished on December 22, 2020, titled “Fatigue Risk Man-
12 agement Programs for Certain Passenger and Freight
13 Railroads” (85 Fed. Reg. 83484; Docket No. FRA–2015–
14 0122).

15 (b) MONITORING.—

16 (1) FATIGUE AS CAUSE OR CONTRIBUTING FAC-
17 TOR.—If a Federal Railroad Administration railroad
18 accident or incident investigation conducted under
19 section 20902 of title 49, United States Code, iden-
20 tifies that fatigue was a casual or contributing factor
21 to an accident or incident, the Secretary may reopen
22 a fatigue management plan of a passenger railroad
23 operation or a railroad subject to part 270 or part
24 271, respectively, of title 49, Code of Federal Regu-
25 lations.

1 (2) **FATIGUE AS SYSTEMIC ISSUE.**—If the Sec-
2 retary determines that fatigue is a systemic issue for
3 a passenger railroad operation or railroad, the Sec-
4 retary shall reopen a fatigue management plan of
5 such passenger railroad operation or a railroad sub-
6 ject to part 270 or part 271, respectively, of title 49,
7 Code of Federal Regulations.

8 (3) **REOPENING OF FATIGUE MANAGEMENT**
9 **PLAN.**—If the Secretary reopens a fatigue manage-
10 ment plan under paragraph (1) or (2), the Secretary
11 shall—

12 (A) consider whether any statement filed
13 under sections 270.208(e) and 271.207(e) of
14 title 49, Code of Federal Regulations, addressed
15 such plan; and

16 (B) consult with employees, including labor
17 organizations representing railroad employees,
18 of the passenger railroad operation or railroad
19 that has a reopened fatigue management plan.

20 **SEC. 9512. ASSAULT PREVENTION AND RESPONSE PLANS.**

21 (a) **IN GENERAL.**—Subchapter II of chapter 201 of
22 title 49, United States Code, as amended by this division,
23 is further amended by adding at the end the following:

1 **“§ 20170. Assault prevention and response plans**

2 “(a) IN GENERAL.—Not later than 180 days after
3 the date of enactment of the TRAIN Act, any entity that
4 provides regularly scheduled intercity or commuter rail
5 passenger transportation shall submit to the Secretary of
6 Transportation for review and approval an assault preven-
7 tion and response plan (in this section referred to as the
8 ‘Plan’) to address transportation assaults.

9 “(b) CONTENTS OF PLAN.—The Plan required under
10 subsection (a) shall include—

11 “(1) procedures that—

12 “(A) facilitate the reporting of a transpor-
13 tation assault, including the notification of on-
14 site personnel, rail law enforcement, and local
15 law enforcement;

16 “(B) personnel should follow up on the re-
17 porting of a transportation assault, including
18 actions to protect affected individuals from con-
19 tinued assault;

20 “(C) may be taken to remove the pas-
21 senger or personnel who has committed a trans-
22 portation assault from the train or related area
23 or facility as soon as practicable when appro-
24 priate;

1 “(D) include protections and safe reporting
2 practices for passengers who may have been as-
3 saulted by personnel; and

4 “(E) may limit or prohibit, to the extent
5 practicable, future travel with the entity de-
6 scribed in subsection (a) by any passenger or
7 personnel who commits a transportation assault
8 against personnel or passengers;

9 “(2) a policy that ensures an employee who is
10 a victim or witness of a transportation assault may
11 participate in the prosecution of a criminal offense
12 of such assault without any adverse effect on the vic-
13 tim’s or witnesses’ employment status; and

14 “(3) a process and timeline for conducting an
15 annual review and update of the Plan.

16 “(c) NOTICE TO PASSENGERS.—An entity described
17 under subsection (a) shall display onboard trains and in
18 boarding areas, as appropriate, a notice stating the enti-
19 ty’s abilities to restrict future travel under subsection
20 (b)(1)(E).

21 “(d) PERSONNEL TRAINING.—An entity described
22 under subsection (a) shall provide initial and annual train-
23 ing for all personnel on the contents of the Plan, including
24 training regarding—

25 “(1) the procedures described in subsection (b);

1 “(2) methods for responding to hostile situa-
2 tions, including de-escalation training; and

3 “(3) rights and responsibilities of personnel
4 with respect to a transportation assault on them-
5 selves, other personnel, or passengers.

6 “(e) PERSONNEL PARTICIPATION.—The Plan re-
7 quired under subsection (a) shall be developed and imple-
8 mented with the direct participation of personnel, and, as
9 applicable, labor organizations representing personnel.

10 “(f) REPORTING.—

11 “(1) INCIDENT NOTIFICATION.—

12 “(A) IN GENERAL.—Not later than 10
13 days after a transportation assault incident, the
14 applicable entity described in subsection (a)
15 shall notify personnel employed at the location
16 in which the incident occurred. In the case of
17 an incident on a vehicle, such entity shall notify
18 personnel regularly scheduled to carry out em-
19 ployment activities on the service route on
20 which the incident occurred.

21 “(B) CONTENT OF INCIDENT REPORT.—

22 The notification required under paragraph (1)
23 shall—

24 “(i) include a summary of the inci-
25 dent; and

1 “(ii) be written in a manner that pro-
2 fects the confidentiality of individuals in-
3 volved in the incident.

4 “(2) ANNUAL REPORT.—For each calendar
5 year, each entity with respect to which a transpor-
6 tation assault incident has been reported during
7 such year shall submit to the Secretary a report that
8 describes—

9 “(A) the number of assault incidents re-
10 ported to the entity, including—

11 “(i) the number of incidents com-
12 mitted against passengers; and

13 “(ii) the number of incidents com-
14 mitted against personnel; and

15 “(B) the number of assault incidents re-
16 ported to rail or local law enforcement by per-
17 sonnel of the entity.

18 “(3) PUBLICATION.—The Secretary shall make
19 available to the public on the primary website of the
20 Federal Railroad Administration the data collected
21 under paragraph (2).

22 “(4) DATA PROTECTION.—Data made available
23 under this subsection shall be made available in a
24 manner that protects the confidentiality of individ-
25 uals involved in transportation assault incidents.

1 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—

2 In this section, the term ‘transportation assault’ means
3 the occurrence, or reasonably suspected occurrence, of an
4 act that—

5 “(1) constitutes assault;

6 “(2) is committed by a passenger or member of
7 personnel of an entity that provides regularly sched-
8 uled intercity or commuter rail passenger transpor-
9 tation against another passenger or member of per-
10 sonnel of such entity; and

11 “(3) takes place—

12 “(A) within a vehicle of such entity; or

13 “(B) in an area in which passengers are
14 entering or exiting a vehicle described in sub-
15 paragraph (A); or

16 “(C) at a station or facility where such en-
17 tity operates, regardless of ownership of the
18 station or facility.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 subchapter II of chapter 201 of title 49, United States
21 Code, as amended by this division, is further amended by
22 adding at the end the following:

“20170. Assault prevention and response plans.”.

1 **SEC. 9513. CRITICAL INCIDENT STRESS PLANS.**

2 The Secretary of Transportation shall issue such reg-
3 ulations as are necessary to amend part 272 of title 49,
4 Code of Federal Regulations, to ensure that—

5 (1) the coverage of a critical incident stress
6 plan under section 272.7 of such part includes di-
7 rectly involved employees of commuter railroads and
8 intercity passenger railroads, as such terms are de-
9 fined in section 272.9 of such part; and

10 (2) assault and the witnessing of an assault
11 against an employee or train passenger is included
12 in the definition of critical incident under section
13 272.9 of such part.

14 **SEC. 9514. CREWMEMBER CERTIFICATION AND QUALIFICA-**
15 **TION.**

16 (a) **AUDIT OF PROGRAMS.—**

17 (1) **IN GENERAL.—**Subchapter II of chapter
18 201 of title 49, United States Code, as amended by
19 this division, is further amended by adding at the
20 end the following:

21 **“§ 20171. Audit of qualification and certification pro-**
22 **grams**

23 **“(a) IN GENERAL.—**Not later than 1 year after the
24 date of enactment of the TRAIN Act, and not less fre-
25 quently than every 5 years thereafter, the Secretary shall
26 conduct an audit of—

1 “(1) the qualification and certification program
2 of locomotive engineers of each Class I railroad car-
3 rier subject to the requirements of part 240 of title
4 49, Code of Federal Regulations; and

5 “(2) the qualification and certification program
6 of conductors of each Class I railroad carrier subject
7 to the requirements of part 242 of title 49, Code of
8 Federal Regulations.

9 “(b) CONTENTS OF AUDIT.—In carrying out the
10 audit required under subsection (a), the Secretary shall—

11 “(1) consider whether the training, qualifica-
12 tion, and continuing education components of the
13 programs described in subsection (a) comply with
14 regulations in parts 240 and 242 of title 49, Code
15 of Federal Regulations;

16 “(2) assess the quality of the training that rail-
17 road carriers provide locomotive engineers and con-
18 ductors under such programs;

19 “(3) determine whether such programs provide
20 locomotive engineers and conductors the knowledge,
21 skill, and ability to safely operate the types of loco-
22 motives or trains a railroad carrier may require a lo-
23 comotive engineer and conductor to operate, includ-
24 ing all associated technology used on such loco-
25 motives or trains;

1 “(4) determine whether the training, qualifica-
2 tion, and continuing education components of such
3 programs reflect the operating practices of the rail-
4 road carrier carrying out such components;

5 “(5) assess whether a railroad carrier con-
6 ducting such programs provides locomotive engineers
7 or conductors adequate at-controls training before
8 certification; and

9 “(6) address any other safety issues the Sec-
10 retary determines appropriate for preparing loco-
11 motive engineers and conductors.

12 “(c) DEFICIENCY IN QUALIFICATION AND CERTIFI-
13 CATION PROGRAM.—If, in conducting the audit required
14 under this section, the Secretary identifies a deficiency in
15 a railroad carrier’s qualification and certification program
16 of locomotive engineers or the qualification and certifi-
17 cation program of conductors, the Secretary shall require
18 the railroad carrier to update such program to eliminate
19 the deficiency.

20 “(d) CONSULTATION.—In conducting the audit re-
21 quired under this section, the Secretary shall consult with
22 representatives of each railroad carrier and representa-
23 tives of the employees of the railroad carrier, including
24 any nonprofit employee labor organization representing
25 engineers or conductors of the railroad carrier.

1 “(e) COOPERATION.—

2 “(1) IN GENERAL.—A railroad carrier and em-
3 ployees of the railroad carrier, including any non-
4 profit employee labor organization representing engi-
5 neers or conductors of the railroad carrier, shall co-
6 operate fully with the Secretary during an audit re-
7 quired under this section.

8 “(2) DOCUMENTS; INTERVIEWS.—A railroad
9 carrier shall provide any documents requested by the
10 Secretary or make available any employee for inter-
11 view with the Secretary without undue delay or ob-
12 struction.

13 “(f) REPORT TO CONGRESS.—Not later than 90 days
14 after the date on which the Secretary completes an audit
15 under subsection (a), the Secretary shall submit to the
16 Committee on Transportation and Infrastructure of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate a report
19 that summarizes the results of the audit.”.

20 (2) CLERICAL AMENDMENT.—The analysis for
21 subchapter II of chapter 201 of title 49, United
22 States Code, as amended by this division, is further
23 amended by adding at the end the following:

“20171. Audit of qualification and certification programs.”.

24 (b) REVIEW OF REGULATIONS.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation shall determine whether any update to part
3 240 or 242, of title 49, Code of Federal Regulations,
4 is necessary to prepare locomotive engineers and
5 conductors to safely operate trains.

6 (2) REQUIREMENTS.—In making a determina-
7 tion under paragraph (1), the Secretary shall—

8 (A) evaluate, taking into account the re-
9 quirements of section 20169 of title 49, United
10 States Code, whether such parts establish Fed-
11 eral standards for railroad carriers to—

12 (i) provide locomotive engineers and
13 conductors the knowledge, skill and ability
14 to safely operate trains under conditions
15 that reflect industry practices;

16 (ii) adequately address locomotive en-
17 gineer and conductor situational aware-
18 ness;

19 (iii) require adequate at-controls
20 training before a locomotive engineer or
21 conductor is certified;

22 (iv) adequately prepare locomotive en-
23 gineers and conductors to understand all
24 locomotive operating characteristics;

1 (v) sufficiently require locomotive en-
2 gineers and conductors to demonstrate
3 knowledge on the physical characteristics
4 of a territory under various conditions and
5 using various resources; and

6 (vi) address any other safety issue the
7 Secretary determines appropriate for bet-
8 ter preparing locomotive engineers and
9 conductors; and

10 (B) consider the results of the audit re-
11 quired by section 20171 of title 49, United
12 States Code.

13 (3) REPORT TO CONGRESS.—Not later than
14 180 days after the date on which the Secretary sub-
15 mits the report required under section 20171(f) of
16 title 49, United States Code, the Secretary shall
17 submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the
19 Committee on Commerce, Science, and Transpor-
20 tation of the Senate a report that includes the find-
21 ings of the review required under paragraph (1) and
22 a description of any action the Secretary intends to
23 take to improve, or increase the effectiveness of the
24 requirements of, part 240 or 242 of title 49, Code
25 of Federal Regulations.

1 (4) RULEMAKING.—If the Secretary determines
2 under paragraph (1) that any update to part 240 or
3 242 is necessary to prepare locomotive engineers or
4 conductors to safely operate locomotives or trains,
5 the Secretary shall issue a rulemaking to carry out
6 such update.

7 (5) APPLICATION OF LAW.—Any action the Sec-
8 retary takes as a result of a determination made
9 under paragraph (1) shall be consistent with section
10 20169 of title 49, United States Code.

11 (6) DEFINITION OF RAILROAD CARRIER.—In
12 this subsection, the term “railroad carrier” has the
13 meaning given such term in section 20102 of title
14 49, United States Code.

15 **SEC. 9515. SAFETY MANAGEMENT TEAM COMMUNICATION.**

16 (a) IN GENERAL.—Subchapter II of chapter 201 of
17 title 49, United States Code, as amended by this division,
18 is further amended by adding at the end the following:

19 **“§ 20172. Safety management team communication**

20 “The Administrator of the Federal Railroad Adminis-
21 tration shall implement a process for the communication
22 of information between safety management teams of the
23 Administration and railroad employees, including any non-
24 profit employee labor organization representing railroad
25 employees. Such process shall include a reasonable time-

1 frame for a safety management team to respond to com-
2 munication from such railroad employees.”.

3 (b) CLERICAL AMENDMENT.—The analysis for sub-
4 chapter II of chapter 201 of title 49, United States Code,
5 as amended by this division, is further amended by adding
6 at the end the following:

“20172. Safety management team communication.”.

7 **SEC. 9516. GAO STUDY ON REORGANIZATION OF OFFICE OF**
8 **RAILROAD SAFETY.**

9 (a) STUDY.—The Comptroller General of the United
10 States shall conduct a study comparing the Office of Rail-
11 road Safety of the Federal Railroad Administration before
12 and after the reorganization of such Office that took effect
13 on June 8, 2020.

14 (b) CONTENTS.—The study conducted under sub-
15 section (a) shall evaluate—

16 (1) the differences in the structure of the Office
17 before and after such reorganization;

18 (2) any differences in the communication be-
19 tween the Office and railroad carriers and the em-
20 ployees of railroad carriers before and after such re-
21 organization;

22 (3) any differences in the communication be-
23 tween Federal Railroad Administration safety in-
24 spectors and other specialists before and after such
25 reorganization, and the impacts of such differences;

1 (4) whether the structure before or after such
2 reorganization better protects against regulatory
3 capture;

4 (5) whether the structure before or after such
5 reorganization is better at promoting and ensuring
6 safety;

7 (6) whether the structure before or after such
8 reorganization more closely resembles the structure
9 of other Department of Transportation modal agen-
10 cies that have enforcement authority similar to the
11 Federal Railroad Administration; and

12 (7) any other issues the Comptroller General
13 determines are relevant.

14 (c) INFORMATION COLLECTION.—In conducting the
15 study required under this section, the Comptroller General
16 shall collect information from the following entities:

17 (1) The Federal Railroad Administration.

18 (2) Freight rail carriers and passenger rail car-
19 riers.

20 (3) Employees of freight rail carriers and pas-
21 senger rail carriers.

22 (4) Other entities the Comptroller General de-
23 termines are relevant.

24 (d) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Comptroller General shall

1 transmit to the Committee on Transportation and Infra-
2 structure of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate a report that includes the findings of the study
5 conducted under subsection (a) and any recommendations
6 for improving safety and communication between the Of-
7 fice of Railroad Safety and the entities identified in para-
8 graphs (2) and (3) of subsection (c).

9 **SEC. 9517. OPEN-TOP RAIL CAR PUBLIC INPUT.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Administrator of the Federal Railroad Ad-
12 ministration shall initiate a public process to seek input
13 on addressing safety risks, spills, emissions, odors, and
14 other public nuisances associated with top loading rail
15 cars, open-top hoppers, and gondolas, including evaluating
16 the feasibility of a requirement that such rail cars be cov-
17 ered while in transportation, including while being held,
18 delayed, or transferred.

19 **SEC. 9518. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
20 **TY VALIDATION PLAN.**

21 (a) IN GENERAL.—Subchapter I of chapter 201 of
22 title 49, United States Code, is amended by adding at the
23 end the following:

1 **“§ 20122. New passenger service pre-revenue safety**
2 **validation plan**

3 “(a) SAFETY VALIDATION PLAN.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall require a covered entity to submit to the
6 Secretary a safety validation plan to ensure the safe
7 operation of—

8 “(A) a new intercity rail passenger trans-
9 portation or commuter rail passenger transpor-
10 tation service;

11 “(B) an intercity rail passenger transpor-
12 tation or commuter rail passenger transpor-
13 tation route that has not been in revenue serv-
14 ice for a period of more than 180 days; or

15 “(C) an extension of an existing intercity
16 rail passenger transportation or commuter rail
17 passenger transportation route.

18 “(2) SUBMISSION.—A covered entity shall sub-
19 mit a safety validation plan required under para-
20 graph (1) not later than 30 days before the date on
21 which such entity begins revenue service of a service
22 or route described in paragraph (1).

23 “(b) REQUIREMENTS.—

24 “(1) IN GENERAL.—Not later than 60 days
25 after the date of enactment of the TRAIN Act, the
26 Secretary shall establish the requirements of the

1 safety validation plan described under subsection
2 (a), including adequate training of all relevant per-
3 sonnel and a minimum period of simulated service to
4 ensure operational readiness.

5 “(2) PROHIBITION OF SERVICE.—The Secretary
6 shall prohibit a covered entity from beginning a serv-
7 ice described in subsection (a)(1) until the entity is
8 in full compliance with the safety validation plan re-
9 quired by such subsection.

10 “(c) AMENDMENT TO SAFETY VALIDATION PLAN.—

11 “(1) IN GENERAL.—The Secretary shall require
12 a covered entity to submit to the Secretary for re-
13 view and approval any proposed amendment to a
14 safety validation plan required under subsection (a).

15 “(2) REVIEW AND APPROVAL.—Not later than
16 5 working days after the date on which the Sec-
17 retary receives a proposed amendment submitted
18 under paragraph (1), the Secretary shall review and
19 approve or deny such proposed amendment.

20 “(3) NOTIFICATION.—If the Secretary does not
21 approve a proposed amendment submitted under
22 this subsection, the Secretary shall provide written
23 notice to the covered entity of the specific areas in
24 which the proposed amendment is deficient. An enti-

1 ty may correct such deficiencies and reapply for re-
2 view and approval under this subsection.

3 “(d) DEFINITIONS.—In this section:

4 “(1) COVERED ENTITY.—The term ‘covered en-
5 tity’ means an entity providing regularly scheduled
6 railroad transportation that is intercity rail pas-
7 senger transportation or commuter rail passenger
8 transportation.

9 “(2) INTERCITY RAIL PASSENGER TRANSPOR-
10 TATION; COMMUTER RAIL PASSENGER TRANSPOR-
11 TATION.—The terms ‘intercity rail passenger trans-
12 portation’ and ‘commuter rail passenger transpor-
13 tation’ have the meanings given such terms in sec-
14 tion 24102.”.

15 (b) CLERICAL AMENDMENT.—The analysis for sub-
16 chapter I of chapter 201 of title 49, United States Code,
17 is amended by adding at the end the following new item:

“20122. New passenger service pre-revenue safety validation plan.”.

18 **SEC. 9519. SAFETY OVERSIGHT OF NONTRADITIONAL AND**
19 **EMERGING RAIL TECHNOLOGIES.**

20 (a) IN GENERAL.—The Secretary of Transportation
21 shall conduct a review of the safety regulations of the Fed-
22 eral Railroad Administration to determine the applicability
23 of such regulations to nontraditional and emerging rail
24 technologies and to identify any gaps in such regulations

1 or any challenges to ensuring the safety of such tech-
2 nologies.

3 (b) REPORT.—Not later than 18 months after the
4 date of enactment of this Act, the Secretary shall submit
5 to the Committee on Transportation and Infrastructure
6 of the House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Senate a
8 report on the findings of the review conducted under sub-
9 section (a).

10 (c) CONTENTS.—The report required under sub-
11 section (b) shall include a description of—

12 (1) the applicability of safety regulations in ef-
13 fect on the date of enactment of this Act to non-
14 traditional and emerging rail technologies;

15 (2) whether gaps in the regulations or other
16 challenges exist that should be addressed in order to
17 ensure the safety of nontraditional and emerging rail
18 technologies;

19 (3) any additional regulations that are nec-
20 essary to ensure the safety of nontraditional and
21 emerging rail technologies; and

22 (4) any additional research that may be needed
23 to further evaluate and regulate the safety of non-
24 traditional and emerging rail technologies.

1 (d) PUBLIC NOTICE AND COMMENT.—In conducting
2 the review process under subsection (a), the Secretary
3 shall provide notice and an opportunity for public com-
4 ment for not less than 60 days.

5 (e) NONTRADITIONAL AND EMERGING RAIL TECH-
6 NOLOGIES DEFINED.—In this section, the term “nontradi-
7 tional and emerging rail technologies” means nonhighway
8 ground transportation that runs on electromagnetic guide-
9 ways in a tube, or system of tubes, that operates in a low-
10 pressure environment.

11 **Subtitle B—Grade Crossing Safety**

12 **SEC. 9551. HIGHWAY-RAIL GRADE CROSSING SEPARATION**

13 **GRANTS.**

14 (a) IN GENERAL.—Subchapter II of chapter 201 of
15 title 49, United States Code, as amended by this division,
16 is further amended by adding at the end the following:

17 **“§ 20173. Highway-rail grade crossing separation** 18 **grants**

19 “(a) GENERAL AUTHORITY.—The Secretary of
20 Transportation shall make grants under this section to eli-
21 gible entities to assist in funding the cost of highway-rail
22 grade crossing separation projects.

23 “(b) APPLICATION REQUIREMENTS.—To be eligible
24 for a grant under this section, an eligible entity shall sub-
25 mit to the Secretary an application in such form, in such

1 manner, and containing such information as the Secretary
2 may require, including—

3 “(1) an agreement between the entity that owns
4 or controls the railroad right-of-way and the appli-
5 cant addressing access to the railroad right-of-way
6 throughout the project; and

7 “(2) a cost-sharing agreement with the funding
8 amounts that the entity that owns or controls the
9 railroad right-of-way shall contribute to the project,
10 which shall be not less than 10 percent of the total
11 project cost.

12 “(c) ELIGIBLE PROJECTS.—The following projects
13 are eligible to receive a grant under this section:

14 “(1) Installation, repair, or improvement of
15 highway-rail grade crossing separations.

16 “(2) Highway-rail grade crossing elimination
17 incidental to eligible grade crossing separation
18 projects.

19 “(3) Project planning, development, and envi-
20 ronmental work related to a project described in
21 paragraph (1) or (2).

22 “(d) PROJECT SELECTION CRITERIA.—In awarding
23 grants under this section, the Secretary—

24 “(1) shall give priority to projects that maxi-
25 mize the safety benefits of Federal funding; and

1 “(2) may evaluate applications on the safety
2 profile of the existing crossing, 10-year history of ac-
3 cidents at such crossing, inclusion of the proposed
4 project on a State highway-rail grade crossing action
5 plan required under section 11401(b) of the FAST
6 Act (49 U.S.C. 22501(b)), average daily vehicle traf-
7 fic, total number of trains per day, average daily
8 number of crossing closures, the challenges of grade
9 crossings located near international borders, prox-
10 imity to established emergency evacuation routes,
11 and proximity of community resources, including
12 schools, hospitals, fire stations, police stations, and
13 emergency medical 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
23 a project carried out under this section shall not ex-
24 ceed 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.

4 “(g) TWO-YEAR LETTERS OF INTENT.—

5 “(1) IN GENERAL.—The Secretary shall, to the
6 maximum extent practicable, issue a letter of intent
7 to a recipient of a grant under this section that—

8 “(A) announces an intention to obligate for
9 no more than 2 years for a project an amount
10 that is not more than the amount stipulated as
11 the financial participation of the Secretary for
12 the project; and

13 “(B) states that the contingent commit-
14 ment—

15 “(i) is not an obligation of the Fed-
16 eral Government; and

17 “(ii) is subject to the availability of
18 appropriations for grants under this sec-
19 tion and subject to Federal laws in force or
20 enacted after the date of the contingent
21 commitment.

22 “(2) CONGRESSIONAL NOTIFICATION.—

23 “(A) IN GENERAL.—Not later than 3 days
24 before issuing a letter of intent under para-

1 graph (1), the Secretary shall submit written
2 notification to—

3 “(i) the Committee on Transportation
4 and Infrastructure of the House of Rep-
5 resentatives;

6 “(ii) the Committee on Appropriations
7 of the House of Representatives;

8 “(iii) the Committee on Appropria-
9 tions of the Senate; and

10 “(iv) the Committee on Commerce,
11 Science, and Transportation of the Senate.

12 “(B) CONTENTS.—The notification sub-
13 mitted under subparagraph (A) shall include—

14 “(i) a copy of the letter of intent;

15 “(ii) the criteria used under sub-
16 section (d) for selecting the project for a
17 grant; and

18 “(iii) a description of how the project
19 meets such criteria.

20 “(h) APPROPRIATIONS REQUIRED.—An obligation or
21 administrative commitment may be made under subsection
22 (g) only after amounts are appropriated for such purpose.

23 “(i) DEFINITIONS.—In this section:

24 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
25 tity’ means—

1 “(A) a State;

2 “(B) a public agency or publicly chartered
3 authority;

4 “(C) a metropolitan planning organization;

5 “(D) a political subdivision of a State; and

6 “(E) a Tribal government.

7 “(2) METROPOLITAN PLANNING ORGANIZA-
8 TION.—The term ‘metropolitan planning organiza-
9 tion’ has the meaning given such term in section
10 134(b) of title 23.

11 “(3) STATE.—The term ‘State’ means a State
12 of the United States or the District of Columbia.”.

13 (b) CLERICAL AMENDMENT.—The analysis for sub-
14 chapter II of chapter 201 of title 49, United States Code,
15 as amended by this division, is further amended by adding
16 at the end the following:

“20173. Highway-rail grade crossing separation grants.”.

17 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

18 Section 22907 of title 49, United States Code (as
19 amended by this Act), is further amended by adding at
20 the end the following new subsection:

21 “(o) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

22 “(1) GRANT.—Of the amounts made available
23 to carry out this section, the Secretary shall make
24 grants to nonprofit organizations to carry out public
25 information and education programs to help prevent

1 and reduce rail-related pedestrian, motor vehicle,
2 and other incidents, injuries, and fatalities, and to
3 improve awareness along railroad right-of-way and
4 at railway-highway grade crossings.

5 “(2) SELECTION.—Programs eligible for a
6 grant under this subsection—

7 “(A) shall include, as appropriate—

8 “(i) development, placement, and dis-
9 semination of public service announce-
10 ments in appropriate media;

11 “(ii) school presentations, driver and
12 pedestrian safety education, materials, and
13 public awareness campaigns; and

14 “(iii) disseminating information to the
15 public on how to identify and report to the
16 appropriate authorities—

17 “(I) unsafe or malfunctioning
18 highway-rail grade crossings and
19 equipment; and

20 “(II) high-risk and unsafe behav-
21 ior and trespassing around railroad
22 right-of-way; and

23 “(B) may include targeted and sustained
24 outreach in communities at greatest risk to de-
25 velop measures to reduce such risk.

1 “(3) COORDINATION.—Eligible entities shall co-
2 ordinate program activities with local communities,
3 law enforcement and emergency responders, and
4 railroad carriers, as appropriate, and ensure consist-
5 ency with State highway-rail grade crossing action
6 plans required under section 11401(b) of the FAST
7 Act (49 U.S.C. 22501 note) and the report titled
8 ‘National Strategy to Prevent Trespassing on Rail-
9 road Property’ issued by the Federal Railroad Ad-
10 ministration in October 2018.

11 “(4) PRIORITIZATION.—In awarding grants
12 under this subsection, the Administrator shall give
13 priority to applications for programs that—

14 “(A) are nationally recognized;

15 “(B) are targeted at schools in close prox-
16 imity to railroad right-of-way;

17 “(C) partner with nearby railroad carriers;

18 or

19 “(D) focus on communities with a recorded
20 history of repeated pedestrian and motor vehicle
21 accidents, incidents, injuries, and fatalities at
22 highway-rail grade crossings and along railroad
23 right-of-way.

1 “(5) APPLICABILITY.—Section 22905 shall not
2 apply to contracts and agreements made under this
3 subsection.”.

4 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
5 **BLOCKING PUBLIC HIGHWAY-RAIL GRADE**
6 **CROSSINGS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
8 title 49, United States Code, as amended by this division,
9 is further amended by adding at the end the following:
10 **“§ 20174. Time limit for blocking public highway-rail**
11 **grade crossing**

12 “(a) TIME LIMIT.—A railroad carrier may not cause
13 a blocked crossing incident that is longer than 10 minutes
14 in duration, unless the blocked crossing incident is caused
15 by—

16 “(1) a casualty or serious injury;

17 “(2) an accident;

18 “(3) a track obstruction;

19 “(4) actions necessary to comply with Federal
20 rail safety laws, regulations, or orders issued there-
21 under unless the action to comply could reasonably
22 occur at a different time or location;

23 “(5) actions necessary to adhere to section
24 24308;

1 “(6) a train fully contained within rail yard lim-
2 its or fully contained in a rail siding;

3 “(7) an act of God; or

4 “(8) a derailment or a safety appliance equip-
5 ment failure that prevents the train from advancing.

6 “(b) INVESTIGATION OF FREQUENTLY BLOCKED
7 CROSSINGS.—For any public highway-rail grade crossing
8 that has had 3 or more blocked crossing incidents that
9 exceed the time limit set forth in subsection (a) and are
10 reported to the blocked crossing database, and such inci-
11 dents have occurred on at least 3 calendar days within
12 a 30-day period, the Secretary shall—

13 “(1) provide an electronic notice of the number
14 of reported blocked crossing incidents to the railroad
15 carrier that owns the public highway-rail grade
16 crossing; and

17 “(2) investigate the causes of the blocked cross-
18 ing incidents; and

19 “(3) investigate possible measures to reduce the
20 frequency and duration of blocked crossing incidents
21 at such grade crossing.

22 “(c) RECORDKEEPING.—

23 “(1) IN GENERAL.—A railroad carrier shall,
24 upon receiving a notice under subsection (b), main-
25 tain train location data records for the public high-

1 way-rail grade crossing that was the subject of the
2 notice.

3 “(2) CONTENTS OF RECORDS.—The train loca-
4 tion data records required under paragraph (1) shall
5 include—

6 “(A) a list of all blocked crossing incidents
7 at the public highway-rail grade crossing that is
8 the subject of the report exceeding 10 minutes;

9 “(B) the cause of the blocked crossing inci-
10 dent (to the extent available);

11 “(C) train length; and

12 “(D) the estimated duration of each
13 blocked crossing incident.

14 “(3) CONSULTATION.—Beginning on the date
15 on which a railroad carrier receives a notice under
16 subsection (b), the Secretary may consult with the
17 carrier for a period of 60 days to address concerns
18 with blocked crossing incidents at the public high-
19 way-rail grade crossing that is the subject of the no-
20 tice.

21 “(4) EXPIRATION OF DATA COLLECTION.—The
22 requirement to maintain records under paragraph
23 (1) shall cease with respect to a public highway-rail
24 grade crossing noticed under subsection (b)(2) if
25 there are no reports submitted to the blocked cross-

1 ing database for blocked crossing incidents reported
2 to occur at such grade crossing during the previous
3 365 consecutive calendar days.

4 “(d) CIVIL PENALTIES.—

5 “(1) IN GENERAL.—The Secretary may issue
6 civil penalties in accordance with section 21301 to
7 railroad carriers for violations of subsection (a) oc-
8 curring 60 days after the date of submission of a no-
9 tice under subsection (b).

10 “(2) RELEASE OF RECORDS.—Upon the request
11 of, and under requirements set by, the Secretary,
12 railroad carriers shall provide the records main-
13 tained pursuant to subsection (c)(1) to the Adminis-
14 trator of the Federal Railroad Administration.

15 “(3) ALTERNATE ROUTE EXEMPTION.—Civil
16 penalties may not be issued for violations of sub-
17 section (a) that occur at a public highway-rail grade
18 crossing if no alternate route created by a public
19 highway-rail grade separation exists within a half
20 mile by road of such public highway-rail grade cross-
21 ing.

22 “(4) GRADE SEPARATION PROJECT.—Civil pen-
23 alties may not be issued for violations of subsection
24 (a) if the violation occurs at a public highway-rail

1 grade crossing for which there is a proposed grade
2 separation project—

3 “(A) that has received written agreement
4 from the relevant local authorities; and

5 “(B) for which railroad carrier and project
6 funding from all parties has been budgeted.

7 “(5) CONSIDERATIONS.—In determining civil
8 penalties under this section, the Secretary shall con-
9 sider increased penalties in a case in which a pattern
10 of the blocked crossing incidents continue to cause
11 delays to State or local emergency services.

12 “(e) APPLICATION TO AMTRAK AND COMMUTER
13 RAILROADS.—This section shall not apply to Amtrak or
14 commuter authorities, including Amtrak and commuter
15 authorities’ operations run or dispatched by a Class I rail-
16 road.

17 “(f) DEFINITIONS.—In this section:

18 “(1) BLOCKED CROSSING DATABASE.—The
19 term ‘blocked crossing database’ means the national
20 blocked crossing database established under section
21 20174.

22 “(2) BLOCKED CROSSING INCIDENT.—The term
23 ‘blocked crossing incident’ means a circumstance in
24 which a train, locomotive, rail car, or other rail

1 equipment is stopped in a manner that obstructs
2 travel at a public highway-rail grade crossing.

3 “(3) PUBLIC HIGHWAY-RAIL GRADE CROSS-
4 ING.—The term ‘public highway-rail grade crossing’
5 means a location within a State in which a public
6 highway, road, or street, including associated side-
7 walks and pathways, crosses 1 or more railroad
8 tracks at grade.”.

9 (b) CLERICAL AMENDMENT.—The analysis for sub-
10 chapter II of chapter 201 of title 49, United States Code,
11 is further amended by adding at the end the following new
12 item:

“20174. Time limit for blocking public highway-rail grade crossing.”.

13 **SEC. 9554. NATIONAL BLOCKED CROSSING DATABASE.**

14 (a) IN GENERAL.—Subchapter II of chapter 201 of
15 title 49, United States Code, as amended by this division,
16 is further amended by adding at the end the following:

17 **“§ 20175. National blocked crossing database**

18 “(a) DATABASE.—Not later than 45 days after the
19 date of enactment of the TRAIN Act, the Secretary of
20 Transportation shall establish a national blocked crossings
21 database for the public to report blocked crossing inci-
22 dents.

23 “(b) PUBLIC AWARENESS.—Not later than 60 days
24 after the date of enactment of the TRAIN Act, the Sec-
25 retary shall require each railroad carrier to publish the

1 active link to report blocked crossing incidents on the
2 website of the national blocked crossings database de-
3 scribed in subsection (a) on the home page of the publicly-
4 available website of the railroad carrier.

5 “(c) **BLOCKED CROSSING INCIDENT; PUBLIC HIGH-**
6 **WAY-RAIL GRADE CROSSING.**—In this section, the terms
7 ‘blocked crossing incident’ and ‘public highway-rail grade
8 crossing’ have the meanings given the terms in section
9 20174.”.

10 (b) **CLERICAL AMENDMENT.**—The analysis for sub-
11 chapter II of chapter 201 of title 49, United States Code,
12 is further amended by adding at the end the following new
13 item:

“20175. National blocked crossing database.”.

14 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
15 **CROSSING MATTERS.**

16 Section 20152 of title 49, United States Code, is
17 amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (C) by striking
21 “or” at the end;

22 (ii) by redesignating subparagraph
23 (D) as subparagraph (E); and

24 (iii) by inserting the following after
25 subparagraph (C):

1 “(D) blocked crossing incident, as defined
2 in section 20174; or”;

3 (B) in paragraph (4)—

4 (i) by striking “paragraph (1)(C) or
5 (D)” and inserting “subparagraph (C),
6 (D), or (E) of paragraph (1)”; and

7 (ii) by striking “and” at the end;

8 (C) in paragraph (5) by striking the period
9 at the end and inserting a semicolon ; and

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

11 “(6) upon receiving a report of a blocked cross-
12 ing pursuant to paragraph (1)(D), the railroad car-
13 rier shall, within 14 days of receipt of the report—

14 “(A) verify that the public highway-rail
15 grade crossing, as defined in section 20174, was
16 blocked for a period of at least 10 minutes; and

17 “(B) upon positive verification of the re-
18 port, enter the report into the national blocked
19 crossings database established in section 20174;
20 and

21 “(7) promptly inform the Secretary of any up-
22 date to the number maintained under paragraph
23 (1).”; and

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

1 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
2 Secretary shall make any telephone number established
3 under subsection (a) publicly available on the website of
4 the Department of Transportation.”.

5 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVEN-**
6 **TORY REVIEW.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation shall expend such sums as are necessary to conduct
10 a comprehensive review of the national highway-rail cross-
11 ing inventory of the Department of Transportation estab-
12 lished under section 20160 of title 49, United States Code.

13 (b) CONTENTS.—In conducting the review required
14 under subsection (a), the Secretary shall—

15 (1) verify the accuracy of the data contained in
16 the inventory described in subsection (a) using map-
17 ping technologies and other methods; and

18 (2) correct erroneous data in such inventory.

19 (c) REPORT.—Not later than 30 days after the com-
20 pletion of the review required under subsection (a), the
21 Secretary shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and Transpor-
24 tation of the Senate a report detailing corrections made
25 to the inventory described in subsection (a) and the Sec-

1 retary’s plans to ensure continued accuracy of such inven-
2 tory.

3 **SEC. 9557. RAILROAD TRESPASSING ENFORCEMENT**
4 **GRANTS.**

5 Section 22907 of title 49, United States Code, is fur-
6 ther amended by adding at the end the following:

7 “(p) RAILROAD TRESPASSING ENFORCEMENT
8 GRANTS.—

9 “(1) IN GENERAL.—Of the amounts made
10 available under this section, the Secretary may make
11 grants to public law enforcement agencies engaged
12 in, or seeking to engage in, suicide prevention efforts
13 along railroad right-of-way to pay wages of law en-
14 forcement personnel to patrol railroad right-of-way
15 located in communities at risk for rail trespassing
16 incidents and fatalities.

17 “(2) PRIORITIZATION.—In awarding grants
18 under this subsection, the Administrator shall give
19 priority to applications from entities that have juris-
20 diction within the boundaries of the 10 States with
21 the highest incidence of rail trespass related casual-
22 ties as reported in the previous fiscal year, as re-
23 ported by the National Rail Accident Incident Re-
24 porting System.

1 “(3) LIMITATION.—The Secretary shall not
2 award more than 3 annual grants under this sub-
3 section to the same entity.”.

4 **SEC. 9558. RAILROAD TRESPASSING SUICIDE PREVENTION**
5 **GRANTS.**

6 Section 22907 of title 49, United States Code, is fur-
7 ther amended by adding at the end the following:

8 “(q) RAILROAD TRESPASSING SUICIDE GRANTS.—

9 “(1) IN GENERAL.—Of the amounts made
10 available to carry out this section, the Secretary may
11 make grants to eligible entities to implement a pub-
12 lic outreach campaign to reduce the number of rail-
13 road suicides.

14 “(2) ELIGIBLE ENTITY.—In this subsection, the
15 term ‘eligible entity’ means a nonprofit mental
16 health organization engaged in, or seeking to engage
17 in, suicide prevention efforts along railroad right-of-
18 way in partnership with a railroad carrier, as de-
19 fined in section 20102.”.

20 **SEC. 9559. INCLUDING RAILROAD SUICIDES.**

21 (a) IN GENERAL.—Not less than 180 days after the
22 enactment of this Act, the Secretary of Transportation
23 shall revise any regulations, guidance, or other relevant
24 agency documents to include the number of suicides on

1 a railroad crossing or railroad right-of-way in the total
2 number of rail fatalities the Secretary reports each year.

3 (b) **AUTHORITY OF THE SECRETARY.**—In carrying
4 out subsection (a), the Secretary may require Federal,
5 State, and local agencies, railroads, or other entities to
6 submit such data as necessary.

7 (c) **APPLICABILITY OF RULEMAKING REQUIRE-**
8 **MENTS.**—The requirements of section 553 of title 5,
9 United States Code, shall not apply to the modification
10 required by subsection (a).

11 **SEC. 9560. REPORT ON SAFETY MEASURES REQUIRED FOR**
12 **QUIET ZONES.**

13 Not later than 180 days after the date of enactment
14 of this Act, the Administrator of the Federal Railroad Ad-
15 ministration shall—

16 (1) submit to Congress a report on any supple-
17 mentary safety measures and alternative safety
18 measures not contained in part 222 of title 49, Code
19 of Federal Regulations, that can be used to qualify
20 for a Quiet Zone or Partial Quiet Zone; and

21 (2) include in the report submitted under para-
22 graph (1)—

23 (A) a summary of the supplementary safe-
24 ty measures and alternative safety measures for

1 which a public authority has requested approval
2 from the Administrator to implement; and

3 (B) an explanation for why such requests
4 were not granted.

5 **TITLE VI—MISCELLANEOUS**

6 **SEC. 9601. RAIL NETWORK CLIMATE CHANGE VULNER-** 7 **ABILITY ASSESSMENT.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall seek to enter into an agreement with the National
10 Academies to conduct an assessment of the potential im-
11 pacts of climate change 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-,
17 and 50-year outlooks;

18 (3) examine and describe potential effects of cli-
19 mate change and extreme weather events on pas-
20 senger and freight rail infrastructure, trackage, and
21 facilities, including facilities owned by rail shippers;

22 (4) identify and categorize the assets described
23 in paragraph (3) by vulnerability level and geo-
24 graphic area; and

1 (5) recommend strategies or measures to miti-
2 gate any adverse impacts of climate change, includ-
3 ing—

4 (A) emergency preparedness measures;

5 (B) resiliency best practices for infrastruc-
6 ture planning; and

7 (C) coordination with State and local au-
8 thorities.

9 (c) REPORT.—Not later than 18 months after the
10 date of enactment of this Act, the Secretary shall submit
11 to the Committee on Transportation and Infrastructure
12 of the House of Representatives and the Committee on
13 Commerce, Science, and Transportation of the Senate a
14 report containing the findings of the assessment conducted
15 pursuant to subsection (a).

16 (d) FURTHER COORDINATION.—The Secretary shall
17 make the report publicly available on the website of the
18 Department of Transportation and communicate the re-
19 sults of the assessment with stakeholders.

20 (e) REGULATORY AUTHORITY.—If the Secretary
21 finds in the report required under subsection (c) that reg-
22 ulatory measures are warranted and such measures are
23 otherwise under the existing authority of the Secretary,
24 the Secretary may issue such regulations as are necessary
25 to implement such measures.

1 (f) FUNDING.—From the amounts made available for
2 fiscal year 2022 under section 20117(b) of title 49, United
3 States Code, the Secretary shall expend not less than
4 \$1,500,000 to carry out the study required under subpara-
5 graph (a).

6 **SEC. 9602. ADVANCE ACQUISITION.**

7 (a) IN GENERAL.—Chapter 242 of title 49, United
8 States Code, is amended by inserting the following after
9 section 24202:

10 **“SEC. 24203. ADVANCE ACQUISITION.**

11 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
12 retary of Transportation may assist a recipient of Federal
13 financial assistance provided by the Secretary for an inter-
14 city passenger rail project in acquiring a right-of-way and
15 adjacent real property interests before or during the com-
16 pletion of the environmental reviews for a project that may
17 use such property interests if the acquisition is otherwise
18 permitted under Federal law.

19 “(b) CERTIFICATION.—Before authorizing advance
20 acquisition under this section, the Secretary shall verify
21 that—

22 “(1) the recipient has authority to acquire the
23 real property interest;

24 “(2) the acquisition of the real property inter-
25 est—

1 “(A) is for a transportation purpose;

2 “(B) will not cause significant adverse en-
3 vironmental impact;

4 “(C) will not limit the choice of reasonable
5 alternatives for the proposed project or other-
6 wise influence the decision of the Secretary on
7 any approval required for the project;

8 “(D) does not prevent the lead agency
9 from making an impartial decision as to wheth-
10 er to accept an alternative that is being consid-
11 ered;

12 “(E) complies with other applicable Fed-
13 eral laws and regulations; and

14 “(F) will not result in elimination or re-
15 duction of benefits or assistance to a displaced
16 person required by the Uniform Relocation As-
17 sistance and Real Property Acquisition Policies
18 Act of 1970 (42 U.S.C. 4601 et seq.) and title
19 VI of the Civil Rights Act of 1964 (42 U.S.C.
20 2000d et seq.).

21 “(c) ENVIRONMENTAL REVIEWS.—

22 “(1) COMPLETION OF NEPA REVIEW.—Before
23 reimbursing or approving the expenditure of Federal
24 funding for an acquisition of a real property inter-
25 est, the Secretary shall complete all review processes

1 otherwise required under the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
3 section 4(f) of the Department of Transportation
4 Act of 1966 (49 U.S.C. 303), and section 106 of the
5 National Historic Preservation Act (16 U.S.C. 470f)
6 with respect to the acquisition.

7 “(2) TIMING OF DEVELOPMENT ACQUISITION.—
8 A real property interest acquired under subsection
9 (a) may not be developed in anticipation of the pro-
10 posed project until all required environmental re-
11 views for the project have been completed.

12 “(d) INCLUSION IN NON-FEDERAL SHARE OF
13 PROJECT COSTS.—Non-Federal funds used to acquire
14 right-of-way and adjacent real property interests under
15 this section before or during the environmental review, or
16 before the award of a grant by the Secretary, shall be in-
17 cluded in determining the non-Federal share of the costs
18 of the underlying intercity passenger rail project.

19 “(e) SAVINGS CLAUSE.—The advance acquisition
20 process described in this section—

21 “(1) is in addition to processes in effect on or
22 before the date of enactment of the TRAIN Act; and

23 “(2) does not affect—

24 “(A) any right of the recipient described in
25 subsection (a) to acquire property; or

1 “(B) any other environmental review proc-
2 ess, program, agreement, or funding arrange-
3 ment related to the acquisition of real property,
4 in effect on the date of enactment of the
5 TRAIN Act.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 242 of title 49, United States Code, is amended by
8 inserting after the item relating to section 24202 the fol-
9 lowing new item:

 “Sec. 24203. Advance acquisition.”.

10 **SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION GRANT**
11 **PROGRAM.**

12 (a) IN GENERAL.—Chapter 229 of title 49, United
13 States Code, is further amended by adding at the end the
14 following:

15 **“§ 22912. University rail climate innovation grant**
16 **program**

17 “(a) ESTABLISHMENT.—The Secretary of Transpor-
18 tation shall establish a university rail climate innovation
19 grant program (in this section referred to as the ‘Pro-
20 gram’) to make grants to institutions of higher education
21 for the research and development of low- and zero-emis-
22 sion rail technologies.

23 “(b) QUALIFICATIONS.—To be eligible for a grant
24 under the Program, an institution of higher education

1 shall have an active research program to study the devel-
2 opment of low- and zero-emission rail technologies.

3 “(c) APPLICATIONS.—To be eligible for a grant under
4 the Program, an institution of higher education shall sub-
5 mit to the Secretary an application in such form, at such
6 time, and containing such information as the Secretary
7 may require.

8 “(d) ELIGIBLE PROJECTS.—The Secretary may
9 award grants under the Program to applicants that sub-
10 mit a comprehensive proposal for a low- and zero-emission
11 rail project that includes activities to carry out the re-
12 search, design, development, and demonstration of 1 or
13 more of the following:

14 “(1) Hydrogen-powered locomotives and associ-
15 ated locomotive technologies.

16 “(2) Battery-powered locomotives and associ-
17 ated locomotive technologies.

18 “(3) Rail technologies that significantly reduce
19 greenhouse gas emissions, as determined appropriate
20 by the Secretary.

21 “(e) FUNDING REQUIREMENT.—The Federal share
22 of the total cost of a project for which a grant is awarded
23 under this section shall not exceed 50 percent.

24 “(f) PROJECT PRIORITIZATION.—In making grants
25 for projects under the Program, the Secretary shall give

1 priority to institutions of higher education that enter into
2 a cost-sharing agreement for purposes of the Program
3 with a railroad or rail supplier.

4 “(g) CONSIDERATIONS.—In making grants for
5 projects under the Program, the Secretary shall con-
6 sider—

7 “(1) the extent to which a project maximizes
8 greenhouse gas reductions;

9 “(2) the potential of a project to increase the
10 use of low- and zero- emission rail technologies
11 among the United States freight and passenger rail
12 industry; and

13 “(3) the anticipated public benefits of a project.

14 “(h) NOTIFICATION.—

15 “(1) NOTICE.—Not later than 3 days after
16 grants are awarded in any fiscal year under the Pro-
17 gram, the Secretary shall submit to the Committee
18 on Transportation and Infrastructure of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate—

21 “(A) a list of all grant recipients under the
22 Program; and

23 “(B) a summary of activities to be carried
24 out by each recipient.

1 “(2) REPORT.—Not later than 1 year after
2 grants are awarded for projects under the Program,
3 the Secretary shall submit to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report
7 summarizing the projects on low- and zero-emission
8 rail technologies.

9 “(i) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
10 retary may withhold up to 1 percent of the total amount
11 appropriated under this section for the costs of program
12 management oversight.

13 “(j) INSTITUTION OF HIGHER EDUCATION DE-
14 FINED.—In this section, the term ‘institution of higher
15 education’ has the meaning given such term in section 101
16 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 229 of title 49, United States Code, is further amend-
19 ed by adding at the end the following:

 “22912. University rail climate innovation grant program.”.

20 **SEC. 9604. WORKFORCE DIVERSITY AND DEVELOPMENT.**

21 (a) IN GENERAL.—The Secretary of Transportation
22 shall carry out at least one workforce development pilot
23 program with a railroad carrier or an entity providing reg-
24 ularly scheduled intercity rail passenger transportation.

1 (b) TYPES OF PILOT PROGRAMS.—A workforce devel-
2 opment pilot program described in subsection (a) may be
3 in the form of—

4 (1) an outreach program to increase employ-
5 ment opportunities for socially disadvantaged indi-
6 viduals;

7 (2) the development of a partnership with high
8 schools, vocational schools, community colleges, or
9 secondary education institutions to address future
10 workforce needs; and

11 (3) an apprenticeship program to train railroad
12 employees in needed skills.

13 (c) APPRENTICESHIP.—In carrying out a workforce
14 development pilot program described in subsection (b)(3),
15 the Secretary shall partner with an entity providing inter-
16 city rail passenger transportation.

17 (d) REPORT TO CONGRESS.—For a workforce devel-
18 opment pilot program carried out under this section, the
19 Secretary shall transmit to the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report that describes—

23 (1) the activities carried out under the pilot
24 program;

1 (2) the diversity of individuals participating in
2 the pilot program;

3 (3) an evaluation of the pilot program;

4 (4) employment outcomes, including job place-
5 ment, job retention, and wages, using performance
6 metrics established by the Secretary of Transpor-
7 tation, in consultation with the Secretary of Labor,
8 and consistent with performance indicators used by
9 programs under the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3101 et seq.), as applica-
11 ble; and

12 (5) any recommendations for increasing diver-
13 sity in the railroad workforce, addressing future
14 workforce needs, or enhancing workforce skills.

15 (e) DEFINITION.—In this section:

16 (1) INTERCITY RAIL PASSENGER TRANSPOR-
17 TATION.—The term “intercity rail passenger trans-
18 portation” has the meaning given such term in sec-
19 tion 24102 of title 49, United States Code.

20 (2) RAILROAD CARRIER.—The term “railroad
21 carrier” has the meaning given such term in section
22 20102 of title 49, United States Code.

23 (3) SOCIALLY DISADVANTAGED INDIVIDUALS.—
24 The term “socially disadvantaged individuals” has
25 the meaning given the term “socially and economi-

1 cally disadvantaged individuals” in section 8(d) of
2 the Small Business Act (15 U.S.C. 637(d)).

3 (f) FUNDING.—From the amounts made available
4 under section 20117(b) of title 49, United States Code,
5 the Secretary may expend up to \$1,300,000 for fiscal year
6 2022 and \$1,300,000 for 2023 to carry out this section.

7 **SEC. 9605. REQUIREMENTS FOR RAILROAD FREIGHT CARS**
8 **ENTERING SERVICE IN UNITED STATES.**

9 (a) IN GENERAL.—Chapter 207 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 20704. Requirements for railroad freight cars en-**
13 **tering service in United States**

14 “(a) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) COMPONENT.—The term ‘component’
17 means a part or subassembly of a railroad freight
18 car.

19 “(2) CONTROL.—The term ‘control’ means the
20 power, whether direct or indirect and whether or not
21 exercised, through the ownership of a majority or a
22 dominant minority of the total outstanding voting
23 interest in an entity, representation on the board of
24 directors of an entity, proxy voting on the board of
25 directors of an entity, a special share in the entity,

1 a contractual arrangement with the entity, a formal
2 or informal arrangement to act in concert with an
3 entity, or any other means, to determine, direct,
4 make decisions, or cause decisions to be made for
5 the entity.

6 “(3) COST OF SENSITIVE TECHNOLOGY.—The
7 term ‘cost of sensitive technology’ means the aggre-
8 gate cost of the sensitive technology located on a
9 railroad freight car.

10 “(4) COUNTRY OF CONCERN.—The term ‘coun-
11 try of concern’ means a country that—

12 “(A) is identified by the Department of
13 Commerce as a nonmarket economy country (as
14 defined in section 771(18) of the Tariff Act of
15 1930 (19 U.S.C. 1677(18))) as of the date of
16 enactment of the TRAIN Act;

17 “(B) was identified by the United States
18 Trade Representative in the most recent report
19 required by section 182 of the Trade Act of
20 1974 (19 U.S.C. 2242) as a foreign country in-
21 cluded on the priority watch list defined in sub-
22 section (g)(3) of that section; and

23 “(C) is subject to monitoring by the Trade
24 Representative under section 306 of the Trade
25 Act of 1974 (19 U.S.C.2416).

1 “(5) NET COST.—The term ‘net cost’ has the
2 meaning given the term in chapter 4 of the USMCA
3 or any subsequent free trade agreement between the
4 United States, Mexico, and Canada.

5 “(6) QUALIFIED FACILITY.—The term ‘quali-
6 fied facility’ means a facility that is not owned or
7 under the control of a state-owned enterprise.

8 “(7) QUALIFIED MANUFACTURER.—The term
9 ‘qualified manufacturer’ means a railroad freight car
10 manufacturer that is not owned or under the control
11 of a state-owned enterprise.

12 “(8) RAILROAD FREIGHT CAR.—The term ‘rail-
13 road freight car’ means a car designed to carry
14 freight or railroad personnel by rail, including—

15 “(A) box car;

16 “(B) refrigerator car;

17 “(C) ventilator car;

18 “(D) intermodal well car;

19 “(E) gondola car;

20 “(F) hopper car;

21 “(G) auto rack car;

22 “(H) flat car;

23 “(I) special car;

24 “(J) caboose car;

25 “(K) tank car; and

1 “(L) yard car.

2 “(9) SENSITIVE TECHNOLOGY.—The term ‘sen-
3 sitive technology’ means any device embedded with
4 electronics, software, sensors, or other connectivity,
5 that enables the device to connect to, collect data
6 from, or exchange data with another device, includ-
7 ing—

8 “(A) onboard telematics;

9 “(B) remote monitoring software;

10 “(C) firmware;

11 “(D) analytics;

12 “(E) GPS satellite and cellular location
13 tracking systems;

14 “(F) event status sensors;

15 “(G) predictive component condition and
16 performance monitoring sensors; and

17 “(H) similar sensitive technologies embed-
18 ded into freight railcar components and sub-
19 assemblies.

20 “(10) STATE-OWNED ENTERPRISE.—The term
21 ‘state-owned enterprise’ means—

22 “(A) an entity that is owned by, or under
23 the control of, a national, provincial, or local
24 government of a country of concern, or an
25 agency of such government; or

1 “(B) an individual acting under the direc-
2 tion or influence of a government or agency de-
3 scribed in subparagraph (A).

4 “(11) SUBSTANTIALLY TRANSFORMED.—The
5 term ‘substantially transformed’ means a component
6 of a railroad freight car that undergoes an applica-
7 ble change in tariff classification as a result of the
8 manufacturing process, as described in chapter 4
9 and related Annexes of the USMCA or any subse-
10 quent free trade agreement between the United
11 States, Mexico, and Canada.

12 “(12) USMCA.—The term ‘USMCA’ has the
13 meaning given the term in section 3 of the United
14 States-Mexico-Canada Agreement Implementation
15 Act (19 U.S.C. 4502).

16 “(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS
17 ENTERING SERVICE IN THE UNITED STATES.—

18 “(1) LIMITATION ON RAILROAD FREIGHT
19 CARS.—A railroad freight car manufactured on or
20 after the date that is 1 year after the date of enact-
21 ment of the TRAIN Act, may only operate on the
22 United States freight railroad interchange system
23 if—

24 “(A) the railroad freight car is manufac-
25 tured, assembled, and substantially trans-

1 formed, as applicable, by a qualified manufac-
2 turer in a qualified facility;

3 “(B) none of the sensitive technology lo-
4 cated on the railroad freight car, including com-
5 ponents necessary to the functionality of the
6 sensitive technology, originates from a country
7 of concern or is sourced from state-owned en-
8 terprise; and

9 “(C) none of the content of the railroad
10 freight car, excluding sensitive technology,
11 originates from a country of concern or is
12 sourced from a state-owned enterprise that has
13 been determined by a recognized court or ad-
14 ministrative agency of competent jurisdiction
15 and legal authority to have violated or infringed
16 valid United States intellectual property rights
17 of another including such a finding by a Fed-
18 eral district court under title 35 or the U.S.
19 International Trade Commission under section
20 337 of the Tariff Act of 1930 (19 U.S.C.
21 1337).

22 “(2) IMMEDIATE LIMITATION.—

23 “(A) PERCENTAGE LIMITATION.—Not
24 later than 12 months after the date of enact-
25 ment of the TRAIN Act and ending on the date

1 on which paragraph (1) takes effect, a railroad
2 freight car manufactured may operate on the
3 United States freight railroad interchange sys-
4 tem only if—

5 “(i) not more than 20 percent of the
6 content of the railroad freight car, cal-
7 culated by the net cost of all components
8 of the car and excluding the cost of sen-
9 sitive technology, originates from a country
10 of concern or is sourced from a state-
11 owned enterprise;

12 “(ii) not later than 24 months after
13 the date of enactment of the TRAIN Act,
14 the percentage described in clause (i) shall
15 be no more than 15 percent; and

16 “(B) CONFLICT.—The percentages speci-
17 fied in this paragraph apply notwithstanding
18 any apparent conflict with provisions of chapter
19 4 of the USMCA.

20 “(c) REGULATIONS AND PENALTIES.—

21 “(1) REGULATIONS REQUIRED.—Not later than
22 1 year after the date of enactment of the TRAIN
23 Act, the Secretary of Transportation shall issue such
24 regulations as are necessary to carry out this sec-

1 tion, including for the monitoring, enforcement, and
2 sensitive technology requirements of this section.

3 “(2) CERTIFICATION REQUIRED.—To be eligible
4 to provide a railroad freight car for operation on the
5 United States freight railroad interchange system,
6 the manufacturer of such car shall certify to the
7 Secretary annually that any railroad freight cars to
8 be so provided meet the requirements of this section.

9 “(3) COMPLIANCE.—

10 “(A) VALID CERTIFICATION REQUIRED.—
11 At the time a railroad freight car begins oper-
12 ation on the United States freight railroad
13 interchange system, the manufacturer of such
14 railroad freight car shall have valid certification
15 describe under paragraph (2) for the year in
16 which such car begins operation.

17 “(B) REGISTRATION OF NONCOMPLIANT
18 CARS PROHIBITED.—A railroad freight car
19 manufacturer may not register, or cause to be
20 registered, a railroad freight car that does not
21 comply with the requirements of this section in
22 the Association of American Railroad’s Umler
23 system.

24 “(4) CIVIL PENALTIES.—

1 “(A) IN GENERAL.—A railroad freight car
2 manufacturer that has manufactured a railroad
3 freight car for operation on the United States
4 freight railroad interchange system that the
5 Secretary of Transportation determines, after
6 written notice and an opportunity for a hearing,
7 has violated this section is liable to the United
8 States Government for a civil penalty of at least
9 \$100,000 but not more than \$250,000 for each
10 violation for each railroad freight car.

11 “(B) PROHIBITION FOR VIOLATIONS.—The
12 Secretary of Transportation may prohibit a rail-
13 road freight car manufacturer with respect to
14 which the Secretary has assessed more than 3
15 violations under subparagraph (A) from pro-
16 viding additional railroad freight cars for oper-
17 ation on the United States freight railroad
18 interchange system until the Secretary deter-
19 mines—

20 “(i) such manufacturer is in compli-
21 ance with this section; and

22 “(ii) all civil penalties assessed to
23 such manufacturer under subparagraph
24 (A) have been paid in full.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 207 of title 49, United States Code, is amended by
3 adding at the end the following:

“20704. Requirements for railroad freight cars entering service in United
States.”.