

113TH CONGRESS
2D SESSION

H. R. 3978

To authorize the Secretary of Transportation to establish a pedestrian and bicycle infrastructure credit assistance pilot program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2014

Mr. SIRES (for himself, Mr. CARSON of Indiana, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Secretary of Transportation to establish a pedestrian and bicycle infrastructure credit assistance pilot program, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “New Opportunities for Bicycle and Pedestrian Infra-
6 structure Financing Act of 2014”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

- Sec. 3. Authority to provide assistance.
- Sec. 4. Eligible entities.
- Sec. 5. Projects eligible for assistance.
- Sec. 6. Applications.
- Sec. 7. Determination of eligibility and project selection.
- Sec. 8. Secured loans and loan guarantees.
- Sec. 9. Program administration.
- Sec. 10. State and local permits.
- Sec. 11. Definitions.
- Sec. 12. Regulations.
- Sec. 13. Funding.
- Sec. 14. Report to Congress.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) To promote investment in bicycling and
4 walking infrastructure to create and connect trans-
5 portation networks.

6 (2) To improve access to employment, business
7 districts, and transit in communities traditionally
8 underserved by existing transportation systems by
9 establishing additional opportunities for financing
10 nonmotorized infrastructure projects.

11 (3) To attract new investment to business dis-
12 tricts and neighborhoods in low-income communities.

13 (4) To leverage Federal funds and private in-
14 vestment in low-income communities and those tra-
15 ditionally underserved by existing transportation sys-
16 tems.

17 **SEC. 3. AUTHORITY TO PROVIDE ASSISTANCE.**

18 The Secretary of Transportation may provide finan-
19 cial assistance under this Act to eligible entities to carry

1 out bicycle and pedestrian infrastructure projects selected
2 for such assistance under this Act.

3 **SEC. 4. ELIGIBLE ENTITIES.**

4 In this Act, the term “eligible entity” means the fol-
5 lowing:

6 (1) A corporation.

7 (2) A public/private partnership.

8 (3) A joint venture.

9 (4) A trust.

10 (5) A State infrastructure financing authority.

11 **SEC. 5. PROJECTS ELIGIBLE FOR ASSISTANCE.**

12 Financial assistance may be provided under this Act
13 only for the following types of projects:

14 (1) A project for the construction, planning,
15 and design of on-road and off-road pathways for pe-
16 destrians, bicyclists, and other nonmotorized forms
17 of transportation to create a comprehensive and con-
18 nected transportation system, including sidewalks,
19 bicycling infrastructure and parking, pedestrian and
20 bicycle signals, traffic calming techniques, lighting
21 and other safety-related infrastructure, and trans-
22 portation projects to achieve compliance with the
23 American with Disabilities Act of 1990 (42 U.S.C.
24 12101 et seq.).

1 (2) A project for the construction, planning,
2 and design of infrastructure-related projects and
3 systems that connect existing infrastructure to cre-
4 ate a network and improve safety and access for
5 nonmotorized users to transit, schools, and commer-
6 cial areas.

7 (3) Innovative infrastructure for bicycling and
8 walking, such as designs included in the National
9 Association of City Transportation Officials guide
10 for urban street design, to enhance the ability of
11 communities to develop solutions to increase non-
12 motorized travel.

13 (4) A project for the conversion and use of
14 abandoned railroad corridors for trails for pedes-
15 trians, bicyclists, or other nonmotorized transpor-
16 tation users to connect to or expand an existing net-
17 work of bicycle and pedestrian facilities.

18 (5) A bike share program as a standalone
19 project or in conjunction with other infrastructure
20 projects.

21 **SEC. 6. APPLICATIONS.**

22 (a) IN GENERAL.—The Secretary shall provide for el-
23 igible entities to submit applications for selection of eligi-
24 ble projects to receive financial assistance under this Act

1 at such time, in such manner, and containing such infor-
2 mation as the Secretary may require.

3 (b) COMBINED PROJECTS.—The Secretary shall pro-
4 vide, only in the case of a State infrastructure financing
5 authority, that such an entity may submit a single applica-
6 tion for a combination of projects, each of which is an
7 eligible project under section 8(b).

8 **SEC. 7. DETERMINATION OF ELIGIBILITY AND PROJECT SE-**
9 **LECTION.**

10 (a) SELECTION OF PROJECTS.—Using the selection
11 criteria under subsection (d), the Secretary shall select,
12 from applications submitted pursuant under this Act, eli-
13 gible projects that meet the criteria under subsections (b)
14 and (c) for financial assistance under this Act.

15 (b) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—
16 Amounts from a loan made or guaranteed under this Act
17 provided for an eligible project may be used to pay the
18 costs of carrying out such project, including costs of—

19 (1) development-phase activities, including plan-
20 ning, feasibility analysis, revenue forecasting, envi-
21 ronmental review, permitting, preliminary engineer-
22 ing and design work, and other preconstruction ac-
23 tivities;

24 (2) construction, reconstruction, rehabilitation,
25 and replacement activities;

1 (3) the acquisition of real property (including
2 land relating to the project and improvements to
3 land), environmental mitigation, construction contin-
4 gencies, and acquisition of equipment;

5 (4) capitalized interest necessary to meet mar-
6 ket requirements, reasonably required reserve funds,
7 capital issuance expenses, and other carrying costs
8 during construction; and

9 (5) refinancing interim construction funding,
10 long-term project obligations, or a secured loan or
11 loan guarantee made under this Act.

12 (c) PROJECT REQUIREMENTS.—An eligible project
13 may not be selected to receive financial assistance under
14 this Act unless the Secretary determines that the project
15 meets all of the following criteria:

16 (1) CREDITWORTHINESS.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the project shall be creditworthy, as
19 determined by the Secretary as applicable, to
20 ensure that any financing for the project has
21 appropriate security features, such as a rate
22 covenant, to ensure repayment.

23 (B) PRELIMINARY RATING OPINION LET-
24 TER.—The Secretary shall require an applicant
25 for each project to provide, as part of the appli-

1 cation for the project under this section, a pre-
2 liminary rating opinion letter from at least one
3 rating agency indicating that the senior project
4 obligations of the project (which may be the
5 Federal credit instrument) have the potential to
6 achieve an investment-grade rating.

7 (C) SPECIAL RULE FOR CERTAIN COM-
8 BINED PROJECTS.—The Secretary shall develop
9 a credit evaluation process for a Federal credit
10 instrument provided to a State infrastructure
11 financing authority for a project described in
12 subsection (b), which may include requiring the
13 provision of a preliminary rating opinion letter
14 from at least one rating agency.

15 (2) ELIGIBLE PROJECT COSTS.—The costs of
16 an eligible project shall be reasonably anticipated to
17 be not less than \$2,000,000.

18 (3) DEDICATED REVENUE SOURCES.—The Fed-
19 eral credit instrument for the project shall be repay-
20 able, in whole or in part, from dedicated revenue
21 sources that also secure the project obligations.

22 (4) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
23 TIES.—In the case of a project carried out by an en-
24 tity that is not a State or local government or an

1 agency or instrumentality of a State or local govern-
2 ment, the project shall be publicly sponsored.

3 (5) PUBLIC INVOLVEMENT PROCESS.—The ap-
4 plicant shall show evidence of having incorporated a
5 public involvement process in the application, and
6 plans for continued public involvement through the
7 implementation of the process. The public involve-
8 ment processes shall be proactive and provide com-
9 plete information, timely public notice, full public ac-
10 cess to key decisions, and opportunities for early and
11 continuing involvement. The processes shall provide
12 for—

13 (A) reasonable public access to technical
14 and policy information used in the development
15 of the application;

16 (B) adequate public notice of public in-
17 volvement activities and time for public review
18 and comment at key decision points;

19 (C) a process for demonstrating explicit
20 consideration and response to public input dur-
21 ing the planning and program development
22 process; and

23 (D) a process for seeking out and consid-
24 ering the needs of those traditionally under-
25 served by existing transportation systems, such

1 as low-income and minority households which
2 may face challenges accessing employment and
3 other amenities.

4 (d) SELECTION AMONG ELIGIBLE PROJECTS.—

5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish a rolling application process in which projects
7 that are eligible to receive credit assistance under
8 subsection (a) shall receive credit assistance on
9 terms acceptable to the Secretary, if adequate funds
10 are available to cover the subsidy costs associated
11 with the Federal credit instrument.

12 (2) ADEQUATE FUNDING NOT AVAILABLE.—If
13 the Secretary fully obligates funding to eligible
14 projects in a given fiscal year, and adequate funding
15 is not available to fund a credit instrument, a
16 project sponsor of an eligible project may elect to
17 enter into a master credit agreement and wait until
18 the following fiscal year or until additional funds are
19 available to receive credit assistance.

20 (e) LOW-INCOME COMMUNITIES.—The Secretary
21 shall ensure that not less than 25 percent of funds under
22 this section are used to support projects in low-income
23 communities.

1 (f) FEDERAL REQUIREMENTS.—Nothing in this sec-
2 tion may be construed to alter, affect, or annul the appli-
3 cability of any other Federal law.

4 **SEC. 8. SECURED LOANS AND LOAN GUARANTEES.**

5 (a) AUTHORITY.—The Secretary may enter into
6 agreements with eligible entities to make, and may make,
7 secured loans to such entities as provided under this sec-
8 tion for eligible projects selected under section 8.

9 (b) USE.—

10 (1) IN GENERAL.—The proceeds of a secured
11 loan under this section shall be used only—

12 (A) to finance project costs of an eligible
13 project selected under section 8;

14 (B) subject to paragraph (2), to refinance
15 interim construction financing of eligible project
16 costs of an eligible project selected under sec-
17 tion 8; or

18 (C) to refinance long-term project obliga-
19 tions or Federal credit instruments, if such refi-
20 nancing provides additional funding capacity for
21 the completion, enhancement, or expansion of a
22 project that—

23 (i) is selected under section 8; or

24 (ii) was originally financed, in whole
25 or in part, with amounts provided other

1 than under this Act, if the project other-
2 wise meets the requirements of section 8.

3 (2) LIMITATION ON REFINANCING OF INTERIM
4 CONSTRUCTION FINANCING.—The proceeds of a se-
5 cured loan under this section made for an eligible
6 project may not be used for the purpose under para-
7 graph (1)(B) after the expiration of the 12-month
8 period beginning on the date of substantial comple-
9 tion of the project.

10 (c) RISK ASSESSMENT.—Before entering into an
11 agreement under this subsection for a secured loan, the
12 Secretary, in consultation with the Director of the Office
13 of Management and Budget and each rating agency pro-
14 viding a preliminary rating opinion letter under section
15 8(c)(1)(B), shall determine an appropriate capital reserve
16 subsidy amount for the secured loan, taking into account
17 each such preliminary rating opinion letter.

18 (d) INVESTMENT-GRADE RATING REQUIREMENT FOR
19 SENIOR OBLIGATIONS.—The execution of a secured loan
20 under this section shall be contingent on receipt by the
21 senior obligations of the project of an investment-grade
22 rating.

23 (e) TERMS AND LIMITATIONS.—

1 (1) MAXIMUM AMOUNT.—The amount of a se-
2 cured loan under this section shall not exceed the
3 lesser of—

4 (A) an amount equal to 49 percent of the
5 reasonably anticipated eligible project costs; or

6 (B) if the secured loan does not receive an
7 investment-grade rating, the amount of the sen-
8 ior project obligations of the project.

9 (2) PAYMENT.—A secured loan under this sec-
10 tion—

11 (A) shall be payable, in whole or in part,
12 from State or local taxes, user fees, or other
13 dedicated revenue sources that also secure the
14 senior project obligations of the relevant
15 project;

16 (B) shall include a rate covenant, coverage
17 requirement, or similar security feature sup-
18 porting the project obligations; and

19 (C) may have a lien on revenues described
20 in subparagraph (A), subject to any lien secur-
21 ing project obligations.

22 (3) INTEREST RATE.—The interest rate on a
23 secured loan under this section shall be—

24 (A) equal to the yield on marketable
25 United States Treasury securities of a similar

1 maturity to the maturity of the secured loan on
2 the date of execution of the loan agreement;
3 and

4 (B) fixed for the term of the loan.

5 (4) MATURITY DATE.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), the final maturity date of a
8 secured loan under this section for an eligible
9 project shall be not later than 35 years after
10 the date of substantial completion of the
11 project.

12 (B) SPECIAL RULE FOR STATE INFRA-
13 STRUCTURE FINANCING AUTHORITIES.—The
14 final maturity date of a secured loan under this
15 section made to a State infrastructure financing
16 authority shall be not later than 35 years after
17 the date on which loan amounts are first dis-
18 bursed.

19 (5) NONSUBORDINATION.—A secured loan
20 under this section shall not be subordinated to the
21 claims of any holder of project obligations in the
22 event of bankruptcy, insolvency, or liquidation of the
23 obligor.

24 (6) FEES.—The Secretary may establish fees in
25 connection with a secured loan under this section, in

1 amounts sufficient to cover all or a portion of the
2 costs to the Federal Government of secured loans
3 under this section.

4 (7) USE OF PROCEEDS FOR PAYMENT OF NON-
5 FEDERAL SHARE.—The proceeds of a secured loan
6 under this section may be used to pay any non-Fed-
7 eral share required with respect to other funding ob-
8 tained for project costs, but only if such secured
9 loan is repaid using non-Federal funds.

10 (8) MAXIMUM FEDERAL INVOLVEMENT.—For
11 any project for which assistance is provided under
12 this Act, the total amount of Federal assistance
13 from all sources, including this Act, shall not exceed
14 80 percent of the total project cost.

15 (9) OTHER TERMS AND CONDITIONS.—A se-
16 cured loan provided for a project under this section
17 shall be subject to such other terms and conditions,
18 and contain such covenants, representations, war-
19 ranties, and requirements (including requirements
20 for audits), as the Secretary determines to be appro-
21 priate.

22 (f) REPAYMENT.—

23 (1) SCHEDULE.—The Secretary shall establish
24 a repayment schedule for each secured loan provided

1 under this section, based on the projected cash flow
2 from project revenues and other repayment sources.

3 (2) COMMENCEMENT.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), scheduled loan repayments
6 of principal or interest on a secured loan under
7 this section for an eligible project shall com-
8 mence not later than 5 years after the date of
9 substantial completion of the project.

10 (B) SPECIAL RULE FOR STATE INFRA-
11 STRUCTURE FINANCING AUTHORITIES.—Sched-
12 uled loan repayments of principal or interest on
13 a secured loan made under this section to a
14 State infrastructure financing authority shall
15 commence not later than 5 years after the date
16 on which amounts are first disbursed.

17 (3) DEFERRED PAYMENTS.—

18 (A) IN GENERAL.—If, at any time after
19 the date of substantial completion of a project
20 for which a secured loan is provided under this
21 section, the project is unable to generate suffi-
22 cient revenues to pay the scheduled loan repay-
23 ments of principal and interest on the loan, the
24 Secretary may, subject to subparagraph (C),
25 allow the obligor to add unpaid principal and

1 interest to the outstanding balance of the se-
2 cured loan.

3 (B) INTEREST.—Any payment deferred
4 pursuant to subparagraph (A) shall—

5 (i) continue to accrue interest in ac-
6 cordance with subsection (e)(3) until fully
7 repaid; and

8 (ii) be amortized over the remaining
9 term of the secured loan.

10 (C) CRITERIA.—Any payment deferral pur-
11 suant to subparagraph (A) shall be contingent
12 on the project meeting—

13 (i) standards for reasonable assurance
14 of repayment, as the Secretary shall estab-
15 lish; and

16 (ii) such other criteria as the Sec-
17 retary may establish.

18 (4) PREPAYMENT.—

19 (A) USE OF EXCESS REVENUES.—Any ex-
20 cess revenues from an eligible project that re-
21 main after satisfying scheduled debt service re-
22 quirements on the project obligations and se-
23 cured loan and all deposit requirements under
24 the terms of any trust agreement, bond resolu-
25 tion, or similar agreement securing project obli-

1 gations may be applied annually to prepay a se-
2 cured loan under this section without penalty.

3 (B) USE OF PROCEEDS OF REFI-
4 NANCING.—A secured loan under this section
5 may be prepaid at any time, without penalty,
6 from the proceeds of refinancing from non-Fed-
7 eral funding sources.

8 (g) SALE OF SECURED LOANS.—

9 (1) IN GENERAL.—Subject to paragraph (2), if
10 the Secretary determines that the sale or reoffering
11 of a secured loan under this section for an eligible
12 project can be made on favorable terms, the Sec-
13 retary may sell the loan to another entity or reoffer
14 the loan into the capital markets as soon as prac-
15 ticable after the date of substantial completion of a
16 project and after providing notice to the obligor.

17 (2) CONSENT OF OBLIGOR.—In making a sale
18 or reoffering under paragraph (1), the Secretary
19 may not change the original terms and conditions of
20 the secured loan without the written consent of the
21 obligor.

22 (h) LOAN GUARANTEES.—

23 (1) IN GENERAL.—In lieu of making a secured
24 loan under this section for an eligible project, the
25 Secretary may provide a loan guarantee for a project

1 obligation for a project funded by a qualified lender
2 (as such term is defined in section 12), but only if
3 the Secretary determines that the cost as such term
4 is defined in section 502 of the Federal Credit Re-
5 form Act of 1990 (2 U.S.C. 661a) of the loan guar-
6 antee is substantially the same as or less than that
7 of making a secured loan.

8 (2) TERMS.—The terms of a loan guarantee
9 provided under this subsection shall be consistent
10 with the terms established in this section for a se-
11 cured loan, except that the interest rate on the guar-
12 anteed loan and any prepayment features shall be
13 negotiated between the obligor and the qualified
14 lender, subject to the consent of the Secretary.

15 **SEC. 9. PROGRAM ADMINISTRATION.**

16 (a) REQUIREMENT.—The Secretary shall establish a
17 uniform system to service the Federal credit instruments
18 made available under this Act.

19 (b) SERVICER.—

20 (1) IN GENERAL.—The Secretary may appoint
21 a financial entity to assist the Secretary in servicing
22 Federal credit instruments provided under this Act.

23 (2) DUTIES.—A servicer appointed under para-
24 graph (1) shall act as the agent for the Secretary.

1 (c) ASSISTANCE FROM EXPERTS.—The Secretary
2 may retain the services, including counsel, of organizations
3 and entities with expertise in the field of municipal and
4 project finance to assist in the underwriting and servicing
5 of Federal credit instruments provided under this Act.

6 **SEC. 10. STATE AND LOCAL PERMITS.**

7 The provision of financial assistance under this Act
8 for an eligible project shall not—

9 (1) relieve any recipient of such assistance of
10 any obligation to obtain any required State or local
11 permit or approval with respect to the project;

12 (2) limit the right of any unit of State or local
13 government to approve or regulate any rate of re-
14 turn on private equity invested in the project; or

15 (3) otherwise supersede any State or local law
16 or regulation applicable to the construction or oper-
17 ation of the project.

18 **SEC. 11. DEFINITIONS.**

19 In this Act, the following definitions shall apply:

20 (1) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means an entity listed in section 5 to receive fi-
22 nancial assistance under this Act.

23 (2) ELIGIBLE PROJECT.—The term “eligible
24 project” means a project described in section 6.

1 (3) ELIGIBLE PROJECT COSTS.—The term “eli-
2 gible project costs” means, with respect to an eligi-
3 ble project, any costs of the project eligible under
4 section 8 to be paid with amounts from a loan made
5 or guaranteed under this Act.

6 (4) FEDERAL CREDIT INSTRUMENT.—The term
7 “Federal credit instrument” means a secured loan
8 made, or loan guarantee provided, under section 9.

9 (5) INVESTMENT-GRADE RATING.—The term
10 “investment-grade rating” means, with respect to
11 project obligations, a rating of BBB minus, Baa3,
12 bbb minus, BBB (low), or higher as assigned by a
13 rating agency.

14 (6) LOAN GUARANTEE.—The term “loan guar-
15 antee” means any guarantee or other pledge by the
16 Secretary to pay all or part of the principal of, and
17 interest on, a loan or other debt obligation.

18 (7) OBLIGOR.—The term “obligor” means—

19 (A) with respect to a Federal credit instru-
20 ment that is a secured loan under section 9, the
21 eligible entity that is primarily liable for pay-
22 ment of the principal of, or interest on, the
23 loan; and

24 (B) with respect to a Federal credit instru-
25 ment that is a loan guarantee under section

1 9(h), the eligible entity that is primarily liable
2 for payment of the loan or other debt obligation
3 repayment of which is guaranteed pursuant to
4 such section.

5 (8) PROJECT OBLIGATION.—The term “project
6 obligation” means, with respect to an eligible
7 project, any note, bond, debenture, or other debt ob-
8 ligation issued by an obligor in connection with the
9 financing of the project. Such term does not include
10 a Federal credit instrument.

11 (9) QUALIFIED LENDER.—

12 (A) IN GENERAL.—The term “qualified
13 lender” means any non-Federal qualified insti-
14 tutional buyer, as such term is defined in sec-
15 tion 230.144A(a) of title 17, Code of Federal
16 Regulations (or any successor regulation),
17 known as Rule 144A(a) of the Securities and
18 Exchange Commission and issued under the Se-
19 curities Act of 1933 (15 U.S.C. 77a et seq.).

20 (B) INCLUSIONS.—Such term includes—

21 (i) a qualified retirement plan (as de-
22 fined in section 4974(c) of the Internal
23 Revenue Code of 1986) that is a qualified
24 institutional buyer; and

1 (ii) a governmental plan (as defined in
2 section 414(d) of the Internal Revenue
3 Code of 1986) that is a qualified institu-
4 tional buyer.

5 (10) RATING AGENCY.—The term “rating agen-
6 cy” means a credit rating agency registered with the
7 Securities and Exchange Commission as a nationally
8 recognized statistical rating organization (as defined
9 in section 3(a) of the Securities Exchange Act of
10 1934 (15 U.S.C. 78c(a))).

11 (11) SECRETARY.—The term “Secretary”
12 means the Secretary of Transportation.

13 (12) SECURED LOAN.—The term “secured
14 loan” means a direct loan or other debt obligation
15 issued by an obligor and funded by the Secretary
16 pursuant to section 9.

17 (13) STATE.—The term “State” means a State,
18 the District of Columbia, the Commonwealth of
19 Puerto Rico, and any other territory or possession of
20 the United States.

21 (14) STATE INFRASTRUCTURE FINANCING AU-
22 THORITY.—The term “State infrastructure financing
23 authority” means the State entity established or des-
24 ignated by the Governor of a State to receive assist-
25 ance under this Act.

1 (15) **SUBSIDY AMOUNT.**—The term “subsidy
2 amount” means, with respect to a Federal credit in-
3 strument, the amount of budget authority sufficient
4 to cover the estimated long-term cost to the Federal
5 Government of the Federal credit instrument, as cal-
6 culated on a net present value basis, excluding ad-
7 ministrative costs and any incidental effects on gov-
8 ernmental receipts or outlays in accordance with the
9 Federal Credit Reform Act of 1990 (2 U.S.C. 661
10 et seq.).

11 (16) **SUBSTANTIAL COMPLETION.**—The term
12 “substantial completion” means, with respect to a
13 project, the earliest date on which a project is con-
14 sidered capable of performing the functions for
15 which the project is designed.

16 **SEC. 12. REGULATIONS.**

17 The Secretary may issue such regulations as the Sec-
18 retary considers appropriate to carry out this Act.

19 **SEC. 13. FUNDING.**

20 Section 608(a) of title 23, United States Code, is
21 amended—

22 (1) by redesignating paragraphs (4) through
23 (6) as paragraphs (5) through (7), respectively; and

24 (2) by inserting after paragraph (3) the fol-
25 lowing:

1 “(4) SET ASIDES.—Of the total amount of
2 funds made available to carry out this chapter for
3 each fiscal year—

4 “(A) \$11,000,000 shall be set aside for pe-
5 destrian and bicycle infrastructure projects de-
6 scribed in the New Opportunities for Bicycle
7 and Pedestrian Infrastructure Financing Act of
8 2013 unless and until the pilot program estab-
9 lished by that Act is terminated; and

10 “(B) \$1,000,000 for shall be set aside for
11 administrative costs of the program.”.

12 **SEC. 14. REPORT TO CONGRESS.**

13 Not later than 2 years after the date of enactment
14 of this Act, the Secretary shall submit to Congress a re-
15 port summarizing the financial performance of the
16 projects that are receiving, or have received, assistance
17 under this Act, including a recommendation as to whether
18 the objectives of this Act are best served—

19 (1) by continuing the program under the au-
20 thority of the Secretary; and

21 (2) by phasing out the program and relying on
22 the capital markets to fund the types of infrastruc-
23 ture investments assisted by this Act without Fed-
24 eral participation.

○