

113TH CONGRESS
2D SESSION

H. R. 4834

To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2014

Mr. PETRI (for himself and Ms. NORTON) (both by request): introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, Science, Space, and Technology, Natural Resources, Oversight and Government Reform, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize highway infrastructure and safety, transit, motor carrier, rail, and other surface transportation 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Generating Renewal, Opportunity, and Work with Accel-
6 erated Mobility, Efficiency, and Rebuilding of Infrastruc-

1 ture and Communities throughout America Act” or the
 2 “GROW AMERICA Act”.

3 (b) TABLE OF CONTENTS.—The table of contents of
 4 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Effective date.

TITLE I—TRANSPORTATION INFRASTRUCTURE INITIATIVES

Subtitle A—Increasing Efficiency in Project Delivery

- Sec. 1001. Improving State and Federal agency engagement in environmental reviews.
- Sec. 1002. Environmental review alignment and reform.
- Sec. 1003. Improving collaboration for accelerated decisionmaking.
- Sec. 1004. Unreasonable obstruction of navigation determination.
- Sec. 1005. Satisfaction of requirements for certain historic sites.
- Sec. 1006. Rail and transit exemption from consideration under section 4(f).
- Sec. 1007. Multimodal categorical exclusions.
- Sec. 1008. Improving transparency in environmental reviews.
- Sec. 1009. Infrastructure permitting improvement center.
- Sec. 1010. Clarification of transportation environmental authorities.
- Sec. 1011. Advance acquisition.
- Sec. 1012. Bridge exemption from consideration under section 4(f).

Subtitle B—Freight Policy and Financing

- Sec. 1101. Multimodal freight investment program.
- Sec. 1102. Redesignation of the national network.

Subtitle C—Planning

- Sec. 1201. Transportation system resilience assessment.
- Sec. 1202. Consolidated and high performing metropolitan planning organizations.
- Sec. 1203. Participation of public port authorities.
- Sec. 1204. Strengthening the statewide and nonmetropolitan planning process.
- Sec. 1205. Removal of the congestion management process.
- Sec. 1206. Public involvement in plan development.
- Sec. 1207. Connection to opportunities national goal and potential performance measure.
- Sec. 1208. Workforce development.
- Sec. 1209. Measuring transportation connectivity pilot activities.
- Sec. 1210. Performance-based project selection.
- Sec. 1211. Stormwater planning.

Subtitle D—Congestion Mitigation and Air Quality Improvement

- Sec. 1301. Eligible projects.
- Sec. 1302. Special rules.
- Sec. 1303. Priority consideration.

- Sec. 1304. Evaluation and assessment of projects.
- Sec. 1305. Electric vehicle charging stations and commercial motor vehicle anti-idling facilities in rest areas.

Subtitle E—Innovative Finance and Tolling

- Sec. 1401. 21st century infrastructure investments.
- Sec. 1402. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.
- Sec. 1403. Railroad rehabilitation and improvement financing.
- Sec. 1404. State infrastructure bank program.
- Sec. 1405. Toll roads, bridges, tunnels, and ferries.
- Sec. 1406. Tax-exempt financing for qualified surface transportation projects.
- Sec. 1407. Pay for success.

TITLE II—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 2001. Authorization of appropriations.
- Sec. 2002. Obligation limitation.
- Sec. 2003. Apportionment.
- Sec. 2004. Federal lands transportation program.
- Sec. 2005. Emergency relief for federally owned roads.
- Sec. 2006. Tribal high priority projects program and tribal transportation program amendments.
- Sec. 2007. Federal lands access program Federal share.
- Sec. 2008. Nationally significant Federal lands and tribal projects program.
- Sec. 2009. Federal lands programmatic activities.
- Sec. 2010. Bridges requiring closure or load restrictions.
- Sec. 2011. Broadband infrastructure deployment.
- Sec. 2012. Critical immediate investments program.
- Sec. 2013. Appalachian development highway system.

Subtitle B—Performance Management

- Sec. 2101. Performance management data support program.
- Sec. 2102. Performance period adjustment.
- Sec. 2103. Multimodal accommodations.

Subtitle C—Improved Federal Stewardship

- Sec. 2201. Project approval and oversight.

Subtitle D—Other

- Sec. 2301. Letting of contracts.
- Sec. 2302. Construction of ferry boats and ferry terminal facilities.
- Sec. 2303. Green stormwater infrastructure.
- Sec. 2304. Elimination or modification of certain FHWA reporting requirements.

TITLE III—PUBLIC TRANSPORTATION

- Sec. 3001. Short title; amendments to title 49, United States Code.
- Sec. 3002. Definitions.
- Sec. 3003. Formula grants for enhanced mobility.
- Sec. 3004. Formula grants for public transportation on Indian reservations.

- Sec. 3005. Workforce development programs.
- Sec. 3006. General provisions.
- Sec. 3007. Public transportation local hiring.
- Sec. 3008. Public transportation safety program.
- Sec. 3009. Authorizations.
- Sec. 3010. Bus and bus facilities program.
- Sec. 3011. Rapid growth area transit program.
- Sec. 3012. Technical corrections.
- Sec. 3013. Technical corrections of title II, division B, of MAP-21.
- Sec. 3014. Elimination of FTA annual research reporting requirement.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Traffic Safety

- Sec. 4001. Authorization of appropriations.
- Sec. 4002. Highway safety programs.
- Sec. 4003. Amendment to section 405 national priority safety programs transfer authority.
- Sec. 4004. Amendment to motorcyclist safety grant criteria.
- Sec. 4005. Amendment to graduated driver licensing incentive grant criteria.
- Sec. 4006. Amendment to ignition interlock grant criteria.
- Sec. 4007. Amendment to repeat offender and open container criteria.
- Sec. 4008. Amendment to distracted driving grant criteria.
- Sec. 4009. Streamlining of national priority safety programs.
- Sec. 4010. Amendment to highway research and development.

Subtitle B—Motor Vehicle Safety

- Sec. 4101. Authorization of appropriations.
- Sec. 4102. Recall obligations under bankruptcy.
- Sec. 4103. Prohibition on rendering safety elements inoperative.
- Sec. 4104. Cooperation with foreign governments.
- Sec. 4105. Functional safety process.
- Sec. 4106. Notification of defect or noncompliance and imminent hazard authority.
- Sec. 4107. Amendment to judicial review provisions.
- Sec. 4108. Inspection authority under automobile fuel economy statute.
- Sec. 4109. Recall authority over rental car companies and used car dealers.
- Sec. 4110. Civil penalties.
- Sec. 4111. Technical corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.

TITLE V—MOTOR CARRIER SAFETY PROGRAM

- Sec. 5001. Amendment of title 49, United States Code.

Subtitle A—Commercial Motor Vehicle Safety

- Sec. 5101. Commercial motor vehicle defined.
- Sec. 5102. Motor carrier operations affecting interstate commerce.
- Sec. 5103. Bus rentals and definition of employer.
- Sec. 5104. High-risk carrier reviews.
- Sec. 5105. New entrant safety audits.
- Sec. 5106. Imminent hazard actions.
- Sec. 5107. International commerce transported on highways through the United States.

Subtitle B—Driver Safety Provisions

- Sec. 5201. Commercial driver’s license requirements.
- Sec. 5202. Disqualifications based on non-commercial motor vehicle operations.
- Sec. 5203. Recording of Federal disqualifications on CDLIS.
- Sec. 5204. Failure to pay civil penalty as a disqualifying offense.
- Sec. 5205. Controlled substance violations.

Subtitle C—Medical and Registration Provisions

- Sec. 5301. Effect of driving on commercial motor vehicle operators.
- Sec. 5302. Jurisdiction over brokers of motor carriers of passengers.
- Sec. 5303. Revocation or suspension of registration.
- Sec. 5304. Revocation of registration for failure to respond to subpoena.
- Sec. 5305. Lapse of required financial security; suspension of registration.

Subtitle D—Grants and Authorizations

- Sec. 5401. FMCSA financial assistance programs.

Subtitle E—Miscellaneous

- Sec. 5501. Motor carrier safety advisory committee.
- Sec. 5502. Unified carrier registration plan.
- Sec. 5503. Self-insurance for motor carriers repealed.
- Sec. 5504. Electronic logging device recall authority.
- Sec. 5505. Repeal of motor carrier financial reporting requirement.
- Sec. 5506. Contractors exercising operational control over motor carrier operations.
- Sec. 5507. Driver compensation.
- Sec. 5508. Civil enforcement authority.
- Sec. 5509. Criminal penalties.
- Sec. 5510. Penalties for violations of out-of-service orders.
- Sec. 5511. Technical corrections.
- Sec. 5512. Audits and compliance investigations of Mexico-domiciled motor carriers.
- Sec. 5513. Administrative adjudication of violations of commercial regulations and statutes.
- Sec. 5514. Access to national driver register.
- Sec. 5515. Elimination of certain FMCSA reporting requirements.

TITLE VI—HAZARDOUS MATERIAL TRANSPORTATION SAFETY

- Sec. 6001. Amendment of title 49, United States Code.
- Sec. 6002. Emergency operational controls.
- Sec. 6003. Enhanced registration requirements.
- Sec. 6004. User fees for special permits.
- Sec. 6005. National emergency and disaster response.
- Sec. 6006. Enhanced reporting.
- Sec. 6007. Improving publication of special permits.
- Sec. 6008. Hazard abatement authority.
- Sec. 6009. Inspection of non-domestic entities.
- Sec. 6010. Improving the effectiveness of the HMEP grant program.
- Sec. 6011. Civil penalty.
- Sec. 6012. General duty.
- Sec. 6013. Authorization of appropriations.
- Sec. 6014. Elimination of certain PHMSA reporting requirements.

TITLE VII—AMENDMENTS TO THE INTERNAL REVENUE CODE

- Sec. 7001. Amendment of 1986 Code.
- Sec. 7002. Extension of highway-related taxes.
- Sec. 7003. Extension of provisions related to the Sport Fish Restoration and Boating Trust Fund.
- Sec. 7004. Transportation Trust Fund.
- Sec. 7005. Effective date.

TITLE VIII—RESEARCH

Subtitle A—Funding

- Sec. 8001. Authorization of appropriations.

Subtitle B—Research, Technology, and Education

- Sec. 8101. National Cooperative Freight Transportation Research Program.
- Sec. 8102. Competitive University Transportation Centers Consortia Program.
- Sec. 8103. Priority Multimodal Research Program.
- Sec. 8104. Bureau of Transportation Statistics.
- Sec. 8105. ITS goals and purposes.
- Sec. 8106. ITS general authorities and requirements.
- Sec. 8107. ITS national architecture and standards.
- Sec. 8108. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.
- Sec. 8109. Infrastructure development.
- Sec. 8110. Departmental research programs; conforming amendments.
- Sec. 8111. Office of Intermodalism.
- Sec. 8112. Cooperation with Federal and State agencies and foreign countries.

TITLE IX—RAIL SAFETY, RELIABILITY, AND EFFICIENCY

- Sec. 9001. Short title; amendment of title 49, United States Code.

Subtitle A—National High-Performance Rail System

- Sec. 9101. Purpose and objectives.
- Sec. 9102. Grant programs.
- Sec. 9103. Amtrak 5-year business planning.
- Sec. 9104. Clarification of grant conditions.
- Sec. 9105. Research and development.
- Sec. 9106. Miscellaneous revisions.

Subtitle B—Policy

- Sec. 9201. Regional rail development authorities.
- Sec. 9202. Northeast Corridor Infrastructure and Operations Advisory Commission.
- Sec. 9203. Standardization of passenger equipment and platforms.
- Sec. 9204. Next Generation Equipment Committee.
- Sec. 9206. Rail passenger transportation liability and mandatory coverage.
- Sec. 9207. Shared-use study.
- Sec. 9208. Disadvantaged business enterprises; disparity and availability study.

Subtitle C—Planning

- Sec. 9301. National and regional rail planning.

Sec. 9302. State rail plans.

Subtitle D—Safety Improvements

- Sec. 9401. Requirement for uniform operating rules.
 Sec. 9402. Positive train control.
 Sec. 9403. Hours of service reform.
 Sec. 9404. Amendments to the safety appliance law.
 Sec. 9405. Amendments to the locomotive inspection law.
 Sec. 9406. Technical amendment to the provision on protection of railroad safety risk reduction program information.
 Sec. 9407. Noise emission standards.
 Sec. 9408. Technical amendment to chapter 201 general civil penalty provision.
 Sec. 9409. Miscellaneous authorization of appropriations.
 Sec. 9410. Repair and replacement of damaged track inspection equipment.

Subtitle E—Miscellaneous Revisions and Technical Corrections

- Sec. 9501. Authorization of appropriations.
 Sec. 9502. Technical corrections to the Rail Safety Improvement Act of 2008.
 Sec. 9503. Technical correction to introductory text of Public Law 110–432.
 Sec. 9504. Technical corrections to uncodified provisions of division A of Public Law 110–432, the Rail Safety Improvement Act of 2008.
 Sec. 9505. Technical corrections to provisions of the hours of service laws and related civil penalty provision.
 Sec. 9506. Elimination of certain FRA reporting requirements.

TITLE X—MISCELLANEOUS

- Sec. 10001. Consideration of travel and tourism in award of financial assistance.
 Sec. 10002. Electronic reports and report modification.
 Sec. 10003. Amendment of Federal Aid in Sport Fish Restoration Act.
 Sec. 10004. Amendments to chapter 537 of title 46.
 Sec. 10005. Government-wide authority for electric charging infrastructure at no cost to the taxpayer.

TITLE XI—BUDGETARY INTERPRETATIONS AND TREATMENTS

- Sec. 11001. Amounts in this Act.
 Sec. 11002. Direct or mandatory spending.
 Sec. 11003. Treatment for statutory PAYGO and related purposes.
 Sec. 11004. Scoring of changes in contract authority in appropriations Acts.
 Sec. 11005. Scoring of changes in obligation limits in appropriations Acts.
 Sec. 11006. Scoring of transfers between the general fund and the Transportation Trust Fund.
 Sec. 11007. Special rule.

1 SEC. 2. DEFINITIONS.

2 In this Act, the following definitions apply:

- 3** (1) DEPARTMENT.—The term “Department”
4 means the Department of Transportation.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 **SEC. 3. EFFECTIVE DATE.**

4 Except as otherwise provided, this Act, and the
5 amendments made by this Act, shall take effect on Octo-
6 ber 1, 2014.

7 **TITLE I—TRANSPORTATION**
8 **INFRASTRUCTURE INITIATIVES**
9 **Subtitle A—Increasing Efficiency**
10 **in Project Delivery**

11 **SEC. 1001. IMPROVING STATE AND FEDERAL AGENCY EN-**
12 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

13 (a) IN GENERAL.—Title 49, United States Code, is
14 amended by inserting after section 306 the following:

15 **“SEC. 307. IMPROVING STATE AND FEDERAL AGENCY EN-**
16 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

17 “(a) IN GENERAL.—A public entity receiving finan-
18 cial assistance from the Department of Transportation for
19 one or more projects or for a program of projects, may
20 request that the Secretary allow the public entity to pro-
21 vide funds to Federal agencies, including the Department
22 of Transportation, State agencies, and Indian tribes par-
23 ticipating in the environmental planning and review proc-
24 ess for the project, projects, or program. The funds may
25 be provided only to support activities that directly and

1 meaningfully contribute to expediting and improving per-
2 mitting and review processes, including planning, approval
3 and consultation processes for the project, projects, or pro-
4 gram.

5 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
6 ties for which funds may be provided under subsection (a)
7 include transportation planning activities that precede the
8 initiation of the environmental review process, activities
9 directly related to the environmental review process, dedi-
10 cated staffing, training of agency personnel, information
11 gathering and mapping, and development of programmatic
12 agreements.

13 “(c) AMOUNTS.—Requests under subsection (a) may
14 be approved only for the additional amounts that the Sec-
15 retary determines are necessary for the Federal agencies,
16 State agencies, or Indian tribes participating in the envi-
17 ronmental review process to timely conduct their review.

18 “(d) AGREEMENTS.—Prior to providing funds ap-
19 proved by the Secretary for dedicated staffing at an af-
20 fected Federal agency under subsection (a), the affected
21 Federal agency and the requesting public entity shall enter
22 into an agreement that establishes a process to identify
23 projects or priorities to be addressed by the use of the
24 funds.

1 “(e) EXISTING AUTHORITY.—Nothing in this section
2 shall be construed as conflicting with the provisions of sec-
3 tion 139(j) of title 23.”.

4 (b) CONFORMING AMENDMENT.—The analysis of
5 chapter 3 of title 49, United States Code, is amended by
6 inserting after the item relating to section 306 the fol-
7 lowing:

“307. Improving State and Federal agency engagement in environmental re-
views”.

8 **SEC. 1002. ENVIRONMENTAL REVIEW ALIGNMENT AND RE-**
9 **FORM.**

10 (a) IN GENERAL.—Title 49, United States Code, is
11 amended by inserting after section 309 the following:

12 **“SEC. 310. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.**

13 “(a) COORDINATED AND CONCURRENT ENVIRON-
14 MENTAL REVIEWS.—Within one year of the date of enact-
15 ment of GROW AMERICA Act, the Department of Trans-
16 portation, in coordination with the Steering Committee,
17 shall develop a coordinated and concurrent environmental
18 review and permitting process for transportation projects
19 when initiating an environmental impact statement under
20 the National Environmental Policy Act (42 U.S.C. 4321
21 et seq.) (referred to as ‘NEPA’ in this section). This co-
22 ordinated and concurrent environmental review and per-
23 mitting process shall—

1 “(1) ensure that the Department of Transpor-
2 tation and agencies of jurisdiction possess sufficient
3 information early in the review process to determine
4 a statement of a transportation project’s purpose
5 and need and range of alternatives for analysis that
6 the lead agency and agencies of jurisdiction will rely
7 upon for concurrent environmental reviews and per-
8 mitting decisions required for the proposed project;

9 “(2) achieve early concurrence or issue resolu-
10 tion during the NEPA scoping process on the De-
11 partment of Transportation’s statement of a
12 project’s purpose and need and during development
13 of the environmental impact statement on the range
14 of alternatives for analysis that the lead agency and
15 agencies of jurisdiction will rely upon for concurrent
16 environmental reviews and permitting decisions re-
17 quired for the proposed project absent circumstances
18 that require reconsideration in order to meet an
19 agency of jurisdiction’s obligations under statute or
20 Executive order; and

21 “(3) achieve concurrence or issue resolution in
22 an expedited manner if circumstances arise that re-
23 quire a reconsideration of the purpose and need or
24 range of alternatives considered during any Federal
25 agency’s environmental or permitting review in order

1 to meet an agency of jurisdiction’s obligations under
2 statute or Executive order.

3 “(b) ENVIRONMENTAL CHECKLIST.—The Secretary
4 and Federal Agencies of jurisdiction likely to have sub-
5 stantive review or approval responsibilities on transpor-
6 tation projects shall, within 90 days of the date of enact-
7 ment of GROW AMERICA Act, jointly develop a checklist
8 to help project sponsors identify potential natural, cul-
9 tural, and historic resources in the area of a proposed
10 project. The purpose of the checklist is to—

11 “(1) identify agencies of jurisdiction and co-
12 operating agencies,

13 “(2) develop the information needed for the
14 purpose and need and alternatives for analysis; and

15 “(3) improve interagency collaboration to help
16 expedite the permitting process for the lead agency
17 and agencies of jurisdiction.

18 “(c) INTERAGENCY COLLABORATION.—Consistent
19 with Federal environmental statutes and the priority re-
20 form actions for Federal agency permitting and reviews
21 defined and identified by the Steering Committee de-
22 scribed in section 1009, the Secretary shall facilitate an-
23 nual interagency collaboration sessions at the appropriate
24 jurisdictional level to coordinate business plans and facili-
25 tate coordination of workload planning and workforce

1 management. This engagement shall also ensure agency
 2 staff is fully engaged and utilizing the flexibility of existing
 3 regulations, policies, and guidance and identifying addi-
 4 tional actions to facilitate high quality, efficient, and tar-
 5 geted environmental reviews and permitting decisions.
 6 These sessions and the interagency collaborations they
 7 generate shall also focus on how to work with State and
 8 local transportation entities to improve project planning,
 9 siting, and application quality and how to consult and co-
 10 ordinate with relevant stakeholders and Federal, Tribal,
 11 State, and local representatives early in permitting pro-
 12 cesses.

13 “(d) PERFORMANCE MEASUREMENT.—Within one
 14 year of the date of enactment of GROW AMERICA Act,
 15 the Department of Transportation, in coordination with
 16 the Steering Committee, shall establish a program to
 17 measure and report on progress towards aligning Federal
 18 reviews as outlined in this section.”.

19 (b) CONFORMING AMENDMENT.—The analysis of
 20 subchapter I of chapter 3 of title 49, United States Code,
 21 is amended by adding at the end the following:

“310. Aligning Federal environmental reviews”.

22 **SEC. 1003. IMPROVING COLLABORATION FOR ACCELER-**
 23 **ATED DECISIONMAKING.**

24 Section 139(h) of title 23, United States Code, is
 25 amended—

1 (1) in paragraph (5)(A)(ii)(I), by inserting “,
2 including modifications to the project schedule”
3 after “review process”; and

4 (2) in paragraph (6)(B), by striking clause (ii)
5 and inserting the following:

6 “(ii) DESCRIPTION OF DATE.—The
7 date referred to in clause (i) is one of the
8 following:

9 “(I) The date that is 30 days
10 after the date for rendering a decision
11 as set in the project schedule created
12 pursuant to paragraph (g)(1)(B) of
13 this section.

14 “(II) If no schedule exists, the
15 later of—

16 “(aa) the date that is 180
17 days after the date on which an
18 application for the permit, license
19 or approval is complete; or

20 “(bb) the date that is 180
21 days after the date on which the
22 Federal lead agency issues a de-
23 cision on the project under the
24 National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et
2 seq.).

3 “(III) A modified date consistent
4 with subsection (g)(1)(D) of this sec-
5 tion.”.

6 **SEC. 1004. UNREASONABLE OBSTRUCTION OF NAVIGATION**
7 **DETERMINATION.**

8 (a) BRIDGE ACT OF 1906.—Section 4 of the Bridge
9 Act of 1906 (33 U.S.C. 494) is amended—

10 (1) by designating the existing text as sub-
11 section (a); and

12 (2) by inserting at the end the following:

13 “(b) When determining whether a bridge unreason-
14 ably obstructs the free navigation of the waters over which
15 it is constructed, the Secretary shall, for projects that are
16 funded under title 23 or title 49, United States Code, con-
17 sider—

18 “(1) the necessities of rail, aviation, transit,
19 and highway traffic; and

20 “(2) construction, maintenance, and operation
21 costs of the proposed bridge.”.

22 (b) GENERAL BRIDGE ACT OF 1946.—Section 502
23 of the General Bridge Act of 1946 (33 U.S.C. 525) is
24 amended by inserting at the end the following:

1 “(d) UNREASONABLE OBSTRUCTION OF NAVIGATION
2 DETERMINATION.—When determining whether a bridge
3 unreasonably obstructs the free navigation of the waters
4 over which it is constructed, the Secretary shall, for
5 projects that are funded under title 23 or title 49, United
6 States Code, consider—

7 “(1) the necessities of rail, aviation, transit,
8 and highway traffic; and

9 “(2) construction, maintenance, and operation
10 costs of the proposed bridge.”.

11 **SEC. 1005. SATISFACTION OF REQUIREMENTS FOR CER-**
12 **TAIN HISTORIC SITES.**

13 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
14 United States Code, is amended by adding at the end the
15 following:

16 “(c) SATISFACTION OF REQUIREMENTS FOR CER-
17 TAIN HISTORIC SITES.—

18 “(1) IN GENERAL.—The Secretary shall seek to
19 align the requirements of this section with the re-
20 quirements of the National Environmental Policy
21 Act (42 U.S.C. 4231 et seq.) (NEPA), section 106
22 of the National Historic Preservation Act (16 U.S.C.
23 470f) (referred to as section 106 in this section),
24 and their implementing regulations and will coordi-
25 nate with the Department of the Interior and the

1 Advisory Council on Historic Preservation to estab-
2 lish procedures that will satisfy the requirements of
3 both within 90 days of enactment of GROW AMER-
4 ICA Act.

5 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—If,
6 in an analysis required under NEPA the Secretary
7 determines that there is no feasible or prudent alter-
8 native to avoid a use of an historic site, the Sec-
9 retary may include the Secretary’s determination in
10 the NEPA analysis and notify the applicable State
11 historic preservation officer, tribal historic preserva-
12 tion officer, the Advisory Council on Historic Preser-
13 vation (if the Council is participating in the section
14 106 consultation process), and the Secretary of the
15 Interior of such findings and request concurrence
16 that such determination is sufficient to satisfy
17 (a)(1). If the applicable preservation officer, the
18 Council, and the Secretary of the Interior concur, no
19 further analysis under (a)(1) shall be required. The
20 Secretary’s Record of Decision or Finding of No
21 Significant Impact shall include such a finding, as
22 well as documentation of the concurrence of the ap-
23 plicable preservation officer, the Council, and the
24 Secretary of the Interior. A notice of intent from the
25 Secretary of such a finding, as well as notice of the

1 concurrence of the applicable preservation officer,
2 the Council, and the Secretary of the Interior will be
3 posted on an appropriate Federal website within 3
4 days of their occurrence.

5 “(3) ALIGNING HISTORICAL REVIEWS.—If the
6 Secretary, the applicable preservation officer, the
7 Council, and the Secretary of the Interior concur
8 that no feasible and prudent alternative exists as de-
9 scribed in (2), the Secretary may then notify the ap-
10 plicable preservation officer, the Secretary of the In-
11 terior, and the Advisory Council on Historic Preser-
12 vation of the Department’s intent to satisfy the con-
13 ditions of (a)(2) through the consultation require-
14 ments of section 106. The applicable preservation of-
15 ficer, the Council, and the Secretary of the Interior
16 must concur in the treatment of the historic site
17 agreed upon in the Memorandum of Agreement or
18 Programmatic Agreement developed in accordance
19 with section 106 in order to satisfy the conditions of
20 (a)(2).”.

21 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
22 United States Code, is amended—

23 (1) in subsection (c), by striking “subsection
24 (d)” and inserting “subsections (d) and (e)”; and

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

1 “(e) SATISFACTION OF REQUIREMENTS FOR CER-
2 TAIN HISTORIC SITES.—

3 “(1) IN GENERAL.—The Secretary shall seek to
4 align the requirements of this section with the re-
5 quirements of the National Environmental Policy
6 Act (42 U.S.C. 4231 et seq.) (NEPA), section 106
7 of the National Historic Preservation Act (16 U.S.C.
8 470f) (referred to as section 106 in this section),
9 and their implementing regulations and will coordi-
10 nate with the Department of the Interior and the
11 Advisory Council on Historic Preservation to estab-
12 lish procedures that will satisfy the requirements of
13 both within 90 days of enactment of GROW AMER-
14 ICA Act.

15 “(2) AVOIDANCE ALTERNATIVE ANALYSIS.—If,
16 in an analysis required under NEPA the Secretary
17 determines that there is no feasible or prudent alter-
18 native to avoid a use of an historic site, the Sec-
19 retary may include the Secretary’s determination in
20 the NEPA analysis and notify the applicable State
21 historic preservation officer, tribal historic preserva-
22 tion officer, the Advisory Council on Historic Preser-
23 vation (if the Council is participating in the section
24 106 consultation process), and the Secretary of the
25 Interior of such findings and request concurrence

1 that such determination is sufficient to satisfy
2 (a)(1). If the applicable preservation officer, the
3 Council, and the Secretary of the Interior concur, no
4 further analysis under (a)(1) shall be required. The
5 Secretary's Record of Decision or Finding of No
6 Significant Impact shall include such a finding, as
7 well as documentation of the concurrence of the ap-
8 plicable preservation officer, the Council, and the
9 Secretary of the Interior. A notice of intent from the
10 Secretary of such a finding, as well as notice of the
11 concurrence of the applicable preservation officer,
12 the Council, and the Secretary of the Interior will be
13 posted on an appropriate Federal website within 3
14 days of their occurrence.

15 “(3) ALIGNING HISTORICAL REVIEWS.—If the
16 Secretary, the applicable preservation officer, the
17 Council, and the Secretary of the Interior concur
18 that no feasible and prudent alternative exists as de-
19 scribed in (2), the Secretary may then notify the ap-
20 plicable preservation officer, the Secretary of the In-
21 terior, and the Advisory Council on Historic Preser-
22 vation of the Department's intent to satisfy the con-
23 ditions of (a)(2) through the consultation require-
24 ments of section 106. The applicable preservation of-
25 ficer, the Council, and the Secretary of the Interior

1 must concur in the treatment of the historic site
2 agreed upon in the Memorandum of Agreement or
3 Programmatic Agreement developed in accordance
4 with section 106 in order to satisfy the conditions of
5 (a)(2).”.

6 **SEC. 1006. RAIL AND TRANSIT EXEMPTION FROM CONSID-**
7 **ERATION UNDER SECTION 4(f).**

8 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
9 United States Code, as amended by this Act, is further
10 amended by inserting the following after subsection (c):

11 “(d) RAIL AND TRANSIT.—Improvements to, or the
12 maintenance, rehabilitation, or operation of railroad or rail
13 transit lines or elements thereof, with the exception of sta-
14 tions, that are in-use or were historically used for trans-
15 portation of goods or passengers, shall not be considered
16 a use of an historic site under subsection (a), regardless
17 of whether the railroad or rail transit line or element
18 thereof is listed on, or eligible for listing on, the National
19 Register of Historic Places.”.

20 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
21 United States Code, as amended by this Act, is further
22 amended—

23 (1) in subsection (e), by striking “subsections
24 (d) and (e)” and inserting “subsections (d), (e) and
25 (f)”; and

1 (2) by inserting the following after subsection
2 (e):

3 “(f) RAIL AND TRANSIT.—Improvements to, or the
4 maintenance, rehabilitation, or operation of railroad or rail
5 transit lines or elements thereof, with the exception of sta-
6 tions, that are in-use or were historically used for trans-
7 portation of goods or passengers, shall not be considered
8 a use of an historic site under subsection (c), regardless
9 of whether the railroad or rail transit line or element
10 thereof is listed on, or eligible for listing on, the National
11 Register of Historic Places.”.

12 **SEC. 1007. MULTIMODAL CATEGORICAL EXCLUSIONS.**

13 Section 304 of title 49, United States Code, is
14 amended as follows:

15 (1) Subsection (a)(1) is amended—

16 (A) by striking “operating authority” and
17 inserting “operating administration or secre-
18 tarial office”;

19 (B) by inserting “has expertise but” before
20 “is not the lead”; and

21 (C) by inserting “proposed multimodal”
22 before “project”.

23 (2) Subsection (a)(2) is amended to read as fol-
24 lows:

1 “(2) LEAD AUTHORITY.—The term ‘lead au-
2 thority’ means a Department of Transportation op-
3 erating administration or secretarial office that has
4 the lead responsibility for a proposed multimodal
5 project.”.

6 (3) Subsection (a)(3) is amended by striking
7 “has the meaning given the term in section 139(a)
8 of title 23” and inserting “means an action by the
9 Department of Transportation that involves exper-
10 tise of one or more Department of Transportation
11 operating administrations or secretarial offices”.

12 (4) Subsection (b) is amended by striking
13 “under this title” and inserting “by the Secretary”.

14 (5) Subsection (c) is amended—

15 (A) by striking “a categorical exclusion
16 designated under the implementing regulations
17 or” and inserting “categorical exclusions des-
18 ignated under the National Environmental Pol-
19 icy Act of 1969 (42 U.S.C. 4321, et seq.) im-
20 plementing”;

21 (B) by striking “other components of the”
22 and inserting “a proposed multimodal”;

23 (C) by amending paragraphs (1) and (2)
24 to read as follows:

1 “(1) the lead authority makes a preliminary de-
2 termination on the applicability of a categorical ex-
3 clusion to a proposed multimodal project and notifies
4 the cooperating authority of its intent to apply the
5 cooperating authority categorical exclusion;

6 “(2) the cooperating authority does not object
7 to the lead authority’s preliminary determination of
8 its applicability;”;

9 (D) by amending paragraph (3) by insert-
10 ing “the lead authority determines that” at the
11 beginning, and “ proposed multimodal” before
12 “project to be covered”; and

13 (E) by amending paragraph (4) to read as
14 follows:

15 “(4) the lead authority, with the concurrence of
16 the cooperating authority—

17 “(A) follows implementing regulations or
18 procedures under the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.);

20 “(B) determines that the proposed
21 multimodal project does not individually or cu-
22 mulatively have a significant impact on the en-
23 vironment; and

24 “(C) determines that extraordinary cir-
25 cumstances do not exist that merit additional

1 analysis and documentation in an environ-
2 mental impact statement or environmental as-
3 sessment required under the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et
5 seq.).”.

6 (7) Subsection (d) is amended to read as fol-
7 lows:

8 “(d) COOPERATING AUTHORITY EXPERTISE.—A co-
9 operating authority shall provide expertise to the lead au-
10 thority on aspects of the multimodal project in which the
11 cooperating authority has expertise.”.

12 **SEC. 1008. IMPROVING TRANSPARENCY IN ENVIRON-**
13 **MENTAL REVIEWS.**

14 (a) IN GENERAL.—Title 49, United States Code, is
15 amended by inserting after section 310, as added by this
16 Act, the following:

17 **“SEC. 311. IMPROVING TRANSPARENCY IN ENVIRON-**
18 **MENTAL REVIEWS.**

19 “(a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of GROW AMERICA Act, the Sec-
21 retary shall establish an online platform and, in coordina-
22 tion with agencies described in subsection (b), issue re-
23 porting standards to make publically available the status
24 and progress with respect to compliance with applicable
25 requirements under the National Environmental Policy

1 Act of 1969 (42 U.S. C. 4321 et seq.) and any other Fed-
2 eral approval required under applicable laws for projects
3 and activities requiring an environmental assessment or
4 an environmental impact statement.

5 “(b) FEDERAL AGENCY PARTICIPATION.—A Federal
6 agency of jurisdiction over an approval required for a
7 project under applicable laws shall provide information re-
8 garding the status and progress of the approval to the on-
9 line platform, consistent with the standards established
10 under subsection (a).

11 “(c) ASSIGNMENT OF RESPONSIBILITIES.—An entity
12 with assigned authority for responsibilities under the Na-
13 tional Environmental Policy Act of 1969 (42 U.S. C. 4321
14 et seq.), pursuant to section 326 or 327 of title 23, United
15 States Code, shall be responsible for supplying project de-
16 velopment and compliance status for all applicable
17 projects.”.

18 (b) CONFORMING AMENDMENT.—The analysis of
19 chapter 3 of title 49, United States Code, is amended by
20 inserting after the item relating to section 310, as added
21 by this Act, the following:

“311. Improving transparency in environmental reviews”.

1 **SEC. 1009. INFRASTRUCTURE PERMITTING IMPROVEMENT**
2 **CENTER.**

3 (a) IN GENERAL.—Title 49, United States Code, is
4 amended by inserting after section 311, as added by this
5 Act, the following:

6 **“SEC. 312. INTERAGENCY INFRASTRUCTURE PERMITTING**
7 **IMPROVEMENT CENTER.**

8 “(a) IN GENERAL.—There is established in the Office
9 of the Secretary an Interagency Infrastructure Permitting
10 Improvement Center (referred to in this section as the
11 ‘Center’).

12 “(b) ROLES AND RESPONSIBILITIES.—

13 “(1) GOVERNANCE.—The Center shall report to
14 the chair of the Steering Committee described in
15 paragraph (2) to ensure that the perspectives of all
16 member agencies are represented.

17 “(2) INFRASTRUCTURE PERMITTING STEERING
18 COMMITTEE.—An Infrastructure Permitting Steer-
19 ing Committee is established to oversee the work of
20 the Center. The Steering Committee shall be chaired
21 by the Federal Chief Performance Officer in con-
22 sultation with the Chair of the Council on Environ-
23 mental Quality and shall be comprised of Deputy-
24 level representatives from the following agencies:

25 “(A) The Department of Defense.

26 “(B) The Department of the Interior.

1 “(C) The Department of Agriculture.

2 “(D) The Department of Commerce.

3 “(E) The Department of Transportation.

4 “(F) The Department of Energy.

5 “(G) The Department of Homeland Secu-
6 rity.

7 “(H) The Environmental Protection Agen-
8 cy.

9 “(I) The Advisory Council on Historic
10 Preservation.

11 “(J) The Department of the Army.

12 “(K) The Department of Housing and
13 Urban Development.

14 “(L) Other agencies the Chair invites to
15 participate.

16 “(3) ACTIVITIES.—The Center shall support the
17 Chair of the Steering Committee described in para-
18 graph (2) and undertake the following:

19 “(A) Coordinate and support implementa-
20 tion of priority reform actions for Federal agen-
21 cy permitting and reviews for areas as defined
22 and identified by the Steering Committee de-
23 scribed in paragraph (2).

24 “(B) Support modernization efforts at
25 agencies and interagency pilots for innovative

1 approaches to the permitting and review of in-
2 frastructure projects.

3 “(C) Provide technical assistance and
4 training to field and headquarters staff of Fed-
5 eral agencies on policy changes, innovative ap-
6 proaches to project delivery and other topics as
7 appropriate.

8 “(D) Identify, develop and track metrics
9 for timeliness of permit reviews, permit deci-
10 sions, and project outcomes.

11 “(E) Administer and expand the use of on-
12 line transparency tools providing for—

13 “(i) tracking and reporting of metrics;

14 “(ii) development and posting of
15 schedules for permit reviews and permit
16 decisions; and

17 “(iii) sharing of best practices related
18 to efficient project permitting and reviews.

19 “(F) Provide reporting to the President on
20 progress towards achieving greater efficiency in
21 permitting decisions and review of infrastruc-
22 ture projects and progress towards achieving
23 better outcomes for communities and the envi-
24 ronment.

1 “(4) INFRASTRUCTURE SECTORS COVERED.—

2 The Center shall support process improvements in
3 the permitting and review of projects in the fol-
4 lowing sectors:

5 “(A) Surface transportation.

6 “(B) Aviation.

7 “(C) Ports and waterways.

8 “(D) Water resource projects.

9 “(E) Renewable energy generation.

10 “(F) Electricity transmission.

11 “(G) Broadband.

12 “(H) Pipelines.

13 “(I) Other sectors, as determined by the
14 Steering Committee described in subparagraph
15 (2).”.

16 (b) CONFORMING AMENDMENT.—The analysis of
17 chapter 3 of title 49, United States Code, is amended by
18 inserting after the item relating to section 312, as added
19 by this Act, the following:

 “312. Interagency Infrastructure Permitting Improvement Center.”.

20 **SEC. 1010. CLARIFICATION OF TRANSPORTATION ENVIRON-**
21 **MENTAL AUTHORITIES.**

22 (a) TITLE 49 REFERENCE TO SECTION 4(f).—Sec-
23 tion 303 of title 49, United States Code, as amended by
24 section 1012 of this Act, is further amended by inserting
25 at the end the following:

1 “(h) SECTION 4(f).—This section may be referred to
2 as ‘section 4(f)’ or ‘section 4(f) of title 49, United States
3 Code’.”.

4 (b) TITLE 23 REFERENCE TO SECTION 4(f).—Sec-
5 tion 138 of title 23, United States Code, as amended by
6 this Act, is further amended by adding at the end the fol-
7 lowing:

8 “(f) SECTION 4(f).—This section may be referred to
9 as ‘section 4(f)’ or “section 4(f) of title 23, United States
10 Code.”.

11 (c) RELOCATION AND CLARIFICATION OF SECTION
12 1319 OF MAP-21.—

13 (1) REPEAL.—Section 1319 of the Moving
14 Ahead for Progress in the 21st Century Act (Public
15 Law 112-141, 126 Stat. 551; 42 U.S.C. 4332a) is
16 repealed.

17 (2) ACCELERATED DECISIONMAKING IN ENVI-
18 RONMENTAL REVIEWS.—Chapter 3 of title 49,
19 United States Code, is amended by inserting after
20 section 304 the following:

21 **“SEC. 304a. ACCELERATED DECISIONMAKING IN ENVIRON-
22 MENTAL REVIEWS.**

23 “(a) IN GENERAL.—In preparing a final environ-
24 mental impact statement under the National Environ-
25 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if

1 the Department of Transportation, when acting as lead
2 agency, modifies the statement in response to comments
3 that are minor and are confined to factual corrections or
4 explanations of why the comments do not warrant addi-
5 tional Departmental response, the Department may write
6 on errata sheets attached to the statement instead of re-
7 writing the draft statement, subject to the condition that
8 the errata sheets—

9 “(1) cite the sources, authorities, or reasons
10 that support the position of the Department; and

11 “(2) if appropriate, indicate the circumstances
12 that would trigger Departmental reappraisal or fur-
13 ther response.

14 “(b) INCORPORATION.—To the maximum extent
15 practicable, the Department shall expeditiously develop a
16 single document that consists of a final environmental im-
17 pact statement and a record of decision, unless—

18 “(1) the final environmental impact statement
19 makes substantial changes to the proposed action
20 that are relevant to environmental or safety con-
21 cerns; or

22 “(2) there are significant new circumstances or
23 information relevant to environmental concerns and
24 that bear on the proposed action or the impacts of
25 the proposed action.”.

1 (d) CONFORMING AMENDMENT.—The analysis of
2 chapter 3 of title 49, United States Code, is amended by
3 inserting the following after the item relating to section
4 304:

“304a. Accelerated decisionmaking in environmental reviews.”.

5 (e) EFFECTIVE DATE.—The repeal and amendments
6 made by this section are effective on the date of enactment
7 of the Moving Ahead for Progress in the 21st Century Act.

8 **SEC. 1011. ADVANCE ACQUISITION.**

9 (a) ADVANCE ACQUISITION.—Chapter 241 of title
10 49, United States Code, is amended by inserting the fol-
11 lowing after section 24105:

12 **“SEC. 24106. ADVANCE ACQUISITION.**

13 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
14 retary may assist a recipient of funding in acquiring right-
15 of-way and adjacent real property interests before or dur-
16 ing the completion of the environmental reviews for any
17 project receiving funding under subtitle V of title 49,
18 United States Code, that may use such property interests
19 if the acquisition is otherwise permitted under Federal
20 law, and the recipient requesting Federal funding for the
21 acquisition certifies, with the concurrence of the Secretary,
22 that—

23 “(1) the recipient has authority to acquire the
24 real property interest;

1 “(2) the acquisition of the real property inter-
2 est—

3 “(A) is for a transportation purpose;

4 “(B) will not cause significant adverse en-
5 vironmental impact;

6 “(C) will not limit the choice of reasonable
7 alternatives for the proposed project or other-
8 wise influence the decision of the Secretary on
9 any approval required for the project;

10 “(D) does not prevent the lead agency
11 from making an impartial decision as to wheth-
12 er to accept an alternative that is being consid-
13 ered;

14 “(E) complies with other applicable Fed-
15 eral laws and regulations;

16 “(F) will be acquired through negotiation,
17 without threat of condemnation; and

18 “(G) will not result in elimination or re-
19 duction of benefits or assistance to a displaced
20 person required by the Uniform Relocation As-
21 sistance and Real Property Acquisition Policies
22 Act of 1970 (42 U.S.C. 4601 et seq.) and title
23 VI of the Civil Rights Act of 1964 (42 U.S.C.
24 2000d et seq.).

25 “(b) ENVIRONMENTAL REVIEWS.—

1 “(1) COMPLETION OF NEPA REVIEW.—Before
2 authorizing Federal funding for an acquisition of a
3 real property interest, the Secretary shall complete
4 the review process under the National Environ-
5 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 with respect to the acquisition.

7 “(2) COMPLETION OF SECTION 106.—An acqui-
8 sition of a real property interest involving an historic
9 site shall not occur unless the section 106 process
10 under the National Historic Preservation Act (16
11 U.S.C. 470f) (as described in 77 Fed. Reg. 68790)
12 is complete.

13 “(3) TIMING OF ACQUISITION.—A real property
14 interest acquired under subsection (a) may not be
15 developed in anticipation of the proposed project
16 until all required environmental reviews for the
17 project have been completed.”.

18 (b) CONFORMING AMENDMENT.—The analysis of
19 chapter 241 of title 49, United States Code, is amended
20 by inserting the following after the item relating to section
21 24105:

“24106. Advance acquisition.”.

1 **SEC. 1012. BRIDGE EXEMPTION FROM CONSIDERATION**
2 **UNDER SECTION 4(f).**

3 (a) TITLE 23 AMENDMENT.—Section 138 of title 23,
4 United States Code, as amended by this Act, is further
5 amended by adding at the end the following:

6 “(e) BRIDGE EXEMPTION FROM CONSIDERATION
7 UNDER SECTION 4(f).—A common post-1945 concrete or
8 steel bridge or culvert that is exempt from individual re-
9 view under section 106 of the National Historic Preserva-
10 tion Act (16 U.S.C. 470f) (as described in 77 Fed. Reg.
11 68790) shall also be exempt from consideration under this
12 section.”.

13 (b) TITLE 49 AMENDMENT.—Section 303 of title 49,
14 United States Code, as amended by this Act, is further
15 amended by adding at the end the following:

16 “(g) BRIDGE EXEMPTION FROM CONSIDERATION
17 UNDER SECTION 4(f).—A common post-1945 concrete or
18 steel bridge or culvert that is exempt from individual re-
19 view under section 106 of the National Historic Preserva-
20 tion Act (16 U.S.C. 470f) (as described in 77 Fed. Reg.
21 68790) shall also be exempt from consideration under this
22 section.”.

23 **Subtitle B—Freight Policy and**
24 **Financing**

25 **SEC. 1101. MULTIMODAL FREIGHT INVESTMENT PROGRAM.**

26 (a) MULTIMODAL FREIGHT INCENTIVE PROGRAM.—

1 (1) ESTABLISHMENT.—Title 49, United States
2 Code, is amended by adding after Chapter 53 the
3 following:

4 **“CHAPTER 54—FREIGHT**

5 **“§ 5401. Multimodal freight incentive program**

6 “(a) IN GENERAL.—Subject to the requirements of
7 this section, the Secretary shall—

8 “(1) establish a program to make grants to
9 States to improve the efficiency and reliability of
10 freight movement in the United States;

11 “(2) under subsection (c), calculate the max-
12 imum amount of funding that the Secretary may al-
13 locate to a State under this section for a fiscal year;
14 and

15 “(3) under subsection (e), allocate to a State
16 one or more grants for which the State qualifies in
17 such fiscal year, based on the criteria specified in
18 such subsection.

19 “(b) DEFINITION.—In this section, the term ‘State’
20 means any of the 50 States, the District of Columbia, or
21 Puerto Rico.

22 “(c) CALCULATION.—

23 “(1) ANNUAL AMOUNT.—The Secretary shall
24 calculate the amount of funding available to be allo-

1 cated to a State under this section for a fiscal year
2 as follows—

3 “(A) the amount made available to provide
4 multimodal freight incentive grants under this
5 section for such fiscal year; multiplied by

6 “(B) the overall ratio specified in para-
7 graph (3).

8 “(2) FLOOR AMOUNT.—Under the calculations
9 in paragraph (1), a State’s amount for a fiscal year
10 shall not be less than 0.5 percent of the amount
11 made available to provide multimodal freight incen-
12 tive grants under this section for such fiscal year.

13 “(3) RATIO.—Subject to paragraph (2), the
14 Secretary shall determine the overall ratio referenced
15 in paragraph (1)(B) based on the following ratios:

16 “(A) 6.25 percent in the ratio that—

17 “(i) the number of ports in each
18 State; bears to

19 “(ii) the number of ports in all States.

20 “(B) 6.25 percent in the ratio that—

21 “(i) the number of rail track-miles
22 used for the movement of freight in each
23 State; bears to

24 “(ii) the number of such rail track-
25 miles in all States.

1 “(C) 6.25 percent in the ratio that—

2 “(i) the number of cargo-handling air-
3 ports in each State; bears to

4 “(ii) the number of such airports in
5 all States.

6 “(D) 6.25 percent in the ratio that—

7 “(i) the number of Interstate system
8 miles in each State; bears to

9 “(ii) the number of Interstate system
10 miles in all States.

11 “(E) 37.5 percent in the ratio that—

12 “(i) the tonnage of rail, waterborne,
13 highway, airport and pipeline freight
14 moved in each State; bears to

15 “(ii) the tonnage of such freight
16 moved in all States.

17 “(F) 37.5 percent in the ratio that—

18 “(i) the value of rail, waterborne,
19 highway, airport and pipeline freight
20 moved in each State; bears to

21 “(ii) the value of such freight moved
22 in all States.

23 “(d) ELIGIBILITY.—A State shall use a grant under
24 this section for—

1 “(1) the development of corridor freight plans
2 or regional freight plans; or

3 “(2) one or more phases of capital projects,
4 equipment or operational improvements on roads,
5 rails, landside infrastructure on ports and airports,
6 and intermodal connectors included in a State
7 freight plan under section 5404 of this title for
8 projects that—

9 “(A) maintain or improve the efficiency
10 and reliability of freight supply chains;

11 “(B) demonstrate public freight benefits;

12 “(C) improve modal components of a
13 multimodal corridor that is critical to a State or
14 region;

15 “(D) address freight needs to facilitate a
16 regionally or nationally significant economic de-
17 velopment issue;

18 “(E) are multimodal, multi-jurisdictional,
19 or corridor-based and address freight needs;

20 “(F) relieve freight or non-freight access,
21 congestion, or safety issues; or

22 “(G) address first and last mile connec-
23 tors.

24 “(e) GRANTS.—

1 “(1) IN GENERAL.—If during a fiscal year a
2 State meets the eligibility criteria specified in para-
3 graph (2) or (3) the Secretary shall allocate to the
4 State in such fiscal year a grant under such para-
5 graph. The determination of whether a State meets
6 such eligibility criteria shall be made by the Sec-
7 retary.

8 “(2) TIER I INCENTIVE GRANT.—

9 “(A) ALLOCATIONS OF FUNDING.—Subject
10 to paragraph (4), if a State meets the eligibility
11 criteria specified in subparagraph (B) during a
12 fiscal year, the Secretary shall allocate to the
13 State in such fiscal year 40 percent of the
14 amount of the funds available to be allocated to
15 the State in such fiscal year.

16 “(B) ELIGIBILITY CRITERIA.—The Sec-
17 retary may allocate funding to a State under
18 this paragraph in a fiscal year if the State—

19 “(i) has an established freight advi-
20 sory committee in accordance with section
21 5403 of this title;

22 “(ii) has an approved freight plan in
23 accordance with section 5404 of this title;

24 “(iii) has conducted a statewide anal-
25 ysis of freight needs and bottlenecks on all

1 modes of transportation, including inter-
2 modal and last mile needs;

3 “(iv) demonstrates use of the state-
4 wide analysis of freight needs in
5 prioritizing projects in the freight plan re-
6 quired by section 5404 of this title; and

7 “(v) demonstrates that it will use the
8 funding that it is allocated under this
9 paragraph for the highest priority projects
10 that are identified in the freight plan re-
11 quired by section 5404 of this title and are
12 ready to be advanced.

13 “(3) TIER II INCENTIVE GRANT.—

14 “(A) ALLOCATIONS OF FUNDING.—Subject
15 to paragraph (4), if a State meets the eligibility
16 criteria specified in subparagraph (B) during a
17 fiscal year, the Secretary shall allocate to the
18 State in such fiscal year 60 percent of the
19 amount of the funds available to be allocated to
20 the State in such fiscal year.

21 “(B) ELIGIBILITY CRITERIA.—The Sec-
22 retary may allocate funding to a State under
23 this paragraph in a fiscal year if the State—

24 “(i) has met the eligibility criteria
25 specified in paragraph (2)(B);

1 “(ii) has conducted, in cooperation
2 with at least one other State, a multistate
3 analysis of freight needs and bottlenecks
4 on all modes of transportation, including
5 intermodal and last mile needs along a
6 multistate freight corridor;

7 “(iii) has developed, in cooperation
8 with at least one other State or relevant
9 entities in Canada or Mexico, a regional
10 freight investment plan that focuses on the
11 end-to-end investment needs of critical
12 multistate freight corridors based on the
13 multistate analysis of freight needs and
14 bottlenecks on all modes of transportation,
15 including intermodal and last mile needs;
16 and

17 “(iv) demonstrates that it will use the
18 funding that it is allocated under this
19 paragraph for the highest priority projects
20 identified in the regional freight plan.

21 “(4) TIER I AND II ANALYSES AND PLANS.—

22 “(A) APPROVAL.—A State shall dem-
23 onstrate that it developed the analyses and
24 plans required under paragraphs (2) and (3)

1 with the approval of a State Freight Advisory
2 Committee.

3 “(B) CERTIFICATION.—The determination
4 of whether the analyses and plans required to
5 qualify under paragraphs (2) and (3) satisfy
6 the requirements of the paragraphs shall be at
7 the discretion of the Secretary.

8 “(C) FORECAST PERIOD.—All analyses and
9 plans required under paragraph (3) shall ad-
10 dress a 10-year and 20-year forecast period.

11 “(D) UPDATES.—In order to obligate
12 funding under paragraphs (2) and (3), a State
13 shall update all analyses and plans required
14 under such paragraph at least every 5 years.

15 “(f) TRANSFER AUTHORITY.—

16 “(1) ADMINISTRATION OF PROJECTS.—For the
17 purpose of administering a grant under this sub-
18 section, funds authorized for this section may be
19 transferred within the Department and administered
20 in accordance with the requirements of title 23 or 49
21 of the United States Code applicable to the agency
22 to which the funds are transferred and any other re-
23 quirements applicable to the project.

24 “(2) TRANSFER TO OTHER PROGRAMS.—Funds
25 authorized for this section may not be transferred to

1 any other program under titles 23 or 49, United
2 States Code.

3 “(g) FEDERAL SHARE.—The Federal share for
4 projects funded under this section shall not exceed 80 per-
5 cent. Funds authorized for this section may not be applied
6 towards the non-Federal share of costs under another
7 Federal program.

8 “(h) TREATMENT FOR OBLIGATION LIMITATION DIS-
9 TRIBUTION.—For purposes of distributing obligation limi-
10 tation in any fiscal year, the Secretary shall provide funds
11 made available for this section with obligation limitation
12 as follows:

13 “(1) The Secretary shall provide funds author-
14 ized for that fiscal year with obligation limitation
15 under section 2002(e)(4) of the GROW AMERICA
16 Act or the equivalent provision of the relevant appro-
17 priations act for a fiscal year, as appropriate.

18 “(2) The Secretary shall provide funds carried
19 over from prior fiscal years with obligation limitation
20 under section 2002(e)(2) of such Act or the equiva-
21 lent provision of the relevant appropriations act for
22 a fiscal year, as appropriate.”.

23 (2) FUNDING.—

24 (A) AUTHORIZATION.—There is authorized
25 to be appropriated from the highway account of

1 the transportation trust fund to carry out sec-
2 tion 5401 of title 49, United States Code—

3 (i) \$500,000,000 for fiscal year 2015;

4 (ii) \$1,000,000,000 for fiscal year
5 2016;

6 (iii) \$1,500,000,000 for fiscal year
7 2017; and

8 (iv) \$2,000,000,000 for fiscal year
9 2018.

10 (B) AVAILABILITY AND ADMINISTRA-
11 TION.—The funds authorized by subparagraph
12 (A) shall be—

13 (i) available for obligation on October
14 1 of the fiscal year for which they are au-
15 thORIZED;

16 (ii) available for obligation until ex-
17 pended; and

18 (iii) administered as if such funds
19 were apportioned under chapter 1 of title
20 23, United States Code.

21 (C) TRANSFER TO NATIONAL FREIGHT IN-
22 FRASTRUCTURE PROGRAM.—Notwithstanding
23 section 5401(f)(2) of title 49, United States
24 Code, as soon as practicable after October 1,
25 2016, and each fiscal year thereafter, the Sec-

1 retary shall transfer to the National Freight In-
2 frastructure program under section 5402 of
3 such title—

4 (i) of the funds authorized under sub-
5 paragraph (A) to carry out section 5401 of
6 such title, any funds that—

7 (I) were available to be allocated
8 to a State for the prior fiscal year
9 under subsection (c) of such section;
10 but

11 (II) the Secretary did not allo-
12 cate to that State for that prior fiscal
13 year due to that State not meeting
14 the eligibility criteria specified under
15 subsection (e)(2) or (e)(3) of such sec-
16 tion; and

17 (ii) an amount of obligation limitation
18 equal to the amount of funds that the Sec-
19 retary transfers under clause (i).

20 (b) NATIONAL FREIGHT INFRASTRUCTURE PRO-
21 GRAM.—

22 (1) ESTABLISHMENT.—Chapter 54 of such title
23 is amended by adding at the end the following:

1 **“§ 5402. National freight infrastructure program**

2 “(a) GENERAL.—The Secretary shall establish and
3 implement a National Freight Infrastructure Program
4 under this section.

5 “(b) GOALS.—The goals of the program shall be to—

6 “(1) reduce the cost of freight transportation;

7 “(2) improve the safety of freight transpor-
8 tation;

9 “(3) relieve bottlenecks in the freight transpor-
10 tation system;

11 “(4) improve the state of good repair of the
12 freight transportation system; and

13 “(5) reduce the adverse environmental and
14 community impacts of freight transportation.

15 “(c) DEFINITIONS.—In this section the following
16 definitions apply:

17 “(1) ELIGIBLE APPLICANT.—

18 “(A) IN GENERAL.—The term ‘eligible ap-
19 plicant’ means—

20 “(i) a State (as defined in section
21 101(a)(25) of title 23);

22 “(ii) American Samoa, the Common-
23 wealth of the Northern Mariana Islands,
24 Guam, or the U.S. Virgin Islands;

25 “(iii) a local government;

1 “(iv) a metropolitan planning organi-
2 zation;

3 “(v) a public transportation authority
4 (including a port authority);

5 “(vi) a tribal government; or

6 “(vii) a group of entities described in
7 clauses (i) through (vi).

8 “(B) GROUPS OF ENTITIES.—A group de-
9 scribed in clause (vii) of subparagraph (A) shall
10 submit an application through a lead applicant
11 that qualifies under one of the clauses (i)
12 through (vi) of that subparagraph. Public-pri-
13 vate partnerships are eligible provided the lead
14 applicant qualifies under one of the clauses (i)
15 through (vi) of subparagraph (A).

16 “(2) ELIGIBLE PROJECT.—

17 “(A) IN GENERAL.—The term ‘eligible
18 project’ means a capital investment for a trans-
19 portation infrastructure facility, or for an oper-
20 ational improvement or equipment for such a
21 facility—

22 “(i) that is for a facility significantly
23 used for the movement of freight, and that
24 is—

1 “(I) a road, rail, air, water, or
2 pipeline facility;

3 “(II) an intermodal facility such
4 as a seaport or port on the inland wa-
5 terway system, an airport, or a high-
6 way/rail intermodal facility; or

7 “(III) a facility related to an
8 international border crossing;

9 “(ii) that the Secretary has deter-
10 mined will help to achieve the goals set out
11 in subsection (b);

12 “(iii) for which funding committed by
13 State and local governments and other
14 public and private partners, along with the
15 Federal funding requested, will be suffi-
16 cient to complete the capital investment;
17 and

18 “(iv) that upon completion will have
19 independent utility.

20 “(B) PLANS AND ANALYSES.—The term
21 ‘eligible project’ includes the development of
22 plans and analysis required by this chapter.

23 “(d) APPLICATIONS.—An eligible applicant seeking to
24 receive a grant under this section for an eligible project
25 shall submit to the Secretary an application in such form

1 and in accordance with such requirements as the Secretary
2 shall establish.

3 “(e) SELECTION OF PROJECTS.—The Secretary shall
4 select projects for funding based on the criteria specified
5 in subsection (f).

6 “(f) CRITERIA FOR SELECTION.—The Secretary shall
7 select eligible projects for funding based on the following
8 criteria:

9 “(1) The extent to which the project is likely to
10 advance the goals set forth in subsection (b).

11 “(2) The likely benefits of the project relative
12 to its costs.

13 “(3) The extent to which the project dem-
14 onstrates the use of innovative technology, strate-
15 gies, and practices.

16 “(4) The likely effect of the project on increas-
17 ing U.S. exports.

18 “(5) The consistency of the project with the
19 National Freight Strategic Plan under section 5405
20 of this title.

21 “(6) Inclusion of the project in the State freight
22 plan required under section 5404 of this title.

23 “(7) The extent to which the project leverages
24 Federal funds by matching State, local, tribal, or

1 private funds to the Federal funding requested
2 under this section.

3 “(8) The extent to which funds for the project
4 are not available from other sources.

5 “(g) RETROSPECTIVE ANALYSIS.—

6 “(1) ANALYSIS.—A grant agreement made
7 under this section between the Government and a
8 grantee shall specify that the grantee will collect
9 data and report to the Secretary, at times that the
10 Secretary shall specify, on—

11 “(A) the actual cost of constructing the
12 project;

13 “(B) the time required to complete the
14 project and put it into service;

15 “(C) the level of usage of the facility built
16 or improved by the project;

17 “(D) the benefits of the project, measured
18 in a way that is consistent with the benefits
19 that were estimated in the application for fund-
20 ing that was submitted to the Secretary; and

21 “(E) any costs resulting from the project
22 in addition to the costs of constructing the
23 project.

24 “(h) TERMS AND CONDITIONS.—The Secretary shall
25 determine such other terms and conditions, other than

1 those listed in this section, as are necessary and appro-
2 priate to implement this section.

3 “(i) ADMINISTRATIVE AND OVERSIGHT COSTS.—

4 “(1) IN GENERAL.—The Secretary may retain
5 up to one-half of 1 percent of the amounts author-
6 ized for each fiscal year under this section for—

7 “(A) administration of the National
8 Freight Infrastructure Program under this sec-
9 tion; and

10 “(B) oversight of projects funded under
11 this section.

12 “(2) TRANSFER OF FUNDS.—The Secretary
13 may transfer portions of the funds retained under
14 this subsection to the Administrators of the Federal
15 Highway Administration, the Federal Railroad Ad-
16 ministration, the Federal Aviation Administration,
17 and the Federal Maritime Administration to carry
18 out the administration and oversight of grants made
19 under this section.

20 “(j) FEDERAL SHARE.—The Federal share for
21 projects funded under this section shall not exceed 80 per-
22 cent.

23 “(k) ADMINISTRATION OF PROJECTS.—For the pur-
24 pose of administering a grant under this section, funds
25 authorized for this section may be transferred within the

1 Department and administered in accordance with the re-
2 quirements of title 23 or 49 of the United States Code
3 applicable to the agency to which the funds are transferred
4 and any other requirements applicable to the project.”.

5 (2) FUNDING.—

6 (A) IN GENERAL.—There is authorized to
7 be appropriated from the highway account of
8 the transportation trust fund to carry out this
9 section—

10 (i) \$500,000,000 for fiscal year 2015;

11 (ii) \$1,000,000,000 for fiscal year
12 2016;

13 (iii) \$1,500,000,000 for fiscal year
14 2017; and

15 (iv) \$2,000,000,000 for fiscal year
16 2018.

17 (B) ADMINISTRATION OF FUNDS.—The
18 funds authorized by subparagraph (A) shall
19 be—

20 (i) available for obligation on October
21 1 of the fiscal year for which they are au-
22 thorized; and

23 (ii) available for obligation until ex-
24 pended.

1 (c) STATE FREIGHT ADVISORY COMMITTEE.—Chap-
2 ter 54 of such title is amended by adding at the end the
3 following:

4 **“§ 5403. State freight advisory committees**

5 “(a) IN GENERAL.—

6 “(1) FREIGHT ADVISORY COMMITTEE.—Each
7 State that receives a grant under this chapter shall
8 establish and maintain a freight advisory committee
9 consistent with criteria established by the Secretary
10 and consisting of a representative cross-section of
11 public and private sector freight stakeholders, in-
12 cluding—

13 “(A) all modes of freight transportation
14 active in the State, including airports, high-
15 ways, ports, and rail;

16 “(B) shippers;

17 “(C) carriers;

18 “(D) freight-related associations;

19 “(E) the freight industry workforce;

20 “(F) the transportation department of the
21 State;

22 “(G) metropolitan planning organizations;

23 and

24 “(H) local governments.

1 “(2) QUALIFICATIONS.—Individuals selected
2 under paragraph (1) must be widely recognized to
3 have qualifications sufficient to represent the inter-
4 ests of their specific stakeholder group, including—

5 “(A) general business and financial experi-
6 ence;

7 “(B) experience or qualifications in the
8 areas freight transportation and logistics;

9 “(C) experience in transportation planning;

10 “(D) representing employees of the freight
11 industry; or

12 “(E) representing State or local govern-
13 ments, or metropolitan planning organizations.

14 “(b) ROLE OF COMMITTEE.—The freight advisory
15 committee shall—

16 “(1) advise the State on freight-related prior-
17 ities, issues, projects, and funding needs;

18 “(2) serve as a forum for discussion for State
19 transportation decisions affecting freight mobility;

20 “(3) communicate and coordinate regional pri-
21 orities with other organizations;

22 “(4) promote the sharing of information be-
23 tween the private and public sectors on freight
24 issues;

1 “(5) participate in the development of the State
2 freight plan, including advising on the development
3 of the freight investment plan; and

4 “(6) approve the State freight plan under sec-
5 tion 5404 of this title, including the freight invest-
6 ment plan required thereunder.”.

7 (d) STATE FREIGHT PLAN.—Chapter 54 of such title
8 is amended by adding at the end the following:

9 **“§ 5404. State freight plan**

10 “(a) IN GENERAL.—Each State that receives a grant
11 under this chapter shall develop a freight plan that pro-
12 vides a multimodal, comprehensive plan for the immediate
13 and long-range planning activities and investments of the
14 State with respect to freight. The freight plan shall include
15 a strategic, long-term component and a tactical, short-
16 term component.

17 “(b) PLAN CONTENTS.—The freight plan shall con-
18 sider all modes of freight transportation in the State and
19 include, at a minimum—

20 “(1) an identification of significant freight sys-
21 tem trends, needs, and issues with respect to a
22 State;

23 “(2) a description of the freight policies, strate-
24 gies, and performance measures that will guide the

1 freight-related transportation investment decisions of
2 the State;

3 “(3) a description of how the plan will improve
4 the ability of the State to meet the national freight
5 goals established under section 5405 of this title;

6 “(4) evidence of consideration of innovative
7 technologies and operational strategies, including in-
8 telligent transportation systems, that improve the
9 safety and efficiency of freight movement;

10 “(5) in the case of routes on which travel of
11 heavy vehicles (including mining, agricultural, en-
12 ergy cargo or equipment, and timber vehicles) is pro-
13 jected to substantially deteriorate the condition of
14 the roadways, a description of improvements that
15 may be required to reduce or impede the deteriora-
16 tion;

17 “(6) an inventory of facilities with freight mo-
18 bility issues, such as truck bottlenecks, within the
19 State, and a description of the strategies the State
20 is employing to address those freight mobility issues;
21 and

22 “(7) a freight investment plan that includes a
23 list of projects in order of priority and describes how
24 multimodal freight investment funds under section
25 5401 of this title would be invested and matched.

1 “(c) RELATIONSHIP TO LONG-RANGE PLAN.—

2 “(1) INCORPORATION.—The freight plan may
3 be developed separate from or incorporated into the
4 statewide strategic long-range transportation plan
5 required by section 135(f) of title 23, United States
6 Code.

7 “(2) REQUIREMENT OF ANTICIPATED FULL
8 FUNDING.—The priority freight investment plan
9 component of the freight plan shall include a project,
10 or an identified phase of a project, only if funding
11 for completion of the project can reasonably be an-
12 ticipated to be available for the project within the
13 time period identified in the freight investment plan.

14 “(d) CERTIFICATION.—The Secretary shall approve
15 State freight plans if they address the requirements of this
16 section and are consistent with the National Freight Stra-
17 tegic Plan.

18 “(e) FORECAST PERIOD.—The freight plan shall ad-
19 dress a 10-year forecast period.

20 “(f) UPDATES.—A State shall update the freight plan
21 at least every 5 years. The State may update the freight
22 investment plan on a more frequent basis.”.

23 (e) NATIONAL FREIGHT POLICY, NETWORK, PLAN,
24 AND DATA.—Chapter 54 of such title is amended by add-
25 ing at the end the following:

1 **“§ 5405. National freight policy, network, plan, and**
2 **data**

3 “(a) NATIONAL FREIGHT POLICY.—It is the policy
4 of the United States to improve the condition and per-
5 formance of the national freight system to ensure that the
6 national freight system provides the foundation for the
7 United States to compete in the global economy and
8 achieve each goal described in subsection (b).

9 “(b) GOALS.—The goals of the national freight policy
10 are—

11 “(1) to increase the productivity and efficiency
12 of the national freight system so as to enhance the
13 economic competitiveness of the United States;

14 “(2) to improve the safety, security, and resil-
15 ience of freight transportation; and

16 “(3) to improve quality of life by reducing,
17 eliminating or reversing adverse environmental and
18 community impacts of freight projects and goods
19 movement in the United States.

20 “(c) STRATEGY.—The strategies that the United
21 States shall use to achieve the goals set forth in subsection
22 (b) shall include—

23 “(1) support for or investment in infrastruc-
24 ture, equipment and operational improvements;

25 “(2) appropriate safety, environmental, energy,
26 and other transportation policies;

1 “(3) advanced technology and innovation;

2 “(4) enhancement of competition and account-
3 ability in the transportation industries; and

4 “(5) use of performance management.

5 “(d) NATIONAL FREIGHT SYSTEM DEFINED.—In
6 this section, the term ‘national freight system’ means the
7 publicly and privately-owned transportation facilities that
8 are used in transporting freight within the United States,
9 including roads, railroads, ports, waterways, locks and
10 dams, airports, airways, pipelines, warehouses, distribu-
11 tion centers, and intermodal facilities.

12 “(e) MULTIMODAL NATIONAL FREIGHT NET-
13 WORK.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-
15 tablish a multimodal national freight network in ac-
16 cordance with this section to inform public and pri-
17 vate planning, to prioritize for Federal investment,
18 to aid the public and private sector in strategically
19 directing resources, and to support Federal decision-
20 making to achieve the national freight policy goals
21 set forth in subsection (b).

22 “(2) NETWORK COMPONENTS.—The national
23 freight network shall consist of such connectors, cor-
24 ridors and facilities in all freight transportation
25 modes as most critical to the current and future

1 movement of freight within the national freight sys-
2 tem;

3 “(3) INITIAL DESIGNATION OF THE NATIONAL
4 FREIGHT NETWORK.—

5 “(A) DESIGNATION.—The Secretary shall
6 designate a national freight network—

7 “(i) using measurable data to assess
8 the significance of goods movement, includ-
9 ing consideration of points of origin, des-
10 tination, and linking components of the
11 United States global and domestic supply
12 chains;

13 “(ii) fostering network connectivity;
14 and

15 “(iii) reflecting input collected from
16 stakeholders through a public process, in-
17 cluding input from metropolitan planning
18 organizations and States, to identify crit-
19 ical freight facilities that are vital links in
20 national or regionally significant goods
21 movement and supply chains.

22 “(B) FACTORS FOR DESIGNATION.—In
23 designating the national freight network, the
24 Secretary may consider—

- 1 “(i) volume, tonnage, and value of
2 freight;
- 3 “(ii) origins and destinations of
4 freight movement in, to, and from the
5 United States;
- 6 “(iii) land and maritime ports of
7 entry;
- 8 “(iv) population centers;
- 9 “(v) economic factors or other inputs
10 determined to be relevant by the Secretary;
- 11 “(vi) bottlenecks and other impedi-
12 ments contributing to significant measur-
13 able congestion and delay in freight move-
14 ment;
- 15 “(vii) facilities of future freight im-
16 portance based on input from stakeholders
17 and analysis of projections for future
18 growth and changes to the freight system;
19 and
- 20 “(viii) elements of the freight system
21 identified and documented by a metropoli-
22 tan planning organization and State using
23 national or local data as having critical
24 freight importance to the region.

1 “(4) REDESIGNATION OF THE NATIONAL
2 FREIGHT NETWORK.—Effective beginning 5 years
3 after the designation of the national freight network
4 and every 5 years thereafter, using the designation
5 factors described in paragraph (1), the Secretary
6 shall redesignate the national freight network.

7 “(f) NATIONAL FREIGHT STRATEGIC PLAN.—

8 “(1) ESTABLISHMENT OF PLAN.—Not later
9 than October 1, 2015, the Secretary shall, in con-
10 sultation with the Secretary of Homeland Security,
11 the Secretary of Commerce, the Assistant Secretary
12 of the Army for Civil Works, State departments of
13 transportation, and other appropriate public and pri-
14 vate transportation stakeholders, develop, maintain,
15 and post on the Department of Transportation pub-
16 lic website a national freight strategic plan that shall
17 include—

18 “(A) an assessment of the condition and
19 performance of the national freight system;

20 “(B) an identification of bottlenecks on the
21 national freight system that create significant
22 freight congestion problems, based on a quan-
23 titative methodology developed by the Secretary,
24 which shall, at a minimum, include—

1 “(i) information from the Freight
2 Analysis Framework of the Federal High-
3 way Administration; and

4 “(ii) to the maximum extent prac-
5 ticable, an estimate of the cost of address-
6 ing each bottleneck and any operational
7 improvements that could be implemented;

8 “(C) forecasts of freight volumes for 10-
9 year and 20-year periods beginning in the year
10 during which the plan is issued;

11 “(D) an identification of major trade gate-
12 ways and national freight corridors that connect
13 major population centers, trade gateways, and
14 other major freight generators for current and
15 forecasted traffic and freight volumes, the iden-
16 tification of which shall be revised, as appro-
17 priate, in subsequent plans;

18 “(E) an assessment of statutory, regu-
19 latory, technological, institutional, financial,
20 and other barriers to improved freight transpor-
21 tation performance (including opportunities for
22 overcoming the barriers);

23 “(F) an identification of routes providing
24 access to energy exploration, development, in-
25 stallation, or production areas;

1 “(G) best practices for improving the per-
2 formance of the national freight system;

3 “(H) best practices for addressing the im-
4 pacts of freight movement on communities;

5 “(I) a process for addressing multistate
6 projects and encouraging jurisdictions to col-
7 laborate; and

8 “(J) strategies to improve freight
9 connectivity between modes of transportation.

10 “(2) UPDATES TO NATIONAL FREIGHT STRA-
11 TEGIC PLAN.—Not later than 5 years after the date
12 of completion of the first national freight strategic
13 plan under paragraph (1), and every 5 years there-
14 after, the Secretary shall update and repost on the
15 Department of Transportation public website a re-
16 vised national freight strategic plan.

17 “(g) FREIGHT TRANSPORTATION CONDITIONS AND
18 PERFORMANCE REPORTS.—Not later than October 1,
19 2014, and biennially thereafter, the Secretary shall pre-
20 pare a report that contains a description of the conditions
21 and performance of the national freight system in the
22 United States.

23 “(h) TRANSPORTATION INVESTMENT DATA AND
24 PLANNING TOOLS.—

1 “(1) IN GENERAL.—The Secretary shall develop
2 new tools and improve existing tools to support an
3 outcome-oriented, performance-based approach to
4 evaluate proposed freight-related and other transpor-
5 tation projects, including—

6 “(A) methodologies for systematic analysis
7 of benefits and costs;

8 “(B) freight forecasting models;

9 “(C) tools for ensuring that the evaluation
10 of freight-related and other transportation
11 projects can consider safety, economic competi-
12 tiveness, environmental sustainability, and sys-
13 tem condition in the project selection process;
14 and

15 “(D) other elements to assist in effective
16 transportation planning.

17 “(2) FREIGHT DATA.—In support of these
18 tools, and to support a broad range of evaluation
19 methods and techniques to assist in making trans-
20 portation investment decisions, the Secretary shall—

21 “(A) direct the collection of appropriate
22 transportation-related data, including data to
23 measure the condition and performance of the
24 national freight system; and

1 “(B) consider any improvements to exist-
 2 ing freight data collection efforts that could re-
 3 duce identified freight data gaps and defi-
 4 ciencies and help improve forecasts of freight
 5 transportation demand.

6 “(3) CONSULTATION.—The Secretary shall con-
 7 sult with Federal, State, and other stakeholders to
 8 develop, improve, and implement the tools and col-
 9 lect the data identified pursuant to this subsection.

10 “(4) MULTIMODAL FREIGHT MEASURE.—The
 11 Secretary shall evaluate the analyses and plans re-
 12 quired under section 5401(e) (2) and (3) of this title
 13 and consider development of a national performance
 14 measure to assess the efficiency of the multimodal
 15 freight network in accordance with the National
 16 Freight Strategic Plan.”.

17 (f) CONFORMING AMENDMENTS.—

18 (1) TABLE OF CHAPTERS.—The table of chap-
 19 ters for such title is amended by inserting after the
 20 item related to chapter 53 the following:

“54. Freight 5401.”.

21 (2) REPEALS.—

22 (A) MAP-21.—Sections 1116, 1117, and
 23 1118 of MAP-21 (Public Law 112-141) are re-
 24 pealed.

1 (B) TITLE 23.—Section 167 of title 23,
2 United States Code, is repealed.

3 (3) CROSS-REFERENCE.—Section 505(a)(3) of
4 title 23, United States Code, is amended by striking
5 “149, and 167” and inserting “and 149, and section
6 5405 of title 49”.

7 **SEC. 1102. REDESIGNATION OF THE NATIONAL NETWORK.**

8 (a) OPERATION OF COMMERCIAL VEHICLES ON THE
9 NATIONAL HIGHWAY SYSTEM AND THE NATIONAL
10 FREIGHT NETWORK.—

11 (1) SECTION 31111 AMENDMENT.—Section
12 31111 of title 49, United States Code, is amended—

13 (A) in subsection (b)(1)(A) by striking
14 “the Dwight D. Eisenhower System of Inter-
15 state and Defense Highways (except a segment
16 exempted under subsection (f) of this section)
17 and those classes of qualifying Federal-aid Pri-
18 mary System highways designated by the Sec-
19 retary of Transportation under subsection (e) of
20 this section” and inserting “the National High-
21 way System and the National Freight Network
22 (except a segment exempted under subsection
23 (e) of this section)”;

24 (B) in subsection (c) by striking “the
25 Dwight D. Eisenhower System of Interstate

1 and Defense Highways (except a segment ex-
2 empted under subsection (f) of this section) and
3 those classes of qualifying Federal-aid Primary
4 System highways designated by the Secretary of
5 Transportation under subsection (e) of this sec-
6 tion” and inserting “the National Highway Sys-
7 tem and the National Freight Network (except
8 a segment exempted under subsection (e) of
9 this section)”;

10 (C) by striking subsection (e);

11 (D) by redesignating subsections (f) and
12 (g) as subsections (e) and (f), respectively; and

13 (E) in subsection (e), as redesignated—

14 (i) in paragraph (1) by striking “the
15 Dwight D. Eisenhower System of Inter-
16 state and Defense Highways” and insert-
17 ing “the National Highway System or the
18 National Freight Network”;

19 (ii) in paragraph (2) by striking “the
20 Dwight D. Eisenhower System of Inter-
21 state and Defense Highways” and insert-
22 ing “the National Highway System or the
23 National Freight Network”; and

24 (iii) in paragraph (4)(A) by striking
25 “the Dwight D. Eisenhower System of

1 Interstate and Defense Highways” and in-
2 sserting “the National Highway System or
3 the National Freight Network”.

4 (2) SECTION 31112 AMENDMENT.—Section
5 31112 of title 49, United States Code, is amended
6 in subsection (b) by striking “by the Secretary of
7 Transportation under section 31111(e) of this title”
8 and inserting “in part 658 of title 23, Code of Fed-
9 eral Regulations”.

10 (3) SECTION 31113 AMENDMENT.—Section
11 31113 of title 49, United States Code, is amended—

12 (A) by amending subsection (a) to read as
13 follows:

14 “(a) GENERAL LIMITATIONS.—Except as provided in
15 subsection (e) of this section, a State (except Hawaii) may
16 not prescribe or enforce a regulation of commerce that im-
17 poses a vehicle width limitation of more or less than 102
18 inches on a commercial motor vehicle operating on the Na-
19 tional Highway System or the National Freight Net-
20 work.”;

21 (B) in subsection (d) by striking “the
22 Dwight D. Eisenhower System of Interstate
23 and Defense Highways (except a segment ex-
24 empted under subsection (e) of this section) or
25 other qualifying Federal-aid highway designated

1 by the Secretary” and inserting “the National
2 Highway System or National Freight Net-
3 work”; and

4 (C) in subsection (e)—

5 (i) in paragraph (1) by striking “the
6 Dwight D. Eisenhower System of Inter-
7 state and Defense Highways” and insert-
8 ing “the National Highway System or Na-
9 tional Freight Network”;

10 (ii) in paragraph (2) by striking “the
11 Dwight D. Eisenhower System of Inter-
12 state and Defense Highways” and insert-
13 ing “the National Highway System or Na-
14 tional Freight Network”; and

15 (iii) in paragraph (4)(A) by striking
16 “the Dwight D. Eisenhower System of
17 Interstate and Defense Highways” and
18 “inserting”the National Highway System
19 or National Freight Network

20 (4) SECTION 31114 AMENDMENT.—Section
21 31114 of title 49, United States Code, is amended—

22 (A) in the section heading by striking
23 “Interstate System” and inserting “National
24 Highway System and National Freight Net-
25 work”; and

1 (B) by amending subsection (a)(1) to read
2 as follows:

3 “(1) the National Highway System or the Na-
4 tional Freight Network; and”.

5 (b) DELAYED APPLICABILITY.—The Secretary shall
6 not enforce the amendments made by this section until
7 3 years after the effective date of this Act.

8 **Subtitle C—Planning**

9 **SEC. 1201. TRANSPORTATION SYSTEM RESILIENCE ASSESS-** 10 **MENT.**

11 (a) SECTION 134 AMENDMENT.—Section 134 of title
12 23, United States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraphs (1), (2),
15 (3), (4), (5), (6), and (7) as paragraphs (4),
16 (5), (6), (7), (8), (10), and (11), respectively;

17 (B) by inserting before paragraph (4), as
18 redesignated, the following:

19 “(1) ADAPTATION.—The term ‘adaptation’
20 means adjustment in natural or human systems in
21 anticipation of or response to a changing environ-
22 ment in a way that effectively uses beneficial oppor-
23 tunities or moderates negative effects of extreme
24 weather events or climate change.

1 “(2) CLIMATE CHANGE.—The term ‘climate
2 change’ means any significant change in the meas-
3 ures of climate lasting for an extended period of
4 time. This may include major changes in tempera-
5 ture, precipitation, or wind patterns, among others,
6 that occur over several decades or longer.

7 “(3) CRITICAL HIGHWAY AND TRANSIT AS-
8 SETS.—The term ‘critical highway and transit as-
9 sets’ means transportation facilities considered crit-
10 ical to support population centers, freight movement
11 and economic activity, or evacuation, recovery or na-
12 tional security functions.”; and

13 (C) by inserting before paragraph (10), as
14 redesignated, the following:

15 “(9) RESILIENCE.—The term ‘resilience’ means
16 the ability to anticipate, prepare for, and adapt to
17 changing conditions and to withstand, respond to,
18 and recover rapidly from disruptions, including ex-
19 treme weather events and climate change.”; and

20 (2) in subsection (i)(2)—

21 (A) by redesignating subparagraphs (E),
22 (F), (G), and (H), as subparagraphs (F), (G),
23 (H), and (I), respectively; and

24 (B) by inserting before subparagraph (F),
25 as redesignated, the following:

1 “(E) ADAPTATION AND RESILIENCE.—

2 “(i) IN GENERAL.—In order to pro-
3 tect the integrity and enhance the resil-
4 ience of the transportation system and to
5 ensure the efficient use of Federal re-
6 sources, the long-range transportation plan
7 shall include—

8 “(I) an analysis of potential
9 vulnerabilities and risks of critical
10 highway and transit assets to the im-
11 pacts of current and future extreme
12 weather and climate change effects;
13 and

14 “(II) an explanation of potential
15 strategies for the adaptation of those
16 critical assets.

17 “(ii) CONSULTATION AND COORDINA-
18 TION.—The analysis shall be developed in
19 consultation with Federal, State, local and
20 Tribal agencies, as appropriate. The anal-
21 ysis and strategies shall take into consider-
22 ation the risk management analysis in the
23 State’s asset management plan, developed
24 pursuant to section 119 of this title, and
25 the State’s evaluation of reasonable alter-

1 natives to roads, highways, and bridges
2 that repeatedly require repair and recon-
3 struction activities due to emergency
4 events, carried out in accordance with sec-
5 tion 1315(b) of Public Law 112–141 (126
6 Stat. 549).”.

7 (b) SECTION 135 AMENDMENT.—Section 135(f) of
8 title 23, United States Code, is amended by adding at the
9 end the following:

10 “(10) ADAPTATION AND RESILIENCE.—

11 “(A) IN GENERAL.—To protect the integ-
12 rity and enhance the resilience of the transpor-
13 tation system and to ensure the efficient use of
14 Federal resources, the long-range transpor-
15 tation plan shall include—

16 “(i) an analysis of potential
17 vulnerabilities and risks of critical highway
18 and transit assets to the impacts of cur-
19 rent and future extreme weather and cli-
20 mate change effects; and

21 “(ii) an explanation of potential strat-
22 egies for the adaptation of those critical
23 assets.

24 “(B) CONSULTATION AND COORDINA-
25 TION.—The analysis shall be developed in con-

1 sultation with Federal, State, local and Tribal
2 agencies, as appropriate. The analysis and
3 strategies shall take into consideration the risk
4 management analysis in the State’s asset man-
5 agement plan, developed pursuant to section
6 119 of this title, and the State’s evaluation of
7 reasonable alternatives to roads, highways, and
8 bridges that repeatedly require repair and re-
9 construction activities due to emergency events,
10 carried out in accordance with section 1315(b)
11 of Public Law 112–141 (126 Stat. 549).”.

12 (c) SECTION 5303 AMENDMENT.—Section 5303 of
13 title 49, United States Code, is amended—

14 (1) in subsection (b)—

15 (A) by redesignating paragraphs (1), (2),
16 (3), (4), (5), (6), and (7) as paragraphs (4),
17 (5), (6), (7), (8), (10), and (11), respectively;

18 (B) by inserting before paragraph (4), as
19 redesignated, the following:

20 “(1) ADAPTATION.—The term ‘adaption’ means
21 an adjustment in natural or human systems in an-
22 ticipation of or response to a changing environment
23 in a way that effectively uses beneficial opportunities
24 or moderates negative effects of extreme weather
25 events or climate change.

1 “(2) CLIMATE CHANGE.—The term ‘climate
2 change’ means any significant change in the meas-
3 ures of climate lasting for an extended period of
4 time. This may include major changes in tempera-
5 ture, precipitation, or wind patterns, among others,
6 that occur over several decades or longer.

7 “(3) CRITICAL HIGHWAY AND TRANSIT AS-
8 SETS.—The term ‘critical highway and transit as-
9 sets’ means transportation facilities considered crit-
10 ical to support population centers, freight movement
11 and economic activity, or evacuation, recovery or na-
12 tional security functions.”; and

13 (C) by inserting before paragraph (10), as
14 redesignated, the following:

15 “(9) RESILIENCE.—The term ‘resilience’ means
16 the ability to anticipate, prepare for, and adapt to
17 changing conditions and to withstand, respond to,
18 and recover rapidly from disruptions, including ex-
19 treme weather events and climate change.”; and

20 (2) in subsection (i)(2)—

21 (A) by redesignating subparagraphs (E),
22 (F), (G), and (H), as subparagraphs (F), (G),
23 (H), and (I), respectively; and

24 (B) by inserting before subparagraph (F),
25 as redesignated, the following:

1 “(E) ADAPTATION AND RESILIENCE.—

2 “(i) IN GENERAL.—To protect the in-
3 tegrity and enhance the resilience of the
4 transportation system and to ensure the
5 efficient use of Federal resources, the long-
6 range transportation plan shall include—

7 “(I) an analysis of potential
8 vulnerabilities and risks of critical
9 highway and transit assets to the im-
10 pacts of current and future extreme
11 weather and climate change effects;
12 and

13 “(II) an explanation of potential
14 strategies for the adaptation of those
15 critical assets.

16 “(ii) CONSULTATION AND COORDINA-
17 TION.—The analysis shall be developed in
18 consultation with Federal, State, local and
19 Tribal agencies, as appropriate. The anal-
20 ysis and strategies shall take into consider-
21 ation the risk management analysis in the
22 State’s asset management plan, developed
23 pursuant to section 119 of this title, and
24 the State’s evaluation of reasonable alter-
25 natives to roads, highways, and bridges

1 that repeatedly require repair and recon-
2 struction activities due to emergency
3 events, carried out in accordance with sec-
4 tion 1315(b) of Public Law 112–141 (126
5 Stat. 549).”.

6 (d) SECTION 5304 AMENDMENT.—Section 5304(f) of
7 title 49, United States Code, is amended by adding at the
8 end the following:

9 “(10) ADAPTATION AND RESILIENCE.—

10 “(A) IN GENERAL.—To protect the integ-
11 rity and enhance the resilience of the transpor-
12 tation system and ensure the efficient use of
13 Federal resources, the long-range transpor-
14 tation plan shall include—

15 “(i) an analysis of potential
16 vulnerabilities and risks of critical highway
17 and transit assets to the impacts of cur-
18 rent and future extreme weather and cli-
19 mate change effects; and

20 “(ii) an explanation of potential strat-
21 egies for the adaptation of those critical
22 assets.

23 “(B) CONSULTATION AND COORDINA-
24 TION.—The analysis shall be developed in con-
25 sultation with Federal, State, local and Tribal

1 agencies, as appropriate. The analysis and
 2 strategies shall take into consideration the risk
 3 management analysis in the State’s asset man-
 4 agement plan, developed pursuant to section
 5 119 of this title, and the State’s evaluation of
 6 reasonable alternatives to roads, highways, and
 7 bridges that repeatedly require repair and re-
 8 construction activities due to emergency events,
 9 carried out in accordance with section 1315(b)
 10 of Public Law 112–141 (126 Stat. 549).”.

11 **SEC. 1202. CONSOLIDATED AND HIGH PERFORMING MET-**
 12 **ROPOLITAN PLANNING ORGANIZATIONS.**

13 (a) CONSOLIDATION OF METROPOLITAN PLANNING
 14 ORGANIZATIONS.—

15 (1) SECTION 134 AMENDMENT.—Section
 16 134(d)(6) of title 23, United States Code, is amend-
 17 ed to read as follows:

18 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
 19 NING ORGANIZATIONS WITHIN URBANIZED AREAS.—

20 “(A) LIMITATION ON NEW METROPOLITAN
 21 PLANNING ORGANIZATION DESIGNATIONS.—A
 22 metropolitan planning organization shall not be
 23 newly-designated—

24 “(i) within a metropolitan statistical
 25 area if another metropolitan planning or-

1 organization already exists within the bound-
2 aries of the metropolitan statistical area;
3 or

4 “(ii) outside of a metropolitan statis-
5 tical area.

6 “(B) MULTIPLE EXISTING METROPOLITAN
7 PLANNING ORGANIZATIONS.—If multiple exist-
8 ing metropolitan planning organizations are
9 designated within a metropolitan statistical
10 area—

11 “(i) the metropolitan planning organi-
12 zations may—

13 “(I) retain their designation as
14 distinct metropolitan planning organi-
15 zations; or

16 “(II) be consolidated by agree-
17 ment between the metropolitan plan-
18 ning organizations;

19 “(ii) the Governor (or Governors) and
20 the existing metropolitan planning organi-
21 zations shall—

22 “(I) revisit a determination to re-
23 main unconsolidated every 10 years,
24 beginning two years after the next de-
25 cennial census; and

1 “(II) provide justification to the
2 Secretary of the continued necessity of
3 the designation of multiple metropoli-
4 tan planning organizations in the
5 area; and

6 “(iii) where multiple metropolitan
7 planning organizations exist within a single
8 metropolitan statistical area, they shall co-
9 operate with one another to—

10 “(I) develop a single transpor-
11 tation improvement plan and a single
12 long-range plan for use by all metro-
13 politan planning organizations within
14 the metropolitan statistical area when
15 developing their individual plans; and

16 “(II) establish a single set of per-
17 formance targets that address the per-
18 formance measures described in sec-
19 tion 150(c) for use in developing indi-
20 vidual performance targets in accord-
21 ance with section 134(h)(2).”.

22 (2) SECTION 5303 AMENDMENT.—Section
23 5303(d)(6) of title 49, United States Code, is
24 amended to read as follows:

1 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
2 NING ORGANIZATIONS WITHIN URBANIZED AREAS.—

3 “(A) LIMITATION ON NEW METROPOLITAN
4 PLANNING ORGANIZATION DESIGNATIONS.—A
5 metropolitan planning organization shall not be
6 newly-designated—

7 “(i) within a metropolitan statistical
8 area if another metropolitan planning or-
9 ganization already exists within the bound-
10 aries of the metropolitan statistical area;
11 or

12 “(ii) outside of a metropolitan statis-
13 tical area.

14 “(B) MULTIPLE EXISTING METROPOLITAN
15 PLANNING ORGANIZATIONS.—If multiple exist-
16 ing metropolitan planning organizations are
17 designated within a metropolitan statistical
18 area—

19 “(i) the metropolitan planning organi-
20 zations may—

21 “(I) retain their designation as
22 distinct metropolitan planning organi-
23 zations; or

1 “(II) be consolidated by agree-
2 ment between the metropolitan plan-
3 ning organizations;

4 “(ii) the Governor (or Governors) and
5 the existing metropolitan planning organi-
6 zations shall—

7 “(I) revisit a determination to re-
8 main unconsolidated every 10 years,
9 beginning two years after the next de-
10 cennial census; and

11 “(II) provide justification to the
12 Secretary of the continued necessity of
13 the designation of multiple metropoli-
14 tan planning organizations in the
15 area; and

16 “(iii) where multiple metropolitan
17 planning organizations exist within a single
18 metropolitan statistical area, they shall co-
19 operate with one another to—

20 “(I) develop a single transpor-
21 tation improvement plan and a single
22 long-range plan for use by all metro-
23 politan planning organizations within
24 the metropolitan statistical area when
25 developing their individual plans; and

1 “(II) establish a single set of per-
2 formance targets that address the per-
3 formance measures described in sec-
4 tion 150(c) of title 23, United States
5 Code, for use in developing individual
6 performance targets in accordance
7 with subsection (h)(2) and sections
8 5326(e) and 5329(d) of this title.”.

9 (3) DEFINITIONS.—

10 (A) HIGHWAY DEFINITION.—Section
11 134(b) of title 23, United States Code, as
12 amended by section 1201(a) of this Act, is fur-
13 ther amended by—

14 (i) redesignating paragraphs (3)
15 through (11) as paragraphs (4) through
16 (12); and

17 (ii) inserting after paragraph (2) the
18 following—

19 “(3) CONSOLIDATED METROPOLITAN PLANNING
20 ORGANIZATION.—The term ‘consolidated metropoli-
21 tan planning organization’ means a sole metropoli-
22 tan planning organization that serves a metropolitan
23 statistical area.”.

24 (B) TRANSIT DEFINITION.—Section
25 5303(b) of title 49, United States Code, as

1 amended by section 1201(c) of this Act is fur-
2 ther amended by—

3 (i) redesignating paragraphs (3)
4 through (11) as paragraphs (4) through
5 (12); and

6 (ii) inserting after paragraph (2) the
7 following—

8 “(3) CONSOLIDATED METROPOLITAN PLANNING
9 ORGANIZATION.—The term ‘consolidated metropoli-
10 tan planning organization’ means a sole metropoli-
11 tan planning organization that serves a metropolitan
12 statistical area.”.

13 (b) DESIGNATION OF HIGH PERFORMING METRO-
14 POLITAN PLANNING ORGANIZATIONS.—

15 (1) SECTION 134 AMENDMENT.—Section 134 of
16 title 23, United States Code, as amended by this
17 Act, is further amended by adding at the end the
18 following:

19 “(r) HIGH PERFORMING METROPOLITAN PLANNING
20 ORGANIZATIONS.—

21 “(1) IN GENERAL.—A metropolitan planning
22 organization that represents an urbanized area with
23 a population of over 200,000 individuals may re-
24 quest a high performing metropolitan planning orga-
25 nization designation from the Secretary.

1 “(2) CRITERIA.—In making a high performing
2 metropolitan planning organization designation, the
3 Secretary shall consider—

4 “(A) the extent to which the metropolitan
5 planning organization has an equitable and re-
6 gional approach to decisionmaking;

7 “(B) the extent to which the metropolitan
8 planning organization has incorporated its per-
9 formance targets established pursuant to sec-
10 tion 150 of this title and sections 5303(h)(2),
11 5326(c) and 5329(d) of title 49 into its plan-
12 ning process;

13 “(C) whether the metropolitan planning or-
14 ganization is a consolidated metropolitan plan-
15 ning organization;

16 “(D) if the metropolitan planning organi-
17 zation is not a consolidated metropolitan plan-
18 ning organization, the extent to which the met-
19 ropolitan planning organization is coordinating
20 with all other metropolitan planning organiza-
21 tions designated for the same metropolitan sta-
22 tistical area;

23 “(E) the technical capacity of the metro-
24 politan planning organization; and

1 “(F) other criteria established by the Sec-
2 retary in guidance.

3 “(3) REVIEW.—A designation under paragraph
4 (1) shall stay in effect for 10 years from the date
5 of designation.”.

6 (2) SECTION 5303 AMENDMENT.—Section 5303
7 of title 49, United States Code, as amended by this
8 Act, is further amended by adding at the end the
9 following:

10 “(r) HIGH PERFORMING METROPOLITAN PLANNING
11 ORGANIZATIONS.—

12 “(1) IN GENERAL.—A metropolitan planning
13 organization that represents an urbanized area with
14 a population of over 200,000 individuals may re-
15 quest a high performing metropolitan planning orga-
16 nization designation from the Secretary.

17 “(2) CRITERIA.—In making a high performing
18 metropolitan planning organization designation, the
19 Secretary shall consider—

20 “(A) the extent to which the metropolitan
21 planning organization has an equitable and re-
22 gional approach to decisionmaking;

23 “(B) the extent to which the metropolitan
24 planning organization has incorporated its per-
25 formance targets established pursuant to sec-

1 tion 150 of title 23, United States Code, sub-
2 section (h)(2), and sections 5326(e) and
3 5329(d) of this title into its planning process;

4 “(C) whether the metropolitan planning or-
5 ganization is a consolidated metropolitan orga-
6 nization;

7 “(D) if the metropolitan planning organi-
8 zation is not a consolidated metropolitan plan-
9 ning organization, the extent to which the met-
10 ropolitan planning organization is coordinating
11 with all other metropolitan planning organiza-
12 tions designated for the same metropolitan sta-
13 tistical area;

14 “(E) the technical capacity of the metro-
15 politan planning organization; and

16 “(F) other criteria established by the Sec-
17 retary in guidance.

18 “(3) REVIEW.—A designation under paragraph
19 (1) shall stay in effect for 10 years from the date
20 of designation.”.

21 (c) SURFACE TRANSPORTATION INCENTIVE
22 FUNDS.—Section 133(d)(1) of title 23, United States
23 Code is amended to read as follows:

1 “(1) CALCULATION.—The funds apportioned to
2 a State under section 104(b)(2) shall be obligated as
3 follows:

4 “(A) SUBALLOCATED FUNDS.—50 percent
5 of the funds for a fiscal year shall be obligated
6 under this section, in proportion to their rel-
7 ative shares of the population of the State—

8 “(i) in urbanized areas of the State
9 with an urbanized area population over
10 200,000;

11 “(ii) in urban areas of the State with
12 a population of 5,000 to 200,000; and

13 “(iii) in areas of the State with a pop-
14 ulation of fewer than 5,000.

15 “(B) STATEWIDE FUNDS.—25 percent of
16 the funds for a fiscal year may be obligated in
17 any area of the State.

18 “(C) HIGH PERFORMING METROPOLITAN
19 PLANNING ORGANIZATIONS.—

20 “(i) IN GENERAL.—25 percent of the
21 funds for a fiscal year shall be obligated
22 under this section in urbanized areas
23 under subparagraph (A)(i) that are served
24 by high performing metropolitan planning
25 organizations (as designated by the Sec-

1 retary under section 134(r) or section
2 5303(r) of title 49, United States Code).
3 Any funds remaining under this clause
4 shall be obligated in any area of the State
5 under subparagraph (B).

6 “(ii) AMOUNT.—The amount to be ob-
7 ligated under clause (i) in an urbanized
8 area served by a high performing metro-
9 politan planning organization shall equal
10 50 percent of the amount to be obligated
11 in that urbanized area under paragraph
12 (4) and is in addition to the amount under
13 such paragraph.”.

14 (d) TRANSPORTATION ALTERNATIVES INCENTIVE
15 FUNDS.—Section 213(c)(1) of such title is amended to
16 read as follows:

17 “(1) CALCULATION.—The funds reserved to a
18 State shall be obligated as follows:

19 “(A) SUBALLOCATED FUNDS.—50 percent
20 of the funds for a fiscal year shall be obligated
21 under this section to any eligible entity in pro-
22 portion to its relative share of the population of
23 the State—

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

4 “(ii) in urban areas of the State with
5 a population of 5,000 to 200,000; and

6 “(iii) in areas of the State with a pop-
7 ulation of fewer than 5,000.

8 “(B) STATEWIDE FUNDS.—25 percent of
9 the funds for a fiscal year may be obligated in
10 any area of the State.

11 “(C) HIGH PERFORMING METROPOLITAN
12 PLANNING ORGANIZATIONS.—

13 “(i) IN GENERAL.—25 percent of the
14 funds for a fiscal year shall be obligated
15 under this section in urbanized areas
16 under subparagraph (A)(i) that are served
17 by high performing metropolitan planning
18 organizations (as designated by the Sec-
19 retary under section 134(r) or section
20 5303(r) of title 49, United States Code).
21 Any funds remaining under this clause
22 shall be obligated in any area of the State
23 under subparagraph (B).

24 “(ii) AMOUNT.—The amount to be ob-
25 ligated under clause (i) in an urbanized

1 area served by a high performing metro-
2 politan planning organization shall equal
3 50 percent of the amount to obligated in
4 that urbanized area under paragraph (3)
5 and is in addition to the amount under
6 such paragraph.”.

7 (e) OBLIGATION AUTHORITY.—Section 133(f) of
8 such title is amended—

9 (1) in paragraph (1), by—

10 (A) striking “A State” and inserting “Ex-
11 cept as provided in paragraph (2), a State”;
12 and

13 (B) striking “fiscal years 2011 through
14 2014” and inserting “fiscal years 2015 through
15 2018”;

16 (2) by redesignating paragraph (2) as para-
17 graph (3) and inserting after paragraph (1) the fol-
18 lowing:

19 “(2) HIGH PERFORMING METROPOLITAN PLAN-
20 NING ORGANIZATIONS.—

21 “(A) IN GENERAL.—A State that is re-
22 quired to obligate in an urbanized area under
23 subsections (d)(1)(A)(i) and (d)(1)(C)(i) shall
24 make available to such urbanized area on an
25 annual basis an amount of obligation authority

1 distributed to the State for Federal-aid high-
2 ways and highway safety construction programs
3 for use in the area that is equal to the amount
4 obtained by multiplying—

5 “(i) the amount of funds that the
6 State is required to obligate in the area
7 under such subsections; and

8 “(ii) the ratio specified in paragraph
9 (1)(B).

10 “(B) AVAILABILITY.—The obligation au-
11 thority that a State makes available to an ur-
12 banized area under subparagraph (A) shall re-
13 main available for a period of four fiscal
14 years.”; and

15 (3) in paragraph (3), as redesignated, by strik-
16 ing “paragraph (1)” and inserting “paragraphs (1)
17 and (2)”.

18 (f) DISTRIBUTION OF METROPOLITAN PLANNING
19 FUNDS.—Section 104(d)(2)(A) of such title is amended—

20 (1) in clause (i), by striking “; and” and insert-
21 ing “;”;

22 (2) by redesignating clause (ii) as clause (iii);
23 and

24 (3) by inserting after clause (i) the following:

1 “(ii) prioritizes the needs of high per-
2 forming metropolitan planning organiza-
3 tions (as designated by the Secretary
4 under section 134(r) or section 5303(r) of
5 title 49, United States Code); and”.

6 (g) TECHNICAL CORRECTION.—Subsection 133(h)(1)
7 of such title is amended by striking “for each of fiscal
8 years 2013 through 2014” and inserting “each fiscal
9 year”.

10 **SEC. 1203. PARTICIPATION OF PUBLIC PORT AUTHORITIES.**

11 (a) SECTION 134 AMENDMENT.—Section
12 134(i)(6)(A) of title 23, United States Code, is amended
13 by inserting “public ports,” before “freight shippers”.

14 (b) SECTION 135 AMENDMENT.—Section 135(g)(3)
15 of title 23, United States Code, is amended by inserting
16 “public ports,” before “freight shippers”.

17 (c) SECTION 5303 AMENDMENT.—Section
18 5303(i)(6)(A) of title 49, United States Code, is amended
19 by inserting “public ports,” before “freight shippers”.

20 (d) SECTION 5304 AMENDMENT.—Section
21 5304(g)(3) of title 49, United States Code, is amended
22 by inserting “public ports,” before “freight shippers”.

1 **SEC. 1204. STRENGTHENING THE STATEWIDE AND NON-**
2 **METROPOLITAN PLANNING PROCESS.**

3 (a) SECTION 135 AMENDMENT.—Section 135 of title
4 23, United States Code, is amended—

5 (1) in subsection (f)(5) by striking “may” and
6 inserting “shall”;

7 (2) in subsection (f)(7)—

8 (A) by striking “should” and inserting
9 “shall”; and

10 (B) by striking the final “;” and
11 inserting“.”;

12 (3) in subsection (g)(5)(F)(i) by striking “may”
13 and inserting “shall”; and

14 (4) by striking subsection (g)(8) and inserting
15 the following:

16 “(8) CERTIFICATION PROCESS.—

17 “(A) IN GENERAL.—At least once every 4
18 years the Secretary shall certify that each State
19 has met the requirements of—

20 “(i) this section; and

21 “(ii) other Federal laws, regulations,
22 and orders applicable to the statewide and
23 nonmetropolitan and the metropolitan
24 planning processes.

25 “(B) FAILURE TO MEET CERTIFICATION.—

26 If a State does not meet such certification, the

1 Secretary may withhold up to 20 percent of the
2 funds attributable to such State for projects
3 funded under this title and chapter 53 of title
4 49.

5 “(C) RESTORATION OF FUNDS.—The with-
6 held funds shall be restored to the State at such
7 time as the State process is certified by the
8 Secretary.

9 “(D) PUBLIC INVOLVEMENT.—In making
10 the certification determinations under this para-
11 graph, the Secretary shall provide for public in-
12 volvement appropriate to the State under re-
13 view.”.

14 (b) SECTION 5304 AMENDMENT.—Section 5304 of
15 title 49, United States Code, is amended—

16 (1) in subsection (f)(5) by striking “may” and
17 inserting “shall”;

18 (2) in subsection (f)(7) by striking “should”
19 and inserting “shall”;

20 (3) in subsection (g)(5)(F)(i) by striking “may”
21 and inserting “shall”; and

22 (4) by striking subsection (g)(8) and inserting
23 the following:

24 “(8) CERTIFICATION PROCESS.—

1 “(A) IN GENERAL.—At least once every 4
2 years the Secretary shall certify that each State
3 has met the requirements of—

4 “(i) this section; and

5 “(ii) other Federal laws, regulations,
6 and orders applicable to the statewide and
7 nonmetropolitan and the metropolitan
8 planning processes.

9 “(B) FAILURE TO MEET CERTIFICATION.—
10 If a State does not meet such certification, the
11 Secretary may withhold up to 20 percent of the
12 funds attributable to such State for projects
13 funded under this title and chapter 53 of title
14 49.

15 “(C) RESTORATION OF FUNDS.—The with-
16 held funds shall be restored to the State at such
17 time as the State process is certified by the
18 Secretary.

19 “(D) PUBLIC INVOLVEMENT.—In making
20 the certification determinations under this para-
21 graph, the Secretary shall provide for public in-
22 volvement appropriate to the State under re-
23 view.”.

1 **SEC. 1205. REMOVAL OF THE CONGESTION MANAGEMENT**
2 **PROCESS.**

3 (a) SECTION 134 AMENDMENT.—Section 134 of title
4 23, United States Code, is amended—

5 (1) by striking subsection (k)(3) and redesignating
6 subsections (k)(4) and (k)(5) as subsections
7 (k)(3) and (k)(4), respectively; and

8 (2) by striking subsection (n) and redesignating
9 subsections (o) through (q) as subsections (n)
10 through (p), respectively.

11 (b) SECTION 135 AMENDMENT.—Section 135 of title
12 23, United States Code, is amended by striking subsection
13 (j) and redesignating subsections (k) through (m) as sub-
14 sections (j) through (l), respectively.

15 (c) SECTION 5303 AMENDMENT.—Section 5303 of
16 title 49, United States Code, is amended—

17 (1) by striking subsection (k)(3) and redesignating
18 subsections (k)(4) and (k)(5) as subsections
19 (k)(3) and (k)(4), respectively; and

20 (2) by striking subsection (n) and redesignating
21 subsections (o) through (q) as subsections (n)
22 through (p), respectively.

23 (d) SECTION 5304 AMENDMENT.—Section 5304 of
24 title 49, United States Code, is amended by striking sub-
25 section (i) and redesignating subsections (j) through (l)
26 as subsections (i) through (k), respectively.

1 **SEC. 1206. PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.**

2 (a) SECTION 134 AMENDMENT.—Section 134(i) of
3 title 23, United States Code, is amended—

4 (1) in paragraph (4), by inserting after sub-
5 paragraph (C) the following:

6 “(D) PUBLIC INVOLVEMENT.—Metropoli-
7 tan planning organizations shall offer interested
8 parties, such as those described in paragraph
9 (6), a reasonable opportunity to participate in
10 the development and consideration of sce-
11 narios.”; and

12 (2) in paragraph (6), by striking “comment on
13 the transportation plan” and inserting “provide
14 input during the development and implementation of
15 the transportation plan”.

16 (b) SECTION 135 AMENDMENT.—Section
17 135(f)(3)(A)(ii) of title 23, United States Code, is amend-
18 ed by striking “comment on the transportation plan”; and
19 inserting “provide input during the development of the
20 transportation plan”.

21 (c) SECTION 5303 AMENDMENT.—Section 5303(i) of
22 title 49, United States Code, is amended—

23 (1) in paragraph (4), by inserting after sub-
24 paragraph (C) the following:

25 “(D) PUBLIC INVOLVEMENT.—Metropoli-
26 tan planning organizations shall offer interested

1 parties, such as those described in paragraph
 2 (6), a reasonable opportunity to participate in
 3 the development and consideration of sce-
 4 narios.”; and

5 (2) in paragraph (6), by striking “comment on
 6 the transportation plan” and inserting “provide
 7 input during the development and implementation of
 8 the transportation plan”.

9 (d) SECTION 5304 AMENDMENT.—Section
 10 5304(f)(3)(A)(ii) of title 49, United States Code, is
 11 amended by striking “comment on the proposed plan”;
 12 and inserting “provide input during the development of
 13 the transportation plan”.

14 **SEC. 1207. CONNECTION TO OPPORTUNITIES NATIONAL**
 15 **GOAL AND POTENTIAL PERFORMANCE MEAS-**
 16 **URE.**

17 (a) TRANSPORTATION CONNECTIONS TO OPPORTUNI-
 18 TIES.—Section 150(b) of title 23, United States Code, is
 19 amended—

20 (1) in paragraph (2), by striking “highway in-
 21 frastructure asset system” and inserting “infrastruc-
 22 ture asset system under title 23”; and

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

24 “(8) MULTIMODAL CONNECTIVITY.—To achieve
 25 an interconnected transportation system which con-

1 nects people to jobs, schools, and other essential
2 services through a multimodal network.”.

3 (b) ESTABLISHMENT OF PERFORMANCE MEAS-
4 URES.—Section 150(c) of title 23, United States Code, is
5 amended—

6 (1) in paragraph (1), by inserting “as listed in
7 paragraphs (3), (4), (5) and (6)” before the period
8 at the end; and

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

10 “(7) MULTIMODAL FREIGHT.—The Secretary
11 may, in accordance with the National Freight Stra-
12 tegic Plan, establish Performance Measures to as-
13 sess the efficiency of the multimodal freight network.

14 “(8) TRANSPORTATION CONNECTIVITY.—The
15 Secretary may, in accordance with the framework es-
16 tablished in section 134 of this title (Measuring
17 Transportation Connections to Opportunity), estab-
18 lish a Performance Measure to be used by MPOs to
19 assess the degree to which the transportation system
20 provides multimodal connections to economic oppor-
21 tunities, particularly for disadvantaged popu-
22 lations.”.

23 **SEC. 1208. WORKFORCE DEVELOPMENT.**

24 Section 140(b) of title 23, United States Code, is
25 amended to read as follows:

1 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

2 “(1) IN GENERAL.—The Secretary, in coopera-
3 tion with the Secretary of Labor and any other de-
4 partment or agency of the Government, State agen-
5 cy, authority, association, institution, Indian tribal
6 government, corporation (profit or nonprofit), or any
7 other organization or person, is authorized to de-
8 velop, conduct, and administer surface transpor-
9 tation and technology training, including skill im-
10 provement programs, and to develop and fund sum-
11 mer transportation institutes.

12 “(2) STATE DOT RESPONSIBILITIES.—A State
13 department of transportation participating in the
14 program shall—

15 “(A) develop a workforce plan that identi-
16 fies immediate and anticipated workforce gaps
17 and underrepresentation of women and minori-
18 ties, and a detailed plan to fill gaps and address
19 such underrepresentation;

20 “(B) establish a ‘workforce development
21 compact’ with the State workforce investment
22 board and appropriate agencies to provide a co-
23 ordinated approach to workforce training, job
24 placement, and identification of training and
25 skill development program needs, which shall be

1 coordinated to the extent practical with an in-
2 stitution or agency, such as a State workforce
3 investment board under 29 U.S.C. 2821, that
4 has established skills training, recruitment, and
5 placement resources; and

6 “(C) demonstrate program outcomes, in-
7 cluding—

8 “(i) impact on areas with transpor-
9 tation workforce shortages;

10 “(ii) diversity of training participants;

11 “(iii) number and percentage of par-
12 ticipants obtaining certifications or creden-
13 tials required for specific types of employ-
14 ment;

15 “(iv) employment outcome, including
16 job placement and job retention rates and
17 earnings, using performance metrics estab-
18 lished in consultation with the Secretary of
19 Labor and consistent with metrics used by
20 programs under the Workforce Investment
21 Act of 1998 (29 U.S.C. 2801 et seq.); and

22 “(v) to the extent practical, evidence
23 that the program did not preclude workers
24 that participate in training or registered
25 apprenticeship activities under the pro-

1 gram from being referred to, or hired on,
2 projects funded under this chapter.

3 “(3) FUNDING.—Funds authorized for the pro-
4 gram under paragraph (1) of this subsection shall
5 remain available until expended.

6 “(4) NONAPPLICABILITY OF TITLE 41.—The
7 provisions of sections 6101(b) through (d) of title 41
8 shall not be applicable to contracts and agreements
9 made under the authority granted under this sub-
10 section to the Secretary.

11 “(5) USE OF SURFACE TRANSPORTATION AND
12 NATIONAL HIGHWAY PERFORMANCE PROGRAM
13 FUNDS.—Notwithstanding any other provision of
14 law, not to exceed ½ of 1 percent of funds appor-
15 tioned to a State under section 104(b) (1) or (2)
16 may be available to carry out this subsection upon
17 request of the State transportation department to
18 the Secretary.

19 “(6) JOB-DRIVEN SKILLS TRAINING INCEN-
20 TIVE.—

21 “(A) IN GENERAL.—In a fiscal year, the
22 Secretary shall provide incentive funding to
23 States for transportation workforce develop-
24 ment, including transportation technology and
25 skills training, registered apprenticeship and

1 other work-based training opportunities, and
2 skill improvement programs leading to creden-
3 tial attainment, employment, and career path-
4 ways for disadvantaged populations.

5 “(B) ELIGIBILITY.—

6 “(i) LEVERAGING EXISTING FUNDS.—

7 If a State agrees to obligate in a fiscal
8 year funds apportioned to the State under
9 section 104(b) (1) or (2) for the purposes
10 authorized in paragraph (1), the Secretary
11 may provide up to twice the amount the
12 State has agreed to obligate for such pur-
13 poses.

14 “(ii) DEMONSTRATING SUCCESS IN
15 SKILLS TRAINING, RECRUITMENT, AND JOB
16 PLACEMENT.—The Secretary may provide
17 incentive funding to up to 20 States that
18 demonstrate that their program under
19 paragraph (2)—

20 “(I) operates in partnership with
21 an institution or agency, such as a
22 State workforce investment board
23 under 29 U.S.C. 2821, that has estab-
24 lished skills training, recruitment, and
25 placement resources; and

1 “(II) successfully places individ-
2 uals in permanent jobs, as measured
3 by a job placement, retention, and
4 earnings metrics established by the
5 Secretary; and

6 “(III) establishes recruitment
7 strategies that result in positive em-
8 ployment outcomes for minorities,
9 women, and disadvantaged individ-
10 uals.

11 “(C) GRANTS.—

12 “(i) IN GENERAL.—A State may pro-
13 vide incentive funds received under this
14 paragraph to an institution or agency,
15 such as a State workforce investment
16 board under 29 U.S.C. 2821, that has es-
17 tablished skills training, recruitment, and
18 placement resources for use consistent with
19 subparagraph (A).

20 “(ii) COMPLIANCE.—A State that pro-
21 vides funds to an entity under clause (i)
22 shall establish measures to verify that re-
23 cipients of such funds comply with the re-
24 quirements of this subsection.

1 “(D) FEDERAL SHARE.—The Federal
2 share for incentive funding under this para-
3 graph may be up to 100 percent.”.

4 **SEC. 1209. MEASURING TRANSPORTATION CONNECTIVITY**
5 **PILOT ACTIVITIES.**

6 (a) TITLE 23.—Section 134 of title 23, United States
7 Code, as amended by this Act, is further amended by in-
8 serting after subsection (p), as redesignated, the following:

9 “(q) MEASURING TRANSPORTATION CONNECTIONS
10 TO OPPORTUNITY.—

11 “(1) CONNECTION TO OPPORTUNITY PILOT
12 PROGRAM.—

13 “(A) ESTABLISHMENT.—The Secretary
14 shall establish a pilot program in which up to
15 ten metropolitan planning organizations shall
16 develop and deploy one or more pilot measures
17 and targets to improve multimodal connectivity
18 and increase connections for disadvantaged
19 Americans and neighborhoods with limited
20 transportation options.

21 “(B) PILOT LOCATIONS.—The Secretary
22 shall select up to ten metropolitan planning or-
23 ganizations in up to ten locations, each of which
24 is the sole metropolitan planning organization

1 serving an urbanized area of more than 1 mil-
2 lion residents, which shall include—

3 “(i) metropolitan planning organiza-
4 tions that can demonstrate previous suc-
5 cessful use of performance measurements
6 and performance-based planning efforts,
7 which the Secretary shall designate as
8 mentor grantees; and

9 “(ii) metropolitan planning organiza-
10 tions that have limited or no successful
11 previous experience in performance meas-
12 urements and performance-based planning
13 efforts, which the Secretary shall designate
14 as novice grantees.

15 “(C) PILOT PROGRAM ACTIVITIES.—

16 “(i) TRANSPORTATION CONNECTIVITY
17 INVENTORY.—Within 6 months of selection
18 as a pilot location, and in consultation with
19 appropriate States, transit agencies, and
20 local governments, metropolitan planning
21 organizations in pilot locations shall de-
22 velop an inventory of transportation assets
23 within the urbanized planning area they
24 represent, which will describe—

1 “(I) the condition of key high-
2 way, transit, bicycle, and pedestrian
3 facilities;

4 “(II) the degree to which these
5 facilities provide residents with con-
6 nections to economic opportunities, in-
7 cluding but not restricted to job cen-
8 ters and schools;

9 “(III) the identity and location of
10 disadvantaged populations within the
11 planning area; and

12 “(IV) local challenges to
13 multimodal connectivity, such as zon-
14 ing or land use issues, availability of
15 affordable housing, and physical bar-
16 riers that obstruct access from resi-
17 dential areas to economic opportuni-
18 ties.

19 “(ii) PERFORMANCE INDICATORS.—
20 Within one year of selection, metropolitan
21 planning organizations in pilot locations
22 shall apply the baseline data developed in
23 the Transportation Connectivity Inventory
24 to adopt one or more provisional indicators
25 to measure multimodal connectivity im-

1 provements in the transportation system,
2 including measurements of multimodal
3 connectivity improvements available to pop-
4 ulations identified in clause (i)(III), and
5 appropriate to local assets and needs.

6 “(iii) DATA COLLECTION AND RE-
7 PORTING.—Metropolitan planning organi-
8 zations in pilot locations shall collect and
9 report baseline and annual performance
10 data on multimodal transportation
11 connectivity to opportunity, and shall re-
12 port that data to the Secretary for the du-
13 ration of the pilot project.

14 “(iv) KNOWLEDGE-SHARING.—Metro-
15 politan planning organizations designated
16 as mentor grantees shall engage in knowl-
17 edge-sharing activities with novice grantees
18 to the extent feasible, which may include
19 peer exchanges and technical assistance, as
20 appropriate to their existing level of per-
21 formance measurement capacity.

22 “(v) PROJECT IMPLEMENTATION.—
23 Notwithstanding section 120 of this title, a
24 metropolitan planning organization may
25 use funds remaining after the completion

1 of the Transportation Connectivity Inven-
2 tory, provisional measure, and related
3 tracking activities for the non-Federal
4 share to implement projects within the
5 metropolitan planning area that are rea-
6 sonably anticipated to address system gaps
7 and improve performance according to the
8 locally-adopted provisional multimodal
9 transportation connectivity measures.

10 “(2) NATIONAL PERFORMANCE MEASURE DE-
11 VELOPMENT ACTIVITIES.—The Secretary shall re-
12 serve up to a cumulative a maximum of \$9,000,000
13 of the amount authorized for this subsection over
14 the period of fiscal years 2015 through 2018 for use
15 on evaluation of multimodal connectivity measures
16 developed by metropolitan planning organizations in
17 pilot locations, and to consider development of a na-
18 tional indicator to measure the multimodal connec-
19 tions to opportunities provided by the transportation
20 network, including the following activities:

21 “(A) NATIONAL TECHNICAL ASSISTANCE
22 AND PEER EXCHANGE FORUMS.—The Secretary
23 shall support the measure development and
24 data collection of metropolitan planning organi-
25 zations in pilot locations through technical as-

1 sistance and peer exchanges, and through work-
2 shops with States, transit agencies, and MPOs
3 to discuss Pilot Program findings, and shall es-
4 tablish an online collaboration center for local
5 jurisdictions to share ideas and challenges, and
6 document lessons learned.

7 “(B) CONNECTION TO OPPORTUNITY
8 FINAL REPORT.—At the end of the Connection
9 to Opportunity Pilot Program, the Department
10 shall produce in consultation with the Secretary
11 of the Department of Housing and Urban De-
12 velopment, the Secretary of the Department of
13 Commerce and the Administrator of the Envi-
14 ronmental Protection Agency, and seek public
15 comment on a final report that documents the
16 outcomes of the Connection to Opportunity
17 Pilot Program. The report shall provide rec-
18 ommendations on the establishment of one or
19 more national multimodal connectivity meas-
20 ures, and shall include—

21 “(i) results of the pilot locations’ ef-
22 forts to measure and improve multimodal
23 connectivity;

24 “(ii) the Secretary’s recommendations
25 for one or more national connectivity meas-

1 ures and integrating them into the Federal
2 transportation performance management
3 framework, in accordance with section 150
4 of this title; and

5 “(iii) an assessment of social out-
6 comes and impact that may result from the
7 pilot measures as well as estimated savings
8 to Federal, State and local social service
9 subsidy programs, as well as other costs
10 avoided and new tax revenues attributable
11 to increased connectivity.

12 “(C) POTENTIAL RULEMAKING.—Fol-
13 lowing publication of the Connection to Oppor-
14 tunity Final Report, the Secretary, in consulta-
15 tion with State Departments of Transportation,
16 metropolitan planning organizations, and other
17 stakeholders, may promulgate a rulemaking
18 that establishes performance measures and
19 standards as described in section 150(e)(8).”.

20 (b) CHAPTER 53.—Section 5303 of title 49, United
21 States Code, as amended by this Act, is further amended
22 by inserting after subsection (p), as redesignated, the fol-
23 lowing:

24 “(q) MEASURING TRANSPORTATION CONNECTIONS
25 TO OPPORTUNITY.—

1 “(1) CONNECTION TO OPPORTUNITY PILOT
2 PROGRAM.—

3 “(A) ESTABLISHMENT.—The Secretary
4 shall establish a pilot program in which up to
5 ten metropolitan planning organizations shall
6 develop and deploy one or more pilot measures
7 and targets to improve multimodal connectivity
8 and increase connections for disadvantaged
9 Americans and neighborhoods with limited
10 transportation options.

11 “(B) PILOT LOCATIONS.—The Secretary
12 shall select up to ten metropolitan planning or-
13 ganizations, each of which is the sole metropoli-
14 tan planning organization serving an urbanized
15 area of more than 1 million residents, which
16 shall include—

17 “(i) metropolitan planning organiza-
18 tions that can demonstrate previous suc-
19 cessful use of performance measurements
20 and performance-based planning efforts,
21 which the Secretary shall designate as
22 mentor grantees; and

23 “(ii) metropolitan planning organiza-
24 tions that have limited or no successful
25 previous experience in performance meas-

1 urements and performance-based planning
2 efforts, which the Secretary shall designate
3 as novice grantees.

4 “(C) PILOT PROGRAM ACTIVITIES.—

5 “(i) TRANSPORTATION CONNECTIVITY
6 INVENTORY.—Within 6 months of selection
7 as a pilot location, and in consultation with
8 appropriate States, transit agencies, and
9 local governments, metropolitan planning
10 organizations in pilot locations shall de-
11 velop an inventory of transportation assets
12 within the urbanized planning area they
13 represent, which will describe—

14 “(I) the condition of key high-
15 way, transit, bicycle, and pedestrian
16 facilities;

17 “(II) the degree to which these
18 facilities provide residents with con-
19 nections to economic opportunities, in-
20 cluding but not restricted to job cen-
21 ters and schools;

22 “(III) the identity and location of
23 disadvantaged populations within the
24 planning area; and

1 “(IV) local challenges to
2 multimodal connectivity, such as zon-
3 ing or land use issues, availability of
4 affordable housing, and physical bar-
5 riers that obstruct access from resi-
6 dential areas to economic opportuni-
7 ties.

8 “(ii) PERFORMANCE INDICATORS.—
9 Within one year of selection, metropolitan
10 planning organizations in pilot locations
11 shall apply the baseline data developed in
12 the Transportation Connectivity Inventory
13 to adopt one or more provisional indicators
14 to measure multimodal connectivity im-
15 provements in the transportation system,
16 including measurements of multimodal
17 connectivity improvements available to pop-
18 ulations identified in clause (i)(III), and
19 appropriate to local assets and needs.

20 “(iii) DATA COLLECTION AND RE-
21 PORTING.—Metropolitan planning organi-
22 zations in pilot locations shall collect and
23 report baseline and annual performance
24 data on multimodal transportation
25 connectivity to opportunity, and shall re-

1 port that data to the Secretary for the du-
2 ration of the pilot project.

3 “(iv) KNOWLEDGE-SHARING.—Metro-
4 politan planning organizations designated
5 as mentor grantees shall engage in knowl-
6 edge-sharing activities with novice grantees
7 to the extent feasible, which may include
8 peer exchanges and technical assistance, as
9 appropriate to their existing level of per-
10 formance measurement capacity.

11 “(v) PROJECT IMPLEMENTATION.—
12 Notwithstanding section 120 of this title, a
13 metropolitan planning organization may
14 use funds remaining after the completion
15 of the Transportation Connectivity Inven-
16 tory, provisional measure, and related
17 tracking activities for the non-Federal
18 share to implement projects within the
19 metropolitan planning area that are rea-
20 sonably anticipated to address system gaps
21 and improve performance according to the
22 locally-adopted provisional multimodal
23 transportation connectivity measures.

24 “(2) NATIONAL PERFORMANCE MEASURE DE-
25 VELOPMENT ACTIVITIES.—The Secretary shall re-

1 serve up to a cumulative \$9,000,000 of the amount
2 authorized for this subsection over the period of fis-
3 cal years 2015 through 2018 for use on evaluation
4 of multimodal connectivity measures developed by
5 metropolitan planning organizations in pilot loca-
6 tions, and to consider development of a national in-
7 dicator to measure the multimodal connections to
8 opportunities provided by the transportation net-
9 work, including the following activities:

10 “(A) NATIONAL TECHNICAL ASSISTANCE
11 AND PEER EXCHANGE FORUMS.—The Secretary
12 shall support the measure development and
13 data collection of metropolitan planning organi-
14 zations in pilot locations through technical as-
15 sistance and peer exchanges, and through work-
16 shops with States, transit agencies, and MPOs
17 to discuss Pilot Program findings, and shall es-
18 tablish an online collaboration center for local
19 jurisdictions to share ideas and challenges, and
20 document lessons learned.

21 “(B) CONNECTION TO OPPORTUNITY
22 FINAL REPORT.—At the end of the Connection
23 to Opportunity Pilot Program, the Department
24 shall produce and seek public comment on a
25 final report that documents the outcomes of the

1 Connection to Opportunity Pilot Program. The
2 report shall provide recommendations on the es-
3 tablishment of one or more national multimodal
4 connectivity measures, and shall include—

5 “(i) results of the pilot locations’ ef-
6 forts to measure and improve multimodal
7 connectivity;

8 “(ii) the Secretary’s recommendations
9 for one or more national connectivity meas-
10 ures and integrating them into the Federal
11 transportation performance management
12 framework in accordance with section 150
13 of this title; and

14 “(iii) an assessment of social out-
15 comes and impact that may result from the
16 pilot measures as well as estimated savings
17 to Federal, State and local social service
18 subsidy programs, as well as other costs
19 avoided and new tax revenues attributable
20 to increased connectivity.

21 “(C) POTENTIAL RULEMAKING.—Within
22 two years of the publication of the Connection
23 to Opportunity Final Report, the Secretary, in
24 consultation with State Departments of Trans-
25 portation, metropolitan planning organizations,

1 and other stakeholders, may promulgate a rule-
2 making that establishes performance measures
3 and standards.”.

4 **SEC. 1210. PERFORMANCE-BASED PROJECT SELECTION.**

5 (a) SECTION 134 AMENDMENT.—Section
6 134(j)(2)(D) of title 23, United States Code, is amended
7 to read as follows:

8 “(D) PERFORMANCE TARGET ACHIEVE-
9 MENT.—In adding projects to a transportation
10 improvement program, a metropolitan planning
11 organization shall create a process to evaluate
12 and select each project or collection of projects
13 based on the project’s (or collection of
14 projects”) inclusion of elements that are known
15 to support, or will foreseeably support outcomes
16 that will achieve the performance targets estab-
17 lished in the metropolitan transportation plan
18 by the metropolitan planning organization in
19 accordance with subsection (h)(2)(B).”.

20 (b) SECTION 135 AMENDMENT.—Section 135(g)(4)
21 of title 23, United States Code, is amended to read as
22 follows:

23 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
24 In adding projects to a State transportation im-
25 provement program, a State shall create a process to

1 evaluate and select each project or collection of
2 projects based on the project’s (or collection of
3 projects”) inclusion of elements that are known to
4 support, or will foreseeably support, outcomes that
5 will achieve the performance targets established in
6 the long-range statewide transportation plan in ac-
7 cordance with subsection (f)(7)(A).”.

8 (c) SECTION 5303 AMENDMENT.—Section
9 5303(j)(2)(D) of title 49, United States Code, is amended
10 to read as follows:

11 “(D) PERFORMANCE TARGET ACHIEVE-
12 MENT.—In adding projects to a transportation
13 improvement program, a metropolitan planning
14 organization shall create a process to evaluate
15 and select each project or collection of projects
16 based on the project’s (or collection of
17 projects”) inclusion of elements that are known
18 to support, or will foreseeably support outcomes
19 that will achieve the performance targets estab-
20 lished in the metropolitan transportation plan
21 by the metropolitan planning organization in
22 accordance with section 134(h)(2)(B) of title
23 23.”.

1 (d) SECTION 5304 AMENDMENT.—Section
2 5304(g)(4) of title 49, United States Code, is amended
3 to read as follows:

4 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
5 In adding projects to a State transportation im-
6 provement program, a State shall create a process to
7 evaluate and select each project or collection of
8 projects based on the project’s (or collection of
9 projects”) inclusion of elements that are known to
10 support, or will foreseeably support, outcomes that
11 will achieve the performance targets established in
12 the long-range statewide transportation plan in ac-
13 cordance with section 135(f)(7)(A) of title 23.”.

14 **SEC. 1211. STORMWATER PLANNING.**

15 (a) SECTION 134 AMENDMENT.—Section 134(h)(1)
16 of title 23, United States Code, is amended—

17 (1) in subparagraph (G), by striking “; and”
18 and inserting “;”;

19 (2) in subparagraph (H), by striking the final
20 period and inserting “; and”; and

21 (3) by inserting the following at the end:

22 “(I) improve the resilience and reliability
23 of the transportation system and reduce or
24 mitigate stormwater impacts of surface trans-
25 portation.”.

1 (b) SECTION 135 AMENDMENT.—Section 135(d)(1)
2 of title 23, United States Code, is amended—

3 (1) in subparagraph (G), by striking “; and”
4 and inserting “;”;

5 (2) in subparagraph (H), by striking the final
6 period and inserting “; and”; and

7 (3) by inserting the following at the end:

8 “(I) improve the resilience and reliability
9 of the transportation system and reduce or
10 mitigate stormwater impacts of surface trans-
11 portation.”.

12 (c) SECTION 5303 AMENDMENT.—Section
13 5303(h)(1) of title 49, United States Code, is amended—

14 (1) in subparagraph (G), by striking “; and”
15 and inserting “;”;

16 (2) in subparagraph (H), by striking the final
17 period and inserting “; and”; and

18 (3) by inserting the following at the end:

19 “(I) improve the resilience and reliability
20 of the transportation system and reduce or
21 mitigate stormwater impacts of surface trans-
22 portation.”.

23 (d) SECTION 5304 AMENDMENT.—Section
24 5304(d)(1) of title 49, United States Code, is amended—

1 (1) in subparagraph (G), by striking “; and”
2 and inserting “;”;

3 (2) in subparagraph (H), by striking the final
4 period and inserting “; and”; and

5 (3) by inserting the following at the end:

6 “(I) improve the resilience and reliability
7 of the transportation system and reduce or
8 mitigate stormwater impacts of surface trans-
9 portation.”.

10 **Subtitle D—Congestion Mitigation** 11 **and Air Quality Improvement**

12 **SEC. 1301. ELIGIBLE PROJECTS.**

13 Section 149(b) of title 23, United States Code, is
14 amended—

15 (1) in paragraph (1)(A)(i)(I), by inserting “in
16 the designated nonattainment area” after “stand-
17 ard”;

18 (2) in paragraph (3), by inserting “or mainte-
19 nance” after “attainment,”;

20 (3) in paragraph (4), by striking “is likely to
21 contribute to the attainment of a national ambient
22 air quality standard” and inserting “is likely to con-
23 tribute to the area’s attainment or maintenance of
24 a national ambient air quality standard”; and

1 (4) in paragraph (5), by inserting “reduces air
2 pollution and” after “if the program or project”.

3 **SEC. 1302. SPECIAL RULES.**

4 (a) **TRANSFERABILITY OF CMAQ FUNDS.**—Section
5 126(a) of title 23, United States Code, is amended by in-
6 serting “(or, for an apportionment under section
7 104(b)(4), 25 percent of the amount apportioned for the
8 fiscal year)” after “for the fiscal year”.

9 (b) **PM-10 NONATTAINMENT AND MAINTENANCE**
10 **AREAS.**—Section 149(e)(1) of title 23, United States
11 Code, is amended by striking “for ozone or carbon mon-
12 oxide, or both, and for PM-10 resulting from transpor-
13 tation activities, without regard to any limitation of the
14 Department of Transportation relating to the type of am-
15 bient air quality standard such project or program ad-
16 dresses” and inserting “or maintenance for PM-10 result-
17 ing from transportation activities”.

18 **SEC. 1303. PRIORITY CONSIDERATION.**

19 Section 149(g)(3) of title 23, United States Code, is
20 amended to read as follows:

21 “(3) **PRIORITY CONSIDERATION.**—States and
22 metropolitan planning organizations shall give pri-
23 ority—

24 “(A) in areas designated as nonattainment
25 or maintenance for PM-2.5 under the Clean

1 Air Act (42 U.S.C. 7401 et seq.) in distributing
2 funds received for congestion mitigation and air
3 quality projects and programs from apportion-
4 ments under section 104(b)(4) to projects and
5 programs that are likely to reduce emissions or
6 precursor emissions of PM-2.5, including diesel
7 retrofits; and

8 “(B) in areas designated as nonattainment
9 or maintenance for ozone under the Clean Air
10 Act (42 U.S.C. 7401 et seq.) in distributing
11 funds received for congestion mitigation and air
12 quality projects and programs from apportion-
13 ments under section 104(b)(4) to projects and
14 programs that are likely to reduce precursor
15 emissions of ozone.”.

16 **SEC. 1304. EVALUATION AND ASSESSMENT OF PROJECTS.**

17 Section 149(i)(1)(A) of title 23, United States Code,
18 is amended by inserting “that would contribute to attain-
19 ment or maintenance of a national ambient air quality
20 standard” before the period at the end.

1 **SEC. 1305. ELECTRIC VEHICLE CHARGING STATIONS AND**
2 **COMMERCIAL MOTOR VEHICLE ANTI-IDLING**
3 **FACILITIES IN REST AREAS.**

4 (a) IN GENERAL.—Section 111 of title 23, United
5 States Code, is amended by inserting at the end the fol-
6 lowing:

7 “(f) ELECTRIC VEHICLE CHARGING STATIONS AND
8 COMMERCIAL MOTOR VEHICLE ANTI-IDLING FACILITIES
9 IN REST AREAS.—

10 “(1) IN GENERAL.—Notwithstanding subsection
11 (a), a State may—

12 “(A) permit electric vehicle charging sta-
13 tions and commercial motor vehicle anti-idling
14 facilities in a rest area along a highway on the
15 Interstate System in the State, if such stations
16 or facilities will not impair the highway or
17 interfere with the free and safe flow of traffic
18 thereon; and

19 “(B) charge a fee, or permit the charging
20 of a fee, for the use of such stations or facili-
21 ties.

22 “(2) LIMITATION ON USE OF REVENUES.—Not-
23 withstanding subsection (b)(4), a State shall use any
24 revenues received from fees collected under para-
25 graph (1) for projects eligible under this title.”.

26 (b) CONFORMING AMENDMENTS.—

1 (1) CONGESTION MITIGATION AND AIR QUALITY
2 IMPROVEMENT PROGRAM.—Section 149(c)(2) of title
3 23, United States Code, is amended by striking “ex-
4 cept that such stations may not be established or
5 supported where commercial establishments serving
6 motor vehicle users are prohibited by section 111 of
7 title 23, United States Code”.

8 (2) JASON’S LAW.—Section 1401(d) of the
9 Moving Ahead for Progress in the 21st Century Act,
10 (23 U.S.C. 137 note) is amended—

11 (A) in paragraph (1) by striking “Except
12 as provided in paragraph (2), a” and inserting
13 “A”;

14 (B) by striking paragraph (2); and

15 (C) by redesignating paragraph (3) as
16 paragraph (2).

17 **Subtitle E—Innovative Finance**
18 **and Tolling**

19 **SEC. 1401. 21ST CENTURY INFRASTRUCTURE INVEST-**
20 **MENTS.**

21 (a) IN GENERAL.—Title 49, United States Code, is
22 amended by inserting the following after chapter 55:
23 **[DO]**

1 **“CHAPTER 56—21ST CENTURY**
2 **INFRASTRUCTURE INVESTMENTS**
3 **“SEC. 5601. ‘TIGER’ INFRASTRUCTURE INVESTMENT**
4 **GRANTS.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Department a discretionary grant program, to be known
7 as the ‘TIGER Infrastructure Grant Program’ and to be
8 administered by the Secretary.

9 “(b) PURPOSE.—Funds authorized under this section
10 shall be available for discretionary grants to be provided
11 on a competitive basis for projects that will have a signifi-
12 cant impact on the Nation, a metropolitan area, or a re-
13 gion.

14 “(c) ELIGIBLE APPLICANTS.—Applicants eligible for
15 funding under this section include State, local, and Tribal
16 governments, including U.S. territories, transit agencies,
17 port authorities, metropolitan planning organizations,
18 other political subdivisions of State or local governments,
19 and multi-State or multi-jurisdictional groups applying
20 through a single lead applicant.

21 “(d) ELIGIBLE PROJECTS.—Projects eligible for
22 funding under this section include the following:

23 “(1) Highway or bridge projects eligible under
24 title 23, United States Code (including bicycle and
25 pedestrian related projects).

1 “(2) Public transportation projects eligible
2 under chapter 53 of title 49, United States Code.

3 “(3) Passenger and freight rail transportation
4 projects.

5 “(4) Port infrastructure investments.

6 “(5) Intermodal projects.

7 “(6) Activities related to—

8 “(A) the planning, preparation, or design
9 of a single surface transportation project; or

10 “(B) regional transportation investment
11 planning, including transportation planning
12 that is coordinated with interdisciplinary factors
13 including housing development, economic com-
14 petitiveness, network connectivity, stormwater
15 and other infrastructure investments, or that
16 addresses future risks and vulnerabilities, in-
17 cluding extreme weather and climate change.

18 “(e) GEOGRAPHIC DISTRIBUTION.—

19 “(1) EQUITABLE DISTRIBUTION.—In awarding
20 funds under this section, the Secretary shall take
21 measures to ensure an equitable geographic distribu-
22 tion of funds and an appropriate balance in address-
23 ing the needs of urban and rural communities and
24 the investment in a variety of transportation modes.

1 “(2) RURAL PROJECTS.—Not less than 20 per-
2 cent of the funds provided under this section shall
3 be for projects located in rural areas. For the pur-
4 poses of the TIGER program, rural areas are those
5 outside of an urbanized area as defined by the U.S.
6 Census Bureau.

7 “(3) LIMITATION BY STATE.—Not more than
8 25 percent of the funds provided under this section
9 may be awarded to projects in a single State.

10 “(f) GRANT PROGRAM CRITERIA, SOLICITATION AND
11 AWARD.—In administering the grant program under this
12 section, the Secretary shall, within 90 days of the enact-
13 ment of this section, publish grant program criteria on
14 which to base the competition for any grants awarded
15 under this section.

16 “(g) PLANNING GRANTS.—The Secretary may use up
17 to 10 percent of the funds authorized under this section
18 to fund the activities specified in subsection (d)(6).

19 “(h) FEDERAL SHARE.—

20 “(1) IN GENERAL.—The Federal share of the
21 costs for which an expenditure is made under this
22 section shall be up to 80 percent.

23 “(2) RURAL AREAS.—The Secretary may pro-
24 vide a Federal share of up to 100 percent for a
25 project **[in a rural area]**.

1 “(3) PRIORITY.—In establishing grant program
2 criteria pursuant to subsection (g), the Secretary
3 shall include priority for projects that request a
4 smaller Federal share.

5 “(i) DAVIS-BACON REQUIREMENT.—Projects con-
6 ducted using funds provided under this section shall com-
7 ply with the requirements of the Davis-Bacon Act, sub-
8 chapter IV of chapter 31 of title 40, United States Code.

9 “(j) ADMINISTRATIVE EXPENSES.—

10 “(1) IN GENERAL.—The Secretary may use up
11 to 1.5 percent of the funds authorized under this
12 section to administer—

13 “(A) the grant program authorized under
14 this section;

15 “(B) the Supplemental Discretionary
16 Grants for a National Surface Transportation
17 System provided for in Public Law 111–5; and

18 “(C) the National Infrastructure Invest-
19 ments provided for in Public Laws 111–117,
20 112–10, and 113–6.

21 “(2) AVAILABILITY.—The funds made available
22 under paragraph (1) shall remain available until ex-
23 pended.

24 “(k) TIFIA SUBSIDY AND ADMINISTRATIVE
25 COSTS.—The Secretary may use up to 10 percent of the

1 funds authorized under this section to pay the subsidy and
2 administrative costs of projects eligible for Federal credit
3 assistance under chapter 6 of title 23, United States Code,
4 if the Secretary finds that the use of the funds would ad-
5 vance the purposes of this section.

6 “(l) TRANSFER AUTHORITY.—Funds authorized
7 under this section may be transferred within the Depart-
8 ment and administered in accordance with the require-
9 ments of title 23 or 49 of the United States Code applica-
10 ble to the agency to which the funds are transferred and
11 any other requirements applicable to the project.

12 “(m) INTERAGENCY COORDINATION AND COOPERA-
13 TION.—

14 “(1) IN GENERAL.—The Secretary shall coordi-
15 nate and cooperate with other Federal agencies in
16 carrying out the grant program authorized under
17 this section if the Secretary finds that such coordi-
18 nation and cooperation would advance the purposes
19 of this section.

20 “(2) INTERAGENCY AUTHORITY.—The Sec-
21 retary may accept and provide services from other
22 Federal agencies with or without reimbursement in
23 order to further the purposes of this section.

24 “(3) INTERAGENCY DELEGATION OF AUTHOR-
25 ITY.—The Secretary may delegate the authority to

1 issue or administer grants pursuant to this section
2 to other Federal agencies in the interest of adminis-
3 trative or programmatic efficiency if the Secretary
4 finds that such delegation would advance the pur-
5 poses of this section.

6 “(n) AUTHORIZATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
8 appropriated from the Multimodal Account of the
9 Transportation Trust Fund to carry out this sec-
10 tion—

11 “(A) \$1,250,000,000 for fiscal year 2015;

12 “(B) \$1,250,000,000 for fiscal year 2016;

13 “(C) \$1,250,000,000 for fiscal year 2017;

14 and

15 “(D) \$1,250,000,000 for fiscal year 2018.

16 “(2) AVAILABILITY.—Funds authorized under
17 this subsection—

18 “(A) shall be available for obligation on
19 October 1 of the fiscal year for which they are
20 authorized; and

21 “(B) except as specified in subsection (j),
22 shall remain available for obligation for a period
23 of 2 years after the year for which they are au-
24 thorized.

1 **“SEC. 5602. FIXING AND ACCELERATING SURFACE TRANS-**
2 **PORTATION GRANTS.**

3 “(a) ESTABLISHMENT.—There is established in the
4 Department a discretionary grant program, to be known
5 as the ‘FAST Grant Program’ and to be administered by
6 the Secretary. The program shall be a competitive pro-
7 gram and designed to reform the way transportation in-
8 vestments and decisions are made, implemented, and
9 funded to achieve National transportation outcomes, by
10 promoting the implementation of policies and procedures
11 that generate long-term, institutionalized changes, and
12 support performance-based management of the transpor-
13 tation system to improve transportation outcomes.

14 “(b) BEST PRACTICES.—Evaluations of applications
15 for funding under this section shall be based in part on
16 the extent to which the applicant has adopted or imple-
17 mented best practices, including—

18 “(1) commitment to sustainable and innovative
19 non-Federal sources of transportation funding, in-
20 cluding value capture and authority for local govern-
21 ments to raise funding for transportation, that pro-
22 vide flexibility to make investments across all modes
23 of transportation and convey the full social cost of
24 travel decisions to users;

25 “(2) development and incorporation of analyt-
26 ical tools in the investment decisionmaking process,

1 including benefit cost analysis; other economic anal-
2 yses; watershed-driven web-based geographic infor-
3 mation systems; and use of innovations in design,
4 procurement and purchasing to improve project de-
5 livery and efficiency and reduce costs;

6 “(3) use of operating practices and deployment
7 of technologies that increase the efficient use of
8 transportation system capacity and reduce the need
9 to invest in new highway capacity;

10 “(4) adoption of laws, rules and regulations,
11 and commitment of resources toward practices that
12 have been demonstrated to reduce transportation-re-
13 lated fatalities and injuries;

14 “(5) integration of transportation planning and
15 investment decisions with other land-use and eco-
16 nomic development decisions, including water infra-
17 structure and broadband deployment, to improve
18 connectivity and accessibility and to focus transpor-
19 tation investments near existing infrastructure;

20 “(6) adoption of laws, regulations, and prac-
21 tices that have been demonstrated to reduce energy
22 use, improve air and water quality, reduce or miti-
23 gate stormwater impacts, promote long-term man-
24 agement of stormwater from surface transportation
25 assets, reduce greenhouse gas emissions, improve

1 community adaptability and resilience, enhance com-
2 munity health and quality of life, and expand trans-
3 portation choices; and

4 “(7) improvements to regional governance that
5 increase metropolitan planning organization capacity
6 and strengthens local and stakeholder input, particu-
7 larly traditionally underrepresented populations, into
8 project selection.

9 “(c) ELIGIBLE APPLICANTS.—States, the District of
10 Columbia, Puerto Rico, U.S. territories (as defined in sec-
11 tion 165(c) of title 23, United States Code), Tribal gov-
12 ernments, and metropolitan planning organizations are eli-
13 gible applicants for funding under this section, provided
14 that—

15 “(1) States, the District of Columbia, Puerto
16 Rico, U.S. territories, and Tribal applicants dem-
17 onstrate meaningful participation of metropolitan
18 planning organizations, local governments, or transit
19 agencies within the applicant’s jurisdiction in the de-
20 velopment of the application;

21 “(2) metropolitan planning organizations in-
22 clude, as partners in their applications, the State (or
23 the District of Columbia, as appropriate), local gov-
24 ernments, or transit agencies required to carry out
25 the best practices relied on in their application; and

1 “(3) the applicant has experience in successfully
2 and independently administering Federal-aid high-
3 way or transit programs or projects.

4 “(d) LIST OF PROJECTS.—Applicants shall submit a
5 program of transportation projects that are related to the
6 best practices identified in subsection (b) to demonstrate
7 how funds, if awarded under this section, will be spent.
8 The list of projects shall—

9 “(1) with regard to State applications, be devel-
10 oped with, and include priorities of, metropolitan
11 planning organizations within the applicant’s juris-
12 diction as identified in the metropolitan planning
13 organization” Transportation Improvement Pro-
14 grams;

15 “(2) demonstrate strong return on investment
16 and competitive value for taxpayer money by means
17 of a benefit-cost analysis and consideration of alter-
18 natives; and

19 “(3) further the best practices and reform ini-
20 tiatives identified under subsection (b) and relied
21 upon in the application.

22 “(e) AWARD OF FUNDS.—The Federal Highway Ad-
23 ministrators and Federal Transit Administrator shall—

24 “(1) competitively award funds under this sec-
25 tion in one fiscal year or over multiple fiscal years;

1 “(2) withhold a reasonable amount of funds
2 under this section for administration of the program,
3 but not to exceed \$25,000,000 per year;

4 “(3) devise a methodology for the size of
5 awards under this program based on an applicant’s
6 share of the Federal transportation allocated or for-
7 mula funding, subject to the provision in paragraph
8 (4);

9 “(4) make awards of no less than \$50,000,000,
10 except that this paragraph shall not apply to awards
11 made to a Tribal government or a U.S. territory;
12 and

13 “(5) in awarding funds under this section
14 (other than under subsection (j)), ensure an appro-
15 priate balance in addressing the needs of urban and
16 rural communities.

17 “(f) ELIGIBLE ACTIVITIES.—Funds provided under
18 this program shall be used for capital or planning expenses
19 for—

20 “(1) highway or bridge projects eligible for
21 funding under title 23, United States Code (includ-
22 ing bicycle and pedestrian-related projects);

23 “(2) public transportation projects eligible for
24 funding under chapter 53 of title 49, United States
25 Code;

1 “(3) passenger and freight rail transportation
2 projects;

3 “(4) maritime port infrastructure investments
4 eligible for funding under chapter 503 of title 46;

5 “(5) domestic short sea shipping projects eligi-
6 ble for funding under chapter 556 of title 46; and

7 “(6) intermodal projects combining any of the
8 above.

9 “(g) CRITERIA FOR GRANT SELECTION.—In award-
10 ing a grant under this subsection, the Secretary shall con-
11 sider the extent to which the application—

12 “(1) demonstrates the greatest performance as
13 well as applicants that have made the greatest
14 progress in implementing the best practices listed in
15 subsection (b);

16 “(2) promotes National transportation prior-
17 ities, including—

18 “(A) reducing transportation fatalities and
19 serious injuries;

20 “(B) strengthening economic competitive-
21 ness, including multimodal goods movement and
22 coordination of transportation and economic de-
23 velopment investments;

1 “(C) improving the state of repair of the
2 transportation system and enhancing commu-
3 nity adaptability and resilience;

4 “(D) enhancing community health and im-
5 proving quality of life by increasing access to
6 active transportation infrastructure, jobs and
7 essential services, particularly for under-served
8 populations;

9 “(E) improving asset performance by re-
10 ducing congestion through demand management
11 strategies, particularly strategies that curb de-
12 mand for single occupancy vehicle travel;

13 “(F) improving the efficiency of project de-
14 velopment and system performance and reduc-
15 ing the cost of projects and maintenance of the
16 transportation system; and

17 “(G) adoption of laws, regulations, and
18 practices that have been demonstrated to re-
19 duce energy use, improve air and water quality,
20 reduce or mitigate stormwater impacts, promote
21 long-term management of stormwater from sur-
22 face transportation assets, reduce greenhouse
23 gas emissions, improve community adaptability
24 and resilience, encourage groundwater recharge,

1 enhance community health and quality of life,
2 and expand transportation choices; and

3 “(3) meets other criteria the Secretary requires.

4 “(h) FUNDING.—

5 “(1) AUTHORIZED FUNDING.—There is author-
6 ized to be appropriated for each of fiscal years 2015
7 through 2018 to carry out this section—

8 “(A) \$500,000,000 from the Highway Ac-
9 count of the Transportation Trust Fund; and

10 “(B) \$500,000,000 from the Mass Transit
11 Account of the Transportation Trust Fund.

12 “(2) OBLIGATION.—

13 “(A) IN GENERAL.—The funds authorized
14 by paragraph (1) shall be—

15 “(i) available for obligation on Octo-
16 ber 1 of the fiscal year for which they are
17 authorized;

18 “(ii) available for obligation for a pe-
19 riod of 3 years after the last day of the fis-
20 cal year for which the funds are author-
21 ized; and

22 “(iii) subject to the limitation on obli-
23 gations under subparagraph (B).

24 “(B) OBLIGATION LIMITATION.—Notwith-
25 standing any other provision of law, in each of

1 fiscal years 2015 through 2018, obligations for
2 the program under this section shall not ex-
3 ceed—

4 “(i) \$1,000,000,000; plus

5 “(ii) any amount remaining available
6 for obligation under the program from
7 prior fiscal years.

8 “(3) FEDERAL SHARE.—The Federal share for
9 projects funded under this section may be up to 100
10 percent.

11 “(i) TRANSFER AUTHORITY.—Funds authorized
12 under this section may be transferred within the Depart-
13 ment and administered in accordance with the require-
14 ments of title 23 or 49 of the United States Code applica-
15 ble to the agency to which the funds are transferred and
16 any other requirements applicable to the project.

17 “(j) METROPOLITAN MOBILITY PROGRAM.—

18 “(1) ESTABLISHMENT.—The Secretary shall es-
19 tablish a metropolitan mobility program under this
20 subsection.

21 “(2) RESERVATION OF FUNDS.—The Secretary
22 shall reserve up to \$1,000,000,000 made available
23 under this section over the period of fiscal years
24 2015 through 2018 for the program under this sub-
25 section. Any funds reserved under this paragraph

1 and not allocated under paragraph (3) shall be avail-
2 able for the FAST Grant Program.

3 “(3) ALLOCATION OF FUNDS.—

4 “(A) AMOUNT AVAILABLE FOR ALLOCA-
5 TION.—

6 “(i) IN GENERAL.—The amount of
7 funding available to be allocated under this
8 subsection for a fiscal year for use in an
9 urbanized area with a population over
10 200,000 individuals shall be—

11 “(I) \$250,000,000; multiplied by

12 “(II) the ratio that—

13 “(aa) the population of such
14 urbanized area; bears to

15 “(bb) the total population of
16 all urbanized areas with popu-
17 lations of over 200,000 individ-
18 uals.

19 “(ii) ADJUSTMENTS TO AMOUNTS.—

20 Notwithstanding clause (i), the Secretary
21 shall adjust the amounts determined under
22 clause (i) as follows:

23 “(I) MINIMUM AMOUNT.—The
24 amount available to be allocated under
25 this subsection for a fiscal year for

1 use in an urbanized area with a popu-
2 lation over 200,000 individuals shall
3 not be less than \$1,000,000.

4 “(II) MAXIMUM AMOUNT.—The
5 amount available to be allocated under
6 this subsection for a fiscal year for
7 use in an urbanized area with a popu-
8 lation over 200,000 individuals shall
9 not be greater than \$3,000,000.

10 “(B) AMOUNT TO ALLOCATE.—In a fiscal
11 year the Secretary shall make available to a
12 State, for use in an urbanized area served by a
13 high performing metropolitan planning organi-
14 zation, an amount of funds under this sub-
15 section equal to—

16 “(i) the amount available for alloca-
17 tion for that fiscal year in that urbanized
18 area under subparagraph (A); plus

19 “(ii) any amounts available for alloca-
20 tion in that urbanized area under that sub-
21 paragraph for any prior fiscal years—

22 “(I) beginning with fiscal year
23 2015; and

1 “(II) in which the urbanized area
2 was not served by a high performing
3 metropolitan planning organization.

4 “(4) ELIGIBLE USES OF FUNDS.—Funds pro-
5 vided under this subsection may be used—

6 “(A) for any project or activity eligible
7 under title 23;

8 “(B) for any project or activity eligible
9 under chapter 53, title 49 ; or

10 “(C) notwithstanding any other provision
11 of law, to pay the non-Federal share of the cost
12 of any project or activity funded under chapter
13 53 or 56 of this title or under title 23.

14 “(5) HIGH PERFORMING METROPOLITAN PLAN-
15 NING ORGANIZATION DEFINED.—In this subsection,
16 the term ‘high performing metropolitan planning or-
17 ganization’ means a metropolitan planning organiza-
18 tion that the Secretary has designated as high per-
19 forming under section 134(r) of title 23 or section
20 5303(r) of this title.”.

21 (b) CONFORMING AMENDMENT.—The analysis of
22 subtitle III of title 49, United States Code, is amended
23 by inserting the following after the item relating to chap-
24 ter 55:

“56. 21st Century Infrastructure investments 5601.”.

1 **SEC. 1402. TRANSPORTATION INFRASTRUCTURE FINANCE**
2 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

3 (a) DEFINITIONS.—

4 (1) MASTER CREDIT AGREEMENTS.—Section
5 601(a)(10) of title 23, United States Code, is
6 amended to read as follows:

7 “(10) MASTER CREDIT AGREEMENT.—The term
8 ‘master credit agreement’ means a conditional agree-
9 ment to extend credit assistance for a program of re-
10 lated projects secured by a common security pledge
11 (which shall receive an investment grade rating from
12 a rating agency) prior to the Secretary entering into
13 such master credit agreement under section
14 602(b)(2)(A), or for a single project covered under
15 section 602(b)(2)(B) that does not provide for a cur-
16 rent obligation of Federal funds and that would—

17 “(A) make contingent commitments of 1 or
18 more secured loans or other Federal credit in-
19 struments at future dates, subject to the avail-
20 ability of future funds being made available to
21 carry out this chapter and subject to the satis-
22 faction of all the conditions for the provision of
23 credit assistance under this chapter, including
24 section 603(b)(1);

1 “(B) establish the maximum amounts and
2 general terms and conditions of the secured
3 loans or other Federal credit instruments;

4 “(C) identify the 1 or more dedicated non-
5 Federal revenue sources that will secure the re-
6 payment of the secured loans or secured Fed-
7 eral credit instruments;

8 “(D) provide for the obligation of funds for
9 the secured loans or secured Federal credit in-
10 struments after all requirements have been met
11 for the projects subject to the master credit
12 agreement, including—

13 “(i) completion of an environmental
14 impact statement or similar analysis re-
15 quired under the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et
17 seq.);

18 “(ii) compliance with such other re-
19 quirements as are specified in this chapter,
20 including sections 602(c) and 603(b)(1);
21 and

22 “(iii) the availability of funds to carry
23 out this chapter; and

24 “(E) require that contingent commitments
25 result in a financial close and obligation of

1 credit assistance not later than 3 years after
2 the date of entry into the master credit agree-
3 ment, or release of the commitment, unless oth-
4 erwise extended by the Secretary.”.

5 (2) RURAL INFRASTRUCTURE PROJECT.—Sec-
6 tion 601(a)(15) of title 23, United States Code, is
7 amended to read as follows:

8 “(15) RURAL INFRASTRUCTURE PROJECT.—
9 The term ‘rural infrastructure project’ means a sur-
10 face infrastructure project located outside of a Cen-
11 sus Bureau-defined urbanized area.”.

12 (b) MASTER CREDIT AGREEMENTS.—Section
13 602(b)(2) of title 23, United States Code is amended to
14 read as follows:

15 “(2) MASTER CREDIT AGREEMENTS.—

16 “(A) PROGRAM OF RELATED PROJECTS.—
17 The Secretary may enter into a master credit
18 agreement for a program of related projects se-
19 cured by a common security pledge on terms
20 acceptable to the Secretary.

21 “(B) ADEQUATE FUNDING NOT AVAIL-
22 ABLE.—If the Secretary fully obligates funding
23 to eligible projects in a fiscal year, and ade-
24 quate funding is not available to fund a credit
25 instrument, a project sponsor of an eligible

1 project may elect to enter into a master credit
2 agreement and wait to execute a credit instru-
3 ment until the fiscal year during which addi-
4 tional funds are available to receive credit as-
5 sistance.”.

6 (c) APPLICATION PROCESSING PROCEDURES.—Sec-
7 tion 602(d)(2) of title 23, United States Code is amended
8 to read as follows:

9 “(2) APPROVAL OR DENIAL OF APPLICATION.—
10 Not later than 60 days after the date of issuance of
11 the written notice of a complete application under
12 paragraph (1), the Secretary shall provide to the ap-
13 plicant a written notice informing the applicant
14 whether the Secretary has approved or disapproved
15 the application.”.

16 (d) AGREEMENTS.—Section 603(a)(1)(D) of title 23,
17 United States Code, is amended to read as follows:

18 “(D) to refinance long-term project obliga-
19 tions or Federal credit instruments, if the refi-
20 nancing provides additional demonstrated fund-
21 ing capacity for the completion, enhancement,
22 or expansion of any project that—
23 “(i) is selected under section 602; or
24 “(ii) otherwise meets the requirements
25 of section 602.”.

1 (e) LIMITATION ON REFINANCING OF INTERIM CON-
2 STRUCTION FINANCING.—Section 603(a)(2) of title 23,
3 United States Code, is amended to read as follows:

4 “(2) LIMITATION ON REFINANCING OF INTERIM
5 CONSTRUCTION FINANCING.—A loan under para-
6 graph (1) shall not refinance interim construction fi-
7 nancing under paragraph (1)(B):

8 “(A) if the maturity of such interim con-
9 struction financing is later than one year after
10 the substantial completion of the project, and

11 “(B) later than one year after the date of
12 substantial completion of the project.”.

13 (f) PROGRAM ADMINISTRATION.—Section 605 of title
14 23, United States Code, is amended by inserting at the
15 end the following:

16 “(f) REDUCING BURDEN ON SMALL PROJECTS.—
17 The Secretary may use up to \$5,000,000 of funds made
18 available to carry out this chapter in a fiscal year in lieu
19 of fees collected under subsection (b) for projects under
20 this chapter having eligible project costs that are reason-
21 ably anticipated not to equal or exceed \$75,000,000.”.

22 (g) FUNDING.—

23 (1) Section 608(a) of title 23, United States
24 Code, is amended—

25 (A) by striking paragraph (4); and

1 (B) by renumbering paragraphs (5) and
2 (6) as (4) and (5), respectively.

3 (2) Section 608(a)(6) of title 23, United States
4 Code, is amended to read as follows:

5 “(6) ADMINISTRATIVE COSTS.—Of the amounts
6 made available to carry out this chapter, the Sec-
7 retary may use not more than \$10,000,000 in fiscal
8 year 2015, \$12,000,000 in fiscal year 2016,
9 \$14,000,000 in fiscal year 2017, and \$15,000,000 in
10 fiscal year 2018 for the administration of this chap-
11 ter.”.

12 **SEC. 1403. RAILROAD REHABILITATION AND IMPROVE-**
13 **MENT FINANCING.**

14 (a) DEFINITIONS.—Section 501 of the Railroad Revi-
15 talization and Regulatory Reform Act of 1976 (45 U.S.C.
16 821) is amended by inserting at the end the following:

17 “(9) The term ‘railroad’ means a railroad car-
18 rier as that term is defined in section 20102 of title
19 49, United States Code.”.

20 (b) GENERAL AUTHORITY.—Section 502(a) of the
21 Railroad Revitalization and Regulatory Reform Act of
22 1976 (45 U.S.C. 822(a)) is amended—

23 (1) by striking paragraph (5) and inserting the
24 following:

1 “(5) joint ventures that include at least one of
2 the entities described in paragraphs (1) through (4)
3 or paragraph (6) of this section; and”;

4 (2) in paragraph (6), by striking “second” and
5 “that is served by no more than a single railroad”;
6 and

7 (3) in paragraph (6), by striking “limited op-
8 tion rail freight shippers” and inserting “limited op-
9 tion freight shippers”.

10 (c) ELIGIBLE PURPOSES.—Section 502(b) of the
11 Railroad Revitalization and Regulatory Reform Act of
12 1976 (45 U.S.C. 822(b)) is amended—

13 (1) in paragraph (1)(A), by striking “shops”
14 and inserting “shops, inclusive of costs related to
15 these activities, but not operating expenses”; and

16 (2) in paragraph (1)(B), by striking “subpara-
17 graph (A)” and inserting “subparagraph (A) or
18 (C)”.

19 (d) INFRASTRUCTURE PARTNERS.—Section 502(f) of
20 the Railroad Revitalization and Regulatory Reform Act of
21 1976 (45 U.S.C. 822(f)) is amended—

22 (1) in paragraph (1)—

23 (A) by inserting “including modifications
24 thereto” after “1990”;

1 (B) by inserting “and modification costs”
2 after “premiums” in the first sentence; and

3 (C) by inserting “or modification” after
4 “application” at the end of the first sentence;

5 (2) in paragraph (3), by inserting “, and in the
6 case of a modification, before the modification is ex-
7 ecuted” after “amounts”; and

8 (3) by striking paragraph (4).

9 (e) CONDITIONS OF ASSISTANCE.—Section 502(h) of
10 the Railroad Revitalization and Regulatory Reform Act of
11 1976 (45 U.S.C. 822(h)) is amended—

12 (1) in paragraph (2)—

13 (A) by striking “project” and inserting
14 “project, if applicable”;

15 (B) by striking “(2)” and inserting
16 “(2)(A)”; and

17 (C) by inserting at the end the following:

18 “(B) The Secretary may subordinate rights
19 of the Secretary under any provision of title 49
20 or title 23 of the United States Code, to the
21 rights of the Secretary under this section and
22 section 503 of this Act.”; and

23 (2) by inserting the following after subpara-
24 graph (3)(B):

1 “(4) The Secretary shall not provide assistance
2 under this section exceeding 80 percent of the rea-
3 sonably anticipated eligible project costs on
4 projects—

5 “(A) that receive a loan for which the Gov-
6 ernment pays the cost as defined by section 502
7 of the Federal Credit Reform Act; and

8 “(B) with total eligible project costs esti-
9 mated to exceed \$100,000,000.”.

10 (f) MODIFICATIONS.—Section 503(c) of the Railroad
11 Revitalization and Regulatory Reform Act of 1976 (45
12 U.S.C. 823(c)) is amended—

13 (1) in paragraph (1), by striking “and” from
14 the end;

15 (2) in paragraph (2), by striking the period and
16 inserting “; and”; and

17 (3) by adding the following after paragraph (2)
18 the following:

19 “(3) the modification cost has been covered
20 pursuant to section 502(f).”.

21 (g) EVALUATION, AWARD AND OVERSIGHT
22 CHARGES.—Section 503 of the Railroad Revitalization
23 and Regulatory Reform Act of 1976 (45 U.S.C. 823) is
24 amended by striking subsection (k) and inserting the fol-
25 lowing:

1 “(k) CHARGES.—

2 “(1) PURPOSE.—The Secretary may collect
3 from each applicant a reasonable charge for—

4 “(A) the cost of evaluating the application,
5 amendments, modifications, and waivers includ-
6 ing appraisal of the value of the equipment or
7 facilities for which the direct loan or loan guar-
8 antee is sought, and for making necessary de-
9 terminations and findings;

10 “(B) the cost of award and project man-
11 agement oversight;

12 “(C) the cost of services from expert firms,
13 including counsel, in the field of railroad, mu-
14 nicipal and project finance, to assist in the un-
15 derwriting, auditing, servicing and exercise of
16 rights with respect to direct loans and loan
17 guarantees; and

18 “(D) the cost of all other expenses in-
19 curred as a result of a breach of any term or
20 condition or any event of default on a direct
21 loan.

22 “(2) AMOUNT.—A charge under this subsection
23 shall not exceed one percent of the principal amount
24 requested in the application. The Secretary shall
25 prescribe standards for applying the charges to en-

1 sure that it does not prevent a Class II or Class III
2 railroad from having adequate access to direct loans
3 and loan guarantees under this title.

4 “(3) FEES CREDITED TO SAFETY ACCOUNT.—
5 Amounts collected under this subsection shall be
6 credited directly to the Safety and Operations ac-
7 count of the Federal Railroad Administration, and
8 shall remain available until expended to pay for the
9 costs described in this subsection.”.

10 (h) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary such
12 sums as may be necessary for the cost of direct loans and
13 loan guarantees pursuant to sections 502 through 504 of
14 the Railroad Revitalization and Regulatory Reform Act of
15 1976 (Public Law 94–210).

16 **SEC. 1404. STATE INFRASTRUCTURE BANK PROGRAM.**

17 Section 610 of title 23, United States Code, is
18 amended—

19 (1) in subsection (d)—

20 (A) by striking paragraph (1)(A) and in-
21 serting in its place the following:

22 “(A) 10 percent of the funds apportioned
23 to the State for each fiscal year under each of
24 sections 104(b)(1) and 104(b)(2); and”;

1 (B) in paragraph (2), by striking “of fiscal
2 years 2005 through 2009” and inserting “fiscal
3 year”; and

4 (C) in paragraph (3), by striking “of fiscal
5 years 2005 through 2009” and inserting “fiscal
6 year”; and

7 (2) in subsection (k), by striking “of fiscal
8 years 2005 through 2009” and inserting “fiscal
9 year”.

10 **SEC. 1405. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

11 (a) TOLLING.—Section 129(a) of title 23, United
12 States Code, is amended—

13 (1) in paragraph (1)—

14 (A) by striking subparagraphs (B), (G),
15 and (H) and redesignating—

16 (i) subparagraphs (C) through (F) as
17 subparagraphs (B) through (E), respec-
18 tively; and

19 (ii) subparagraph (I) as subparagraph
20 (H);

21 (B) in subparagraph (B), as redesignated,
22 by—

23 (i) inserting “, including such facili-
24 ties” after “tunnel” in the first place it ap-
25 pears; and

1 (ii) adding a comma after “Interstate
2 System”; and

3 (C) by inserting after subparagraph (E),
4 as redesignated, the following:

5 “(F) reconstruction of a toll-free Federal-
6 aid highway on the Interstate System and con-
7 version of the highway to a toll facility, subject
8 to the approval of the Secretary in accordance
9 with paragraph (12);

10 “(G) conversion of 1 or more lanes on a
11 toll-free highway, bridge or tunnel (including
12 highways, bridges or tunnels on the Interstate
13 System) to a toll facility for the purpose of re-
14 ducing or managing high levels of congestion,
15 subject to the approval of the Secretary in ac-
16 cordance with paragraph (12); and”;

17 (2) in paragraph (3)(A), by—

18 (A) striking “shall use” and inserting
19 “shall ensure that”;

20 (B) inserting “are used” after “toll facil-
21 ity” in the second place it appears;

22 (C) redesignating clauses (iv) and (v) as
23 clauses (vi) and (vii), respectively;

24 (D) inserting after clause (iii) the fol-
25 lowing:

1 “(iv) any costs necessary for the im-
2 provement and operation of public trans-
3 portation service that—

4 “(I) is provided within the trans-
5 portation corridor in which the toll fa-
6 cility is located; or

7 “(II) contributes to the improved
8 operation of the toll facility or the
9 highway on which the toll facility is
10 located;

11 “(v) any costs necessary for miti-
12 gating any adverse impacts related to the
13 tolling of the facility and identified under
14 the National Environmental Policy Act
15 process as a priority by the State or public
16 authority imposing the tolls;” and”.

17 (E) inserting “or chapter 53 of title 49”
18 before the period at the end of clause (vii), as
19 redesignated;

20 (3) by amending paragraph (4) to read as fol-
21 lows:

22 “(4) REQUIREMENTS FOR TOLLING FOR CON-
23 GESTION MANAGEMENT.—

24 “(A) IN GENERAL.—A public authority
25 with jurisdiction over a toll-free highway,

1 bridge, or tunnel that is converted to a toll fa-
2 cility that is tolled under paragraph (1)(G)
3 shall manage the demand to use the facility by
4 varying the toll amount that is charged.

5 “(B) HOV FACILITIES.—A high occupancy
6 vehicle facility converted to a toll facility under
7 paragraph (1)(G) shall be subject to the re-
8 quirements of section 166 of this title.”;

9 (4) by redesignating paragraph (10) as para-
10 graph (11);

11 (5) by inserting after paragraph (9) the fol-
12 lowing:

13 “(10) ELECTRONIC TOLL COLLECTION.—Fees
14 collected from motorists using a toll facility that is
15 tolled pursuant to this section and opened to traffic
16 on or after October 1, 2015, shall be collected only
17 through the use of noncash electronic technology
18 that optimizes the free flow of traffic on the toll fa-
19 cility.”; and

20 (6) by inserting at the end the following:

21 “(12) APPROVAL.—A facility tolled under para-
22 graph (1)(F) or (1)(G) shall receive the approval of
23 the Secretary according to criteria that the Sec-
24 retary shall publish in the Federal Register.”.

1 (b) FERRY BOATS.—Section 129(c)(2) of title 23,
2 United States Code, is amended by inserting “, ferry boats
3 carrying commercial motor vehicles and passengers,” be-
4 fore the phrase “and ferry boats carrying passengers
5 only.”.

6 (c) INTERSTATE SYSTEM RECONSTRUCTION AND RE-
7 HABILITATION PILOT PROGRAM.—Section 1216(b) of the
8 Transportation Equity Act for the 21st Century (Public
9 Law 105–178) is repealed.

10 **SEC. 1406. TAX-EXEMPT FINANCING FOR QUALIFIED SUR-**
11 **FACE TRANSPORTATION PROJECTS.**

12 Section 142(m)(2)(A) of the Internal Revenue Code
13 of 1986 (26 U.S.C 142(m)(2)(A)) is amended by striking
14 “\$15,000,000,000” and inserting “\$19,000,000,000”.

15 **SEC. 1407. PAY FOR SUCCESS.**

16 To the extent practicable, the Secretary shall encour-
17 age the use of pay for success contracting in the imple-
18 mentation of the programs administered by the Depart-
19 ment.

1 **TITLE II—FEDERAL-AID**
2 **HIGHWAYS**
3 **Subtitle A—Authorizations and**
4 **Programs**

5 **SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **IN GENERAL.**—The following sums are author-
7 ized to be appropriated out of the Highway Account of
8 the Transportation Trust Fund:

9 (1) **FEDERAL-AID HIGHWAY PROGRAM.**—For
10 the national highway performance program under
11 section 119 of title 23, United States Code, the sur-
12 face transportation program under section 133 of
13 such title, the highway safety improvement program
14 under section 148 of such title, the congestion miti-
15 gation and air quality improvement program under
16 section 149 of such title, and to carry out section
17 134 of such title—

18 (A) \$38,540,000,000 for fiscal year 2015;

19 (B) \$39,313,000,000 for fiscal year 2016;

20 (C) \$40,102,000,000 for fiscal year 2017;

21 and

22 (D) \$40,904,000,000 for fiscal year 2018.

23 (2) **CRITICAL IMMEDIATE INVESTMENTS PRO-**
24 **GRAM.**—For the critical immediate investments pro-
25 gram under section 2012 of this Act—

- 1 (A) \$4,850,000,000 for fiscal year 2015;
2 (B) \$3,850,000,000 for fiscal year 2016;
3 (C) \$2,850,000,000 for fiscal year 2017;
4 and
5 (D) \$1,850,000,000 for fiscal year 2018.

6 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
7 TATION PROGRAMS.—

8 (A) TRIBAL TRANSPORTATION PRO-
9 GRAM.—For the Tribal transportation program
10 under section 202 of title 23, United States
11 Code—

- 12 (i) \$507,000,000 for fiscal year 2015;
13 (ii) \$517,000,000 for fiscal year 2016;
14 (iii) \$527,000,000 for fiscal year
15 2017; and
16 (iv) \$538,000,000 for fiscal year
17 2018.

18 (B) FEDERAL LANDS TRANSPORTATION
19 PROGRAM.—For the Federal lands transpor-
20 tation program under section 203 of such
21 title—

- 22 (i) \$370,000,000 for fiscal year 2015;
23 (ii) \$377,000,000 for fiscal year 2016;
24 (iii) \$385,000,000 for fiscal year
25 2017; and

1 (iv) \$393,000,000 for fiscal year
2 2018,
3 of which 5 percent of the amount made avail-
4 able for each fiscal year shall be for the United
5 States Army Corps of Engineers; 15 percent of
6 the amount made available for each fiscal year
7 shall be for the United States Forest Service;
8 and 80 percent of the amount made available
9 for each fiscal year shall be for the Department
10 of the Interior and divided by the Secretary of
11 the Interior, with notification to the Secretary,
12 among the National Park Service, the Fish and
13 Wildlife Service, the Bureau of Land Manage-
14 ment, and the Bureau of Reclamation.

15 (C) FEDERAL LANDS ACCESS PROGRAM.—
16 For the Federal lands access program under
17 section 204 of such title—

18 (i) \$250,000,000 for fiscal year 2015;
19 (ii) \$255,000,000 for fiscal year 2016;
20 (iii) \$260,000,000 for fiscal year
21 2017; and
22 (iv) \$265,000,000 for fiscal year
23 2018.

24 (D) NATIONALLY SIGNIFICANT FEDERAL
25 LANDS AND TRIBAL PROJECTS PROGRAM.—For

1 the nationally significant Federal lands and
2 Tribal projects program under section 2008 of
3 this Act, \$150,000,000 for each of fiscal years
4 2015 through 2018.

5 (4) TRANSPORTATION INFRASTRUCTURE FI-
6 NANCE AND INNOVATION PROGRAM.—For credit as-
7 sistance under the transportation infrastructure fi-
8 nance and innovation program under chapter 6 of
9 such title, \$1,000,000,000 for each of fiscal years
10 2015 through 2018.

11 (5) FEDERAL ALLOCATION PROGRAMS.—

12 (A) ON-THE-JOB TRAINING.—For surface
13 transportation and technology training and
14 summer transportation institutes under section
15 140(b) of such title—

16 (i) \$11,000,000 for fiscal year 2015;

17 (ii) \$11,000,000 for fiscal year 2016;

18 (iii) \$11,000,000 for fiscal year 2017;

19 and

20 (iv) \$12,000,000 for fiscal year 2018.

21 (B) DISADVANTAGED BUSINESS ENTER-
22 PRISES.—For training programs and assistance
23 programs under section 140(c) of such title—

24 (i) \$11,000,000 for fiscal year 2015;

25 (ii) \$11,000,000 for fiscal year 2016;

1 (iii) \$11,000,000 for fiscal year 2017;

2 and

3 (iv) \$12,000,000 for fiscal year 2018.

4 (C) HIGHWAY USE TAX EVASION
5 PROJECTS.—For highway use tax evasion
6 projects under section 143 of such title,
7 \$10,000,000 for each of fiscal years 2015
8 through 2018.

9 (D) CONSTRUCTION OF FERRY BOATS AND
10 FERRY TERMINAL FACILITIES.—For the con-
11 struction of ferry boats and ferry terminal fa-
12 cilities under section 147 of such title—

13 (i) \$67,000,000 for fiscal year 2015;

14 (ii) \$68,000,000 for fiscal year 2016;

15 (iii) \$70,000,000 for fiscal year 2017;

16 and

17 (iv) \$71,000,000 for fiscal year 2018.

18 (E) PERFORMANCE MANAGEMENT DATA
19 SUPPORT PROGRAM.—For the performance
20 management data support program under sec-
21 tion 150(f) of title 23, United States Code,
22 \$10,000,000 for each of fiscal years 2015
23 through 2018.

24 (F) TERRITORIAL AND PUERTO RICO
25 HIGHWAY PROGRAM.—For the territorial and

1 Puerto Rico highway program under section
2 165 of such title—

3 (i) \$190,000,000 for fiscal year 2015;

4 (ii) \$194,000,000 for fiscal year 2016;

5 (iii) \$198,000,000 for fiscal year
6 2017; and

7 (iv) \$202,000,000 for fiscal year
8 2018.

9 (G) SAFETY OUTREACH, TRAINING, AND
10 EDUCATION ACTIVITIES.—\$3,000,000 for each
11 of fiscal years 2015 through 2018 for safety
12 outreach, training, and education activities.

13 (H) JOBS-DRIVEN SKILLS AND OPPOR-
14 TUNITY PROGRAMS.—\$100,000,000 in each of
15 fiscal years 2015 through 2018, of which—

16 (i) \$30,000,000 for each such fiscal
17 year shall be for the jobs-driven skills
18 training program under section 140(b) of
19 such title (as added by section 1208 of this
20 Act); and

21 (ii) \$70,000,000 for each such fiscal
22 year shall be for the connection to oppor-
23 tunity pilot program under section 134(q)
24 of such title and section 5303(q) of title

1 49, United States Code (as added by sec-
2 tion 1209 of this Act).

3 (b) DISADVANTAGED BUSINESS ENTERPRISES.—

4 (1) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 (A) SMALL BUSINESS CONCERN.—

7 (i) IN GENERAL.—The term “small
8 business concern” means a small business
9 concern as the term is used in section 3 of
10 the Small Business Act (15 U.S.C. 632).

11 (ii) EXCLUSIONS.—The term “small
12 business concern” does not include any
13 concern or group of concerns controlled by
14 the same socially and economically dis-
15 advantaged individual or individuals that
16 have average annual gross receipts during
17 the preceding 3 fiscal years in excess of
18 \$22,410,000, as adjusted annually by the
19 Secretary for inflation.

20 (B) SOCIALLY AND ECONOMICALLY DIS-
21 ADVANTAGED INDIVIDUALS.—The term “so-
22 cially and economically disadvantaged individ-
23 uals” has the meaning given the term in section
24 8(d) of the Small Business Act (15 U.S.C.
25 637(d)) and relevant subcontracting regulations

1 issued pursuant to that Act, except that women
2 shall be presumed to be socially and economi-
3 cally disadvantaged individuals for purposes of
4 this subsection.

5 (2) AMOUNTS FOR SMALL BUSINESS CON-
6 CERNS.—Except to the extent that the Secretary de-
7 termines otherwise, not less than 10 percent of the
8 amounts made available for any program under ti-
9 tles II and III of this Act and section 403 of title
10 23, United States Code, shall be expended through
11 small business concerns owned and controlled by so-
12 cially and economically disadvantaged individuals.

13 (3) ANNUAL LISTING OF DISADVANTAGED BUSI-
14 NESS ENTERPRISES.—Each State that receives
15 funds under title II of this Act, title III of this Act,
16 or section 403 of title 23, United States Code, shall
17 annually—

18 (A) survey and compile a list of the small
19 business concerns referred to in paragraph (2)
20 in the State, including the location of the small
21 business concerns in the State; and

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

25 (i) women;

1 (ii) socially and economically dis-
2 advantaged individuals (other than
3 women); and

4 (iii) individuals who are women and
5 are otherwise socially and economically dis-
6 advantaged individuals.

7 (4) UNIFORM CERTIFICATION.—

8 (A) IN GENERAL.—The Secretary shall es-
9 tablish minimum uniform criteria for use by
10 State governments in certifying whether a con-
11 cern qualifies as a small business concern for
12 the purpose of this subsection.

13 (B) INCLUSIONS.—The minimum uniform
14 criteria established under subparagraph (A)
15 shall include, with respect to a potential small
16 business concern—

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

- 1 (ix) analyses of financial capacity; and
2 (x) analyses of the type of work pre-
3 ferred.

4 (5) REPORTING.—The Secretary shall establish
5 minimum requirements for use by State govern-
6 ments in reporting to the Secretary—

7 (A) information concerning disadvantaged
8 business enterprise awards, commitments, and
9 achievements; and

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

14 (6) COMPLIANCE WITH COURT ORDERS.—Noth-
15 ing in this subsection limits the eligibility of an indi-
16 vidual or entity to receive funds made available
17 under titles II and III of this Act and section 403
18 of title 23, United States Code, if the entity or per-
19 son is prevented, in whole or in part, from complying
20 with paragraph (2) because a Federal court issues a
21 final order in which the court finds that a require-
22 ment or the implementation of paragraph (2) is un-
23 constitutional.

24 (c) CONFORMING AMENDMENTS.—

1 (1) PUERTO RICO AND TERRITORIAL HIGH-
2 WAYS.—Section 165(a) of title 23, United States
3 Code, is amended to read as follows:

4 “(a) DIVISION OF FUNDS.—Of funds made available
5 for the territorial and Puerto Rico highway program—

6 “(1) for fiscal year 2015—

7 “(A) \$150,000,000 shall be for the Puerto
8 Rico highway program under subsection (b);
9 and

10 “(B) \$40,000,000 shall be for the terri-
11 torial highway program under subsection (c);

12 “(2) for fiscal year 2016—

13 “(A) \$153,000,000 shall be for the Puerto
14 Rico highway program under subsection (b);
15 and

16 “(B) \$41,000,000 shall be for the terri-
17 torial highway program under subsection (c);

18 “(3) for fiscal year 2017—

19 “(A) \$156,000,000 shall be for the Puerto
20 Rico highway program under subsection (b);
21 and

22 “(B) \$42,000,000 shall be for the terri-
23 torial highway program under subsection (c);

24 “(4) for fiscal year 2018—

1 “(A) \$159,000,000 shall be for the Puerto
2 Rico highway program under subsection (b);
3 and

4 “(B) \$43,000,000 shall be for the terri-
5 torial highway program under subsection (c).”.

6 (2) DISADVANTAGED BUSINESS ENTER-
7 PRISES.—Section 140(c) of such title is amended by
8 striking “From administrative funds made available
9 under section 104(a), the Secretary shall deduct
10 such sums as necessary, not to exceed \$10,000,000
11 per fiscal year, for the administration of this sub-
12 section.”.

13 (3) HIGHWAY USE TAX EVASION PROJECTS.—
14 Section 143(b)(2) of such title is amended to read
15 as follows:

16 “(2) FUNDING.—Funds made available to carry
17 out this section may be allocated to the Internal
18 Revenue Service and the States at the discretion of
19 the Secretary, except that of funds so made available
20 for each fiscal year, \$2,000,000 shall be available
21 only to carry out intergovernmental enforcement ef-
22 forts, including research and training.”.

23 (4) CONSTRUCTION OF FERRY BOATS AND
24 FERRY TERMINAL FACILITIES.—Section 147 of such
25 title is amended—

- 1 (A) by striking subsection (e); and
2 (B) by redesignating subsections (f) and
3 (g) as subsections (e) and (f), respectively.

4 **SEC. 2002. OBLIGATION LIMITATION.**

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

- 9 (1) \$47,323,248,000 for fiscal year 2015;
10 (2) \$48,141,248,000 for fiscal year 2016;
11 (3) \$48,977,248,000 for fiscal year 2017; and
12 (4) \$49,829,248,000 for fiscal year 2018.

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

- 15 (1) section 125 of title 23, United States Code;
16 (2) section 147 of the Surface Transportation
17 Assistance Act of 1978 (23 U.S.C. 144 note; 92
18 Stat. 2714);
19 (3) section 9 of the Federal-Aid Highway Act
20 of 1981 (95 Stat. 1701);
21 (4) subsections (b) and (j) of section 131 of the
22 Surface Transportation Assistance Act of 1982 (96
23 Stat. 2119);

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

4 (6) sections 1103 through 1108 of the Inter-
5 modal Surface Transportation Efficiency Act of
6 1991 (105 Stat. 2027);

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

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

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

20 (10) section 105 of title 23, United States Code
21 (but, for each of fiscal years 2005 through 2012,
22 only in an amount equal to \$639,000,000 for each
23 of those fiscal years);

24 (11) section 1603 of SAFETEA-LU (23
25 U.S.C. 118 note; 119 Stat. 1248), to the extent that

1 funds obligated in accordance with that section were
2 not subject to a limitation on obligations at the time
3 at which the funds were initially made available for
4 obligation; and

5 (12) section 119 of title 23, United States Code
6 (but, for each of fiscal years 2013 through 2018,
7 only in an amount equal to \$639,000,000 for each
8 of those fiscal years).

9 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
10 For each of fiscal years 2015 through 2018, the Sec-
11 retary—

12 (1) shall not distribute obligation authority pro-
13 vided by subsection (a) for the fiscal year for—

14 (A) amounts authorized for administrative
15 expenses and programs by section 104(a) of
16 title 23, United States Code; and

17 (B) amounts authorized for the Bureau of
18 Transportation Statistics;

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

22 (A) made available from the Highway
23 Trust Fund (other than the Mass Transit Ac-
24 count) or from the Highway Account of the
25 Transportation Trust Fund for Federal-aid

1 highway and highway safety construction pro-
2 grams for previous fiscal years the funds for
3 which are allocated by the Secretary (or appor-
4 tioned by the Secretary under sections 202 or
5 204 of title 23, United States Code); and

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

8 (3) shall determine the proportion that—

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

13 (B) the total of the sums authorized to be
14 appropriated for the Federal-aid highway and
15 highway safety construction programs (other
16 than sums authorized to be appropriated for
17 provisions of law described in paragraphs (1)
18 through (11) of subsection (b) and sums au-
19 thorized to be appropriated for section 119 of
20 title 23, United States Code, equal to the
21 amount referred to in subsection (b)(12) for the
22 fiscal year), less the aggregate of the amounts
23 not distributed under paragraphs (1) and (2) of
24 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 sections
8 202 or 204 of that 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 national highway per-
22 formance program in section 119 of title 23, United
23 States Code, that are exempt from the limitation
24 under subsection (b)(12) and the amounts appor-

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

3 (A) amounts authorized to be appropriated
4 for the programs that are apportioned under
5 title 23, United States Code, or under this Act
6 to each State for 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, or
10 under this Act to all States for the fiscal year.

11 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
12 THORITY.—Notwithstanding subsection (c), the Secretary
13 shall, after August 1 of each of fiscal years 2015 through
14 2018—

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 sections 144 (as in
24 effect on the day before the date of enactment of

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

3 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
4 TRANSPORTATION RESEARCH PROGRAMS.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), obligation limitations imposed by sub-
7 section (a) shall apply to contract authority for
8 transportation research programs carried out
9 under—

10 (A) chapter 5 of title 23, United States
11 Code; and

12 (B) Title VIII of this Act.

13 (2) EXCEPTION.—Obligation authority made
14 available under paragraph (1) shall—

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

17 (B) be in addition to the amount of any
18 limitation imposed on obligations for Federal-
19 aid highway and highway safety construction
20 programs for future fiscal years.

21 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
22 FUNDS.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date of distribution of obligation authority under
25 subsection (e) for each of fiscal years 2015 through

1 2018, the Secretary shall distribute to the States
2 any funds (excluding funds authorized for the pro-
3 gram under section 202 of title 23, United States
4 Code) that—

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

8 (B) the Secretary determines will not be
9 allocated to the States (or will not be appor-
10 tioned to the States under section 204 of title
11 23, United States Code), and will not be avail-
12 able for obligation, for the fiscal year because
13 of the imposition of any obligation limitation for
14 the fiscal year.

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

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

23 **SEC. 2003. APPORTIONMENT.**

24 (a) **SECTION 104 AMENDMENTS.**—Section 104 of
25 title 23, United States Code, is amended—

1 (1) by amending subsection (a)(1) to read as
2 follows:

3 “(1) IN GENERAL.—There are authorized to be
4 appropriated from the Highway Account of the
5 Transportation Trust Fund to be made available to
6 the Secretary for administrative expenses of the
7 Federal Highway Administration—

8 “(A) \$442,248,000 for fiscal year 2015;

9 “(B) \$451,248,000 for fiscal year 2016;

10 “(C) \$460,248,000 for fiscal year 2017;

11 and

12 “(D) \$469,248,000 for fiscal year 2018.”.

13 (2) in subsection (c)(2)—

14 (A) by adding “and thereafter” after
15 “2014” the first time it appears; and

16 (B) in subparagraph (A) by adding “and
17 each fiscal year thereafter” after “2014”; and

18 (3) by inserting at the end the following:

19 “(h) IMPLEMENTATION OF FUTURE STRATEGIC
20 HIGHWAY RESEARCH PROGRAM FINDINGS AND RE-
21 SULTS.—Before making an apportionment under sub-
22 section (c) for each of fiscal years 2015 through 2018,
23 the Secretary may set aside up to \$25,000,000 for each
24 fiscal year to carry out the implementation of future stra-
25 tegic highway research program findings and results

1 under section 503(c)(2)(C). Funds expended under this
2 subsection shall not be considered to be part of the extra-
3 mural budget of the agency for the purpose of section 9
4 of the Small Business Act (15 U.S.C. 638)”.

5 (b) CONFORMING AMENDMENT.—Section 505 of title
6 23, United States Code, is amended by striking subsection
7 (c) and redesignating subsections (d) and (e) as (c) and
8 (d), respectively.

9 **SEC. 2004. FEDERAL LANDS TRANSPORTATION PROGRAM.**

10 (a) DEFINITIONS.—Section 101(a) of title 23, United
11 States Code, is amended—

12 (1) in paragraph (8) by striking “is adjacent
13 to,”; and

14 (2) by striking paragraphs (9) and (10) and re-
15 designating paragraphs (11) through (34) as para-
16 graphs (9) through (32), respectively.

17 (b) OTHER AMENDMENTS.—Section 203 of title 23,
18 United States Code, is amended—

19 (1) in subsection (a)(1), by—

20 (A) striking “; and” at the end of subpara-
21 graph (C) and inserting a period; and

22 (B) striking subparagraph (D);

23 (2) in subsection (b)(1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “2011” and inserting “2012”;
3 and

4 (B) in subparagraph (B)—

5 (i) by striking “; and” at the end of
6 clause (iv) and inserting a semicolon;

7 (ii) by striking the period at the end
8 of clause (v) and insert “; and”; and

9 (iii) by inserting at the end the fol-
10 lowing:

11 “(vi) the Bureau of Reclamation.”;

12 (3) at the end of subsection (c)(2)(B), by in-
13 serting the following:

14 “(vi) The Bureau of Reclamation.”;

15 and

16 (4) by striking subsection (d).

17 (c) PERFORMANCE MANAGEMENT.—Section
18 203(b)(2)(B) of title 23, United States Code, is amended
19 by inserting “performance management, including” after
20 “support”.

21 **SEC. 2005. EMERGENCY RELIEF FOR FEDERALLY OWNED**
22 **ROADS.**

23 (a) FEDERAL SHARE.—Section 120(e)(2) of title 23,
24 United States Code, is amended by striking “Federal land
25 access transportation facilities” and inserting “other fed-

1 erally owned roads that are open to public travel (as de-
2 fined in section 125(e)(1) of this title)”.

3 (b) ELIGIBILITY.—Section 125(d)(3) of title 23,
4 United States Code, is amended—

5 (1) at the end of subparagraph (A) by striking
6 “or”;

7 (2) at the end of subparagraph (B) by striking
8 the period and inserting “; or”; and

9 (3) by inserting at the end the following:

10 “(C) projects eligible for assistance under
11 this section located on Tribal transportation fa-
12 cilities, Federal lands transportation facilities,
13 or other federally owned roads that are open to
14 public travel.”.

15 (c) DEFINITION.—Section 125(e) of title 23, United
16 States Code, is amended by striking paragraph (1) and
17 inserting the following:

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) ‘open to public travel’ means, with re-
20 spect to a road, that, except during scheduled
21 periods, extreme weather conditions, or emer-
22 gencies, the road is maintained and open to the
23 general public and can accommodate travel by
24 a standard passenger vehicle, without restrictive
25 gates or prohibitive signs or regulations, other

1 than for general traffic control or restrictions
2 based on size, weight, or class of registration;
3 and

4 “(B) ‘standard passenger vehicle’ means a
5 vehicle with six inches of clearance from the
6 lowest point of the frame, body, suspension, or
7 differential to the ground.”.

8 **SEC. 2006. TRIBAL HIGH PRIORITY PROJECTS PROGRAM**
9 **AND TRIBAL TRANSPORTATION PROGRAM**
10 **AMENDMENTS.**

11 (a) IN GENERAL.—Section 202 of title 23, United
12 States Code, is amended as follows:

13 (1) In subsection (a)(1)—

14 (A) in subparagraph (A), by striking the
15 final semicolon and inserting “; and”;

16 (B) in subparagraph (B), by striking “;
17 and” and inserting a period; and

18 (C) by striking subparagraph (C).

19 (2) In subsection (b)(3)(A)(i), by striking “and
20 subsections (c), (d), and (e)” and inserting “and
21 subsections (a)(6), (c), (d), (e), and (g)”.

22 (3) In subsection (c)(1), by striking “2 per-
23 cent” and inserting “3 percent”.

24 (4) In subsection (d)(2), by striking “2 per-
25 cent” and inserting “4 percent”.

1 (5) Inserting after subsection (f) the following:

2 “(g) TRIBAL HIGH PRIORITY PROJECTS PRO-
3 GRAM.—

4 “(1) FUNDING.—Before making any distribu-
5 tion under subsection (b), the Secretary shall set
6 aside not more than 7 percent of the funds made
7 available for the Tribal transportation program for
8 that fiscal year to carry out this subsection.

9 “(2) ELIGIBLE APPLICANTS.—Applicants eligi-
10 ble for program funds under this subsection in-
11 clude—

12 “(A) an Indian tribe whose annual alloca-
13 tion of funding under subsection (b) is insuffi-
14 cient to complete the highest priority project of
15 the Indian tribe;

16 “(B) a governmental subdivision of an In-
17 dian tribe—

18 “(i) that is authorized to administer
19 the funding of the Indian tribe under this
20 section; and

21 “(ii) for which the annual allocation
22 under subsection (b) is insufficient to com-
23 plete the highest priority project of the In-
24 dian tribe; or

1 “(C) any Indian tribe or governmental sub-
2 division of an Indian tribe that has an emer-
3 gency or disaster with respect to a transpor-
4 tation facility included on the national inventory
5 of Tribal transportation facilities under sub-
6 section (b)(1).

7 “(3) ELIGIBLE FACILITIES AND ACTIVITIES.—
8 To be funded under this subsection, a project—

9 “(A) shall be on a Tribal transportation
10 facility that is included in the national inven-
11 tory of Tribal transportation facilities under
12 subsection (b)(1); and

13 “(B) except as specified in paragraph (4),
14 shall be an activity eligible under—

15 “(i) subsection (a)(1); or

16 “(ii) the emergency relief program,
17 authorized under section 125 of this title,
18 but that does not meet the funding thresh-
19 olds under part 668 of title 23, Code of
20 Federal Regulations.

21 “(4) LIMITATION ON USE OF FUNDS.—Funds
22 under this subsection shall not be used for—

23 “(A) transportation planning;

24 “(B) research;

25 “(C) routine maintenance activities;

1 “(D) structures and erosion protection un-
2 related to transportation and roadways;

3 “(E) general reservation planning not in-
4 volving transportation;

5 “(F) landscaping and irrigation systems
6 not involving a transportation program or
7 project;

8 “(G) work performed on a project that is
9 not included on a transportation improvement
10 program approved by the Federal Highway Ad-
11 ministration, unless otherwise authorized by the
12 Secretary of the Interior and the Secretary;

13 “(H) the purchase of equipment, unless
14 otherwise authorized by Federal law; or

15 “(I) the condemnation of land for rec-
16 reational trails.

17 “(5) PROJECT APPLICATIONS; FUNDING.—

18 “(A) IN GENERAL.—To apply for funds
19 under this subsection, an eligible applicant shall
20 submit to the Department of the Interior or the
21 Department of Transportation an application
22 that includes—

23 “(i) project scope of work, including
24 deliverables, budget, and timeline;

25 “(ii) the amount of funds requested;

1 “(iii) project information addressing—

2 “(I) the ranking criteria identi-
3 fied in subparagraph (C); or

4 “(II) the nature of the emergency
5 or disaster;

6 “(iv) documentation that the project
7 meets the definition of a Tribal transpor-
8 tation facility and is included in the na-
9 tional inventory of Tribal transportation
10 facilities under subsection (b)(1);

11 “(v) documentation of official Tribal
12 action requesting the project;

13 “(vi) documentation from the Indian
14 tribe providing authority for the Secretary
15 of the Interior to place the project on a
16 transportation improvement program if the
17 project is selected and approved; and

18 “(vii) any other information the Sec-
19 retary of the Interior or Secretary con-
20 siders appropriate to make a determina-
21 tion.

22 “(B) LIMITATION ON APPLICATIONS.—An
23 applicant for funds under the program may
24 only have one application for assistance under
25 this subsection pending at any one time, includ-

1 ing any emergency or disaster project applica-
2 tion under paragraph (6).

3 “(C) APPLICATION RANKING.—

4 “(i) IN GENERAL.—The Secretary of
5 the Interior and the Secretary shall deter-
6 mine the eligibility of, and fund, program
7 applications, subject to the availability of
8 funds.

9 “(ii) RANKING CRITERIA.—The
10 project ranking criteria for applications
11 under this subsection shall include—

12 “(I) the existence of safety haz-
13 ards with documented fatality and in-
14 jury crashes;

15 “(II) the number of years since
16 the Indian tribe last completed a con-
17 struction project funded by the Indian
18 Reservation Roads program (as in ef-
19 fect the day before the date of enact-
20 ment of MAP-21) or the tribal trans-
21 portation program under section 202
22 of title 23, United States Code;

23 “(III) the readiness of the Indian
24 tribe to proceed to construction or
25 bridge design need;

1 “(IV) the percentage of project
2 costs matched by funds that are not
3 provided under this section, with
4 projects with a greater percentage of
5 other sources of matching funds
6 ranked ahead of lesser matches);

7 “(V) the amount of funds re-
8 quested, with requests for lesser
9 amounts given greater priority;

10 “(VI) the challenges caused by
11 geographic isolation; and

12 “(VII) all-weather access for em-
13 ployment, commerce, health, safety,
14 educational resources, or housing.

15 “(iii) PROJECT SCORING MATRIX.—

16 The project scoring matrix established in
17 subpart I of part 170 of title 25, Code of
18 Federal Regulations (as in effect on July
19 19, 2004), shall be used to rank all appli-
20 cations accepted under this subsection.

21 “(D) FUNDING PRIORITY LIST.—

22 “(i) IN GENERAL.—The Secretary of
23 the Interior and the Secretary shall jointly
24 produce a funding priority list that ranks

1 the projects approved for funding under
2 the program.

3 “(ii) LIMITATION.—The number of
4 projects on the list shall be limited by the
5 amount of funding set aside for this sub-
6 section.

7 “(E) TIMELINE.—The Secretary of the In-
8 terior and the Secretary shall—

9 “(i) establish deadlines for applica-
10 tions;

11 “(ii) notify all applicants and Regions
12 in writing of acceptance of applications;

13 “(iii) rank all accepted applications in
14 accordance with the project scoring matrix,
15 develop the funding priority list, and re-
16 turn unaccepted applications to the appli-
17 cant with an explanation of deficiencies;

18 “(iv) notify all accepted applicants of
19 the projects included on the funding pri-
20 ority list; and

21 “(v) distribute funds to successful ap-
22 plicants.

23 “(6) EMERGENCY OR DISASTER PROJECT AP-
24 PPLICATIONS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (5)(E), an eligible applicant may submit
3 an emergency or disaster project application at
4 any time.

5 “(B) CONSIDERATION AS PRIORITY.—The
6 Secretary of the Interior and the Secretary
7 shall—

8 “(i) consider project applications sub-
9 mitted under this paragraph to be a pri-
10 ority project under this subsection; and

11 “(ii) fund the project applications in
12 accordance with subparagraph (C).

13 “(C) FUNDING.—

14 “(i) IN GENERAL.—If an eligible ap-
15 plicant submits an application for a project
16 under this paragraph before the issuance
17 of the list under paragraph (5)(D) and the
18 project is determined to be eligible for pro-
19 gram funds, the Secretary of the Interior
20 and the Secretary shall provide funding for
21 the project before providing funding for
22 other approved projects on the list.

23 “(ii) SUBMISSION AFTER ISSUANCE
24 OF LIST.—If an eligible applicant submits
25 an application under this subsection after

1 the issuance of the list under paragraph
2 (5)(D) and the distribution of program
3 funds in accordance with the list, the Sec-
4 retary of the Interior and the Secretary
5 shall provide funding for the project on the
6 date on which unobligated funds provided
7 to projects on the list are returned to the
8 respective Department.

9 “(iii) EFFECT ON OTHER
10 PROJECTS.—If the Secretary of the Inte-
11 rior and the Secretary use funding pre-
12 viously designated for a project on the list
13 under paragraph (5)(D) to fund an emer-
14 gency or disaster project under this para-
15 graph, the project on the list that did not
16 receive funding as a result of the redesign-
17 nation of funds shall move to the top of
18 the list the following year.

19 “(D) EMERGENCY OR DISASTER PROJECT
20 COST.—The cost of a project submitted as an
21 emergency or disaster under this paragraph
22 shall equal at least 10 percent of the distribu-
23 tion of funds of the Indian tribe under sub-
24 section (b).

1 “(7) LIMITATION ON PROJECT AMOUNTS.—
2 Project funding shall be limited to a maximum of
3 \$1,500,000 per application, except that funding for
4 disaster or emergency projects shall also be limited
5 to the estimated cost of repairing damage to the
6 Tribal transportation facility.

7 “(8) COST ESTIMATE CERTIFICATION.—All cost
8 estimates prepared for a project shall be required to
9 be submitted by the applicant to the Secretary of the
10 Interior or the Secretary for certification and ap-
11 proval.”.

12 (b) CONFORMING AMENDMENT.—Section 1123 of the
13 Moving Ahead for Progress in the 21st Century Act (Pub-
14 lic Law 112–141) is repealed.

15 **SEC. 2007. FEDERAL LANDS ACCESS PROGRAM FEDERAL**
16 **SHARE.**

17 Section 201(b)(7) of title 23, United States Code, is
18 amended—

19 (1) in subparagraph (A), by striking “shall be
20 100 percent” and inserting “may be up to 100 per-
21 cent”; and

22 (2) in subparagraph (B), by inserting before
23 the final period “, except that the Federal share for
24 the cost of a project on a Federal lands access trans-
25 portation facility owned by a county, town, township,

1 municipal, Tribal, or local government may be up to
2 95 percent”.

3 **SEC. 2008. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
4 **TRIBAL PROJECTS PROGRAM.**

5 (a) IN GENERAL.—Chapter 2 of title 23, United
6 States Code, is amended by inserting after section 206 the
7 following:

8 **“SEC. 207. NATIONALLY SIGNIFICANT FEDERAL LANDS AND**
9 **TRIBAL PROJECTS PROGRAM.**

10 “(a) PURPOSE.—The Secretary shall establish a na-
11 tionally significant Federal lands and tribal projects pro-
12 gram to provide funding needed to construct, reconstruct,
13 or rehabilitate nationally significant Federal lands and
14 Tribal transportation projects.

15 “(b) APPLICANTS.—

16 “(1) IN GENERAL.—Except as specified in
17 paragraph (2), entities eligible to receive funds
18 under sections 201, 202, 203 and 204 of this title
19 may apply for funding under this program.

20 “(2) SPECIAL RULE.—A State, county or local
21 government may only apply if sponsored by an eligi-
22 ble Federal Land Management Agency or Indian
23 tribe.

24 “(c) ELIGIBLE PROJECTS.—An eligible project under
25 this section shall be a single continuous project—

1 “(1) on a Federal lands transportation facility,
2 a Federal lands access transportation facility, or a
3 Tribal transportation facility, as defined under sec-
4 tion 101 of this title, except that such facility is not
5 required to be included on an inventory as described
6 under section 202 or 203 of title 23, United States
7 Code;

8 “(2) for which completion of activities required
9 under the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) has been dem-
11 onstrated through a record of decision with respect
12 to the project, a finding that the project has no sig-
13 nificant impact, or a determination that the project
14 is categorically excluded; and

15 “(3) having an estimated cost, based on the re-
16 sults of preliminary engineering, equal to or exceed-
17 ing \$25,000,000, with priority consideration given
18 to projects with an estimated cost equal to or ex-
19 ceeding \$50,000,000.

20 “(d) ELIGIBLE ACTIVITIES.—An applicant receiving
21 funds under this section may only use such funds for con-
22 struction, reconstruction, and rehabilitation activities, ex-
23 cept that activities related to project design are not eligi-
24 ble.

1 “(e) APPLICATIONS.—Applicants shall submit to the
2 Secretary an application in such form and in accordance
3 with such requirements as the Secretary shall establish.

4 “(f) SELECTION CRITERIA.—In selecting a project to
5 receive funds under this program the Secretary shall con-
6 sider the extent to which the project—

7 “(1) furthers Departmental goals such as state
8 of good repair, environmental sustainability, eco-
9 nomic competitiveness, quality of life, or safety;

10 “(2) improves the condition of critical
11 multimodal transportation facilities;

12 “(3) needs construction, reconstruction, or re-
13 habilitation;

14 “(4) is included in or eligible for inclusion in
15 the National Register of Historic Places;

16 “(5) enhances environmental ecosystems;

17 “(6) uses new technologies and innovations that
18 enhance the efficiency of the project;

19 “(7) is supported by funds other than those re-
20 ceived under this title to construct, maintain, and
21 operate the facility;

22 “(8) spans 2 or more States; and

23 “(9) serves lands owned by multiple Federal
24 agencies or Tribes.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) AVAILABILITY OF FUNDS.—Section 201(b)
2 of such title is amended—

3 (A) in paragraph (1), by inserting “nation-
4 ally significant Federal lands and tribal projects
5 program,” after “Federal lands transportation
6 program,”;

7 (B) in paragraph (4)(A), by inserting “na-
8 tionally significant Federal lands and tribal
9 projects program,” after “Federal lands trans-
10 portation program,”; and

11 (C) by adding at the end of paragraph (7)
12 the following—

13 “(C) NATIONALLY SIGNIFICANT FEDERAL
14 LANDS AND TRIBAL PROJECTS PROGRAM.—The
15 Federal share of the cost of a project carried
16 out under the nationally significant Federal
17 lands and tribal projects program may be up to
18 100 percent.”.

19 (2) PLANNING.—Section 201(c)(3) of such title
20 is amended by inserting “nationally significant Fed-
21 eral lands and tribal projects program” after “Fed-
22 eral lands transportation program,” the first time it
23 appears.

1 (3) ANALYSIS.—The analysis for chapter 2 of
2 such title is amended by inserting after the item re-
3 lated to 206 the following:

“207. Nationally significant Federal lands and tribal projects program”.

4 **SEC. 2009. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.**

5 (a) TRANSPORTATION PLANNING.—Section 201(c) of
6 title 23, United States Code, is amended—

7 (1) in paragraph (6)(A) by—

8 (A) inserting a period after “Tribal trans-
9 portation program”;

10 (B) inserting “Data collected to implement
11 the Tribal transportation program shall be” be-
12 fore “in accordance with”; and

13 (C) striking “, including” and inserting “.
14 Data collected under this paragraph includes”;
15 and

16 (2) by striking paragraph (7) and inserting the
17 following:

18 “(7) COOPERATIVE RESEARCH AND TECH-
19 NOLOGY DEPLOYMENT.—The Secretary may conduct
20 cooperative research and technology deployment in
21 coordination with Federal land management agen-
22 cies, as deemed appropriate by the Secretary.

23 “(8) FUNDING.—

24 “(A) IN GENERAL.—To implement activi-
25 ties described in this subsection for Federal

1 lands transportation facilities, Federal lands ac-
2 cess transportation facilities, and other federally
3 owned roads open to public travel (as defined
4 under section 125 of this title), the Secretary
5 shall combine and use not more than 5 percent
6 for each fiscal year of the funds authorized for
7 programs under sections 203 and 204 of this
8 title.

9 “(B) OTHER ACTIVITIES.—In addition to
10 the activities specified in subparagraph (A),
11 funds described under such subparagraph may
12 also be used for—

13 “(i) bridge inspections on any Feder-
14 ally owned bridge even if such bridge is not
15 included on the inventory, as described
16 under section 203 of this title; and

17 “(ii) transportation planning activities
18 undertaken by any Federal agency.

19 “(C) ELIGIBLE ENTITIES.—Funds de-
20 scribed under subparagraph (A) may be used by
21 the following agencies:

22 “(i) Bureau of Land Management;

23 “(ii) Bureau of Reclamation;

24 “(iii) Military Surface Deployment
25 and Distribution Command;

- 1 “(iv) National Park Service;
2 “(v) Tennessee Valley Authority;
3 “(vi) United States Air Force;
4 “(vii) United States Army;
5 “(viii) United States Army Corps of
6 Engineers;
7 “(ix) United States Fish & Wildlife
8 Service;
9 “(x) United States Forest Service;
10 and
11 “(xi) United States Navy.

12 “(D) SPECIAL RULE.—Notwithstanding
13 subparagraphs (A) through (C), a Federal
14 Land Management Agency receiving funds to
15 carry out section 203 of this title may use
16 funds authorized for that section to meet the
17 requirements of this subsection.

18 “(b) COORDINATION.—Section 201 of such title is
19 amended by adding at the end the following

20 “(f) FEDERAL LANDS TRANSPORTATION EXECUTIVE
21 COUNCIL.—The Secretary periodically shall convene and
22 chair a Federal Lands Transportation Executive Council,
23 which shall be composed of Secretaries of the appropriate
24 Federal Land Management Agencies or their designees,
25 and chaired by the Secretary or the Secretary’s designee.

1 The purpose of the Federal Lands Transportation Execu-
2 tive Council is to consult on interdepartmental data stand-
3 ardization, technology integration, and interdepartmental
4 consistency.”.

5 **SEC. 2010. BRIDGES REQUIRING CLOSURE OR LOAD RE-**
6 **STRICTIONS.**

7 Section 144(h) of title 23, United States Code, is
8 amended by—

9 (1) redesignating paragraphs (6) and (7) as
10 paragraphs (7) and (8), respectively;

11 (2) inserting after paragraph (5), the following
12 new paragraph:

13 “(6) BRIDGES REQUIRING CLOSURE OR LOAD
14 RESTRICTIONS.—

15 “(A) BRIDGES OWNED BY FEDERAL AGEN-
16 CIES OR TRIBAL GOVERNMENTS.—If a Federal
17 agency or Tribal government fails to ensure
18 that any highway bridge that is open to public
19 travel and is located within the jurisdiction of
20 the Federal agency or Tribal government is
21 properly closed or restricted to loads it can
22 carry safely, the Secretary—

23 “(i) shall, upon learning of the need
24 to close such bridge or to restrict loads on

1 it, require the Federal agency or Tribal
2 government to take action necessary to—

3 “(I) close the bridge within 48
4 hours; or

5 “(II) within 30 days, restrict
6 public travel on the bridge to loads
7 the bridge can carry safely; and

8 “(ii) may, if the Federal agency or
9 Tribal government fails to take action nec-
10 essary under clause (i), withhold all fund-
11 ing authorized under this title for the Fed-
12 eral agency or Tribal government.

13 “(B) OTHER BRIDGES.—If a State fails to
14 ensure that any highway bridge (other than a
15 bridge described in subparagraph (A)) that is
16 open to public travel and is located within the
17 boundaries of the State is properly closed or re-
18 stricted to loads it can carry safely, the Sec-
19 retary—

20 “(i) shall, upon learning of the need
21 to close such bridge or to restrict loads on
22 it, require the State to take action nec-
23 essary to—

24 “(I) close the bridge within 48
25 hours; or

1 “(II) within 30 days, restrict
2 public travel on the bridge to loads
3 the bridge can carry safely; and

4 “(ii) may, if the State fails to take ac-
5 tion necessary under clause (i), withhold
6 approval for Federal-aid projects in such
7 State.”; and

8 (3) in paragraph (8), as redesignated, by strik-
9 ing “(6)” and inserting “(7)”.

10 **SEC. 2011. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

11 (a) **POLICY.**—It is in the national interest for the De-
12 partment of Transportation and State departments of
13 transportation to expand the use of rights-of-way on Fed-
14 eral-aid highways to accommodate broadband infrastruc-
15 ture; to ensure the safe and efficient accommodation of
16 broadband infrastructure in the public right-of-way; to
17 identify areas where additional broadband infrastructure
18 is most needed; to include broadband stakeholders in the
19 transportation planning process; to coordinate highway
20 construction plans with other statewide telecommuni-
21 cations and broadband plans; and to improve broadband
22 connectivity to rural communities and improve broadband
23 services in urban areas.

24 (b) **ESTABLISHMENT OF BROADBAND INFRASTRUC-**
25 **TURE DEPLOYMENT INITIATIVE.**—

1 (1) IN GENERAL.—To advance the policy identi-
2 fied in subsection (a), the Secretary shall carry out
3 a broadband infrastructure deployment initiative
4 under this section.

5 (2) ADVANCING THE USE OF BEST PRAC-
6 TICES.—In order to expand the installation of
7 broadband infrastructure, the Secretary shall require
8 each State that receives funds under title II of this
9 Act to meet the following requirements:

10 (A) BROADBAND COORDINATION.—Each
11 State department of transportation shall—

12 (i) have a broadband utility coordi-
13 nator responsible for coordinating the
14 broadband infrastructure needs of the
15 State with Federal-aid highway projects;

16 (ii) provide for online registration of
17 broadband infrastructure entities that seek
18 to be included in such broadband infra-
19 structure coordination efforts within the
20 State;

21 (iii) coordinate with other State and
22 local agencies and broadband infrastruc-
23 ture entities registered with the State de-
24 partment of transportation under clause
25 (ii) and the First Responder Network Au-

1 thority (FirstNet) as established in section
2 6204 of the Middle Class Tax Relief and
3 Job Creation Act of 2012 (42 U.S.C.
4 1424), to review areas within the State
5 that are unserved or underserved by
6 broadband; and

7 (iv) include broadband infrastructure
8 entities registered with the State depart-
9 ment of transportation under clause (ii) in
10 the transportation planning processes
11 under sections 134 and 135 of title 23,
12 United States Code.

13 (B) BROADBAND INFRASTRUCTURE CO-
14 ORDINATION PLAN.—Each State department of
15 transportation shall—

16 (i) based on the coordination under
17 subparagraph (A), develop a comprehen-
18 sive State broadband infrastructure coordi-
19 nation plan to expand the adoption and de-
20 ployment of broadband infrastructure with-
21 in the State through, at a minimum, the
22 use of rights-of-way for Federal-aid high-
23 ways and strategies to support increased
24 availability and adoption in unserved and

1 underserved areas in accordance with para-
2 graph (2)(A)(iii);

3 (ii) to the extent practicable, coordi-
4 nate the State broadband infrastructure
5 coordination plan with other statewide tele-
6 communication or broadband plans, and
7 with State and local transportation and
8 land use plans;

9 (iii) include in its State broadband in-
10 frastructure coordination plan strategies to
11 minimize repeated excavations that involve
12 the installation of broadband infrastruc-
13 ture in the right-of-way; and

14 (iv) include in its State broadband in-
15 frastructure coordination plan strategies to
16 support increased broadband availability
17 and adoption in unserved and underserved
18 areas in accordance with paragraph
19 (2)(A)(iii).

20 (C) RIGHT-OF-WAY ACCESS.—Notwith-
21 standing any other provision of law—

22 (i) each State department of transpor-
23 tation shall—

24 (I) allow the installation of
25 broadband infrastructure in the right-

1 of-way of every Federal-aid highway
2 to the extent the State holds sufficient
3 ownership rights to authorize such ac-
4 commodation; and

5 (II) establish reasonable condi-
6 tions to provide right-of-way access to
7 broadband infrastructure entities to
8 construct, operate, and maintain
9 broadband infrastructure, and may
10 prohibit such uses that would ad-
11 versely affect highway or traffic safe-
12 ty. Such use and access shall be free
13 of charge to a broadband infrastruc-
14 ture entity requesting access for the
15 purposes of broadband infrastructure
16 installation; and

17 (ii) each State may—

18 (I) designate one or more longi-
19 tudinal areas within each right-of-way
20 to accommodate broadband infrastruc-
21 ture; and

22 (II) require all broadband infra-
23 structure entities to locate their
24 broadband infrastructure within such
25 longitudinal areas.

1 (D) INNOVATION.—Each State department
2 of transportation shall consider new technology
3 and construction practices that would allow for
4 the safe and efficient accommodation of
5 broadband infrastructure in the right-of-way.

6 (3) STATE FLEXIBILITY.—A State meeting the
7 requirements under paragraph (2) may use funds
8 authorized for the surface transportation program
9 under section 133 of title 23, United States Code,
10 and the national highway performance program
11 under section 119 of such title, to install broadband
12 infrastructure as part of a Federal-aid highway
13 project located in an area identified under paragraph
14 (2)(A)(iii), and the broadband infrastructure may be
15 utilized to support non-transportation purposes in
16 addition to transportation purposes.

17 (c) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) BROADBAND INFRASTRUCTURE.—The term
20 “broadband infrastructure” means buried or aerial
21 facilities, wireless or wireline connection that enables
22 users to send and receive voice, video, data, graph-
23 ics, or a combination thereof.

24 (2) BROADBAND INFRASTRUCTURE ENTITY.—
25 The term “broadband infrastructure entity” means

1 any entity that installs, owns, or operates broadband
2 infrastructure and provides services to members of
3 the public.

4 (3) RIGHT-OF-WAY.—The term “right-of-way”
5 means any real property, or interest therein, ac-
6 quired, dedicated, or reserved for the construction,
7 operation, and maintenance of a Federal-aid high-
8 way.

9 (4) STATE.—The term “State” means any of
10 the 50 States, the District of Columbia, or Puerto
11 Rico.

12 **SEC. 2012. CRITICAL IMMEDIATE INVESTMENTS PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary shall establish
14 a program under this section to make critical and imme-
15 diate improvements to infrastructure and highway safety.

16 This program shall include—

17 (1) the interstate bridge revitalization initiative
18 under subsection (b);

19 (2) the systemic safety initiative under sub-
20 section (c); and

21 (3) the state of good repair initiative under sub-
22 section (d).

23 (b) INTERSTATE BRIDGE REVITALIZATION INITIA-
24 TIVE.—

1 (1) APPORTIONMENT.—The Secretary shall ap-
2 portion funds made available to carry out this sub-
3 section for a fiscal year among States in the ratio
4 that—

5 (A) the amount of funds that the Secretary
6 apportions to the State for such fiscal year for
7 the national highway performance program
8 under section 104(b)(1) of title 23, United
9 States Code; bears to

10 (B) the amount of funds that the Sec-
11 retary apportions to all States for such fiscal
12 year for such program under such section.

13 (2) USE OF FUNDS.—

14 (A) IF ABOVE THRESHOLD.—If the Sec-
15 retary determines that more than 5 percent of
16 the total deck area of bridges on the Interstate
17 System in a State is located on bridges that the
18 Secretary has classified as structurally defi-
19 cient, the State may use funds under this sub-
20 section to repair, rehabilitate, or replace struc-
21 turally deficient bridges on the Interstate Sys-
22 tem.

23 (B) IF BELOW THRESHOLD.—If the Sec-
24 retary determines that less than 5 percent of
25 the total deck area of bridges on the Interstate

1 System in a State is located on bridges that the
2 Secretary has classified as structurally defi-
3 cient, the State may use funds under this sub-
4 section to repair, rehabilitate, or replace struc-
5 turally deficient bridges on the National High-
6 way System.

7 (C) EXCLUSION.—A State may not use
8 funds under this subsection to construct a new
9 bridge except as a replacement for an eligible
10 structurally deficient bridge.

11 (c) SYSTEMIC SAFETY INITIATIVE.—

12 (1) DISTRIBUTION OF FUNDS.—

13 (A) APPORTIONMENT.—Subject to sub-
14 paragraph (B), the Secretary shall apportion
15 funds made available to carry out this sub-
16 section for a fiscal year among States in the
17 ratio specified in subsection (b)(1).

18 (B) RESERVATION OF FUNDS.—Before ap-
19 portioning funds under paragraph (1) in a fis-
20 cal year, the Secretary shall reserve
21 \$75,000,000 under this subsection for use
22 under paragraph (3).

23 (2) ELIGIBLE USES OF FUNDS.—

24 (A) IN GENERAL.—A State may use funds
25 under this subsection on—

1 (i) systemic safety improvements that
2 are—

3 (I) eligible uses of funding under
4 section 148 of title 23, United States
5 Code;

6 (II) consistent with the State's
7 strategic highway safety plan under
8 such section; and

9 (III) located on a highway that is
10 not owned by the State; and

11 (ii) data improvement activities (or
12 safety data systems) related to highways
13 described in clause (i)(III).

14 (B) SPECIAL RULE.—Notwithstanding sub-
15 paragraph (A)(i)(III), if a State, in the judg-
16 ment of the Secretary, meets its infrastructure
17 safety needs relating to systemic safety im-
18 provements on highways that are not owned by
19 the State, the State may use funds under this
20 subsection on such an improvement—

21 (i) that is located on a highway owned
22 by the State; and

23 (ii) that meets the requirements of
24 subparagraphs (A)(i)(I) and (A)(i)(II).

25 (3) BUILD TO EVALUATE.—

1 (A) IN GENERAL.—The Secretary shall
2 provide grants under this paragraph to—

3 (i) allow local agencies to implement
4 systemic safety improvements; and

5 (ii) enable the Secretary to evaluate
6 the effectiveness of such improvements.

7 (B) ELIGIBLE APPLICANTS.—A local agen-
8 cy seeking to receive a grant under this para-
9 graph shall—

10 (i) submit to the Secretary an applica-
11 tion in such form and in accordance with
12 such requirements as the Secretary shall
13 establish; and

14 (ii) agree to provide the Secretary
15 with data sufficient, in the judgment of the
16 Secretary, to allow the Secretary to rigor-
17 ously evaluate the effectiveness of the
18 projects that the agency implements with
19 such a grant.

20 (4) DEFINITIONS.—In this subsection, the
21 terms “data improvement activities,” “safety data
22 system,” “systemic safety improvement” and “stra-
23 tegic highway safety plan” have the same meaning
24 as in section 148 of title 23, United States Code.

25 (d) STATE OF GOOD REPAIR INITIATIVE.—

1 (1) APPORTIONMENT.—The Secretary shall ap-
2 portion funds made available to carry out this sub-
3 section for a fiscal year among States in the ratio
4 specified in subsection (b)(1).

5 (2) ELIGIBLE USES OF FUNDS.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), a State may use funds under this
8 subsection to—

9 (i) reconstruct, resurface, restore, re-
10 habilitate, or preserve a highway on the
11 National Highway System; or

12 (ii) replace, rehabilitate, preserve, or
13 protect a bridge or tunnel on the National
14 Highway System.

15 (B) PRESERVATION PROJECTS.—A State
16 may use 50 percent of the funds that the Sec-
17 retary apportions to the State under paragraph
18 (1) only for preservation or rehabilitation
19 projects under subparagraph (A) that would
20 prevent or reduce the need for more costly fu-
21 ture repair or replacement.

22 (3) USE OF SYSTEMS.—In selecting projects to
23 fund under this subsection, a State shall use infor-
24 mation from its pavement and bridge management
25 systems to identify potential projects that need im-

1 mediate action to preserve the asset and avoid fur-
2 ther deterioration.

3 (e) TRANSFERS.—Notwithstanding subsection (d), a
4 State may transfer up to 100 percent of its apportionment
5 under such subsection—

6 (1) to its apportionment under subsection (b) if,
7 in the judgment of the Secretary, such transfer will
8 help the State to meet the performance targets that
9 the State has established under section 150(d) of
10 title 23, United States Code, in relation to the na-
11 tional highway performance program; or

12 (2) to its apportionment under subsection (c) if,
13 in the judgment of the Secretary, such transfer will
14 help the State to meet the performance targets that
15 the State has established under section 150(d) of
16 such title in relation to the highway safety improve-
17 ment program.

18 (f) ADMINISTRATION OF FUNDS.—

19 (1) AVAILABILITY OF FUNDS.—Of the funds
20 authorized for each fiscal year for the Critical Imme-
21 diate Investments Program—

22 (A) 25 percent shall be available for the
23 Interstate Bridge Revitalization Initiative under
24 subsection (b);

1 (B) 25 percent shall be available for the
2 Systemic Safety Initiative under subsection (c);
3 and

4 (C) 50 percent shall be available for the
5 State of Good Repair Initiative under sub-
6 section (d).

7 (2) CONTRACT AUTHORITY.—Except as speci-
8 fied in paragraph (2), funds made available for the
9 program under this section shall be available for ob-
10 ligation and administered as if apportioned under
11 chapter 1 of title 23, United States Code.

12 (3) FEDERAL SHARE.—

13 (A) IN GENERAL.—The Federal share of
14 the cost of a project under this section may be
15 up to 80 percent of the total project cost.

16 (B) USE OF OTHER FEDERAL FUNDS.—A
17 State may use to pay the non-Federal share of
18 a project under this section Federal funds ap-
19 portioned or allocated to the State under title
20 23, United States Code.

21 **SEC. 2013. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
22 **TEM.**

23 Subsections (b) and (c) of section 1528 of the Moving
24 Ahead for Progress in the 21st Century Act (Public Law
25 112–141; 126 Stat. 582) are amended by striking “shall

1 be 100 percent” and inserting “shall be up to 100 per-
2 cent” each place it appears.

3 **Subtitle B—Performance** 4 **Management**

5 **SEC. 2101. PERFORMANCE MANAGEMENT DATA SUPPORT** 6 **PROGRAM.**

7 (a) PERFORMANCE MANAGEMENT DATA SUPPORT
8 PROGRAM.—Section 150 of title 23, United States Code,
9 is amended by inserting at the end the following:

10 “(f) PERFORMANCE MANAGEMENT DATA SUP-
11 PORT.—To assist metropolitan planning organizations,
12 States, and the Department in carrying out performance
13 management analyses, including the performance manage-
14 ment requirements of this chapter, the Secretary shall cre-
15 ate and maintain data sets and data analysis tools. Such
16 activities may include—

17 “(1) collecting and distributing vehicle probe
18 data describing traffic on the National Highway
19 System;

20 “(2) collecting household travel behavior data
21 crossing local jurisdictional boundaries to accommo-
22 date external and through travel;

23 “(3) enhancing existing data collection and
24 analysis tools to accommodate performance meas-
25 ures, targets, and related data;

1 “(4) enhancing existing data analysis tools to
2 improve performance predictions in reports described
3 in subsection (e) or section 5405 of title 49; and

4 “(5) developing tools to improve performance
5 analysis and evaluate the effects of project invest-
6 ments on performance.”.

7 (b) FEDERAL SHARE.—Section 120 of such title is
8 amended by adding at the end the following:

9 “(1) PERFORMANCE MANAGEMENT DATA SUPPORT
10 PROGRAM.—The Federal share payable on account of an
11 activity under the performance management data support
12 program under section 150(f) shall be 100 percent of the
13 cost of the activity.”.

14 **SEC. 2102. PERFORMANCE PERIOD ADJUSTMENT.**

15 (a) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—
16 Section 148(i) of title 23, United States Code, is amended
17 in the matter preceding paragraph (1), by striking “by
18 the date that is 2 years after the date of the establishment
19 of the performance targets”.

20 (b) NATIONAL HIGHWAY PERFORMANCE PRO-
21 GRAM.—Section 119 of title 23, United States Code, is
22 amended—

23 (1) in subsection (e)(7), by striking “for 2 con-
24 secutive reports submitted under this paragraph
25 shall include in the next report submitted” and in-

1 serting “shall include as part of the performance
2 target report”; and

3 (2) in subsection (f)(1)(A), by striking “If, dur-
4 ing 2 consecutive reporting periods, the condition of
5 the Interstate System, excluding bridges on the
6 Interstate System, in a State falls” and inserting “If
7 a State reports that the condition of the Interstate
8 System, excluding bridges on the Interstate System,
9 has fallen”.

10 **SEC. 2103. MULTIMODAL ACCOMMODATIONS.**

11 (a) DESIGN STANDARDS.—Section 109 of title 23,
12 United States Code, is amended—

13 (1) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by striking “may take into ac-
16 count” and inserting “shall take into ac-
17 count”; and

18 (ii) by striking paragraph (1)(C) and
19 inserting the following:

20 “(C) access and safety for users of all fore-
21 seeable modes of transportation.”; and

22 (B) in paragraph (2), by striking “may de-
23 velop” and inserting “shall develop”; and

24 (2) in subsection (m), by—

25 (A) striking “and light motorcycles”; and

1 (B) inserting “, safe, convenient, and con-
2 tinuous” before “alternate route”.

3 (b) TRANSPORTATION ALTERNATIVES.—

4 (1) FEDERAL SHARE.—Section 120 of title 23,
5 United States Code, as amended by this Act, is fur-
6 ther amended by adding at the end the following:

7 “(m) TRANSPORTATION ALTERNATIVES PROGRAM.—
8 The Federal share requirements under this section appli-
9 cable to the transportation alternatives program under
10 section 213 of this title may be met based on—

11 “(1) an individual project or activity under that
12 section; or

13 “(2) a program of projects or activities ap-
14 proved under subsection (c)(6)(B) of that section.”.

15 (2) RESERVATION OF FUNDS.—Section 213 of
16 such title is amended in subsection (a)(1) by striking
17 “of fiscal years 2013 and 2014” and inserting “fis-
18 cal year”.

19 (3) ELIGIBLE ENTITIES.—Section 213(c)(4)(B)
20 of such title is amended by—

21 (A) redesignating clauses (vi) and (vii) as
22 clauses (viii) and (ix); and

23 (B) inserting after clause (v) the following:

24 “(vi) a nonprofit organization;

1 “(vii) a metropolitan planning organi-
2 zation that is not developing the competi-
3 tive process for funding;”.

4 (4) PROGRAM OF PROJECTS.—Section 213(c) of
5 such title is further amended by adding at the end
6 the following:

7 “(6) PROGRAM OF PROJECTS.—Funds may be
8 obligated under this section for—

9 “(A) a project or activity eligible under
10 subsection (b); or

11 “(B) a program of projects or activities eli-
12 gible under that subsection.

13 “(7) ADMINISTRATION.—

14 “(A) SUBMISSION OF PROJECT AGREE-
15 MENT.—For each fiscal year, each State shall
16 submit a project agreement that—

17 “(i) certifies that the State will meet
18 all the requirements of this section; and

19 “(ii) notifies the Secretary of the
20 amount of obligations needed to carry out
21 the program under this section.

22 “(B) REQUEST FOR ADJUSTMENTS OF
23 AMOUNTS.—Each State shall request from the
24 Secretary such adjustments to the amount of

1 obligations referred to in subparagraph (A)(ii)
2 as the State determines to be necessary.

3 “(C) EFFECT OF APPROVAL BY THE SEC-
4 RETARY.—Approval by the Secretary of a
5 project agreement under subparagraph (A)
6 shall be deemed a contractual obligation of the
7 United States to pay funds made available
8 under this title.”.

9 **Subtitle C—Improved Federal** 10 **Stewardship**

11 **SEC. 2201. PROJECT APPROVAL AND OVERSIGHT.**

12 Section 106 (g)(4) of title 23, United States Code,
13 is amended by inserting at the end the following:

14 “(C) FUNDING.—

15 “(i) IN GENERAL.—Subject to project
16 approval by the Secretary, and the limita-
17 tion in clause (iv), a State may use funds
18 made available to the State under section
19 133(d)(1)(B) to carry out its administra-
20 tion and oversight responsibilities under
21 subparagraph (A).

22 “(ii) APPROVAL BY SECRETARY.—To
23 obligate such funds under this subpara-
24 graph, the State shall, prior to the begin-
25 ning of the fiscal year, submit to the Sec-

1 retary for review and approval an annual
2 work plan identifying activities to be car-
3 ried out during the fiscal year.

4 “(iii) FEDERAL SHARE.—The Federal
5 share of the cost of activities carried out in
6 accordance with this subparagraph shall
7 not exceed 80 percent.

8 “(iv) LIMITATION.—A State’s obliga-
9 tion of funds under this subparagraph
10 shall not exceed an amount equal to 3 per-
11 cent of the State’s apportioned funds avail-
12 able for obligation in a fiscal year as speci-
13 fied in section 133(d)(1)(B).”.

14 **Subtitle D—Other**

15 **SEC. 2301. LETTING OF CONTRACTS.**

16 Section 112 of title 23, United States Code, is
17 amended by inserting the following at the end:

18 “(h) LOCAL HIRING.—

19 “(1) IN GENERAL.—The Secretary or recipient
20 of assistance under the Federal-aid highway pro-
21 gram may advertise, post job opportunities on State
22 job banks and with One Stop centers established
23 under the Workforce Investment Act, and award a
24 contract for construction containing requirements
25 for the employment of individuals residing in or ad-

1 jacent to any of the areas in which the work is to
2 be performed under the contract, provided that—

3 “(A) all or part of the construction work
4 performed under the contract occurs in an area
5 that has—

6 “(i) a per capita income of 80 percent
7 or less of the national average; or

8 “(ii) an unemployment rate that is,
9 for the most recent 24-month period for
10 which data are available, at least 1 percent
11 greater than the national average unem-
12 ployment rate;

13 “(B) the estimated cost of the project of
14 which the contract is a part is greater than \$10
15 million; and

16 “(C) the recipient may not require the hir-
17 ing of individuals who do not have the nec-
18 essary skills to perform work in any craft or
19 trade, except for individuals who are subject to
20 an apprenticeship program or other training
21 program meeting the requirements of section
22 140 of this title.

23 “(2) ADVERTISEMENT.—In advertising and
24 awarding a contract under this subsection, the Sec-
25 retary or recipient of assistance shall ensure that the

1 requirements contained in the advertisement would
2 not—

3 “(A) compromise the quality of the project;

4 “(B) unreasonably delay the completion of
5 the project; or

6 “(C) unreasonably increase the cost of the
7 project.

8 “(i) PERMISSIBLE RESTRICTIONS.—A State or local
9 law governing contracting practices that prohibits the
10 awarding of contracts to businesses that have solicited or
11 made contributions to political candidates, political parties
12 and holders of public office does not violate the require-
13 ments of this section.”.

14 **SEC. 2302. CONSTRUCTION OF FERRY BOATS AND FERRY**
15 **TERMINAL FACILITIES.**

16 Section 1801(e) of the SAFETEA-LU (23 U.S.C.
17 129 note; Public Law 109–59), as amended by section
18 1121 of the MAP–21 (Public Law 112–141), is amended
19 in paragraph (4)(D) by striking “2014” and inserting
20 “2018”.

21 **SEC. 2303. GREEN STORMWATER INFRASTRUCTURE.**

22 (a) ELIGIBILITY FOR ENVIRONMENTAL RESTORA-
23 TION AND POLLUTION ABATEMENT.—Section 328(a) of
24 title 23 United States Code, is amended by striking “con-
25 struction of stormwater treatment systems” and inserting

1 “construction of stormwater treatment systems or green
2 stormwater infrastructure”.

3 (b) ELIGIBILITY UNDER SURFACE TRANSPORTATION
4 PROGRAM.—Section 133(b) of such title is amended—

5 (1) in paragraph (2) by inserting “and green
6 infrastructure” after “material”; and

7 (2) in paragraph (7) by striking “wildlife,” and
8 inserting “wildlife or stormwater,”.

9 **SEC. 2304. ELIMINATION OR MODIFICATION OF CERTAIN**
10 **FHWA REPORTING REQUIREMENTS.**

11 (a) FUNDAMENTAL PROPERTIES OF ASPHALTS RE-
12 PORT.—Section 6016 of the Intermodal Surface Transpor-
13 tation Efficiency Act of 1991 (23 U.S.C. 307 note) is
14 amended by striking subsection (g).

15 (b) PROJECTS OF REGIONAL AND NATIONAL SIG-
16 NIFICANCE ANNUAL REPORT.—Section 1301 of the Safe,
17 Accountable, Flexible, Efficient Transportation Equity
18 Act: A Legacy for Users (23 U.S.C. 101 note) is amended
19 by striking subsection (k).

20 (c) EXPRESS LANE DEMONSTRATION PROGRAM RE-
21 PORTS.—Section 1604 of the Safe, Accountable, Flexible,
22 Efficient Transportation Equity Act: A Legacy for Users
23 (23 U.S.C. 129 note) is amended by striking subsection
24 (b)(7)(B).

1 (d) SURFACE TRANSPORTATION PROJECT DELIVERY
2 PILOT PROGRAM.—Section 327 of title 23, United States
3 Code, is amended—

4 (1) by striking subsection (i); and

5 (2) by redesignating subsection (j) as sub-
6 section (i).

7 (e) EXPEDIENT DECISIONS AND REVIEWS RE-
8 PORT.—Section 139(h)(7)(B) of title 23, United States
9 Code, is amended by striking “every 120 days” and insert-
10 ing in its place “annually”.

11 **TITLE III—PUBLIC**
12 **TRANSPORTATION**

13 **SEC. 3001. SHORT TITLE; AMENDMENTS TO TITLE 49,**
14 **UNITED STATES CODE.**

15 (a) SHORT TITLE.—This title may be cited as the
16 “Federal Public Transportation Act of 2014”.

17 (b) AMENDMENT OF TITLE 49.—Except as otherwise
18 expressly provided, whenever in this title an amendment
19 or repeal is expressed in terms of an amendment to, or
20 a repeal of, a section or other provision, the reference shall
21 be considered to be made to a section or other provision
22 of title 49, United States Code.

23 **SEC. 3002. DEFINITIONS.**

24 Section 5302 is amended—

1 (1) by redesignating paragraphs (2) through
2 (23) as paragraphs (3) through (24), respectively;

3 (2) by inserting a new paragraph (2) to read as
4 follows:

5 “(2) BASE-MODEL BUS.—The term ‘base-model
6 bus’ means a heavy-duty public transportation bus
7 manufactured to meet, but not exceed, transit spe-
8 cific minimum performance criteria developed by the
9 Secretary.”;

10 (3) by revising paragraph (5), redesignated, to
11 read as follows:

12 “(5) DESIGNATED RECIPIENT.—The term ‘des-
13 ignated recipient’ means—

14 “(A) an entity designated, in accordance
15 with the planning process under sections 5303
16 and 5304 of this title, by the governor of a
17 State, responsible local officials, and publicly
18 owned operators of public transportation, to re-
19 ceive and apportion amounts under section
20 5336 of this title to urbanized areas of 200,000
21 or more in population;

22 “(B) a State that receives and apportions
23 amounts under sections 5310, 5336, 5337 and
24 5339 of this title to urbanized areas of less
25 than 200,000 in population notwithstanding

1 such an area's designated as a transportation
2 management area to pursuant section 5303; or

3 “(C) a State, or State authority, if the au-
4 thority is responsible under the laws of a State
5 for a capital project and for financing and di-
6 rectly providing public transportation.”; and

7 (4) by inserting a new paragraph at the end to
8 read as follows:

9 “(25) VALUE CAPTURE.—The term ‘value cap-
10 ture’ means recovering the increased value to prop-
11 erty located near public transportation resulting
12 from investments in public transportation.”.

13 **SEC. 3003. FORMULA GRANTS FOR ENHANCED MOBILITY.**

14 Section 5310(a)(1) of title 49, United States Code,
15 is amended by inserting “, a local governmental entity,”
16 after “designated recipient”.

17 **SEC. 3004. FORMULA GRANTS FOR PUBLIC TRANSPOR-**
18 **TATION ON INDIAN RESERVATIONS.**

19 Section 5311 is amended—

20 (1) by revising subsection (c)(1)(B) to read as
21 follows:

22 “(B) \$30,000,000 in fiscal year 2015,
23 \$30,871,500 in fiscal year 2016, \$31,764,700
24 in fiscal year 2017, and \$32,680,141 in fiscal

1 year 2018 shall be apportioned as formula
2 grants, as provided in subsection (j).”;

3 (2) in subsection (j)(1)(A)(iii), by striking
4 “Tribal lands (as defined by the Bureau of Census)”
5 and inserting “American Indian Areas, Alaska Na-
6 tive Areas, and Hawaiian Home Lands, as defined
7 by the Bureau of the Census,”; and

8 (3) by revising subsection (j)(1)(B) to read as
9 follows:

10 “(B) LIMITATION.—

11 “(i) Notwithstanding subparagraph
12 (A), no recipient shall receive an appor-
13 tionment under this subsection that is less
14 than \$20,000; and

15 “(ii) No recipient shall receive more
16 than \$300,000 of the amounts apportioned
17 under subparagraph (A)(iii) in a fiscal
18 year.”.

19 **SEC. 3005. WORKFORCE DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Section 5322 is amended to read
21 as follows:

22 **“§ 5322. Workforce development programs**

23 “(a) IN GENERAL.—The Secretary, in consultation
24 with the Secretary of Labor, may undertake, or make
25 grants, cooperative agreements, other agreements, or

1 enter into contracts for programs that address human re-
2 source needs as they apply to public transportation. A pro-
3 gram may include—

4 “(1) an employment training program;

5 “(2) an outreach program to increase employ-
6 ment of minorities, women, and individuals with dis-
7 abilities in public transportation activities;

8 “(3) research on public transportation per-
9 sonnel and training need; and

10 “(4) training and assistance for minority busi-
11 ness opportunities.

12 “(b) LADDERS OF OPPORTUNITY PUBLIC TRANSPOR-
13 TATION GRANT PROGRAM.—

14 “(1) IN GENERAL.—The Secretary shall under-
15 take, make grants or cooperative agreements, or
16 enter into contracts to establish, conduct and admin-
17 ister a public transportation workforce development
18 program that addresses critical workforce issues and
19 prepares individuals for employment and career
20 pathways in public transportation, including in the
21 area of public transportation technology.

22 “(2) PROGRAMS.—Eligible public transportation
23 workforce development programs under this sub-
24 section may include apprenticeship programs that
25 are registered under the National Apprenticeship

1 Act (29 U.S.C. 50 et seq.), non-registered appren-
2 ticeship programs, skill development programs, skill
3 improvement programs, and on-the-job training pro-
4 grams, that—

5 “(A) are, to the extent possible, nationally
6 or regionally significant in scope;

7 “(B) replicate a successful workforce devel-
8 opment model adopted in multiple geographic
9 locations;

10 “(C) target areas with high rates of unem-
11 ployment;

12 “(D) are designed to address current or
13 projected workforce shortages;

14 “(E) give priority to minorities, women, in-
15 dividuals with disabilities, veterans, low-income
16 populations and other underserved populations;

17 “(F) are designed to provide career path-
18 ways that support the movement of targeted
19 populations from initial or short-term employ-
20 ment opportunities to sustainable careers; and

21 “(G) other critical activities as identified
22 by the Secretary.

23 “(3) PROGRAM OUTCOMES.—Recipients of as-
24 sistance pursuant to this subsection shall require
25 that apprenticeship, skill development, skill improve-

1 ment, and on-the-job training programs utilized to
2 carry out this subsection demonstrate program out-
3 comes including—

4 “(A) impact on reducing public transpor-
5 tation workforce shortages in the area served;

6 “(B) diversity of training participants;

7 “(C) number of participants obtaining cer-
8 tifications or credentials required for specific
9 types of employment;

10 “(D) employment outcome, including job
11 placement, job retention, and wages, using per-
12 formance metrics established in consultation
13 with the Secretary of Labor and consistent with
14 metrics used by programs under the Workforce
15 Investment Act; and

16 “(E) to the extent practical, evidence that
17 the program did not preclude workers that are
18 participating in training or apprenticeship ac-
19 tivities from being referred to, or hired on,
20 projects funded under this chapter without re-
21 gard to the length of time of their participation
22 in such program.

23 “(4) COORDINATION.—Recipients of assistance
24 under this subsection shall—

1 “(A) identify the training needs, appren-
2 ticeship, skill development programs, and on-
3 the-job training to be implemented at the local
4 level in coordination with entities such as local
5 employers, local transit operators, labor union
6 organizations, Workforce Investment Boards,
7 State workforce agencies, State Apprenticeship
8 Agencies (where applicable), University Trans-
9 portation Centers, Community Colleges, and
10 community-based organizations representing
11 minority, disability, and low-income popu-
12 lations; and

13 “(B) to the extent practicable, conduct
14 local training programs in coordination with ex-
15 isting local training programs supported by the
16 U.S. Department of Transportation, the U.S.
17 Department of Labor (including registered ap-
18 prenticeship programs), and the U.S. Depart-
19 ment of Education.

20 “(5) RESEARCH AND PROGRAM EVALUATION.—
21 The Secretary shall conduct research and an impact
22 evaluation based on measurable outcomes of the
23 training, apprenticeship, skill development and skill
24 improvement programs, and on-the-job training
25 funded under this subsection. In the second, fourth

1 and sixth year following the enactment of this sub-
2 section, the Secretary shall conduct an aggregate
3 analysis of the national impact related to workforce
4 shortage, diversity, and job placement.

5 “(c) NATIONAL PUBLIC TRANSPORTATION INSTI-
6 TUTE.—

7 “(1) IN GENERAL.—The Secretary may enter
8 into grants, contracts or cooperative agreements,
9 and other agreements, awarded on a competitive
10 basis, to conduct a national public transportation in-
11 stitute to develop and conduct training and edu-
12 cational programs for Federal, State, and local
13 transportation employees, United States citizens,
14 and foreign nationals engaged or to be engaged in
15 Government-aid public transportation work.

16 “(2) COOPERATIVE EFFORT.—In cooperation
17 with the Secretary, State transportation depart-
18 ments, public transportation authorities, State work-
19 force agencies, and national and international enti-
20 ties, the institute under paragraph (1) shall develop
21 and conduct training and educational programs for
22 Federal, State, and local transportation employees,
23 United States citizens, and foreign nationals en-
24 gaged or to be engaged in public transportation
25 work.

1 “(3) TRAINING AND EDUCATIONAL PRO-
2 GRAMS.—The training and educational programs de-
3 veloped under paragraph (2) may include courses in
4 recent developments, techniques, and procedures re-
5 lated to—

6 “(A) intermodal and public transportation
7 planning;

8 “(B) management;

9 “(C) environmental factors;

10 “(D) acquisition and joint use rights-of-
11 way;

12 “(E) engineering and architectural design;

13 “(F) procurement strategies for public
14 transportation systems;

15 “(G) turnkey approaches to delivering pub-
16 lic transportation systems;

17 “(H) new technologies;

18 “(I) emission reduction technologies;

19 “(J) ways to make public transportation
20 accessible to individuals with disabilities;

21 “(K) construction, construction manage-
22 ment, insurance, and risk management;

23 “(L) maintenance;

24 “(M) contract administration;

25 “(N) inspection;

1 “(O) innovative finance;

2 “(P) workplace safety; and

3 “(Q) public transportation security.

4 “(4) PROVIDING EDUCATION AND TRAINING.—

5 Education and training of Federal, State, and local
6 public transportation employees under this sub-
7 section shall be provided—

8 “(A) by the Secretary at no cost to the
9 States and local governments for subjects that
10 are a Government program responsibility; or

11 “(B) when the education and training are
12 paid under paragraph (5) of this subsection, by
13 the State, with the approval of the Secretary,
14 through grants and contracts with public and
15 private agencies, other institutions, individuals,
16 and the institute.

17 “(d) USE FOR ADMINISTRATION AND TECHNICAL AS-
18 SISTANCE.—The Secretary may use up to 1 percent of the
19 amounts made available to carry out this section to admin-
20 ister, oversee, and provide technical assistance for the ac-
21 tivities and programs developed and conducted with this
22 section.

23 “(e) GOVERNMENT’S SHARE OF COSTS.—A grant,
24 cooperative agreement, other agreement, or contract

1 awarded under this section may be up to 100 percent of
2 the cost of the project.

3 “(f) AVAILABILITY OF AMOUNTS.—

4 “(1) Up to 0.5 percent of the amounts made
5 available to a recipient under sections 5307, 5337
6 and 5339 is available for expenditure by the recipi-
7 ent, with the approval of the Secretary, to pay up
8 to 80 percent of the cost of eligible activities under
9 this section; and

10 “(2) A recipient may transfer amounts under
11 paragraph (1) to existing local training programs
12 supported by the Secretary, the U.S. Department of
13 Labor, and the U.S. Department of Education.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 53 is amended by striking the item relating to
16 section 5322 and inserting the following:

“5322. Workforce development programs.”.

17 **SEC. 3006. GENERAL PROVISIONS.**

18 Section 5323 is amended—

19 (1) In subsection (i), by redesignating para-
20 graphs (1) and (2) as (2) and (3), respectively and
21 inserting a new paragraph (1) to read as follows:

22 “(1) ACQUISITION OF BASE-MODEL BUSES.—A
23 grant for the acquisition of a base-model bus for use
24 in public transportation may be up to 85 percent of
25 the net project cost.”;

1 (2) in subsection (j)—

2 (A) by revising paragraph (2)(C) to read
3 as follows:

4 “(C) ROLLING STOCK PROCUREMENT.—
5 When procuring rolling stock (including train
6 control, communication, traction power equip-
7 ment, and rolling stock prototypes) under this
8 chapter—

9 “(i) the cost of components and sub-
10 components produced in the United
11 States—

12 “(I) for fiscal year 2015 is more
13 than 60 percent of the cost of all com-
14 ponents of the rolling stock;

15 “(II) for fiscal year 2016 is more
16 than 70 percent of the cost of all com-
17 ponents of the rolling stock;

18 “(III) for fiscal year 2017 is
19 more than 80 percent of the cost of
20 all components of the rolling stock;
21 and

22 “(IV) for fiscal year 2018 is
23 more than 90 percent of the cost of
24 all components of the rolling stock;
25 and

1 “(ii) final assembly of the rolling
2 stock, including rolling stock prototypes,
3 has occurred in the United States; or”;

4 (B) by redesignating paragraphs (3)
5 through (9) as paragraphs (4) through (10), re-
6 spectively; and

7 (C) by inserting a new paragraph (3) fol-
8 lowing paragraph (2), to read as follows:

9 “(3) ROLLING STOCK COST AND ASSEMBLY.—
10 Beginning in fiscal year 2019, when procuring roll-
11 ing stock, including rolling stock prototypes, the cost
12 of the components and subcomponents produced in
13 the United States shall be 100 percent and final as-
14 sembly shall occur in the United States.”; and

15 (3) by inserting a new subsection at the end to
16 read as follows:

17 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
18 LOCAL SHARE.—Notwithstanding any other provision of
19 law, a recipient of assistance under this chapter may use
20 the revenue generated from value capture financing mech-
21 anisms as local matching funds for capital projects and
22 operating costs eligible under this chapter.”.

23 **SEC. 3007. PUBLIC TRANSPORTATION LOCAL HIRING.**

24 Section 5325 is amended—

1 (1) in subsection (a) by striking “Recipients of
2 assistance” and inserting “Except as provided in
3 subsections (k) and (l), recipients of assistance”;

4 (2) in subsection (h), by striking “A grant
5 awarded” and inserting “Except as provided in sub-
6 sections (k) and (l), a grant awarded”; and

7 (3) by inserting a new subsection (l) at the end
8 to read as follows:

9 “(l) LOCAL HIRING.—

10 “(1) IN GENERAL.—A recipient of assistance
11 may post job opportunities on State job banks and
12 with One Stop Centers established under the Work-
13 force Investment Act, and may advertise and award
14 a contract for construction containing requirements
15 for the employment of individuals residing in or ad-
16 jacent to any of the areas in which the work to be
17 performed is for construction work required under
18 the contract, provided that—

19 “(A) all or part of the construction work
20 performed under the contract occurs in an area
21 that has—

22 “(i) a per capita income of 80 percent
23 or less of the national average; or

24 “(ii) an unemployment rate that is for
25 the most recent 24-month period for which

1 data are available at least 1 percent great-
2 er than the national average unemploy-
3 ment rate;

4 “(B) the estimated cost of the project of
5 which the contract is a part is greater than
6 \$10,000,000; and

7 “(C) the recipient may not require the hir-
8 ing of individuals who do not have the nec-
9 essary skills to perform work in any craft or
10 trade, except for individuals who are subject to
11 an apprenticeship program or other training
12 program meeting the requirements of section
13 5332 of this title.

14 “(2) ADVERTISEMENT.—In advertising and
15 awarding a contract under this subsection, the Sec-
16 retary or a recipient of assistance shall ensure that
17 the requirements contained in the advertisement
18 would not—

19 “(A) compromise the quality of the project;

20 “(B) unreasonably delay the completion of
21 the project; or

22 “(C) unreasonably increase the cost of the
23 project.”.

24 **SEC. 3008. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

25 (a) IN GENERAL.—Section 5329(e) is amended—

1 (1) by redesignating paragraphs (3) through
2 (9) as paragraphs (4) through (10), respectively;

3 (2) by adding the following after paragraph (2):

4 “(3) STATE PARTICIPATION.—

5 “(A) An eligible State having within its ju-
6 risdiction 1 or more rail fixed guideway public
7 transportation systems in revenue service, de-
8 sign or construction that have fewer than
9 1,000,000 combined actual and projected rail
10 fixed guideway revenue miles per year or which
11 provide fewer than 10,000,000 combined actual
12 and projected unlinked passenger trips per year
13 may request, in writing, that the Secretary
14 oversee the safety of such systems consistent
15 with the oversight and enforcement authority
16 under this section.

17 “(B) Should a State be granted an exemp-
18 tion under this subparagraph (C), the State will
19 not be subject to the State safety oversight re-
20 quirements under this subsection and shall not
21 be eligible to receive a State Safety Oversight
22 grant authorized under paragraph (6) of this
23 subsection.

24 “(C) The Secretary shall provide an ex-
25 emption to a State that meets the criteria

1 under subparagraph (A) within 30 days of the
2 Secretary's receipt of the State's request or in-
3 form the State of the reason an exemption can-
4 not be granted.”; and

5 (3) in paragraph (7), as redesignated—

6 (A) by striking “shall be 80” and insert
7 “may be up to 100”; and

8 (B) by striking clauses (ii) and (iii) and re-
9 designating clause (iv) as clause (ii).

10 (b) PUBLIC TRANSPORTATION SAFETY ENFORCE-
11 MENT.—Section 5329(g) is amended to read as follows:

12 “(g) ENFORCEMENT.—

13 “(1) TYPES OF ENFORCEMENT ACTIONS.—The
14 Secretary may take enforcement action against re-
15 cipient that does not comply with Federal law with
16 respect to the safety of the public transportation
17 system, including—

18 “(A) issuing directives;

19 “(B) requiring more frequent oversight of
20 the recipient by a State safety oversight agency
21 or the Secretary;

22 “(C) imposing more frequent reporting re-
23 quirements;

24 “(D) requiring that any Federal financial
25 assistance provided under this chapter be spent

1 on correcting safety deficiencies identified by
2 the Secretary or the State safety oversight
3 agency before such funds are spent on other
4 projects;

5 “(E) withholding financial assistance
6 under this chapter in an amount to be deter-
7 mined by the Secretary;

8 “(F) issuing penalties pursuant to para-
9 graph (2);

10 “(G) instituting a civil action pursuant to
11 paragraph (4); and

12 “(H) issuing orders, including orders
13 issued pursuant to paragraph (7).

14 “(2) PENALTIES.—The Secretary has the au-
15 thority—

16 “(A) to establish, impose and compromise
17 a civil penalty for a violation of a public trans-
18 portation safety regulation promulgated or
19 order issued under this section;

20 “(B) to establish, impose and compromise
21 a civil penalty for violation of the alcohol and
22 controlled substances testing provisions under
23 section 5331 of this chapter;

24 “(C) to request an injunction for a viola-
25 tion of a public transportation safety regulation

1 promulgated or order issued under this section;
2 and

3 “(D) to notify the Attorney General when
4 the Secretary receives evidence of a possible
5 criminal violation under paragraph (6).

6 “(3) DEPOSIT OF CIVIL PENALTIES.—An
7 amount collected by the Secretary under this section
8 shall be credited to the Federal Transit Administra-
9 tion’s formula and bus appropriations account to
10 carry out subsection (e).

11 “(4) ENFORCEMENT BY THE ATTORNEY GEN-
12 ERAL.—At the request of the Secretary, the Attor-
13 ney General shall bring a civil action—

14 “(A) for appropriate injunctive relief to en-
15 sure compliance with this section;

16 “(B) to collect a civil penalty imposed or
17 an amount agreed upon in a compromise under
18 paragraph (1) of this subsection; or

19 “(C) to enforce a subpoena, request for ad-
20 missions, request for production of documents
21 or other tangible things, or request for testi-
22 mony by deposition issued by the Secretary
23 under this section.

24 “(5) JURISDICTION.—An action under para-
25 graph (3) of this subsection may be brought in a

1 district court of the United States in any State in
2 which the relief is required. On a proper showing,
3 the court shall issue a temporary restraining order
4 or preliminary or permanent injunction. An injunc-
5 tion under this section may order a public transpor-
6 tation agency receiving assistance under this chapter
7 to comply with this section, or a regulation promul-
8 gated under this section.

9 “(6) CRIMINAL PENALTY.—A person who know-
10 ingly violates this section or a public transportation
11 safety regulation or order issued under this section
12 shall be fined under title 18, United States Code,
13 imprisoned for not more than 5 years, or both; ex-
14 cept that the maximum amount of imprisonment
15 shall be 10 years in any case in which the violation
16 results in death or bodily injury to any person. For
17 purposes of this paragraph—

18 “(A) a person acts knowingly when the
19 person has actual knowledge of the facts giving
20 rise to the violation; and

21 “(B) actual knowledge of the existence of
22 a statutory provision, or a regulation or a re-
23 quirement imposed by the Secretary is not an
24 element of an offense under this paragraph.

25 “(7) EMERGENCY AUTHORITY.—

1 “(A) ORDERING RESTRICTIONS AND PRO-
2 HIBITIONS.—If, through testing, inspection, in-
3 vestigation, or research carried out under this
4 section, the Secretary decides that an unsafe
5 condition or practice, or a combination of un-
6 safe conditions and practices, causes an emer-
7 gency situation involving a hazard of death,
8 personal injury, or significant harm to the envi-
9 ronment, the Secretary immediately may order
10 restrictions and prohibitions, without regard to
11 section 553 and section 554 of title 5, United
12 States Code, that may be necessary to abate the
13 emergency situation.

14 “(B) EMERGENCY CONDITION OR PRAC-
15 TICE.—The order shall describe the condition or
16 practice, or a combination of conditions and
17 practices, that causes the emergency situation
18 and promulgate standards and procedures for
19 obtaining relief from the order. This paragraph
20 does not affect the Secretary’s discretion under
21 this subsection to maintain the order in effect
22 for as long as the emergency situation exists.

23 “(C) REVIEW OF ORDERS.—After issuing
24 an order under this subsection, the Secretary
25 shall provide an opportunity for review of the

1 order under section 554 of title 5, United
2 States Code. If a petition for review is filed and
3 the review is not completed by the end of the
4 30-day period beginning on the date the order
5 was issued, the order stops being effective at
6 the end of that period unless the Secretary de-
7 cides in writing that the emergency situation
8 still exists.

9 “(D) CIVIL ACTIONS TO COMPEL ISSUANCE
10 OF ORDERS.—An employee of a rail fixed guide-
11 way public transportation system provider who
12 may be exposed to imminent physical injury
13 during that employment because of the Sec-
14 retary’s failure, without any reasonable basis, to
15 issue an order under paragraph (1) of this sub-
16 section, or the employee’s authorized represent-
17 ative, may bring a civil action against the Sec-
18 retary in a district court of the United States
19 to compel the Secretary to issue an order. The
20 action shall be brought in the judicial district in
21 which the emergency situation is alleged to
22 exist, in which the employing provider has its
23 principal executive office, or in the District of
24 Columbia. The Secretary’s failure to issue an
25 order under paragraph (1) of this subsection

1 may be reviewed only under section 706 of title
2 5, United States Code.”.

3 (c) DISCLOSURE OF SAFETY INFORMATION.—Section
4 5329 is amended by inserting the following at the end:

5 “(1) LIMITATION ON PUBLIC DISCLOSURE OF SAFE-
6 TY INFORMATION.—

7 “(1) IN GENERAL.—A report, data, investiga-
8 tion, or other information, or any portion thereof,
9 submitted to, developed, produced, collected, or ob-
10 tained by the Secretary or his representative for pur-
11 poses of enhancing public transportation safety, in-
12 cluding information related to a transit provider’s
13 safety plan, safety risks, and mitigation measures,
14 shall not be disclosed to the public pursuant to sec-
15 tion 522(b)(3)(B) of title 5 if the Secretary or his
16 representative determines—

17 “(A) the receipt of the information aids in
18 fulfilling the Secretary’s safety responsibilities;
19 and

20 “(B) withholding such information from
21 disclosure is necessary to the safety or security
22 of public transportation systems.

23 “(2) EXCEPTION FOR DE-IDENTIFIED INFORMA-
24 TION.—

1 “(A) IN GENERAL.—Paragraph (1) shall
2 not apply to a report, data, investigation or
3 other information if the information contained
4 in the report, data, investigation or other infor-
5 mation collected or obtained by the Secretary or
6 his representative has been de-identified.

7 “(B) DE-IDENTIFIED DEFINED.—In this
8 subsection, the term ‘de-identified’ means the
9 process by which all information that is likely
10 to establish the identity of specific persons or
11 entities submitting reports, data, investigation
12 or other information is removed from the re-
13 ports, data, or investigation, or other informa-
14 tion.”.

15 **SEC. 3009. AUTHORIZATIONS.**

16 Section 5338 is amended to read as follows:

17 “(a) TRANSIT FORMULA GRANTS.—

18 “(1) IN GENERAL.—There shall be available
19 from the Mass Transit Account of the Transpor-
20 tation Trust Fund to carry out Federal public trans-
21 portation assistance program under sections 5305,
22 5307, 5310, 5311, 5318, 5322(d), 5334, 5335,
23 5337, 5339, and 5340 of this title, and section
24 20005(b) of the Federal Public Transportation Act
25 of 2012, as amended, \$13,914,400,000 in fiscal year

1 2015, \$14,140,000,000 in fiscal year 2016,
2 \$14,372,000,000 in fiscal year 2017, and
3 \$14,610,000,000 in fiscal year 2018.

4 “(2) ALLOCATION OF FUNDS.—Of the amounts
5 made available under paragraph (1)—

6 “(A) \$131,819,706 shall be available for
7 fiscal year 2015, \$135,103,394 for fiscal year
8 2016, \$138,494,393 for fiscal year 2017, and
9 \$141,992,702 for fiscal year 2018, to provide
10 financial assistance for planning under section
11 5305;

12 “(B) \$10,234,449 shall be available for fis-
13 cal year 2015, \$10,489,394 for fiscal year
14 2016, \$10,752,670 for fiscal year 2017, and
15 \$11,024,278 for fiscal year 2018, to carry out
16 the pilot program for transit—oriented develop-
17 ment planning under section 20005(b) of Public
18 Law 112–114, as amended;

19 “(C) \$4,563,182,694 shall be available for
20 fiscal year 2015, \$4,676,853,640 for fiscal year
21 2016, \$4,794,239,323 for fiscal year 2017, and
22 \$4,915,339,743 for fiscal year 2018, to provide
23 financial assistance under the section 5307 ur-
24 banized area formula grant program pursuant
25 to section 5336;

1 “(D) \$264,355,823 shall be available for
2 fiscal year 2015, \$270,941,046 for fiscal year
3 2016, \$277,741,473 for fiscal year 2017, and
4 \$284,757,103 for fiscal year 2018, to provide
5 financial assistance for services for the en-
6 hanced mobility of seniors and individuals with
7 disabilities under section 5310;

8 “(E) \$622,049,823 shall be available for
9 fiscal year 2015, \$637,545,365 for fiscal year
10 2016, \$653,547,298 for fiscal year 2017, and
11 \$670,055,621 for fiscal year 2018, to provide
12 financial assistance for rural areas under sec-
13 tion 5311;

14 “(F) \$3,070,335 shall be available for fis-
15 cal year 2015, \$3,146,818 for fiscal year 2016,
16 \$3,225,801 for fiscal year 2017, and
17 \$3,307,283 for fiscal year 2018, to provide fi-
18 nancial assistance for bus testing under section
19 5318;

20 “(G) \$5,117,225 shall be available for fis-
21 cal year 2015, \$5,244,697 for fiscal year 2016,
22 \$5,376,335 for fiscal year 2017, and
23 \$5,512,139 for fiscal year 2018, to provide fi-
24 nancial assistance to the national transit insti-
25 tute under section 5322(d);

1 “(H) \$114,400,000 shall be available for
2 fiscal year 2015, \$120,000,000 for fiscal year
3 2016, \$126,000,000 for fiscal year 2017, and
4 \$132,000,000 for fiscal year 2018, for adminis-
5 trative expenses to carry out Federal transit as-
6 sistance programs under this chapter;

7 “(I) \$3,940,263 shall be available for fiscal
8 year 2015, \$4,038,417 for fiscal year 2016,
9 \$4,139,778 for fiscal year 2017, and
10 \$4,244,347 for fiscal year 2018, to carry out
11 National Transit Database activities under sec-
12 tion 5335;

13 “(J) \$5,719,000,000 shall be available for
14 fiscal year 2015, \$5,775,000,000 for fiscal year
15 2016, \$5,832,000,000 for fiscal year 2017, and
16 \$5,890,000,000 for fiscal year 2018, to provide
17 financial assistance for state of good repair ac-
18 tivities under section 5337;

19 “(K) \$1,939,000,000 shall be available for
20 fiscal year 2015, \$1,950,000,000 for fiscal year
21 2016, \$1,961,000,000 for fiscal year 2017, and
22 \$1,972,000,000 for fiscal year 2018, to provide
23 financial assistance the bus and bus facilities
24 program under section 5339; and

1 “(L) \$538,229,684 shall be available for
2 fiscal year 2015, \$551,637,229 for fiscal year
3 2016, \$565,482,929 for fiscal year 2017, and
4 \$579,766,784 for fiscal year 2018, and shall be
5 allocated in accordance with section 5340 to
6 provide financial assistance for urbanized areas
7 under section 5307 and rural areas under sec-
8 tion 5311.

9 “(b) CAPITAL INVESTMENT GRANTS.—There shall be
10 available from the Mass Transit Account of the Transpor-
11 tation Trust Fund to carry out section 5309,
12 \$2,500,000,000 in fiscal year 2015, \$2,625,000,000 in fis-
13 cal year 2016, \$2,756,000,000 in fiscal year 2017, and
14 \$2,894,000,000 in fiscal year 2018.

15 “(c) TRANSIT RESEARCH AND TRAINING.—

16 “(1) IN GENERAL.—There shall be available
17 from the Mass Transit Account of the Transpor-
18 tation Trust Fund to carry out Federal public trans-
19 portation research and training programs under sec-
20 tions 5312, 5313, 5314, and 5322(a), (b), (c) and
21 (e), \$60,000,000 for fiscal year 2015, \$61,000,000
22 for fiscal year 2016, \$63,000,000 for fiscal year
23 2017, and \$67,000,000 for fiscal year 2018.

24 “(2) ALLOCATION OF FUNDS.—Of the amounts
25 made available under paragraph (1)—

1 “(A) \$26,000,000 shall be available for fis-
2 cal year 2015, \$27,000,000 for fiscal year
3 2016, \$29,000,000 for fiscal year 2017, and
4 \$31,000,000 for fiscal year 2018, to carry out
5 research under section 5312;

6 “(B) \$7,000,000 shall be available in each
7 fiscal year 2015 through 2018 to carry out
8 transit cooperative research under section 5313;

9 “(C) \$7,000,000 shall be available for each
10 fiscal year 2015 through 2017, and \$9,000,000
11 for fiscal year 2018, to carry out technical as-
12 sistance and standards development under sec-
13 tion 5314; and

14 “(D) \$20,000,000 shall be available for
15 each fiscal year 2015 through 2018 to carry out
16 human resources and training under section
17 5322 (a), (b), (c) and (e).

18 “(d) EMERGENCY RELIEF.—There shall be available
19 from the Mass Transit Account of the Transportation
20 Trust Fund to carry out section 5324 of this title,
21 \$25,000,000 for each fiscal year 2015 through 2018.

22 “(e) RAPID GROWTH AREA TRANSIT PROGRAM.—
23 There shall be available from the Mass Transit Account
24 of the Transportation Trust Fund to carry out section
25 5341 of this title, \$500,000,000 for fiscal year 2015,

1 \$525,000,000 for fiscal year 2016, \$550,000,000 for fis-
2 cal year 2017, and \$600,000,000 for fiscal year 2018.

3 “(f) OVERSIGHT.—

4 “(1) IN GENERAL.—Of the amounts made
5 available to carry out this chapter for a fiscal year,
6 the Secretary may use not more than the following
7 amounts for the activities described in paragraph
8 (2):

9 “(A) 0.5 percent of amounts made avail-
10 able to carry out section 5305.

11 “(B) 0.75 percent of amounts made avail-
12 able to carry out section 5307.

13 “(C) 1.5 percent of amounts made avail-
14 able to carry out section 5309.

15 “(D) 1 percent of amounts made available
16 to carry out section 601 of the Passenger Rail
17 Investment and Improvement Act of 2008
18 (Public Law 110–432; 126 Stat. 4968).

19 “(E) 0.5 percent of amounts made avail-
20 able to carry out section 5310.

21 “(F) 0.5 percent of amounts made avail-
22 able to carry out section 5311.

23 “(G) 0.75 percent of amounts made avail-
24 able to carry out section 5337.

1 “(H) 0.75 percent of amounts made avail-
2 able to carry out section 5339.

3 “(2) ACTIVITIES.—The activities described in
4 this paragraph are as follows:

5 “(A) Activities to oversee the construction
6 of a major capital project.

7 “(B) Activities to review and audit the
8 safety and security, procurement, management,
9 and financial compliance of a recipient or sub-
10 recipient of funds under this chapter.

11 “(C) Activities to provide technical assist-
12 ance generally, and to provide technical assist-
13 ance to correct deficiencies identified in compli-
14 ance reviews and audits carried out under this
15 section.

16 “(3) GOVERNMENT SHARE OF COSTS.—The
17 Government shall pay the entire cost of carrying out
18 a contract under this subsection.

19 “(4) AVAILABILITY OF CERTAIN FUNDS.—
20 Funds made available under paragraph (1)(C) shall
21 be made available to the Secretary before allocating
22 the funds appropriated to carry out any project
23 under a full funding grant agreement.

24 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—A
25 grant or contract that is approved by the Secretary and

1 financed with amounts made available from the Mass
2 Transit Account of the Highway Trust Fund pursuant to
3 this section is a contractual obligation of the Government
4 to pay the Government share of the cost of the project.

5 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
6 available by or appropriated under this section shall re-
7 main available until expended.”.

8 **SEC. 3010. BUS AND BUS FACILITIES PROGRAM.**

9 (a) IN GENERAL.—Section 5339 is amended as fol-
10 lows:

11 (1) The section heading is amended by striking
12 **“Formula”**.

13 (2) Subsection (c) is amended—

14 (A) by revising paragraph (1) to read as
15 follows:

16 “(1) RECIPIENTS.—Eligible recipients under
17 this section are States and local governmental enti-
18 ties that operate fixed route bus service or des-
19 ignated recipients that allocate funding to fixed
20 route bus operators.”; and

21 (B) in paragraph (2), by striking “des-
22 ignated”.

23 (3) Subsection (d) is amended—

24 (A) by striking the matter preceding para-
25 graph (1) and inserting:

1 “(d) DISTRIBUTION OF GRANTS FUNDS.—Funds
2 made available under section 5338 to carry out this sec-
3 tion shall be allocated as follows:”;

4 (B) by redesignating paragraphs (1) and
5 (2) as paragraphs (2) and (3), respectively; and

6 (C) by inserting a new paragraph (1) to
7 read as follows:

8 “(1) COMPETITIVE ALLOCATION.—Thirty per-
9 cent shall be distributed on a competitive basis by
10 the Secretary.”.

11 (4) Subsection (e) is amended—

12 (A) in paragraph (1) by striking “sub-
13 section (d)(1)” and inserting “subsection
14 (d)(2)”; and

15 (B) in paragraph (2) by striking “sub-
16 section (d)(2)” and inserting “subsection
17 (d)(3)”.

18 (5) Subsection (g) is amended—

19 (A) by inserting at the end of the first sen-
20 tence “under subsections (d)(2) and (d)(3) or
21 three years after the fiscal year in which the
22 project competitively selected under subsection
23 (d)(1) is announced”; and

24 (B) by revising the second sentence to read
25 as follows: “Not later than 30 days after the

1 end of the 3-year period described in the pre-
2 ceding sentence—

3 “(1) any amount allocated under subsection
4 (d)(1) that is not obligated on the last day of that
5 period shall be added to the amount that may be
6 available under such subsection in the next fiscal
7 year; and

8 “(2) any amount apportioned under subsection
9 (d)(2) and (d)(3) that is not obligated on the last
10 day of that period shall be added to the amount that
11 may be apportioned under such subsections in the
12 next fiscal year.”.

13 (b) CHAPTER ANALYSIS.—The analysis for chapter
14 53 is amended by striking the item relating to section
15 5339 and inserting the following:

“5339. Bus and Bus Facilities Program.”.

16 **SEC. 3011. RAPID GROWTH AREA TRANSIT PROGRAM.**

17 (a) IN GENERAL.—Chapter 53 of title 49, United
18 States Code, is amended by inserting at the end the fol-
19 lowing:

20 **“§ 5341. Rapid Growth Area Transit Program**

21 “(a) IN GENERAL.—The Secretary may make grants
22 on a competitive basis to State and local governmental en-
23 tities for bus rapid transit projects, which may include ac-
24 quisition of right-of-way or land for purposes of future en-
25 hancements to public transportation in the project cor-

1 ridor. Such projects shall serve a high-traffic transpor-
2 tation artery located in an urbanized or rural area that—

3 “(1) has experienced moderate to significant
4 population growth between the 2000 and 2010 de-
5 cennial census of population; and

6 “(2) has a transit system in revenue service
7 that—

8 “(A) has experienced a moderate to signifi-
9 cant increase in ridership; and

10 “(B) has the financial capacity to pay op-
11 erating expenses for the existing system and an
12 expanded system.

13 “(b) GOVERNMENT’S SHARE OF COSTS.—

14 “(1) FEDERAL TRANSIT ASSISTANCE.—A grant
15 for a bus rapid transit project financed from
16 amounts made available to carry out this section
17 shall be for up to 50 percent of the net capital costs
18 of the project.

19 “(2) FEDERAL-AID HIGHWAY ASSISTANCE.—Up
20 to 30 percent of the net project costs may be derived
21 from the Surface Transportation Program and the
22 Congestion Mitigation and Air Quality Improvement
23 Program.

24 “(3) REMAINDER OF NET CAPITAL PROJECT
25 COST.—The remainder of the net capital project cost

1 shall be provided from an undistributed cash sur-
2 plus, a replacement or depreciation cash fund or re-
3 serve, or new capital.”.

4 (b) CHAPTER ANALYSIS.—The analysis for chapter
5 53 is amended by inserting at the end the following:

“5341. Rapid Growth Area Transit Program.”.

6 **SEC. 3012. TECHNICAL CORRECTIONS.**

7 (a) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
8 TATION PLANNING.—Section 5304 is amended—

9 (1) in subsection (d)(2)(B)(ii)—

10 (A) by striking “urbanized”; and

11 (B) by striking “with a population of fewer
12 than 200,000, as calculated according to the
13 most recent decennial census, and”;

14 (2) in subsection (d)(2)(C)—

15 (A) by striking “title 23” and by inserting
16 “this Chapter”;

17 (B) by striking “urbanized”; and

18 (C) by striking “with a population of fewer
19 than 200,000, as calculated according to the
20 most recent decennial census, and”.

21 (b) URBANIZED AREA FORMULA GRANT PRO-
22 GRAM.—Section 5307 is amended in subsections (a)(2)(A)
23 and (B), by inserting before “during” each place it ap-
24 pears the following: “or general demand response service”.

1 (c) FIXED GUIDEWAY CAPITAL INVESTMENT
2 GRANTS.—Section 5309 is amended—

3 (1) in subsections (d)(1)(B) and (g)(2)(A)(i),
4 by striking “policies and land use patterns that pro-
5 mote public transportation,” in each place it ap-
6 pears;

7 (2) in subsection 5309(d)(2)(A)—

8 (A) in clause (iii) by inserting “and” after
9 the semicolon preceding the matter in subpara-
10 graph (iv);

11 (B) by striking clause (iv); and

12 (C) by redesignating clause (v) as clause
13 (iv).

14 (d) RESEARCH, DEVELOPMENT, DEMONSTRATION,
15 AND DEPLOYMENT PROJECTS.—Section 5312 is amend-
16 ed—

17 (1) in subsection (d)(5)(A)—

18 (A) in clause (i)(II), by striking “section
19 5303” and inserting “23 U.S.C. 101(a)(14)”;
20 and

21 (B) by striking clause (vi), and inserting
22 the following:

23 “(vi) RECIPIENT.—The term ‘recipi-
24 ent’ means a designated recipient, a local
25 governmental entity, or a State that re-

1 ceives a Federal low or no emissions vehi-
2 cle grant for an urbanized area eligible
3 under clause (i) of this paragraph directly
4 from the Government.”;

5 (2) in subsection (d)(5)(C)(ii), by striking
6 “5323(j)” and inserting “5323(i)”; and

7 (3) in subsection (d)(5)(D), by revising the
8 matter preceding clause (i) to read as follows:

9 “(D) ALLOCATIONS.—Of the amounts
10 made available to carry out this section in each
11 fiscal year, a sum, in an amount to be deter-
12 mined by the Secretary, shall be available to
13 carry out this paragraph, of which—”.

14 (e) BICYCLE FACILITIES.—Section 5319 is amend-
15 ed—

16 (1) in the first sentence, after “5307” by strik-
17 ing “, 5309,”;

18 (2) by striking “Notwithstanding sections
19 5307(d), 5309(l), and 5311(g), a” and inserting
20 “A”; and

21 (3) by striking “5307(d)(1)(K)” and inserting
22 “5307(c)(1)(K)”.

23 (f) HUMAN RESOURCES AND TRAINING.—Section
24 5322(d)(4) is amended by striking “subsection” and in-
25 serting “section.”.

1 (g) APPORTIONMENTS OF APPROPRIATIONS FOR
2 FORMULA GRANTS.—Section 5336(a) is amended by
3 striking “(h)(4)” and inserting “(h)(5)”.

4 (h) STATE OF GOOD REPAIR PROGRAM.—Section
5 5337 is amended—

6 (1) in subsection (c)(2)(B) by striking
7 “5336(b)(1)” and inserting “5336(b)(2)”;

8 (2) in subsection (d)(1) by striking “a facility
9 with access for other high-occupancy vehicles” and
10 inserting “high occupancy vehicle lanes during peak
11 hours”;

12 (3) in subsection (d)(2) by inserting “vehicle”
13 after “motorbus”; and

14 (4) by inserting the following at the end:

15 “(e) GOVERNMENT SHARE OF COSTS.—

16 “(1) CAPITAL PROJECTS.—A grant for a capital
17 project under this section shall be for 80 percent of
18 the net project cost of the project. The recipient may
19 provide additional local matching amounts.

20 “(2) REMAINING COSTS.—The remainder of the
21 net project costs shall be provided from an undis-
22 tributed cash surplus, a replacement or depreciation
23 cash fund or reserve, or new capital.”.

24 (i) OVERSIGHT.—Section 5338(i)(1) is amended—

1 (1) in subparagraph (G), by striking “section
2 5337(e)” and inserting “section 5337”; and

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

4 “(H) 0.75 percent of the amounts made
5 available to carry out section 5339.”.

6 (j) BUS AND BUS FACILITIES FORMULA PRO-
7 GRAM.—Section 5339 is amended—

8 (1) in subsection (a)—

9 (A) by inserting before “financing” the fol-
10 lowing: “only for the purposes of”; and

11 (B) by striking “rehabilitate” and insert-
12 ing “rebuild”; and

13 (2) by revising subsection (c) to read as follows:

14 “(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

15 “(1) RECIPIENTS.—Eligible recipients under
16 this section are designated recipients that allocate
17 funds to fixed route bus operators or State or local
18 governmental entities that operate fixed route bus
19 service.

20 “(2) SUBRECIPIENTS.—A recipient that re-
21 ceives a grant under this section may allocate
22 amounts of the grant to subrecipients that are public
23 agencies or private nonprofit organizations engaged
24 in public transportation.”.

1 (k) GROWING STATES AND HIGH DENSITY
2 STATES.—Section 5340(b) is amended by striking
3 “5338(b)(2)(M)” and inserting “5338(a)(2)(K)”.

4 (l) TECHNICAL CORRECTIONS TO SURFACE TRANS-
5 PORTATION BOARD JURISDICTION.—Section 10501(c) is
6 amended—

7 (1) in clause (1)(A)(i), by striking “5302(a)”
8 and inserting “5302”;

9 (2) in subparagraph (1)(B), by striking “mass
10 transportation” and inserting “public transpor-
11 tation” and by striking “5302(a)” and inserting
12 “5302”; and

13 (3) in subparagraph (2)(A), by striking “mass
14 transportation” and inserting “public transpor-
15 tation”.

16 **SEC. 3013. TECHNICAL CORRECTIONS OF TITLE II, DIVI-**
17 **SION B, OF MAP-21.**

18 Section 20013(d) of Public Law 112–141 is amended
19 by striking “5307(c)” and inserting “5307(b)”.

20 **SEC. 3014. ELIMINATION OF FTA ANNUAL RESEARCH RE-**
21 **PORTING REQUIREMENT.**

22 Section 5312 is amended—

23 (1) by striking subsection (e); and

24 (2) by redesignating subsection (f) as sub-
25 section (e).

1 **TITLE IV—HIGHWAY AND MOTOR**
2 **VEHICLE SAFETY**
3 **Subtitle A—Traffic Safety**

4 **SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—The following sums are author-
6 ized to be appropriated out of the Highway Account of
7 the Transportation Trust Fund:

8 (1) HIGHWAY SAFETY PROGRAMS.—For car-
9 rying out section 402 of title 23, United States
10 Code—

- 11 (A) \$241,146,351 for fiscal year 2015;
12 (B) \$253,203,669 for fiscal year 2016;
13 (C) \$265,863,852 for fiscal year 2017; and
14 (D) \$279,157,045 for fiscal year 2018.

15 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
16 OPMENT.—For carrying out section 403 of title 23,
17 United States Code—

- 18 (A) \$117,000,000 for fiscal year 2015;
19 (B) \$122,850,000 for fiscal year 2016;
20 (C) \$128,992,500 for fiscal year 2017; and
21 (D) \$135,442,125 for fiscal year 2018.

22 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
23 For carrying out section 405 of title 23, United
24 States Code—

- 25 (A) \$278,705,019 for fiscal year 2015;

1 (B) \$292,640,270 for fiscal year 2016;

2 (C) \$307,272,283 for fiscal year 2017; and

3 (D) \$322,635,898 for fiscal year 2018.

4 (4) NATIONAL DRIVER REGISTER.—For car-
5 rying out section 303 of title 49, United States
6 Code—

7 (A) \$5,000,000 for fiscal year 2015;

8 (B) \$5,250,000 for fiscal year 2016;

9 (C) \$5,512,500 for fiscal year 2017; and

10 (D) \$5,788,125 for fiscal year 2018.

11 (5) HIGH VISIBILITY ENFORCEMENT PRO-
12 GRAM.—For carrying out section 2009 of
13 SAFETEA-LU (23 U.S.C. 402 note)—

14 (A) \$29,000,000 for fiscal year 2015;

15 (B) \$30,450,000 for fiscal year 2016;

16 (C) \$31,972,500 for fiscal year 2017; and

17 (D) \$33,571,125 for fiscal year 2018.

18 (6) ADMINISTRATIVE EXPENSES.—For adminis-
19 trative and related operating expenses of the Na-
20 tional Highway Traffic Safety Administration in car-
21 rying out chapter 4 of title 23, United States Code,
22 and this subtitle—

23 (A) \$28,148,630 for fiscal year 2015;

24 (B) \$29,556,062 for fiscal year 2016;

25 (C) \$31,033,865 for fiscal year 2017; and

1 (D) \$32,585,558 for fiscal year 2018.

2 (b) PROHIBITION ON OTHER USES.—Except as oth-
3 erwise provided in chapter 4 of title 23, United States
4 Code, in this subtitle and in the amendments made by this
5 subtitle, the amounts made available from the Highway
6 Account of the Transportation Trust Fund for a program
7 under such chapter—

8 (1) shall only be used to carry out such pro-
9 gram; and

10 (2) may not be used by States or local govern-
11 ments for construction purposes.

12 (c) APPLICABILITY OF TITLE 23.—Except as other-
13 wise provided in chapter 4 of title 23, United States Code,
14 and in this subtitle, amounts made available under sub-
15 section (a) for fiscal years 2015 through 2018 shall be
16 available for obligation in the same manner as if such
17 funds were apportioned or allocated under chapter 1 of
18 title 23, United States Code.

19 (d) REGULATORY AUTHORITY.—Grants awarded
20 under this subtitle shall be in accordance with regulations
21 issued by the Secretary.

22 (e) STATE MATCHING REQUIREMENTS.—If a grant
23 awarded under this subtitle requires a State to share in
24 the cost, the aggregate of all expenditures for highway
25 safety activities made during any fiscal year by the State

1 and its political subdivisions (exclusive of Federal funds)
2 for carrying out the grant (other than planning and ad-
3 ministration) shall be available for the purpose of crediting
4 the State during such fiscal year for the non-Federal share
5 of the cost of any project under this subtitle (other than
6 planning or administration) without regard to whether
7 such expenditures were actually made in connection with
8 such project.

9 (f) GRANT APPLICATION AND DEADLINE.—To re-
10 ceive a grant under this subtitle, a State shall submit an
11 application, and the Secretary shall establish a single
12 deadline for such applications to enable the award of
13 grants early in the next fiscal year.

14 **SEC. 4002. HIGHWAY SAFETY PROGRAMS.**

15 (a) SECTION 402(a) AMENDMENTS.—Section
16 402(a)(2)(A) of title 23, United States Code, is amended
17 by—

- 18 (1) striking “and” at the end of clause (vi);
19 (2) redesignating clause (vii) as clause (ix); and
20 (3) inserting after clause (vi) the following:
21 “(vii) to reduce injuries and deaths to
22 older drivers;
23 “(viii) to improve emergency medical
24 services response to crash sites; and”.

1 (b) SECTION 402(b) AMENDMENTS.—Section
2 402(b)(1)(F) of title 23, United States Code, is amend-
3 ed—

4 (1) by redesignating clauses (iii) through (v) as
5 clauses (iv) through (vi), respectively; and

6 (2) by inserting after clause (ii) the following:

7 “(iii) countermeasures designed to de-
8 crease deaths and injuries to pedestrians
9 and bicyclists traveling in the roadways;”.

10 (c) SECTION 402(c) AMENDMENTS.—Section 402(c)
11 of title 23, United States Code, is amended—

12 (1) in paragraph (2) by striking “Funds appor-
13 tioned under this section to any State,” and all that
14 follows;

15 (2) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively;

17 (3) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) REDUCTION IN APPORTIONMENT.—

20 “(A) NONAPPROVED PROGRAMS.—Funds
21 apportioned under this section to any State,
22 that does not have a highway safety program
23 approved by the Secretary or that is not imple-
24 menting an approved program, shall be reduced
25 by amounts equal to not less than 20 percent

1 of the amounts that would otherwise be appor-
2 tioned to the State under this section, until
3 such time as the Secretary approves such pro-
4 gram or determines that the State is imple-
5 menting an approved program, as appropriate.
6 The Secretary shall consider the gravity of the
7 State's failure to have or implement an ap-
8 proved program in determining the amount of
9 the reduction.

10 “(B) HIGH RISK.—In consultation with the
11 State, the Secretary shall take appropriate
12 steps to address any deficiencies if a State is
13 determined to be ‘high-risk’ under regulations
14 or procedures of the Secretary, taking into con-
15 sideration responsibility, financial stability, and
16 management and staffing capabilities. In the
17 fiscal year in which a State has been deter-
18 mined ‘high-risk’, the Secretary shall redirect
19 funds sufficient to address the deficiency. If the
20 State fails to take adequate steps to address the
21 deficiency within 12 months after a ‘high-risk’
22 designation, in the next fiscal year the Sec-
23 retary shall reduce funds under this section by
24 not less than 20 percent of the amounts that
25 would otherwise be apportioned to the State

1 under this section. The Secretary shall consider
2 the gravity of the State’s failure to address the
3 deficiency in determining the amount of the re-
4 duction. The Secretary shall increase the
5 amount of the reduction in each subsequent fis-
6 cal year in which the State fails to take ade-
7 quate steps to address the deficiency.”; and

8 (4) in paragraph (4), as redesignated—

9 (A) by striking “or” after “highway safety
10 program” and inserting a comma; and

11 (B) by inserting “or determines that the
12 State has taken adequate steps to address a de-
13 ficiency” after “approved program”.

14 (d) SECTION 402(g) AMENDMENT.—Section 402 of
15 title 23, United States Code, is amended by striking sub-
16 section (g) and inserting after subsection (f) the following:

17 “(g) RESTRICTION.—Nothing in this section may be
18 construed to authorize the appropriation or expenditure
19 of funds for highway construction, maintenance, or design
20 (other than design of safety features of highways to be
21 incorporated into guidelines).”.

1 **SEC. 4003. AMENDMENT TO SECTION 405 NATIONAL PRI-**
2 **ORITY SAFETY PROGRAMS TRANSFER AU-**
3 **THORITY.**

4 Section 405(a)(1)(G) of title 23, United States Code,
5 is amended by adding after the last sentence the following:
6 “If the Secretary reallocates any amounts to increase the
7 amount made available under section 402, the State shall
8 use not less than 30 percent for the purposes of pedestrian
9 and bicycle safety if the State’s combined pedestrian and
10 bicycle fatalities exceed 5 percent of the State’s total crash
11 fatalities, based on the most recently reported final data
12 from the Fatality Analysis Reporting System.”.

13 **SEC. 4004. AMENDMENT TO MOTORCYCLIST SAFETY GRANT**
14 **CRITERIA.**

15 Section 405(f) of title 23, United States Code, is
16 amended by inserting the following after paragraph (5):
17 “(6) SUPPORT ACTIVITY.—The Secretary or the
18 Secretary’s designee may engage in activities with
19 States and State legislators to consider proposals re-
20 lated to motorcycle helmet use laws.”.

21 **SEC. 4005. AMENDMENT TO GRADUATED DRIVER LICENS-**
22 **ING INCENTIVE GRANT CRITERIA.**

23 Section 405 of title 23, United States Code, is
24 amended by striking subsection (g) and inserting the fol-
25 lowing:

1 “(g) STATE GRADUATED DRIVER LICENSING INCEN-
2 TIVE GRANT.—

3 “(1) GRANTS AUTHORIZED.—The Secretary
4 shall award grants to States that adopt and imple-
5 ment graduated driver licensing laws that require
6 novice drivers younger than 18 years of age to com-
7 ply with the 2-stage licensing process described in
8 paragraph (2) before receiving an unrestricted driv-
9 er’s license.

10 “(2) MINIMUM REQUIREMENTS.—A State’s
11 driver’s license laws shall include—

12 “(A) a learner’s permit stage that—

13 “(i) is at least 6 months in duration,
14 but must remain in effect until the driver
15 reaches 16 years of age;

16 “(ii) requires that the driver be ac-
17 companied and supervised at all times
18 while such driver is operating a motor ve-
19 hicle by a licensed driver who is at least 21
20 years of age, is the driver’s parent or
21 guardian, or is a State-certified driving in-
22 structor; and

23 “(iii) has at least two of the following
24 criteria:

1 “(I) a prohibition on the driver
2 using a personal wireless communica-
3 tions device, as defined in subsection
4 (e)(9)(B), while driving except under
5 an exception permitted in subsection
6 (e)(4), and violation of which is a pri-
7 mary offense;

8 “(II) a requirement that the driv-
9 er obtain at least 40 hours of behind-
10 the-wheel training with a licensed
11 driver who is at least 21 years of age,
12 is the driver’s parent or guardian, or
13 is a State-certified driving instructor;

14 “(III) a requirement that the
15 driver attend a driver training course;
16 or

17 “(IV) a requirement that the
18 driver not be convicted, for a period of
19 six consecutive months immediately
20 prior to entering the intermediate
21 stage or receiving an unrestricted
22 driver’s license, of any offense under
23 State or local law relating to the use
24 or operation of a motor vehicle;

25 “(B) an intermediate stage that—

1 “(i) is at least 6 months in duration;

2 “(ii) restricts driving at night;

3 “(iii) for a period of not less than six
4 months, prohibits the driver from oper-
5 ating a motor vehicle with more than 1
6 nonfamilial passenger younger than 21
7 years of age unless a licensed driver who is
8 at least 21 years of age, is the driver’s par-
9 ent or guardian, or is a State-certified
10 driving instructor is in the motor vehicle;
11 and

12 “(iv) has at least one of the following
13 criteria:

14 “(I) a requirement that the inter-
15 mediate stage remain in effect until
16 the driver reaches 18 years of age;

17 “(II) a prohibition on the driver
18 using a personal wireless communica-
19 tions device, as defined in subsection
20 (e)(9)(B), while driving except under
21 an exception permitted in subsection
22 (e)(4), and violation of which is a pri-
23 mary offense; or

24 “(III) a requirement that the
25 driver not be convicted, for a period of

1 six consecutive months immediately
2 prior to receiving an unrestricted driv-
3 er’s license, of any offense under
4 State or local law relating to the use
5 or operation of a motor vehicle; and

6 “(C) any other requirement prescribed by
7 the Secretary.

8 “(3) EXCEPTION.—A State that otherwise
9 meets the minimum requirements set forth in para-
10 graph (2) shall be deemed by the Secretary to be in
11 compliance with the requirement set forth in para-
12 graph (2) if the State enacted a law before January
13 1, 2011, establishing a class of license that permits
14 licensees or applicants younger than 18 years of age
15 to drive a motor vehicle—

16 “(A) in connection with work performed
17 on, or for the operation of, a farm owned by
18 family members who are directly related to the
19 applicant or licensee; or

20 “(B) if demonstrable hardship would result
21 from the denial of a license to the licensees or
22 applicants.

23 “(4) GRANTS TO STATES THAT IMPLEMENT NA-
24 TIONAL DRIVER EDUCATION STANDARDS AND EN-
25 HANCED INTERMEDIATE STAGE RESTRICTIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 make a separate grant under this paragraph, in
3 accordance with subparagraphs (B) and (C), to
4 each State that implements national driver edu-
5 cation and training standards prescribed by the
6 National Highway Traffic Safety Administra-
7 tion and enhanced intermediate stage restric-
8 tions.

9 “(B) FIRST YEAR.—A State is eligible for
10 the grant described in this paragraph if the
11 State—

12 “(i) has not received a grant under
13 this paragraph in a prior fiscal year;

14 “(ii) receives a grant in the same fis-
15 cal year pursuant to paragraph (1);

16 “(iii) has satisfied the criterion de-
17 scribed in paragraph (2)(A)(iii)(III) for the
18 same fiscal year; and

19 “(iv) submits a plan, approved by the
20 Secretary, to implement national driver
21 education and training standards pre-
22 scribed by the National Highway Traffic
23 Safety Administration.

1 “(C) SUCCESSIVE YEARS.—A State is eligi-
2 ble for the grant described in this paragraph if
3 the State—

4 “(i) has received a grant under this
5 paragraph in a prior fiscal year;

6 “(ii) receives a grant in the same fis-
7 cal year pursuant to paragraph (1);

8 “(iii) has satisfied the criterion de-
9 scribed in paragraph (2)(A)(iii)(III) for the
10 same fiscal year;

11 “(iv) demonstrates, to the satisfaction
12 of the Secretary, that it is implementing
13 the plan described in subparagraph
14 (B)(iv);

15 “(v) imposes the restrictions described
16 in paragraph (2)(B)(ii) beginning no later
17 than 10:00 pm; and

18 “(vi) imposes the restrictions de-
19 scribed in paragraph (2)(B)(iii) for the en-
20 tire intermediate stage.

21 “(D) FUNDING.—Not more than 33 per-
22 cent of the amounts made available to carry out
23 this subsection in a fiscal year shall be made
24 available by the Secretary for making grants
25 under this paragraph.

1 “(5) GRANT AMOUNT.—The allocation of grant
2 funds to a State under this subsection for a fiscal
3 year shall be in proportion to the State’s apporportion-
4 ment under section 402 for fiscal year 2009.

5 “(6) USE OF GRANT AMOUNTS.—Of the grant
6 funds received by a State under this subsection—

7 “(A) at least 25 percent shall be used
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); and

24 “(B) up to 75 percent may be used for any
25 eligible project or activity under section 402.”.

1 **SEC. 4006. AMENDMENT TO IGNITION INTERLOCK GRANT**
2 **CRITERIA.**

3 Section 405(d)(6) of title 23, United States Code, is
4 amended by striking subparagraph (A) and inserting the
5 following:

6 “(A) IN GENERAL.—The Secretary shall
7 make a separate grant under this subsection to
8 each State that adopts and is enforcing a law
9 that requires all individuals convicted of driving
10 under the influence of alcohol or of driving
11 while intoxicated to receive—

12 “(i) a restriction on driving privileges
13 that limits the individual to operating only
14 motor vehicles with an ignition interlock
15 installed; or

16 “(ii) a requirement to participate in a
17 24–7 sobriety program, if—

18 “(I) a State-certified ignition
19 interlock provider is not available
20 within 100 miles of the individual’s
21 residence; or

22 “(II) the individual is required to
23 operate an employer’s motor vehicle in
24 the course and scope of employment
25 and the business entity that owns the

1 vehicle is not owned or controlled by
2 the individual.”.

3 **SEC. 4007. AMENDMENT TO REPEAT OFFENDER AND OPEN**
4 **CONTAINER CRITERIA.**

5 (a) DEFINITIONS.—Section 164(a) of title 23, United
6 States Code, is amended—

7 (1) by redesignating paragraphs (1) through
8 (4) as paragraphs (2) through (5), respectively;

9 (2) by inserting before paragraph (2), as reded-
10 signed, the following:

11 “(1) 24–7 SOBRIETY PROGRAM.—The term
12 ‘24–7 sobriety program’ means a State law or pro-
13 gram that authorizes a State court or a State agen-
14 cy to—

15 “(A) require an individual who plead guilty
16 or was convicted of driving under the influence
17 of alcohol to totally abstain from alcohol for a
18 period of time; and

19 “(B) require the individual to be subject to
20 testing for alcohol—

21 “(i) at least twice per day; or

22 “(ii) by continuous transdermal alco-
23 hol monitoring via an electronic monitoring
24 device.”;

1 (3) in paragraph (5), as redesignated, by strik-
2 ing subparagraph (A) and inserting the following:

3 “(A) receive, for a period of not less than
4 1 year, one or more of the following penalties—

5 “(i) a suspension of all driving privi-
6 leges;

7 “(ii) a restriction on driving privileges
8 that limits the individual to operating only
9 motor vehicles with an ignition interlock
10 device installed;

11 “(iii) a requirement to participate in a
12 24–7 sobriety program, if—

13 “(I) a State-certified ignition
14 interlock provider is not available
15 within 100 miles of the individual’s
16 residence; or

17 “(II) the individual is required to
18 operate an employer’s motor vehicle in
19 the course and scope of employment
20 and the business entity that owns the
21 vehicle is not owned or controlled by
22 the individual; or

23 “(iv) any other restriction established
24 by regulations promulgated by the Sec-
25 retary;”;

1 (4) in paragraph (5), as redesignated, by strik-
2 ing subparagraph (B); and

3 (5) in paragraph (5), as redesignated, by redesi-
4 gnating subparagraphs (C) and (D) as subpara-
5 graphs (B) and (C), respectively.

6 (b) TRANSFER OF FUNDS.—Section 164(b) of title
7 23, United States Code, is amended—

8 (1) in paragraph (2)(A), by striking “among
9 the uses authorized under subparagraphs (A) and
10 (B) of paragraph (1), and paragraph (3).” and in-
11 serting “among the uses authorized under subpara-
12 graphs (A) and (B) of paragraph (1), paragraph (3),
13 and, beginning in fiscal year 2015, subparagraph
14 (C).”; and

15 (2) by inserting the following after paragraph
16 (2)(B):

17 “(C) ADDITIONAL USES OF FUNDS.—Be-
18 ginning in fiscal year 2015, of the funds trans-
19 ferred under subparagraph (B)(i)—

20 “(i) not less than 5 percent shall be
21 expended for pedestrian and bicycle safety
22 activities if the State’s combined pedes-
23 trian and bicycle fatalities exceed 5 percent
24 of the State’s total crash fatalities, based
25 on the most recently reported final data

1 from the Fatality Analysis Reporting Sys-
2 tem; and

3 “(ii) not more than 60 percent may be
4 directed to State and local law enforcement
5 agencies for enforcement of laws that can
6 lead to the detection of impaired drivers,
7 including the purchase of equipment, the
8 training of officers, and the use of addi-
9 tional personnel dedicated to enforce-
10 ment.”.

11 (c) TRANSFER OF FUNDS.—Section 154(c) of title
12 23, United States Code, is amended—

13 (1) in paragraph (2)(A), by striking “use those
14 reserved funds in accordance with subparagraphs
15 (A) and (B) of paragraph (1) and paragraph (3).”
16 and inserting “use those reserved funds in accord-
17 ance with subparagraphs (A) and (B) of paragraph
18 (1), paragraph (3), and, beginning in fiscal year
19 2015, subparagraph (C).”; and

20 (2) by inserting the following after paragraph
21 (2)(B):

22 “(C) ADDITIONAL USES OF FUNDS.—Be-
23 ginning in fiscal year 2015, of the funds trans-
24 ferred under subparagraph (B)(i)—

1 “(i) not less than 5 percent shall be
2 expended for pedestrian and bicycle safety
3 activities if the State’s combined pedes-
4 trian and bicycle fatalities exceed 5 percent
5 of the State’s total crash fatalities, based
6 on the most recently reported final data
7 from the Fatality Analysis Reporting Sys-
8 tem; and

9 “(ii) not more than 60 percent may be
10 directed to State and local law enforcement
11 agencies for enforcement of laws that can
12 lead to the detection of impaired drivers,
13 including the purchase of equipment, the
14 training of officers, and the use of addi-
15 tional personnel dedicated to enforce-
16 ment.”.

17 **SEC. 4008. AMENDMENT TO DISTRACTED DRIVING GRANT**
18 **CRITERIA.**

19 Section 405(e) of title 23, United States Code, is
20 amended—

21 (1) in paragraph (3)—

22 (A) by inserting “and” at the end of sub-
23 paragraph (B); and

1 (B) by striking subparagraph (C) and re-
2 designating subparagraph (D) as subparagraph
3 (C);

4 (2) in paragraph (4)(C), by striking “section
5 31152” and inserting “section 31136”;

6 (3) in paragraph (5), by striking “Of” and in-
7 serting “Except as provided in paragraph (6)(B),
8 of”;

9 (4) by striking paragraph (6) and inserting
10 after paragraph (5) the following:

11 “(6) DISTRACTED DRIVING ENFORCEMENT
12 GRANTS.—

13 “(A) IN GENERAL.—The Secretary may
14 use up to 50 percent of the amounts available
15 for grants under this subsection to award
16 grants to a State that—

17 “(i) in fiscal year 2015—

18 “(I) has a basic text messaging
19 statute, as determined by the Sec-
20 retary, that is applicable to drivers of
21 all ages;

22 “(II) makes violation of the stat-
23 ute a primary offense;

24 “(III) participates in the annual
25 distracted driving law enforcement

1 mobilization coordinated by the Sec-
2 retary; and

3 “(IV) is otherwise ineligible for a
4 grant under this subsection;

5 “(ii) in fiscal year 2016—

6 “(I) meets the requirements of
7 subparagraph (A)(i); and

8 “(II) has a statute that estab-
9 lishes a minimum fine for a first vio-
10 lation and increased fines for repeat
11 violations of the statute; and

12 “(iii) in fiscal year 2017—

13 “(I) meets the requirements of
14 subparagraphs (A)(i) and (A)(ii); and

15 “(II) has a statute that prohibits
16 a driver who is younger than 18 years
17 of age from using a personal wireless
18 communications device while driving.

19 “(B) USE OF GRANT FUNDS; ENFORCE-
20 MENT GRANTS.—

21 “(i) Subject to subparagraphs (B)(ii)
22 and (B)(iii), amounts received by a State
23 under subparagraph (A) may be used for
24 activities related to the enforcement of dis-
25 tracted driving laws as follows:

1 “(ii) In fiscal year 2016, up to 15
2 percent for any eligible project or activity
3 under section 402.

4 “(iii) In fiscal year 2017, up to 25
5 percent for any eligible project or activity
6 under section 402.”; and

7 (5) by striking paragraph (8), redesignating
8 paragraph (7) as paragraph (8), and inserting after
9 paragraph (6), as amended by this Act, the fol-
10 lowing:

11 “(7) GRANT AMOUNT.—The allocation of grant
12 funds to a State under this subsection shall be in
13 proportion to the State’s apportionment under sec-
14 tion 402 for fiscal year 2009.”.

15 **SEC. 4009. STREAMLINING OF NATIONAL PRIORITY SAFETY**
16 **PROGRAMS.**

17 Section 405(a)(1) of title 23, United States Code, is
18 amended by striking subparagraph (H).

19 **SEC. 4010. AMENDMENT TO HIGHWAY RESEARCH AND DE-**
20 **VELOPMENT.**

21 Section 403 of title 23, United States Code, is
22 amended by inserting at the end the following:

23 “(i) FEDERAL SHARE.—The Federal share of the
24 cost of any project or activity carried out under this sec-

1 tion may be up to 100 percent if so specified in the project
2 agreement.”.

3 **Subtitle B—Motor Vehicle Safety**

4 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—The following sums are author-
6 ized to be appropriated out of the Highway Account of
7 the Transportation Trust Fund to carry out chapter 301
8 of title 49, United States Code, and part C of subtitle VI
9 of title 49, United States Code:

10 (1) \$152,000,000 for fiscal year 2015;

11 (2) \$159,600,000 for fiscal year 2016;

12 (3) \$167,580,000 for fiscal year 2017; and

13 (4) \$175,959,000 for fiscal year 2018.

14 (b) CONTRACT AUTHORITY.—The amounts made
15 available under subsection (a) shall be available for obliga-
16 tion in the same manner as if such funds were apportioned
17 or allocated under chapter 1 of title 23, United States
18 Code, except that the Federal share of the cost of any
19 project or activity carried out under chapter 301 of title
20 49, United States Code, or part C of subtitle VI of title
21 49, United States Code, shall be 100 percent or as other-
22 wise provided in the project agreement.

1 **SEC. 4102. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

2 Section 30120A of title 49, United States Code is
3 amended by striking “chapter 11 of title 11,” and insert-
4 ing “chapter 7 or chapter 11 of title 11”.

5 **SEC. 4103. PROHIBITION ON RENDERING SAFETY ELE-**
6 **MENTS INOPERATIVE.**

7 Section 30122 of title 49, United States Code, is
8 amended by revising subsection (b) to read as follows:

9 “(b) PROHIBITION.—(1) Except as provided in para-
10 graph (2) of this subsection, a person may not knowingly
11 make inoperative any part of a device or element of design
12 installed on or in a motor vehicle or motor vehicle equip-
13 ment in compliance with an applicable motor vehicle safety
14 standard prescribed under this chapter unless the person
15 reasonably believes the vehicle or equipment will not be
16 used (except for testing or a similar purpose during main-
17 tenance or repair) when the device or element is inoper-
18 ative.

19 “(2) The prohibition in paragraph (1) does not apply
20 to modifications made by an individual to a motor vehicle
21 or item of equipment owned or leased by that individual.”.

22 **SEC. 4104. COOPERATION WITH FOREIGN GOVERNMENTS.**

23 (a) TITLE 49 AMENDMENT.—Section 30182(b) of
24 title 49, United States Code, is amended by inserting after
25 paragraph (5) the following:

1 “(6) enter into cooperative agreements (in co-
2 ordination with the Department of State) and col-
3 laborative research and development agreements
4 with foreign governments.”.

5 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,
6 United States Code, is amended—

7 (1) in subsection (b)(2)(C), by inserting “for-
8 eign government (in coordination with the Depart-
9 ment of State)” after “institution,”; and

10 (2) in subsection (c)(1)(A), by inserting “for-
11 eign governments,” after “local governments,”.

12 **SEC. 4105. FUNCTIONAL SAFETY PROCESS.**

13 (a) STANDARDS.—Section 30111 of title 49, United
14 States Code, is amended—

15 (1) by revising the heading of the section to
16 read as follows:

17 **“SEC. 30111. STANDARDS AND FUNCTIONAL SAFETY PROC-**
18 **ESS.”;**

19 and

20 (2) by inserting the following after subsection
21 (e):

22 “(f) FUNCTIONAL SAFETY PROCESS.—The Secretary
23 shall prescribe requirements or guidelines for the design,
24 functional safety process, verification and validation, and
25 development of safety-related electronics or software used

1 in motor vehicles and motor vehicle equipment to ensure
2 that they are likely to function as intended and contain
3 fail safe features. The requirements shall be in the form
4 of regulations or guidelines. In prescribing regulations or
5 guidelines under this subsection, the Secretary shall con-
6 sider existing relevant safety information and motor vehi-
7 cle safety standards.”.

8 (b) _____.—Section 30165(1) of title 49,
9 United States Code, is amended by inserting “30111(f),”
10 after “section”.

11 (c) RMING AMENDMENT.—The analysis for chapter
12 301 is amended by striking the item relating to section
13 30111 and inserting the following:

“30111. Standards and functional safety process.”.

14 **SEC. 4106. NOTIFICATION OF DEFECT OR NONCOMPLIANCE**
15 **AND IMMINENT HAZARD AUTHORITY.**

16 (a) IN GENERAL.—Section 30118 of title 49, United
17 States Code, is amended—

18 (1) in subsection (c), by inserting “or electronic
19 mail” after “certified mail”; and

20 (2) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) IMMINENT HAZARD.—(1) If the Secretary makes
23 an initial decision that a defect or noncompliance presents
24 an immediate likelihood of death or serious injury to the

1 public, the Secretary may determine that an imminent
2 hazard exists. In such case, the Secretary shall—

3 “(A) immediately notify the manufacturer;

4 “(B) make the initial decision available for pub-
5 lic inspection; and

6 “(C) provide the opportunity for the manufac-
7 turer to present, not later than 10 calendar days
8 after the initial decision under this subsection, infor-
9 mation, views, and arguments.

10 “(2) As soon as practicable after following the proce-
11 dures under paragraph (1), the Secretary shall make a
12 final decision and shall, as appropriate, require the manu-
13 facturer to take corrective action.”.

14 (b) PROCEDURES.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary shall issue
16 procedures to implement section 30118(f) of title 49,
17 United States Code, consistent with the provisions of
18 chapter 301 of title 49 and the Administrative Procedure
19 Act.

20 **SEC. 4107. AMENDMENT TO JUDICIAL REVIEW PROVISIONS.**

21 (a) IN GENERAL.—Section 30161 of title 49, United
22 States Code, is amended—

23 (1) by revising the heading of the section to
24 read as follows:

1 **“SEC. 30161. JUDICIAL REVIEW OF ORDERS AND STAND-**
2 **ARDS.”;**

3 and

4 (2) by striking the first sentence of subsection
5 (a), and inserting the following: “Except for an
6 order to issue provisional notification under section
7 30121 of this title, which may not be reviewed, a
8 person adversely affected by an order issued under
9 this chapter, a rule prescribing a motor vehicle safe-
10 ty standard under this chapter, or any other final
11 agency action taken under this chapter may apply
12 for review of the order, rule, or action by filing a pe-
13 tition for review in the Court of Appeals of the
14 United States for the circuit in which the person re-
15 sides or has its principal place of business or the
16 District of Columbia Circuit”.

17 (b) **RECALLS ENFORCEMENT.**—Section 30163 of title
18 49, United States Code, is amended by adding the fol-
19 lowing at the end:

20 “(f) **ACTIONS TO ENFORCE RECALL ORDERS.**—In an
21 action brought under subsection (a) of this section con-
22 cerning an order issued under section 30118(b) of this
23 title, the Attorney General need only prove that the Sec-
24 retary provided appropriate notification to the manufac-
25 turer under section 30118 and need not establish the sub-
26 stantive validity of the order, which may only be chal-

1 lenged by the manufacturer through the timely filing of
2 a petition under section 30161 of this title. If an action
3 is brought under subsection (a) of this section prior to
4 the expiration of the time available for the filing of a peti-
5 tion under section 30161, the manufacturer may seek a
6 stay of the district court action until the resolution of any
7 petition for review under section 30161.

8 “(g) ACTIONS TO COLLECT A CIVIL PENALTY.—The
9 Attorney General may bring a civil action in a United
10 States District Court to collect a civil penalty or to collect
11 an amount agreed upon in compromise by the Secretary
12 under section 30165 of this title.”.

13 (c) CONFORMING AMENDMENT.—The analysis for
14 chapter 301 is amended by striking the item relating to
15 section 30161 and inserting the following:

“30161. Judicial review of orders and standards”.

16 **SEC. 4108. INSPECTION AUTHORITY UNDER AUTOMOBILE**
17 **FUEL ECONOMY STATUTE.**

18 Section 32910 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a)(1)(A), striking “inspect
21 and copy records of any person at reasonable times”,
22 and inserting “conduct an inspection or investigation
23 that may be necessary to enforce this chapter or a
24 regulation prescribed or order issued under this
25 chapter”; and

1 (2) by redesignating subsections (b), (c) and (d)
2 as (c), (d) and (e), respectively, and inserting after
3 subsection (a) the following:

4 “(b) MATTERS THAT CAN BE INSPECTED AND IM-
5 POUNDMENT.—In carrying out this chapter, an officer or
6 employee designated by the Secretary of Transportation—

7 “(1) at reasonable times, may inspect and copy
8 any record related to this chapter;

9 “(2) on request, may inspect records of a man-
10 ufacturer, distributor, or dealer to decide whether
11 the manufacturer, distributor, or dealer has com-
12 plied or is complying with this chapter or a regula-
13 tion prescribed or order issued under this chapter;
14 and

15 “(3) at reasonable times, in a reasonable way,
16 and on display of proper credentials and written no-
17 tice to an owner, operator, or agent in charge,
18 may—

19 “(A) enter and inspect with reasonable
20 promptness premises in which a motor vehicle
21 or motor vehicle equipment is manufactured,
22 held for introduction in interstate commerce, or
23 held for sale after introduction in interstate
24 commerce;

1 “(B) inspect with reasonable promptness
2 that vehicle or equipment; and

3 “(C) impound for not more than 72 hours
4 that vehicle or equipment.”.

5 **SEC. 4109. RECALL AUTHORITY OVER RENTAL CAR COMPA-**
6 **NIES AND USED CAR DEALERS.**

7 (a) SALE, LEASE OR RENTAL RESTRICTIONS.—Sec-
8 tion 30120(i) of title 49, United States Code, is amended
9 to read as follows:

10 “(i) LIMITATION ON SALE, LEASE OR RENTAL OF
11 VEHICLES OR EQUIPMENT.—

12 “(1) After receipt of a notification of a defect
13 or noncompliance about a motor vehicle or new item
14 of replacement equipment under section 30119 of
15 this title, a dealer may sell or lease that motor vehi-
16 cle or new item of replacement equipment, and a
17 rental company may rent that vehicle, only if—

18 “(A) the defect or noncompliance is rem-
19 edied as required by this section before delivery
20 under the sale, lease or rental agreement; or

21 “(B) when the notification is required by
22 an order under section 30118(b) of this title,
23 enforcement of the order is restrained or the
24 order is set aside in a civil action to which sec-
25 tion 30121(d) of this title applies.

1 “(2) This subsection does not prohibit a dealer
2 from offering for sale or lease the vehicle or equip-
3 ment.

4 “(3) As used in this subsection, the term ‘rental
5 company’ means a person who is engaged in the
6 business of renting a motor vehicle that has a gross
7 vehicle weight rating of 10,000 pounds or less, is
8 rented without a driver for an initial term of less
9 than 4 months and is part of a motor vehicle fleet
10 of 5 or more motor vehicles that are used for rental
11 purposes.”.

12 (b) SALE OR LEASE OF USED MOTOR VEHICLES.—
13 Section 30120 of title 49, United States Code, is amended
14 by adding at the end the following:

15 “(k) LIMITATION ON SALE OR LEASE OF USED
16 MOTOR VEHICLES.—(1) A person who sold at least 10
17 motor vehicles during the prior 12 months to purchasers
18 that in good faith purchase the vehicles other than for re-
19 sale, may not sell or lease a used motor vehicle until any
20 defect or noncompliance determined under section 30118
21 of this title with respect to the vehicle has been remedied.

22 “(2) Paragraph (1) shall not apply if—

23 “(A) notification of the defect or noncompliance
24 with respect to the vehicle is required under section
25 30118(b) but enforcement of the order is set aside

1 in a civil action to which section 30121(b) applies;
2 or

3 “(B) if at the time of sale or lease—

4 “(i) the recall information regarding a
5 used motor vehicle was not available using the
6 means established by the Secretary under sec-
7 tion 31301 of Public Law 112–141; and

8 “(ii) notification under section 30119 was
9 not received by the seller or lessor.

10 “(3) As used in this subsection, the term ‘used motor
11 vehicle’ means a motor vehicle that has been purchased
12 previously other than for resale.”.

13 **SEC. 4110. CIVIL PENALTIES.**

14 Section 30165(a) of title 49, United States Code, is
15 amended—

16 (1) in paragraph (1)—

17 (A) by inserting “or causes the violation
18 of” after “violates” in the first sentence;

19 (B) by striking “\$5,000” and inserting
20 “\$25,000”;

21 (C) by striking “\$35,000,000” and insert-
22 ing “\$300,000,000”; and

23 (D) by inserting at the end of the para-
24 graph the following: “An individual is liable
25 under this section only for willfully causing or

1 committing a violation. An individual who has
2 been instructed to commit a violation by a per-
3 son of greater authority in the entity in which
4 the individual is employed has not acted will-
5 fully”;

6 (2) in paragraph (2)—

7 (A) by striking “\$10,000” in subparagraph
8 (A) and inserting “\$100,000”; and

9 (B) by striking “\$15,000,000” in subpara-
10 graph (B) and inserting “\$300,000,000”; and

11 (3) in paragraph (3)—

12 (A) by striking “\$5,000” and inserting
13 “\$25,000”; and

14 (B) by striking “\$35,000,000” and insert-
15 ing “\$300,000,000”.

16 **SEC. 4111. TECHNICAL CORRECTIONS TO THE MOTOR VEHI-**
17 **CLE AND HIGHWAY SAFETY IMPROVEMENT**
18 **ACT OF 2012.**

19 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
20 title 23, United States Code is amended—

21 (1) in subsection (b)(1)(C), by striking “except
22 as provided in paragraph (3),”;

23 (2) in subsection (b)(1)(E)—

24 (A) by striking “in which a State” and in-
25 serting “for which a State”; and

1 (B) by striking “subsection (f)” and insert-
2 ing “subsection (k)”; and

3 (3) in subsection (k)(4), by striking “paragraph
4 (2)(A)” and inserting “paragraph (3)(A)”.

5 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
6 MENT.—Section 403(e) of title 23, United States Code is
7 amended by inserting “of title 49, United States Code”
8 after “chapter 301”.

9 (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-
10 tion 405 of title 23, United States Code is amended—

11 (1) in subsection (d)(5), by striking “section
12 402(c)” and inserting “section 402”;

13 (2) by striking subsection (f)(2), and inserting
14 the following:

15 “(2) GRANT AMOUNT.—The allocation of grant
16 funds to a State under this subsection for a fiscal
17 year shall be in proportion to the State’s apportion-
18 ment under section 402 for fiscal year 2009, pro-
19 vided that the amount of a grant awarded to a State
20 for a fiscal year may not exceed 25 percent of the
21 amount apportioned to the State under section 402
22 for fiscal year 2009.”; and

23 (3) in subsection (f)(4)(A)(iv), by striking
24 “under subsection (g)”.

1 (d) OPEN CONTAINER REQUIREMENTS.—Section 154
2 of title 23, United States Code is amended—

3 (1) in subsection (c)(3)(A), by striking “trans-
4 ferred” and inserting “reserved”; and

5 (2) in subsection (c)(5), by inserting “or re-
6 leased” after “transferred”.

7 (e) MINIMUM PENALTIES FOR REPEAT OFFENDERS
8 FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER
9 THE INFLUENCE.—Section 164 of title 23, United States
10 Code is amended—

11 (1) in subsection (b)(3)(A), by striking “trans-
12 ferred” and inserting “reserved”; and

13 (2) in subsection (b)(5), by inserting “or re-
14 leased” after “transferred”.

15 **TITLE V—MOTOR CARRIER**
16 **SAFETY PROGRAM**

17 **SEC. 5001. AMENDMENT OF TITLE 49, UNITED STATES**
18 **CODE.**

19 Except as otherwise expressly provided, whenever in
20 this title an amendment or repeal is expressed in terms
21 of an amendment to, or a repeal of, a section or other
22 provision, the reference shall be considered to be made to
23 a section or other provision of title 49, United States
24 Code.

1 **Subtitle A—Commercial Motor**
2 **Vehicle Safety**

3 **SEC. 5101. COMMERCIAL MOTOR VEHICLE DEFINED.**

4 Section 31101(1) is amended to read as follows:

5 “(1) ‘commercial motor vehicle’ means (except
6 in section 31106 of this title) a self-propelled or
7 towed vehicle used on the highways in commerce to
8 transport passengers or property, if the vehicle—

9 “(A) has a gross vehicle weight rating or
10 gross vehicle weight of at least 10,001 pounds,
11 whichever is greater;

12 “(B) is designed or used to transport more
13 than 8 passengers (including the driver) for
14 compensation;

15 “(C) is designed or used to transport more
16 than 15 passengers, including the driver, and is
17 not used to transport passengers for compensa-
18 tion; or

19 “(D) is used in transporting material
20 found by the Secretary of Transportation to be
21 hazardous under section 5103 of this title and
22 transported in a quantity requiring placarding
23 under regulations prescribed by the Secretary
24 under section 5103 of this title.”.

1 **SEC. 5102. MOTOR CARRIER OPERATIONS AFFECTING**
2 **INTERSTATE COMMERCE.**

3 (a) **PROHIBITED TRANSPORTATION.**—Section
4 521(b)(5) is amended by inserting after paragraph (B) the
5 following:

6 “(C) If an employee, vehicle, or all or part
7 of an employer’s commercial motor vehicle oper-
8 ations has been ordered out of service pursuant
9 to paragraph (5)(A), the commercial motor ve-
10 hicle operations of the employee, vehicle or em-
11 ployer that affect interstate commerce are also
12 prohibited.”.

13 (b) **PROHIBITION ON OPERATION IN INTERSTATE**
14 **COMMERCE AFTER NONPAYMENT OF PENALTIES.**—Sec-
15 tion 521(b)(8) is amended—

16 (1) by striking “An owner or operator of a com-
17 mercial motor vehicle” and inserting “A person” in
18 subparagraph (A);

19 (2) by redesignating subparagraph (B) as sub-
20 paragraph (C);

21 (3) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) A person prohibited from operating
24 in interstate commerce pursuant to paragraph
25 (8)(A) may not operate any commercial motor

1 vehicle where such operation affects interstate
2 commerce.”; and

3 (4) by striking “commercial motor vehicle own-
4 ers and operators” in subparagraph (C) (as redesign-
5 nated by paragraph (2)) and inserting “a person”.

6 **SEC. 5103. BUS RENTALS AND DEFINITION OF EMPLOYER.**

7 Paragraph (3) of section 31132 is amended to read
8 as follows:

9 “(3) ‘employer’—

10 “(A) means a person engaged in a business
11 affecting interstate commerce that—

12 “(i) owns or leases a commercial
13 motor vehicle in connection with that busi-
14 ness, or assigns an employee to operate the
15 commercial motor vehicle; or

16 “(ii) offers for rent or lease a motor
17 vehicle designed or used to transport more
18 than 8 passengers, including the driver,
19 and from the same location or as part of
20 the same business provides names or con-
21 tact information of drivers, or holds itself
22 out to the public as a charter bus com-
23 pany; but

24 “(B) does not include the Government, a
25 State, or a political subdivision of a State.”.

1 **SEC. 5104. HIGH-RISK CARRIER REVIEWS.**

2 (a) HIGH-RISK CARRIER REVIEWS.—Section
3 31104(b) (as amended by section 5401) is amended by
4 adding at the end of paragraph (2) the following:

5 “From the funds authorized by this subsection, the
6 Secretary shall ensure that a review is completed on each
7 motor carrier that demonstrates through performance
8 data that it poses the highest safety risk. At a minimum,
9 a review shall be conducted whenever a motor carrier is
10 among the highest risk carriers for 2 consecutive
11 months.”.

12 (b) CONFORMING AMENDMENT.—Section 4138 of the
13 Safe, Accountable, Flexible, Efficient Transportation Eq-
14 uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
15 repealed.

16 **SEC. 5105. NEW ENTRANT SAFETY AUDITS.**

17 Section 31144(g) is amended—

18 (1) in paragraph (1)(A)—

19 (A) by striking “shall” and inserting
20 “may”; and

21 (B) by striking “each owner and each op-
22 erator” and inserting “an owner or operator”;

23 (2) in paragraph (1)(B)—

24 (A) by striking “shall” and inserting
25 “may”; and

- 1 (B) by striking “each owner and each op-
2 erator” and inserting “an owner or operator”;
3 (3) by striking paragraph (3);
4 (4) by redesignating paragraphs (4) and (5) as
5 paragraphs (3) and (4), respectively; and
6 (5) in paragraph (3), as redesignated, by strik-
7 ing “after the date on which section 31148(b) is
8 first implemented shall” and inserting “may”.

9 **SEC. 5106. IMMINENT HAZARD ACTIONS.**

10 Section 521(b)(5)(A) is amended—

- 11 (1) by striking “that such” and inserting “that
12 a request for review must be made in writing within
13 15 days after issuance of the order, and if timely re-
14 quested, the”;
15 (2) by striking “occur” and inserting “com-
16 mence”; and
17 (3) by striking “issuance of such order” and in-
18 serting “receipt of the request for review”.

19 **SEC. 5107. INTERNATIONAL COMMERCE TRANSPORTED ON**
20 **HIGHWAYS THROUGH THE UNITED STATES.**

21 (a) Section 13501(1) is amended by—

- 22 (1) in subparagraph (D), striking “or”;
23 (2) in subparagraph (E), striking “and” at the
24 end and inserting “or”; and
25 (3) inserting the following:

1 “(F) a foreign county and another foreign
2 county, or between two places in the same for-
3 eign country, to the extent the transportation is
4 in the United States; and”.

5 (b) Section 31132(4) is amended by—

6 (1) striking “a place in a State and”;

7 (2) in subparagraph (A)—

8 (A) inserting “a place in a State and” be-
9 fore “a place outside that State”;

10 (B) striking “or”; and

11 (3) in subparagraph (B)—

12 (A) inserting “a place in a State and” be-
13 fore “another place”;

14 (B) striking the period and inserting
15 “and”; and

16 (C) inserting at the end the following:

17 “(C) a foreign county and another foreign
18 county, or between two places in the same for-
19 eign country, to the extent the trade, traffic, or
20 transportation is in the United States.”.

1 **Subtitle B—Driver Safety**
2 **Provisions**

3 **SEC. 5201. COMMERCIAL DRIVER'S LICENSE REQUIRE-**
4 **MENTS.**

5 (a) LICENSING STANDARDS.—Section 31305(a)(7) is
6 amended by inserting “would not be subject to a disquali-
7 fication under section 31310(g) of this title and” after
8 “taking the tests”.

9 (b) DISQUALIFICATIONS.—Section 31310(g)(1) is
10 amended by deleting “who holds a commercial driver’s li-
11 cense and”.

12 **SEC. 5202. DISQUALIFICATIONS BASED ON NON-COMMER-**
13 **CIAL MOTOR VEHICLE OPERATIONS.**

14 (a) FIRST OFFENSE.—Section 31310(b)(1)(D) is
15 amended by deleting “commercial” twice, after “revoked,
16 suspended, or canceled based on the individual’s operation
17 of a” and again after “disqualified from operating a com-
18 mercial motor vehicle based on the individual’s operation
19 of a”.

20 (b) SECOND OFFENSE.—Section 31310(c)(1)(D) is
21 amended by striking “commercial” twice, after “revoked,
22 suspended, or canceled based on the individual’s operation
23 of a” and again after “disqualified from operating a com-
24 mercial motor vehicle based on the individual’s operation
25 of a”.

1 **SEC. 5203. RECORDING OF FEDERAL DISQUALIFICATIONS**
2 **ON CDLIS.**

3 Section 31311(a)(15) is amended by—

4 (1) inserting “(A)” after “(15)”; and

5 (2) inserting after clause (A), as redesignated,
6 the following:

7 “(B) Not later than 10 days after receiv-
8 ing notice from the Secretary that an individual
9 has been disqualified by the Secretary from op-
10 erating a commercial motor vehicle, the State
11 shall—

12 “(i) disqualify the individual from op-
13 erating a commercial motor vehicle for the
14 period of the Federal disqualification; and

15 “(ii) notify the operator of the infor-
16 mation system under section 31309 of this
17 title to record the disqualification and the
18 violation that resulted in the disqualifica-
19 tion.”.

20 **SEC. 5204. FAILURE TO PAY CIVIL PENALTY AS A DISQUALI-**
21 **FYING OFFENSE.**

22 (a) IN GENERAL.—Chapter 311 is amended by in-
23 serting after section 31151 the following:

24 **“§ 31152. Disqualification for failure to pay**

25 “An individual assessed a civil penalty under this
26 chapter, or chapters 5, 51, or 149 of this title, or a regula-

1 tion issued under any of those provisions, who fails to pay
2 the penalty or fails to comply with the terms of a settle-
3 ment with the Secretary, shall be disqualified from oper-
4 ating a commercial motor vehicle. The disqualification
5 shall continue until the penalty has been paid, or the indi-
6 vidual complies with the terms of the settlement, unless
7 such nonpayment is because the individual is a debtor in
8 a case under chapter 11 of title 11, United States Code.”.

9 (b) TECHNICAL AMENDMENTS.—Section 31310 is
10 amended—

11 (1) by redesignating subsections (h) through (k)
12 as subsections (i) through (l), respectively;

13 (2) by inserting after subsection (g) the fol-
14 lowing:

15 “(h) DISQUALIFICATION FOR FAILURE TO PAY.—
16 The Secretary shall disqualify from operating a commer-
17 cial motor vehicle any individual failing to pay a civil pen-
18 alty within the prescribed period, or failing to conform to
19 the terms of any settlement with the Secretary. The dis-
20 qualification shall continue until the penalty has been
21 paid, or the individual conforms to the terms of the settle-
22 ment, unless the nonpayment is because the individual is
23 a debtor in a case under chapter 11 of title 11, United
24 States Code.”; and

1 (3) in subsection (i) (as redesignated by para-
 2 graph (1) of this subsection) by striking “Notwith-
 3 standing subsections (b) through (g)” and inserting
 4 “Notwithstanding subsections (b) through (h)”.

5 (c) CONFORMING AMENDMENT.—The analysis of
 6 chapter 311 is amended by inserting after the item relat-
 7 ing to section 31151 the following:

“31152. Disqualification for failure to pay.”.

8 **SEC. 5205. CONTROLLED SUBSTANCE VIOLATIONS.**

9 Section 31310(d) is amended by—

10 (1) inserting after “CONTROLLED SUBSTANCE
 11 VIOLATIONS.—” the following:

12 “(1) An individual who receives a verified posi-
 13 tive DOT drug test is disqualified from operating a
 14 commercial motor vehicle and remains disqualified
 15 until the individual completes the substance abuse
 16 professional evaluation and treatment and return to
 17 duty process under part 40, subpart O of title 49,
 18 Code of Federal Regulations.”; and

19 (2) inserting “(2)” before “The Secretary”.

20 **Subtitle C—Medical and**
 21 **Registration Provisions**

22 **SEC. 5301. EFFECT OF DRIVING ON COMMERCIAL MOTOR**
 23 **VEHICLE OPERATORS.**

24 Section 31136(a)(4) is amended to read as follows:

1 “(4) the operation of commercial motor vehicles
2 does not have a significantly adverse effect on the
3 physical condition of the operators; and”.

4 **SEC. 5302. JURISDICTION OVER BROKERS OF MOTOR CAR-**
5 **RIERS OF PASSENGERS.**

6 Section 13506(a) is amended by deleting paragraph
7 (14) and redesignating paragraph (15) as paragraph (14).

8 **SEC. 5303. REVOCATION OR SUSPENSION OF REGISTRA-**
9 **TION.**

10 Section 31134(c) is amended—

11 (1) by striking “The Secretary” and inserting
12 “(1) IN GENERAL.—The Secretary”;

13 (2) by redesignating paragraphs (1) through
14 (4) as subparagraphs (A) through (D), respectively;

15 (3) in subparagraph (1)(B) (as redesignated),
16 by striking “knowingly failed to comply with the re-
17 quirements listed in subsection (b)(1)” and inserting
18 “willfully failed to comply with—

19 “(i) this part;

20 “(ii) an applicable regulation or order
21 of the Secretary; or

22 “(iii) a condition of the registration.”;

23 (4) in subparagraph (1)(C) (as redesignated) by
24 striking “has not disclosed” and inserting “has—

25 “(i) failed to disclose; or

1 “(ii) operated under a new identity or
2 as an affiliate to avoid—

3 “(I) an order of the Secretary;

4 “(II) a statutory or regulatory
5 requirement;

6 “(III) a civil penalty imposed
7 under chapter 5, 51, 149, or 311;

8 “(IV) an enforcement action ini-
9 tiated by the Secretary;

10 “(V) a final, proposed or poten-
11 tial adverse safety fitness determina-
12 tion; or

13 “(VI) a negative compliance his-
14 tory;”;

15 (5) in subparagraph (1)(D) (as redesignated),
16 by striking the period and inserting a semicolon; and

17 (6) by adding at the end the following:

18 “(E) subject to paragraph (3) of this sub-
19 section, the employer or person failed—

20 “(i) to pay a civil penalty imposed
21 under chapter 5, 51, 149, or 311 of this
22 title;

23 “(ii) to arrange and abide by an ac-
24 ceptable payment plan for such civil pen-
25 alty, not later than 90 days after the date

1 specified by order of the Secretary for the
2 payment of such penalty; or

3 “(iii) to obey a subpoena issued by the
4 Secretary; or

5 “(F) the employer or person failed to dis-
6 close, in its application for registration, a mate-
7 rial fact relevant to its willingness and ability to
8 comply with—

9 “(i) this part;

10 “(ii) an applicable regulation or order
11 of the Secretary; or

12 “(iii) a condition of its registration.

13 “(2) SAFETY FITNESS; IMMINENT HAZARD.—

14 “(A) EXPEDITED PROCEDURE.—Notwith-
15 standing subchapter II of chapter 5 of title 5,
16 and subject to section 31144(c) of this title, the
17 Secretary shall revoke the registration of an
18 employer or person if the employer or person—

19 “(i) has been prohibited from oper-
20 ating a commercial motor vehicle in inter-
21 state commerce for failure to comply with
22 the safety fitness requirements of section
23 31144 of this title; or

24 “(ii) is or was conducting unsafe oper-
25 ations that are or were an imminent haz-

1 ard (as defined in section 521(b)(5)(B) of
2 this title) to public health or property.

3 “(B) NOTICE OF REVOCATION.—The Sec-
4 retary may revoke a registration under this
5 paragraph only after giving notice of the rev-
6 ocation to the registrant.

7 “(3) LIMITATION.—Paragraph (1)(E) (i) and
8 (ii) shall not apply to a person who is unable to pay
9 a civil penalty because the person is a debtor in a
10 case under chapter 11 of title 11.”.

11 **SEC. 5304. REVOCATION OF REGISTRATION FOR FAILURE**
12 **TO RESPOND TO SUBPOENA.**

13 Section 525 is amended by inserting “subchapter III
14 of chapter 311 or” before “chapter 139”.

15 **SEC. 5305. LAPSE OF REQUIRED FINANCIAL SECURITY; SUS-**
16 **PENSION OF REGISTRATION.**

17 Section 13906(e) is amended by inserting “or sus-
18 pend” after “revoke”.

19 **Subtitle D—Grants and**
20 **Authorizations**

21 **SEC. 5401. FMCSA FINANCIAL ASSISTANCE PROGRAMS.**

22 (a) DEFINITION.—Section 31101 is amended—

23 (1) by redesignating paragraph (4) as para-
24 graph (5); and

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

3 “(4) ‘Secretary’ means the Secretary of Trans-
4 portation.”.

5 (b) MCSAP AND HIGH PRIORITY PROGRAMS;
6 FMCSA AUTHORIZATIONS.—Sections 31102 through
7 31104 are amended to read as follows:

8 **“§ 31102. Motor carrier safety assistance program**

9 “(a) IN GENERAL.—

10 “(1) The Secretary shall administer a Motor
11 Carrier Safety Assistance Program funded under
12 section 31104 of this title.

13 “(2) The goal of the program is to ensure that
14 the Secretary, States, local governments, other polit-
15 ical jurisdictions, Federally recognized Indian
16 Tribes, and other persons work in partnership to es-
17 tablish programs to improve motor carrier, commer-
18 cial motor vehicle, and driver safety to support a
19 safe and efficient surface transportation system by—

20 “(A) making targeted investments to pro-
21 mote safe commercial motor vehicle transpor-
22 tation, including the transportation of pas-
23 sengers and hazardous materials;

24 “(B) investing in activities likely to gen-
25 erate maximum reductions in the number and

1 severity of commercial motor vehicle crashes
2 and fatalities resulting from such crashes;

3 “(C) adopting and enforcing effective
4 motor carrier, commercial motor vehicle, and
5 driver safety regulations and practices con-
6 sistent with Federal requirements; and

7 “(D) assessing and improving statewide
8 performance by setting program goals and
9 meeting performance standards, measures, and
10 benchmarks.

11 “(b) STATE PLANS.—The Secretary shall prescribe
12 procedures for a State to submit a plan under which the
13 State agrees to assume responsibility for improving motor
14 carrier safety, adopting and enforcing regulations, stand-
15 ards, and orders of the Government on commercial motor
16 vehicle and hazardous materials transportation safety, and
17 adopting and enforcing compatible State regulations,
18 standards, and orders. The Secretary shall approve a plan
19 if the Secretary decides that the plan is adequate to pro-
20 mote the objectives of this section, and the plan—

21 “(1) implements performance-based activities,
22 including deployment of technology to enhance the
23 efficiency and effectiveness of commercial motor ve-
24 hicle safety programs;

1 “(2) designates a lead State motor vehicle safe-
2 ty agency responsible for administering the plan
3 throughout the State;

4 “(3) contains satisfactory assurances that the
5 lead State agency has or will have the legal author-
6 ity, resources, and qualified personnel necessary to
7 enforce the regulations, standards, and orders;

8 “(4) contains satisfactory assurances that the
9 State will devote adequate resources to the adminis-
10 tration of the plan and enforcement of the regula-
11 tions, standards, and orders;

12 “(5) provides a right of entry and inspection to
13 carry out the plan;

14 “(6) provides that all reports required under
15 this section be available to the Secretary on request;

16 “(7) provides that the lead State agency will
17 adopt the reporting requirements and use the forms
18 for recordkeeping, inspections, and investigations
19 that the Secretary prescribes;

20 “(8) requires registrants of commercial motor
21 vehicles to demonstrate knowledge of applicable safe-
22 ty regulations, standards, and orders of the Govern-
23 ment and the State;

24 “(9) provides that the State will grant max-
25 imum reciprocity for inspections conducted under

1 the North American Inspection Standards through
2 the use of a nationally accepted system that allows
3 ready identification of previously inspected commer-
4 cial motor vehicles;

5 “(10) ensures that activities described in sub-
6 section (g) of this section, if financed through grants
7 made under this section, will not diminish the effec-
8 tiveness of the development and implementation of
9 commercial motor vehicle safety programs described
10 in subsection (a) of this section;

11 “(11) ensures that the lead State agency will
12 coordinate the plan, data collection, and information
13 systems with the State highway safety improvement
14 program required under section 148(e) of title 23;

15 “(12) ensures participation in appropriate Fed-
16 eral Motor Carrier Safety Administration informa-
17 tion technology and data systems and other informa-
18 tion systems by all appropriate jurisdictions receiv-
19 ing Motor Carrier Safety Assistance Program fund-
20 ing;

21 “(13) ensures that information is exchanged
22 among the States in a timely manner;

23 “(14) provides satisfactory assurances that the
24 State will undertake efforts that will emphasize and
25 improve enforcement of State and local traffic safety

1 laws and regulations related to commercial motor ve-
2 hicle safety;

3 “(15) provides satisfactory assurances that the
4 State will promote activities in support of national
5 priorities and performance goals, including—

6 “(A) activities aimed at removing impaired
7 commercial motor vehicle drivers from the high-
8 ways of the United States through adequate en-
9 forcement of regulations on the use of alcohol
10 and controlled substances and by ensuring
11 ready roadside access to alcohol detection and
12 measuring equipment;

13 “(B) activities aimed at providing an ap-
14 propriate level of training to State Motor Car-
15 rier Safety Assistance Program officers and em-
16 ployees on recognizing drivers impaired by alco-
17 hol or controlled substances; and

18 “(C) when conducted with an appropriate
19 commercial motor vehicle inspection, interdic-
20 tion activities, and appropriate strategies for
21 carrying out those activities, including activities
22 that affect the transportation of controlled sub-
23 stances, as defined under section 102 of the
24 Comprehensive Drug Abuse Prevention and
25 Control Act of 1970 (21 U.S.C. 802) and listed

1 in part 1308 of title 21, Code of Federal Regu-
2 lations, as updated and republished from time
3 to time, by any occupant of a commercial motor
4 vehicle;

5 “(16) provides that the State has established
6 and dedicated sufficient resources to a program to
7 ensure that—

8 “(A) the State collects and reports to the
9 Secretary accurate, complete, and timely motor
10 carrier safety data; and

11 “(B) the State participates in a national
12 motor carrier safety data correction system pre-
13 scribed by the Secretary;

14 “(17) ensures that the State will cooperate in
15 the enforcement of financial responsibility require-
16 ments under sections 13906, 31138, and 31139 of
17 this title, and regulations issued under these sec-
18 tions;

19 “(18) ensures consistent, effective, and reason-
20 able sanctions;

21 “(19) ensures that roadside inspections will be
22 conducted at locations that are adequate to protect
23 the safety of drivers and enforcement personnel;

24 “(20) provides that the State will include in the
25 training manuals for the licensing examination to

1 drive both noncommercial motor vehicles and com-
2 mercial motor vehicles information on best practices
3 for driving safely in the vicinity of noncommercial
4 and commercial motor vehicles;

5 “(21) provides that the State will enforce the
6 registration requirements of sections 13902 and
7 31134 of this title by prohibiting the operation of
8 any vehicle discovered to be operated by a motor
9 carrier without a registration issued under these sec-
10 tions or to be operated beyond the scope of the
11 motor carrier’s registration;

12 “(22) provides that the State will conduct com-
13 prehensive and highly visible traffic enforcement and
14 commercial motor vehicle safety inspection programs
15 in high-risk locations and corridors;

16 “(23) except in the case of an imminent hazard
17 or obvious safety hazard, ensures that an inspection
18 of a vehicle transporting passengers for a motor car-
19 rier of passengers is conducted at a station, ter-
20 minal, border crossing, maintenance facility, destina-
21 tion, or other location where adequate food, shelter,
22 and sanitation facilities are available for passengers,
23 and reasonable accommodations are available for
24 passengers with disabilities;

1 “(24) ensures that the State will transmit to its
2 roadside inspectors the notice of each Federal ex-
3 emption granted pursuant to section 31315(b) of
4 this title and 49 C.F.R. 390.23 and 390.25 and pro-
5 vided to the State by the Secretary, including the
6 name of the person granted the exemption and any
7 terms and conditions that apply to the exemption;

8 “(25) except as provided in subsection (c) of
9 this section, provides that the State will conduct
10 safety audits of new entrant motor carriers pursuant
11 to section 31144(g) of this title;

12 “(26) provides that the State agrees to fully
13 participate in the Performance and Registration In-
14 formation System Management under section
15 31106(b) of this title no later than 3 years from the
16 date of enactment of this provision by complying
17 with the program participation requirements estab-
18 lished in section 31106(b)(3) of this title; and

19 “(27) for a State that shares a land border
20 with another country, provides that the State—

21 “(A) will conduct a border commercial
22 motor vehicle safety program that includes en-
23 forcement and related projects; or

24 “(B) if it declines to include appropriate
25 border related activities in its plan, will forfeit

1 a proportionate level of funding as determined
2 by the Secretary.

3 “(c) EXCLUSION OF U.S. TERRITORIES.—The re-
4 quirement that a State conduct safety audits of new en-
5 trant motor carriers under subsection (b)(25) of this sec-
6 tion does not apply to a territory of the United States
7 unless required by the Secretary.

8 “(d) INTRASTATE COMPATIBILITY.—The Secretary
9 shall prescribe regulations specifying tolerance guidelines
10 and standards for ensuring compatibility of intrastate
11 commercial motor vehicle safety laws and regulations with
12 Government motor carrier safety regulations to be en-
13 forced under subsection (a) of this section. To the extent
14 practicable, the guidelines and standards shall allow for
15 maximum flexibility while ensuring a degree of uniformity
16 that will not diminish transportation safety.

17 “(e) MAINTENANCE OF EFFORT.—

18 “(1) IN GENERAL.—A plan submitted by a
19 State under subsection (b) of this section shall pro-
20 vide that the total expenditure of amounts of the
21 lead State agency responsible for administering the
22 plan will be maintained at a level each fiscal year at
23 least equal to the average level of that expenditure
24 for fiscal years 2004 and 2005.

1 “(2) AVERAGE LEVEL OF STATE EXPENDI-
2 TURES.—In estimating the average level of State ex-
3 penditure under paragraph (1) of this subsection,
4 the Secretary—

5 “(A) may allow the State to exclude State
6 expenditures for Government-sponsored dem-
7 onstration and pilot programs and strike forces;

8 “(B) may allow the State to exclude ex-
9 penditures for activities related to border en-
10 forcement and new entrant safety audits; and

11 “(C) shall require the State to exclude
12 State matching amounts used to receive Gov-
13 ernment financing under this section.

14 “(3) WAIVERS.—Upon the request of a State,
15 the Secretary may waive or modify the requirements
16 of this subsection for the period of the plan, if the
17 Secretary determines that a waiver is equitable due
18 to exceptional or uncontrollable circumstances.

19 “(f) USE OF UNIFIED CARRIER REGISTRATION FEES
20 AGREEMENT.—Amounts generated under section 14504a
21 of this title and received by a State and used for motor
22 carrier safety purposes may be included as part of the
23 State’s share of the Motor Carrier Safety Assistance Pro-
24 gram not provided by the Government.

1 “(g) USE OF GRANTS TO ENFORCE OTHER LAWS.—
2 A State may use amounts received under a grant under
3 this section—

4 “(1) if the activities are carried out in conjunc-
5 tion with an appropriate inspection of a commercial
6 motor vehicle to enforce Federal or State commercial
7 motor vehicle safety regulations, for the—

8 “(A) enforcement of commercial motor ve-
9 hicle size and weight limitations at locations
10 (excluding fixed weight facilities) such as near
11 steep grades or mountainous terrains, where
12 the weight of a commercial motor vehicle can
13 significantly affect the safe operation of the ve-
14 hicle, or at ports where intermodal shipping
15 containers enter and leave the United States;
16 and

17 “(B) detection of and enforcement actions
18 taken as a result of criminal activity, including
19 the trafficking of human beings, in a commer-
20 cial motor vehicle or by any occupant, including
21 the operator, of the vehicle;

22 “(2) for documented enforcement of State traf-
23 fic laws and regulations designed to promote the
24 safe operation of commercial motor vehicles, includ-
25 ing documented enforcement of such laws and regu-

1 lations relating to noncommercial motor vehicles
2 when necessary to promote the safe operation of
3 commercial motor vehicles, provided:

4 “(A) the number of motor carrier safety
5 activities (including roadside safety inspections)
6 conducted in the State is maintained at a level
7 at least equal to the average level of such activi-
8 ties conducted in the State in fiscal years 2004
9 and 2005; and

10 “(B) the State does not use more than 5
11 percent of the basic amount the State receives
12 under a grant under this section for enforce-
13 ment activities relating to noncommercial motor
14 vehicles unless the Secretary determines that a
15 higher percentage will result in significant in-
16 creases in commercial motor vehicle safety; and

17 “(3) for the enforcement of household goods
18 regulations on intrastate and interstate carriers, pro-
19 vided that the State has adopted laws or regulations
20 compatible with the Federal household goods regula-
21 tions.

22 “(h) EVALUATION OF PLAN AND AWARD OF
23 GRANT.—

24 “(1) AWARD.—The Secretary may allocate the
25 amounts appropriated among the States whose plans

1 have been approved under criteria that the Secretary
2 establishes.

3 “(2) OPPORTUNITY TO CURE.—If the Secretary
4 disapproves a plan under this section, the Secretary
5 shall give the State a written explanation of the rea-
6 sons for disapproval and allow the State to modify
7 and resubmit the plan for approval.

8 “(i) PLAN MONITORING.—

9 “(1) IN GENERAL.—On the basis of reports
10 submitted by the lead State agency responsible for
11 administering a plan approved under this section
12 and the Secretary’s own investigations, the Secretary
13 shall make a continuing evaluation of the way the
14 State is carrying out the plan.

15 “(2) WITHHOLDING OF FUNDS.—If, after no-
16 tice and an opportunity to be heard, the Secretary
17 finds that the State plan previously approved is not
18 being followed or has become inadequate to ensure
19 enforcement of the regulations, standards, or orders,
20 the Secretary may withdraw approval of the plan
21 and notify the State. The plan is no longer in effect
22 once the notice is received. In lieu of withdrawing
23 approval of the plan, the Secretary may withhold
24 funding from the State to which the State would
25 otherwise be entitled under this section for the pe-

1 riod of the State’s noncompliance. In exercising this
2 option, the Secretary may withhold up to 10 percent
3 of funds for the year that the Secretary notifies the
4 State of its noncompliance, up to 10 percent of
5 funds for the first full year of noncompliance, up to
6 25 percent of funds for the second full year of non-
7 compliance, and not less than 50 percent of funds
8 for the third and subsequent full years of noncompli-
9 ance.

10 “(3) JUDICIAL REVIEW.—A State adversely af-
11 fected by the Secretary’s action under paragraph (2)
12 of this subsection may seek judicial review under
13 chapter 7 of title 5. Notwithstanding withdrawal of
14 a plan approval, the State may retain jurisdiction in
15 administrative or judicial proceedings begun before
16 the withdrawal if the issues involved are not related
17 directly to the reasons for the withdrawal.

18 “(j) ALLOCATION OF MCSAP FUNDS.—On October
19 1 of each fiscal year, or as soon as practicable after that
20 date, and after making a deduction under section
21 31104(a)(3) of this title, the Secretary shall allocate
22 amounts made available to carry out this section for the
23 fiscal year among the States with plans approved under
24 this section. The allocation shall be made under criteria
25 prescribed by the Secretary.

1 **“§ 31103. High priority program**

2 “(a) IN GENERAL.—The Secretary shall administer
3 a High Priority Program funded under section 31104 of
4 this title.

5 “(b) PURPOSE.—The purpose of the program is to
6 make grants to and cooperative agreements with States,
7 local governments, other political jurisdictions, Federally
8 recognized Indian Tribes, and any person to carry out
9 high priority activities and projects, including activities
10 and projects that—

11 “(1) increase public awareness and education
12 on commercial motor vehicle safety;

13 “(2) target unsafe driving of commercial motor
14 vehicles and non-commercial motor vehicles in areas
15 identified as high risk crash corridors;

16 “(3) support the enforcement of household
17 goods regulations on intrastate and interstate car-
18 riers, provided that the State has adopted laws or
19 regulations compatible with the Federal household
20 good regulations;

21 “(4) improve the safe and secure movement of
22 hazardous materials and the transportation of goods
23 and persons in foreign commerce;

24 “(5) demonstrate new technologies to improve
25 commercial motor vehicle safety;

1 “(6) otherwise improve commercial motor vehi-
2 cle safety and compliance with commercial motor ve-
3 hicle safety regulations; or

4 “(7) support participation in the Performance
5 and Registration Information System Management
6 under section 31106(b) of this title.

7 “(c) SAFETY DATA IMPROVEMENT.—

8 “(1) IN GENERAL.—In addition to the activities
9 and projects under subsection (b) of this section and
10 subject to paragraph (2) of this subsection, the Sec-
11 retary may make a grant to or cooperative agree-
12 ment with a State under this section to improve the
13 accuracy, timeliness, and completeness of commer-
14 cial motor vehicle safety data reported to the Sec-
15 retary.

16 “(2) ELIGIBILITY.—A State shall be eligible for
17 funding under this subsection in a fiscal year if the
18 Secretary determines that the State has—

19 “(A) conducted a comprehensive audit of
20 its commercial motor vehicle safety data system
21 within the preceding 2 years;

22 “(B) developed a plan that identifies and
23 prioritizes its commercial motor vehicle safety
24 data needs and goals; and

1 “(C) identified performance-based meas-
2 ures to determine progress toward those goals.

3 **“§ 31104. Availability of amounts**

4 “(a) FINANCIAL ASSISTANCE PROGRAMS.—

5 “(1) IN GENERAL.—The following sums are au-
6 thorized to be appropriated from the Highway Ac-
7 count of the Transportation Trust Fund for the fol-
8 lowing Federal Motor Carrier Safety Administration
9 programs:

10 “(A) GRANT PROGRAM FOR THE MOTOR
11 CARRIER SAFETY ASSISTANCE PROGRAM.—Sub-
12 ject to paragraph 3 of this subsection, to carry
13 out sections 31102 and 31103 of this title—

14 “(i) \$288,173,000 for fiscal year
15 2015;

16 “(ii) \$309,081,000 for fiscal year
17 2016;

18 “(iii) \$330,638,000 for fiscal year
19 2017; and

20 “(iv) \$352,863,000 for fiscal year
21 2018.

22 “(B) FINANCIAL ASSISTANCE PROGRAM
23 FOR HIGH PRIORITY ACTIVITIES.—To make
24 grants and cooperative agreements under sec-
25 tion 31103 of this title, the Secretary may set

1 aside from amounts made available under sub-
2 paragraph (A) of this paragraph up to—

3 “(i) \$21,178,000 for fiscal year 2015;

4 “(ii) \$23,526,000 for fiscal year 2016;

5 “(iii) \$25,947,000 for fiscal year
6 2017; and

7 “(iv) \$28,443,000 for fiscal year
8 2018.

9 “(C) GRANT PROGRAM FOR INNOVATIVE
10 TECHNOLOGY.—To carry out section 31109 of
11 this title—

12 “(i) \$25,000,000 for fiscal year 2015;

13 “(ii) \$25,000,000 for fiscal year 2016;

14 “(iii) \$25,000,000 for fiscal year
15 2017; and

16 “(iv) \$25,000,000 for fiscal year
17 2018.

18 “(D) FINANCIAL ASSISTANCE PROGRAM
19 FOR COMMERCIAL DRIVER’S LICENSE PROGRAM
20 IMPLEMENTATION.—To carry out section
21 31313 of this title—

22 “(i) \$38,580,000 for fiscal year 2015;

23 “(ii) \$39,776,000 for fiscal year 2016;

24 “(iii) \$41,009,000 for fiscal year
25 2017; and

1 “(iv) \$42,280,000 for fiscal year
2 2018.

3 “(E) GRANT PROGRAM FOR COMMERCIAL
4 MOTOR VEHICLE OPERATORS.—To carry out
5 section 31110 of this title, \$1,000,000 for each
6 fiscal year, 2015 through 2018.

7 “(2) REIMBURSEMENT FOR GOVERNMENT’S
8 SHARE OF COSTS.—Amounts made available under
9 this section shall be used to reimburse financial as-
10 sistance recipients proportionally for the United
11 States Government’s share of the costs incurred.

12 “(3) DEDUCTION FOR PARTNER TRAINING AND
13 PROGRAM SUPPORT.—On October 1 of each fiscal
14 year or as soon after that date as practicable, the
15 Secretary may deduct, from amounts made available
16 under subparagraphs (A), (C), and (D) of paragraph
17 1 of this subsection for that fiscal year, not more
18 than 1.50 percent of those amounts for partner
19 training and program support in that fiscal year.
20 The Secretary shall use at least 75 percent of those
21 deducted amounts to train non-Government employ-
22 ees and to develop related training materials in car-
23 rying out these programs.

24 “(4) GRANTS AND COOPERATIVE AGREEMENTS
25 AS CONTRACTUAL OBLIGATIONS.—The approval of a

1 grant or cooperative agreement by the Secretary
2 under section 31102, 31103, 31109, 31110, or
3 31313 of this title is a contractual obligation of the
4 Government for payment of the Government's share
5 of costs in carrying out the provisions of the grant
6 or cooperative agreement.

7 “(5) ELIGIBLE ACTIVITIES.—The Secretary
8 shall establish criteria for eligible activities to be
9 funded with grants or cooperative agreements under
10 this section and publish those criteria in a notice of
11 funding availability before the program application
12 period.

13 “(6) REIMBURSEMENT.—The Secretary shall
14 reimburse a recipient, from a grant or cooperative
15 agreement made under section 31102, 31103,
16 31109, 31110, or 31313 of this title, an amount
17 that is at least 85 percent of the costs incurred by
18 the recipient in a fiscal year in developing and im-
19 plementing programs under these sections.

20 “(7) PAYMENT TO RECIPIENTS FOR COSTS.—
21 Each recipient shall submit vouchers at least quar-
22 terly for costs the recipient incurs in developing and
23 implementing programs under section 31102, 31103,
24 31109, 31110, or 31313 of this title. The Secretary
25 shall pay the recipient an amount not more than the

1 Government share of the costs incurred as of the
2 date of the vouchers. The Secretary shall include a
3 recipient's in-kind contributions in determining the
4 reimbursement.

5 “(8) AVAILABILITY OF ALLOCATIONS.—Grants
6 or cooperative agreements to carry out section
7 31102, 31103, 31109, 31110, or 31313 of this title
8 remain available for expenditure by the recipient for
9 the fiscal year in which they are allocated and for
10 the next two fiscal years. Amounts not expended
11 during the time permitted are released to the Sec-
12 retary for reallocation.

13 “(b) ADMINISTRATIVE EXPENSES.—

14 “(1) AUTHORIZATION OF APPROPRIATIONS.—
15 The following sums are authorized to be appro-
16 priated from the Highway Account of the Transpor-
17 tation Trust Fund for the Secretary of Transpor-
18 tation to pay administrative expenses of the Federal
19 Motor Carrier Safety Administration—

20 “(A) \$315,770,000 for fiscal year 2015;

21 “(B) \$372,743,000 for fiscal year 2016;

22 “(C) \$398,953,000 for fiscal year 2017;

23 and

24 “(D) \$378,106,000 for fiscal year 2018.

1 “(2) USE OF FUNDS.—The funds authorized by
2 this subsection shall be used for personnel costs; ad-
3 ministrative infrastructure; rent; information tech-
4 nology; programs for research and technology, infor-
5 mation management, regulatory development, the
6 administration of the performance and registration
7 information system management, and outreach and
8 education; to fund the facilities working capital
9 fund; other operating expenses; and such other ex-
10 penses as may from time to time become necessary
11 to implement statutory mandates of the Federal
12 Motor Carrier Safety Administration not funded
13 from other sources.

14 “(3) OUTREACH AND EDUCATION.—

15 “(A) IN GENERAL.—The Secretary shall
16 conduct, through any combination of grants,
17 contracts, or cooperative agreements, an out-
18 reach and education program to be adminis-
19 tered by the Federal Motor Carrier Safety Ad-
20 ministration.

21 “(B) PROGRAM ELEMENTS.—The program
22 shall include, at a minimum—

23 “(i) a program to promote a more
24 comprehensive and national effort to edu-
25 cate commercial motor vehicle drivers and

1 passenger vehicle drivers about how com-
2 mercial motor vehicle drivers and pas-
3 senger vehicle drivers can more safely
4 share the road with each other;

5 “(ii) a program to promote enhanced
6 traffic enforcement efforts aimed at reduc-
7 ing the incidence of the most common un-
8 safe driving behaviors that cause or con-
9 tribute to crashes involving commercial
10 motor vehicles and passenger vehicles; and

11 “(iii) a program to establish a public-
12 private partnership to provide resources
13 and expertise for the development and dis-
14 semination of information relating to shar-
15 ing the road referred to in clauses (i) and
16 (ii) of this subparagraph to each partner’s
17 constituents and to the general public
18 through the use of brochures, videos, paid
19 and public advertisements, the Internet,
20 and other media.

21 “(C) FUNDING.—From amounts made
22 available in paragraph (1) of this subsection,
23 the Secretary shall make available in support of
24 the office of Outreach and Education—

25 “(i) \$4,905,988 for fiscal year 2015;

1 “(ii) \$5,031,988 for fiscal year 2016;

2 “(iii) \$5,294,988 for fiscal year 2017;

3 and

4 “(iv) \$5,294,988 for fiscal year 2018.

5 “(D) FEDERAL SHARE.—The Federal
6 share of a program or activity for which a grant
7 or cooperative agreement is made under this
8 paragraph shall be at least 85 percent of the
9 cost of such program or activity.

10 “(4) MOTOR CARRIER SAFETY FACILITY WORK-
11 ING CAPITAL FUND.—

12 “(A) IN GENERAL.—The Secretary may es-
13 tablish a motor carrier safety facility working
14 capital fund.

15 “(B) PURPOSE.—Amounts in the fund
16 shall be available for modernization, construc-
17 tion, leases and expenses related to vacating,
18 occupying, maintaining and expanding motor
19 carrier safety facilities.

20 “(C) AVAILABILITY.—Amounts in the fund
21 shall be available without regard to fiscal year
22 limitation.

23 “(D) FUNDING.—Amounts may be appro-
24 priated to the fund from the amounts made
25 available paragraph (1) of this subsection.

1 “(E) FUND TRANSFERS.—The Agency
2 may transfer funds to the working capital fund
3 from the amounts made available in paragraph
4 (1) of this subsection.

5 “(c) CONTRACT AUTHORITY; INITIAL DATE OF
6 AVAILABILITY.—Amounts authorized from the Highway
7 Account of the Transportation Trust Fund by this section
8 shall be available for obligation on the date of their appor-
9 tionment or allocation or on October 1 of the fiscal year
10 for which they are authorized, whichever occurs first.

11 “(d) FUNDING AVAILABILITY.—Amounts made avail-
12 able under this section remain available until expended.”.

13 (c) INNOVATIVE TECHNOLOGY DEPLOYMENT
14 GRANTS.—Section 31109 is amended to read as follows:

15 **“§ 31109. Innovative technology deployment grants**

16 “(a) IN GENERAL.—

17 “(1) PROGRAM.—The Secretary shall admin-
18 ister an innovative technology program funded under
19 section 31104 of this title.

20 “(2) GOAL.—The goal of the program is to sup-
21 port and maintain a commercial motor vehicle infor-
22 mation systems and networks program to—

23 “(A) link Federal motor carrier safety in-
24 formation systems with State commercial motor
25 vehicle systems;

1 “(B) improve the safety and productivity
2 of commercial motor vehicles and drivers; and

3 “(C) reduce costs associated with commer-
4 cial motor vehicle operations and Federal and
5 State commercial vehicle regulatory require-
6 ments.

7 “(b) PURPOSE.—The program shall advance the
8 technological capability and promote the deployment of in-
9 telligent transportation system applications for commer-
10 cial motor vehicle operations, including commercial motor
11 vehicle, commercial driver, and carrier-specific information
12 systems and networks.

13 “(c) DEPLOYMENT GRANTS.—

14 “(1) IN GENERAL.—The Secretary shall make
15 grants to eligible States for the deployment of com-
16 mercial motor vehicle information systems and net-
17 works.

18 “(2) USE OF FUNDS.—Funds from a grant
19 under this section may be used for deployment ac-
20 tivities and activities to develop new and innovative
21 advanced technology solutions that support commer-
22 cial motor vehicle information systems and networks.

23 “(d) ELIGIBILITY.—To be eligible for a grant under
24 this section, a State—

1 “(1) shall have a commercial motor vehicle in-
2 formation systems and networks program plan ap-
3 proved by the Secretary that describes the various
4 systems and networks at the State level that need to
5 be refined, revised, upgraded, or built to accomplish
6 deployment of commercial motor vehicle information
7 systems and networks capabilities;

8 “(2) shall certify to the Secretary that its com-
9 mercial motor vehicle information systems and net-
10 works deployment activities, including hardware pro-
11 curement, software and system development, and in-
12 frastructure modifications—

13 “(A) are consistent with the national intel-
14 ligent transportation systems and commercial
15 motor vehicle information systems and networks
16 architectures and available standards; and

17 “(B) promote interoperability and effi-
18 ciency to the extent practicable; and

19 “(3) shall agree to execute interoperability tests
20 developed by the Federal Motor Carrier Safety Ad-
21 ministration to verify that its systems conform with
22 the national intelligent transportation systems archi-
23 tecture, applicable standards, and protocols for com-
24 mercial motor vehicle information systems and net-
25 works.

1 “(e) DEFINITIONS.—In this section:

2 “(1) ‘Commercial motor vehicle information
3 systems and networks’ means the information sys-
4 tems and communications networks that provide the
5 capability to—

6 “(A) improve the safety of commercial
7 motor vehicle operations;

8 “(B) increase the efficiency of regulatory
9 inspection processes to reduce administrative
10 burdens by advancing technology to facilitate
11 inspections and increase the effectiveness of en-
12 forcement efforts;

13 “(C) advance electronic processing of reg-
14 istration information, driver licensing informa-
15 tion, fuel tax information, inspection and crash
16 data, and other safety information;

17 “(D) enhance the safe passage of commer-
18 cial motor vehicles across the United States and
19 across international borders; and

20 “(E) promote the communication of infor-
21 mation among the States and encourage
22 multistate cooperation and corridor develop-
23 ment.

24 “(2) ‘Commercial motor vehicle operations’—

1 “(A) means motor carrier operations and
2 commercial motor vehicle regulatory activities
3 associated with the commercial motor vehicle
4 movement of goods, including property, haz-
5 arduous materials, and passengers; and

6 “(B) with respect to the public sector, in-
7 cludes the issuance of operating credentials, the
8 administration of commercial motor vehicle and
9 fuel taxes, and roadside safety and border
10 crossing inspection and regulatory compliance
11 operations.

12 “(3) ‘Deployment’ means, at a minimum, the
13 implementation of systems in a State necessary to
14 provide the State with the following capabilities:

15 “(A) A safety information exchange to—

16 “(i) electronically collect and transmit
17 commercial motor vehicle and driver in-
18 spection data at a majority of inspection
19 sites in the State;

20 “(ii) connect to the safety and fitness
21 electronic records system for access to
22 interstate carrier and commercial motor
23 vehicle data, summaries of past safety per-
24 formance, and commercial motor vehicle
25 credentials information; and

1 “(iii) exchange carrier data and com-
2 mercial motor vehicle safety and creden-
3 tials information within the State and con-
4 nect to such system for access to interstate
5 carrier, commercial motor vehicle, and
6 commercial driver data.

7 “(B) Interstate credentials administration
8 to—

9 “(i) perform end-to-end processing,
10 including carrier application, jurisdiction
11 application processing, and credential
12 issuance, of at least the international reg-
13 istration plan and international fuel tax
14 agreement credentials and extend this
15 processing to other credentials, including
16 intrastate registration, vehicle titling, over-
17 size vehicle permits, overweight vehicle per-
18 mits, carrier registration, and hazardous
19 materials permits; and

20 “(ii) connect to such plan and agree-
21 ment clearinghouses.

22 “(C) Roadside electronic screening to elec-
23 tronically screen commercial vehicles at a min-
24 imum of one fixed or mobile inspection site in
25 the State.”.

1 (d) DRIVER TRAINING GRANT PROGRAM.—Chapter
2 311 is amended by inserting after section 31109 (as
3 amended by subsection (c) of this section) the following:

4 **“§ 31110. Commercial motor vehicle operators grant**
5 **program**

6 “(a) IN GENERAL.—The Secretary shall administer
7 a Commercial Motor Vehicle Operators Grant Program
8 funded under section 31104 of this title.

9 “(b) PURPOSE.—The purpose of the program is to
10 train individuals in the safe operation of commercial motor
11 vehicles as defined under section 31301 of this title.”.

12 (e) Section 31313 is amended to read as follows:

13 **“§ 31313. Financial assistance program for commer-**
14 **cial driver’s license program implementa-**
15 **tion**

16 “(a) IN GENERAL.—

17 “(1) PURPOSE.—The Secretary of Transpor-
18 tation may make a grant to a State agency in a fis-
19 cal year—

20 “(A) to comply with the requirements of
21 section 31311 of this title;

22 “(B) in the case of a State that is making
23 a good faith effort toward substantial compli-
24 ance with the requirements of section 31311 of
25 this title, to improve its implementation of its

1 commercial driver's license program, including
2 expenses:

3 “(i) for computer hardware and soft-
4 ware;

5 “(ii) for publications, testing, per-
6 sonnel, training, and quality control;

7 “(iii) for commercial driver's license
8 program coordinators;

9 “(iv) to implement or maintain a sys-
10 tem to notify an employer of an operator
11 of a commercial motor vehicle of the sus-
12 pension or revocation of the operator's
13 commercial driver's license consistent with
14 the standards developed under section
15 32303(b) of the Commercial Motor Vehicle
16 Safety Enhancement Act of 2012 (49
17 U.S.C. 31304 note).

18 “(2) PRIORITY ACTIVITIES.—The Secretary
19 may make a grant or cooperative agreement in a fis-
20 cal year to a State agency, local government, or any
21 person for research, development or testing, dem-
22 onstration projects, public education, or other special
23 activities and projects relating to commercial driver's
24 licensing and motor vehicle safety that—

1 “(A) are of benefit to all jurisdictions of
2 the United States;

3 “(B) are designed to address national safe-
4 ty concerns and circumstances;

5 “(C) are designed to address emerging
6 issues relating to commercial driver’s license
7 improvements; or

8 “(D) support innovative ideas and solu-
9 tions to commercial driver’s license program
10 issues.

11 “(b) PROHIBITIONS.—A recipient may not use finan-
12 cial assistance funds awarded under this section to rent,
13 lease, or buy land or buildings.

14 “(c) APPORTIONMENT.—All amounts made available
15 to carry out this section for a fiscal year shall be appor-
16 tioned according to criteria prescribed by the Secretary of
17 Transportation.”.

18 (f) MISCELLANEOUS REPEALS.—

19 (1) Subsection (b) of section 31106 is amended
20 by striking paragraph (4).

21 (2) Section 31107 is repealed.

22 (3) Subsection (g) of section 31144 is amended
23 by striking paragraph (4), as redesignated by section
24 5105 of this Act.

25 (g) TECHNICAL AND CONFORMING AMENDMENT.—

1 (1) The analysis for chapter 311 is amended
2 by—

3 (A) striking the item relating to section
4 31102 and inserting “31102. Motor Carrier
5 Safety Assistance Program.”;

6 (B) striking the item relating to section
7 31103 and inserting “31103. High Priority
8 Grant Program.”;

9 (C) striking the item relating to section
10 31107;

11 (D) striking the item relating to section
12 31109 and inserting “Innovative Technology
13 Deployment Grants.”; and

14 (E) by adding at the end of Subchapter I
15 the following: “31110. Commercial Motor Vehi-
16 cle Operators Grant Program.”

17 (2) The subsection heading for section
18 31106(b) is amended by striking “program” and in-
19 serting “system management”.

20 (3) Section 31161 is amended by striking
21 “31104(i)” and inserting “31104(b)”.

22 (4) The analysis for chapter 313 is amended by
23 striking the item relating to section 31313 and in-
24 serting the following: “31313. Financial assistance

1 program for commercial driver's license program im-
2 plementation.”.

3 **Subtitle E—Miscellaneous**

4 **SEC. 5501. MOTOR CARRIER SAFETY ADVISORY COM-**
5 **MITTEE.**

6 (a) MOTOR CARRIER SAFETY ADVISORY COM-
7 MITTEE.—Subchapter III of chapter 311 is amended by
8 inserting after section 31152 (as added by section 5204)
9 the following:

10 **“§ 31153. Motor carrier safety advisory committee**

11 “(a) ESTABLISHMENT AND DUTIES.—The Secretary
12 shall maintain for the Federal Motor Carrier Safety Ad-
13 ministration a motor carrier safety advisory committee.
14 The committee shall—

15 “(1) provide advice and recommendations to the
16 Administrator of the Federal Motor Carrier Safety
17 Administration about needs, objectives, plans, ap-
18 proaches, content, and accomplishments of the
19 motor carrier safety programs carried out by the Ad-
20 ministration; and

21 “(2) provide advice and recommendations to the
22 Administrator on motor carrier safety regulations.

23 “(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

24 “(1) IN GENERAL.—The committee shall be
25 composed of not more than 20 members appointed

1 by the Administrator from among individuals who
2 are not employees of the Administration and who
3 are specially qualified to serve on the committee be-
4 cause of their education, training, or experience. The
5 members shall consist of representatives of the
6 motor carrier industry, nonprofit employee labor or-
7 ganizations representing commercial vehicle drivers,
8 safety advocates, and safety enforcement officials.
9 Representatives of a single enumerated interest
10 group may not constitute a majority of the members
11 of the advisory committee. A person appointed under
12 this section shall not be considered an employee of
13 the Federal Government by reason of the appoint-
14 ment.

15 “(2) CHAIRMAN.—The Administrator shall des-
16 ignate the chairman of the committee.

17 “(3) PAY.—A member of the committee shall
18 serve without pay; except that the Administrator
19 may allow a member, when attending meetings of
20 the committee or a subcommittee of the committee,
21 expenses authorized under section 5703 of title 5,
22 relating to per diem, travel, and transportation ex-
23 penses.

24 “(c) SUPPORT STAFF, INFORMATION, AND SERV-
25 ICES.—The Administrator shall provide staff for the com-

1 mittee. On request of the committee, and subject to the
2 availability of funding, the Administrator shall provide in-
3 formation, administrative services, and supplies that the
4 Administrator considers necessary for the committee to
5 carry out its duties and powers.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) The analysis for chapter 311 is amended by
8 inserting after the item relating to 31152 (as added
9 by section 5204 of this Act) the following:

“31153. Motor Carrier Safety Advisory Committee.”.

10 (2) Section 4144 of the Safe, Accountable,
11 Flexible, Efficient Transportation Equity Act: A
12 Legacy for Users (49 U.S.C. 31100 note) is re-
13 pealed.

14 **SEC. 5502. UNIFIED CARRIER REGISTRATION PLAN.**

15 Section 14504a is amended—

16 (1) in subsection (a)(5)(A)(ii)(II), by striking
17 “subsection (d)(4)(C)” and inserting “subsection
18 (d)(5)(C)”;

19 (2) in subsection (d)(1)(B), by striking “ap-
20 pointed by the Secretary as follows” and inserting “.
21 In making appointments of directors, the Secretary
22 should seek to achieve the following distribution”;

23 (3) in subsection (d)(1)(B)(iii), by striking
24 “Five” and inserting “Six” and inserting the fol-
25 lowing before the last sentence: “At least one of the

1 appointees under this clause shall be a representa-
2 tive of the passenger motorcoach industry.”;

3 (4) in subsection (d)(1)(B), by striking clause
4 (iv);

5 (5) in subsection (d)(1)(C), by striking “Sec-
6 retary” and inserting “board of directors”;

7 (6) in subsection (d)(1)(D)—

8 (A) by striking clause (i) and redesignating
9 clauses (ii) through (iv) as clauses (i) through
10 (iii), respectively; and

11 (B) by amending clause (i), (as so redesign-
12 nated) to read as follows:

13 “(i) TERMS.—All directors shall be
14 appointed for terms of 3 years.”;

15 (7) in subsection (d)(2)(C), by striking “and”;

16 (8) in subsection (d)(2)(D), by striking the pe-
17 riod and inserting “; and” at the end;

18 (9) in subsection (d)(2), by inserting after sub-
19 paragraph (D) the following:

20 “(E) require the board to conduct an audit
21 of the UCR plan’s use of administrative fees no
22 less frequently than once every two years.”;

23 (10) in subsection (d)(3)(A)—

1 (A) by striking “Except for the representa-
2 tive of the Department appointed under para-
3 graph (1)(B)(iv), no”; and

4 (B) by inserting “No” before “director
5 shall receive”;

6 (11) in subsection (d)(4)(A), by striking “of the
7 board,” and inserting “of the board or” and striking
8 “, or the Secretary”;

9 (12) in subsection (d)(6), by inserting “or the
10 United States Government” after “agency of a
11 State”;

12 (13) by redesignating section 14504a(d)(7)(A)
13 as section 14504a(d)(7) and amending paragraph
14 (7) (as so redesignated) to read as follows:

15 “(7) SETTING FEES.—The board shall set the
16 initial annual fees to be assessed carriers, leasing
17 companies, brokers, and freight forwarders under
18 the unified carrier registration agreement. In setting
19 the level of fees to be assessed in any agreement
20 year, and in setting the fee level, the board shall
21 consider—

22 “(A) the administrative costs associated
23 with the unified carrier registration plan and
24 the agreement;

1 “(B) whether the revenues generated in
2 the previous year and any surplus or shortage
3 from that year or prior years enable the partici-
4 pating States to achieve the revenue levels set
5 by the board; and

6 “(C) the provisions governing fees under
7 subsection (f)(1).”;

8 (14) by striking subsection (d)(7)(B);

9 (15) by amending subsection (d)(9) to read as
10 follows:

11 “(9) INAPPLICABILITY.—Neither the Federal
12 Advisory Committee Act (5 U.S.C. App.) nor the
13 Administrative Procedure Act (5 U.S.C. 551 et seq.)
14 shall apply to the unified carrier registration plan,
15 the board, or its committees.”;

16 (16) by redesignating subsections (d)(1)
17 through (10) as (d)(2) through (11), respectively;

18 (17) by inserting a new subsection (d)(1) before
19 subsection (d)(2) (as redesignated in paragraph) to
20 read as follows:

21 “(1) STATUS.—The unified carrier registration
22 plan—

23 “(A) is an interstate agreement established
24 under this section;

1 “(B) shall be operated as a not-for-profit
2 corporation; and

3 “(C) is not a department, agency or instru-
4 mentality of the United States Government.”;

5 (18) in subsection (e), by striking subparagraph
6 (5);

7 (19) in subsection (e)(2), by striking “the Sec-
8 retary and”;

9 (20) in subsection (e)(3)—

10 (A) by striking “Secretary” the first place
11 it appears;

12 (B) by inserting “chairperson of the board
13 of directors”; and

14 (C) by striking the last sentence;

15 (21) in subsection (e)(4), by striking “Sec-
16 retary” and inserting “chairperson of the board of
17 directors”;

18 (22) in subsection (f)(1)(E), by striking “ask
19 the Secretary to”;

20 (23) by striking subsection (f)(1)(B) and redesi-
21 gnating subsections (f)(1)(C) through (f)(1)(E) as
22 subsection (f)(1)(B) through (f)(1)(D), respectively;

23 (24) in subsection (h)(2)—

24 (A) by striking “participating”; and

1 (B) by striking “subsection (d)(2)(D)” and
2 inserting “subsection (d)(3)(D)”, as redesignated;
3

4 (25) by amending subsection (h)(3)(B) to read
5 as follows:

6 “(B) To pay the administrative costs of
7 the UCR plan and the UCR agreement. Payments
8 for administrative costs may be made
9 prior to making distributions under subpara-
10 graph (A).”;

11 (26) in subsection (h)(4), by striking “Sec-
12 retary” and inserting “board”; and

13 (27) by amending subsection (i) to read as fol-
14 lows:

15 “(i) ENFORCEMENT.—Nothing in this section—

16 “(1) prohibits a participating State from
17 issuing citations and imposing reasonable fines and
18 penalties pursuant to the applicable laws and regula-
19 tions of the State on any motor carrier, motor pri-
20 vate carrier, freight forwarder, broker, or leasing
21 company for failure to—

22 “(A) submit information documents as re-
23 quired under subsection (d)(3); or

24 “(B) pay the fees required under sub-
25 section (f); or

1 “(2) authorizes a State to require a motor car-
2 rier, motor private carrier, or freight forwarder to
3 display as evidence of compliance any form of identi-
4 fication in excess of those permitted under section
5 14506 of this title on or in a commercial motor vehi-
6 cle.”.

7 **SEC. 5503. SELF-INSURANCE FOR MOTOR CARRIERS RE-**
8 **PEALED.**

9 Section 13906(d) is amended by striking the second,
10 third and last sentences.

11 **SEC. 5504. ELECTRONIC LOGGING DEVICE RECALL AU-**
12 **THORITY.**

13 Section 31137 is amended—

14 (1) by redesignating subsections (f) and (g) as
15 subsections (h) and (i), respectively; and

16 (2) by inserting before subsection (h), as redesi-
17 gnated, the following:

18 “(f) NOTICE AND RECORD REQUIREMENTS.—The
19 Secretary may require an electronic logging device pro-
20 vider to—

21 “(1) provide the purchaser or lessee of an elec-
22 tronic logging device, in a manner the Secretary con-
23 siders appropriate, any information or notice that
24 the Secretary considers necessary; and

1 “(2) maintain records of electronic logging de-
2 vice purchasers and lessees in order to provide any
3 information or notice required under paragraph (1)
4 of this subsection.

5 “(g) NONCOMPLIANT DEVICES.—

6 “(1) The Secretary shall notify an electronic
7 logging device provider after making a preliminary
8 decision that an electronic logging device does not
9 comply with the standards established through the
10 regulations prescribed under subsection (a) in effect
11 at the time of certification.

12 “(2) The Secretary shall publish notice of each
13 preliminary decision in the Federal Register.

14 “(3) The Secretary may make a final decision
15 that an electronic logging device does not comply
16 with the standards only after—

17 “(A) giving the electronic logging device
18 provider an opportunity to—

19 “(i) correct the deficiency in order
20 that the electronic logging device complies
21 with the standards; or

22 “(ii) present information to show that
23 the electronic logging device complies with
24 the standards; and

1 “(B) giving any other interested person an
2 opportunity to present information as to the
3 electronic logging device’s noncompliance.

4 “(4) If the Secretary makes a final decision
5 that an electronic logging device does not comply
6 with the standards in effect at the time of certifi-
7 cation, the Secretary shall order the electronic log-
8 ging device provider to give notice under subsection
9 (f) of this section to each purchaser or lessee of the
10 electronic logging device that the electronic logging
11 device provider has been required to—

12 “(A) recall the electronic logging device;

13 and

14 “(B) remedy the defect so that the pur-
15 chaser or lessee of the electronic logging device
16 obtains a compliant electronic logging device
17 within a reasonable time and in accordance with
18 the terms prescribed by the Secretary.”.

19 **SEC. 5505. REPEAL OF MOTOR CARRIER FINANCIAL RE-**
20 **PORTING REQUIREMENT.**

21 Section 14123 and the item relating to that section
22 in the analysis for chapter 141 are repealed.

1 **SEC. 5506. CONTRACTORS EXERCISING OPERATIONAL CON-**
2 **TROL OVER MOTOR CARRIER OPERATIONS.**

3 (a) CONTRACTORS EXERCISING OPERATIONAL CON-
4 TROL OVER MOTOR CARRIER OPERATIONS.—Chapter 311
5 is amended by inserting after section 31139 the following:

6 **“§ 31139a. Contractors exercising operational control**
7 **over motor carrier operations**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 may issue regulations governing contractors that exercise
10 control over motor carrier operations.

11 “(b) CONTENTS.—The regulations issued under this
12 section shall include, at a minimum—

13 “(1) a requirement that contractors register
14 with the Secretary under this chapter;

15 “(2) a requirement that contractors create and
16 maintain records applicable to regulatory provisions
17 over which they exercise control or which they con-
18 duct directly;

19 “(3) a program for the evaluation and audit of
20 compliance by contractors with applicable Federal
21 motor carrier safety regulations;

22 “(4) a civil penalty structure consistent with
23 section 521(b) of this title, for contractors that fail
24 to comply with applicable Federal motor carrier
25 safety regulations;

1 “(5) a prohibition on contractors from placing
2 commercial motor vehicles or drivers in service on
3 the public highways to the extent that such drivers
4 or their equipment are found to pose an imminent
5 hazard;

6 “(6) a process by which motor carriers and
7 agents of motor carriers shall be able to request the
8 Federal Motor Carrier Safety Administration to un-
9 dertake an investigation of a contractor identified
10 that is alleged to be not in compliance with the regu-
11 lations under this section; and

12 “(7) a procedure under which motor carriers,
13 drivers, and contractors may seek correction of their
14 safety records through the deletion from those
15 records of violations of safety regulations attrib-
16 utable to deficiencies in operation or driver perform-
17 ance for which they should not have been held re-
18 sponsible.

19 “(c) INSPECTIONS.—The Secretary or an employee of
20 the Department of Transportation designated by the Sec-
21 retary or a contractor or an employee of the recipient of
22 a grant issued under section 31102 of this title may in-
23 spect records for operations controlled by or drivers pro-
24 vided by the contractor, upon demand and display of prop-
25 er credentials in person or in writing.

1 “(d) OUT-OF-SERVICE.—Any contractor that is de-
2 terminated under this section to fail to comply with applica-
3 ble Federal safety regulations may be placed out of service
4 by the Secretary or a Federal, State, or government offi-
5 cial designated by the Secretary and may not exercise
6 operational control over a motor carrier’s drivers and com-
7 mercial motor vehicles and may not provide drivers or
8 commercial motor vehicles to a motor carrier until the con-
9 tractor takes actions necessary to come into compliance.

10 “(e) DEFINITION OF CONTRACTOR.—For purposes of
11 this section, exclusive of the first use of term in subsection
12 (c), the term ‘contractor’ means a person, other than a
13 motor carrier, that does one or more of the following:

14 “(1) Enters into a contract with a motor carrier
15 under which the motor carrier provides commercial
16 motor vehicles and drivers dedicated to transporting
17 property or passengers for the person over multiple
18 trips where the person exercises direct operational
19 control, such as setting schedules, routes, pick-up
20 and delivery points, and dispatching drivers and
21 commercial motor vehicles.

22 “(2) Enters into a contract with a motor carrier
23 to provide drivers to the carrier and represents that
24 it is responsible for ensuring that the drivers meet

1 the qualifications required by this part and regula-
2 tions promulgated under this part.

3 “(3) Enters into a contract with a motor carrier
4 to provide commercial motor vehicles to the motor
5 carrier (other than for purchase or lease to pur-
6 chase) and represents that it is responsible under
7 the contract for ensuring that the vehicles meet the
8 requirements of this part and regulations promul-
9 gated under it.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 311 is amended by inserting after the item relat-
12 ing to section 31139 the following:

“31139a. Contractors exercising operational control over motor carrier oper-
ations”.

13 **SEC. 5507. DRIVER COMPENSATION.**

14 (a) IN GENERAL.—Chapter 311 is amended by in-
15 serting after section 31139a (as added by section 5506
16 of this Act) the following:

17 **“§ 31140. Driver compensation**

18 “(a) ON-DUTY, NOT-DRIVING TIME.—The Secretary
19 of Transportation may by regulation require that a motor
20 carrier employer—

21 “(1) track the on-duty (not driving) time of an
22 employee whose base compensation is calculated in a
23 manner other than an hourly wage and who is re-
24 quired to keep a record of duty status under the

1 hours of service regulations prescribed by the Sec-
2 retary; and

3 “(2) separately compensate the employee for
4 any on-duty, not-driving period at an hourly rate not
5 less than the Federal minimum wage rate under sec-
6 tion 6 of the Fair Labor Standards Act (29 U.S.C.
7 206).

8 “(b) SCOPE.—This section does not apply to an em-
9 ployee whose employment is governed by a collective bar-
10 gaining agreement, negotiated by employee representatives
11 certified as bona fide by the National Labor Relations
12 Board, if the agreement governs compensation of the em-
13 ployee for on-duty, not-driving time.

14 “(c) OTHER LAW.—Nothing in this section or regula-
15 tions adopted under this section shall alter an employer’s
16 obligations under the Fair Labor Standards Act of 1938
17 (29 U.S.C. 201 et seq.). Compensation of employees under
18 this section and regulations adopted under this section
19 shall be in addition to other compensation calculated for
20 purposes of determining compliance with the Fair Labor
21 Standards Act.”.

22 (b) CONFORMING AMENDMENT.—The analysis of
23 chapter 311 is amended by inserting after the item relat-
24 ing to section 31139a (as added by section 5506 of this
25 Act) the following:

“31140. Driver compensation”.

1 **SEC. 5508. CIVIL ENFORCEMENT AUTHORITY.**

2 Section 507 is amended—

3 (1) in subsection (b)—

4 (A) by inserting “, subchapter III of chap-
5 ter 311, chapter 313, or chapter 315” after the
6 first “this chapter”;

7 (B) by striking the second “this chapter”
8 and inserting “these provisions”; and

9 (C) by striking “violating this chapter or a
10 regulation or order of the Secretary” and in-
11 serting “for a violation”; and

12 (2) in subsection (c)—

13 (A) by striking “, at the request of the
14 Secretary, may” and inserting “may, and at the
15 request of the Secretary, shall; and

16 (B) by striking “(except sections 31138
17 and 31139) or section 31502” and inserting “,
18 chapter 313, and chapter 315”.

19 **SEC. 5509. CRIMINAL PENALTIES.**

20 Section 521(b)(6)(A) is amended by—

21 (1) striking “and willfully”;

22 (2) striking the second “or”;

23 (3) inserting “or order” after “regulation”;

24 (4) inserting “, or an imminent hazard out-of-
25 service order issued under this section” after “those
26 provisions”;

1 (5) striking “to a fine not to exceed \$25,000”
2 and inserting “to a fine as set forth in section 3571
3 of title 18”;

4 (6) striking “, except that, if” and inserting “.
5 If”; and

6 (7) striking “to a fine not to exceed \$2,500”
7 and inserting “to a fine as set forth in section 3571
8 of title 18 or imprisonment for a term not to exceed
9 one year, or both”.

10 **SEC. 5510. PENALTIES FOR VIOLATIONS OF OUT-OF-SERV-**
11 **ICE ORDERS.**

12 Section 521(b)(2)(F) is amended by inserting the end
13 the following: “Each day of operation after the effective
14 date of the out-of-service order is a separate offense.”

15 **SEC. 5511. TECHNICAL CORRECTIONS.**

16 (a) **FLEETWIDE OUT-OF-SERVICE ORDER FOR OPER-**
17 **ATING WITHOUT REQUIRED REGISTRATION.**—Section
18 13902(e)(1) is amended—

19 (1) by inserting “motor vehicle or” before
20 “motor carrier providing”; and

21 (2) by inserting “motor vehicle or” before
22 “motor carrier operations”.

23 (b) **SETTLEMENT OF GENERAL CIVIL PENALTIES.**—
24 Section 14901(h) is amended by striking “HOUSEHOLD
25 GOODS” in the subsection heading.

1 (c) HOURS OF SERVICE STUDY AND ELECTRONIC
2 LOGGING DEVICES.—Section 30165(a)(1) is amended by
3 striking “30141 through 30147, or 31137” and inserting
4 “or 30141 through 30147”.

5 (d) MEDICAL STANDARDS AND REQUIREMENTS.—
6 Section 31149(c)(1)(E) is amended by striking “on a
7 monthly basis”.

8 (e) NATIONAL CLEARINGHOUSE FOR CONTROLLED
9 SUBSTANCE AND ALCOHOL TEST RESULTS.—

10 (1) Section 521 is amended—

11 (A) by inserting “, section 31306(b),” be-
12 fore “or section 31502” in subparagraph
13 (b)(2)(A);

14 (B) by amending the subparagraph head-
15 ings for subparagraphs (b)(2)(C) and (b)(6)(B),
16 by inserting after “CDLS”, each place it ap-
17 pears, “AND ALCOHOL AND CONTROLLED SUB-
18 STANCE TESTING”; and

19 (C) by inserting in subparagraph (b)(2)(C)
20 and clause (b)(6)(B)(i), after “31305(b),” each
21 place it appears, “31306, 31306a,”.

22 (2) Section 31306a(f) is amended by inserting
23 “AND SERVICE AGENT” before “REQUIREMENTS.”
24 in the subsection heading.

1 (f) EXEMPTIONS FROM REQUIREMENTS FOR COV-
2 ERED FARM VEHICLES.—Subsection 32934(c)(1)(B) of
3 the Moving Ahead for Progress in the 21st Century Act
4 (Public Law 112–141) is amended by striking “26,001
5 pounds” in both places it occurs and inserting “26,000
6 pounds”.

7 (g) CORRECTING REFERENCE TO FMCSA IN STAT-
8 UTE.—Section 30305(b)(1) is amended by striking “Fed-
9 eral Highway Administration” and inserting “Federal
10 Motor Carrier Safety Administration”.

11 **SEC. 5512. AUDITS AND COMPLIANCE INVESTIGATIONS OF**
12 **MEXICO-DOMICILED MOTOR CARRIERS.**

13 Section 130 of division L of Public Law 113–76 is
14 amended by inserting after “110–28” the following: “, ex-
15 cept to the extent that a term or condition in either section
16 350 or section 6901 requires that safety examinations of
17 Mexico-domiciled motor carriers be conducted on-site;
18 nothing in section 350 or section 6901 shall be construed
19 as limiting the ability of the Federal Motor Carrier Safety
20 Administration to conduct any compliance review, new en-
21 trant safety audit, or other inspection or investigation of
22 a Mexico-domiciled motor carrier at any location pre-
23 scribed by the Administrator of the Federal Motor Carrier
24 Safety Administration”.

1 **SEC. 5513. ADMINISTRATIVE ADJUDICATION OF VIOLA-**
2 **TIONS OF COMMERCIAL REGULATIONS AND**
3 **STATUTES.**

4 Section 14702 is amended by adding at the end the
5 following:

6 “(d) ADMINISTRATIVE ADJUDICATIONS.—In addition
7 to civil actions under subsection (a) of this section, the
8 authority of the Secretary includes authority to maintain
9 by regulation procedures for the administrative adjudica-
10 tion of violations of this part.”.

11 **SEC. 5514. ACCESS TO NATIONAL DRIVER REGISTER.**

12 Section 30305(b) is amended by inserting at the end
13 the following:

14 “(13) The Administrator of the Federal Motor
15 Carrier Safety Administration may request the chief
16 driver licensing official of a State to provide infor-
17 mation under subsection (a) of this section about an
18 individual in connection with a safety investigation
19 under the Administrator’s jurisdiction.”.

20 **SEC. 5515. ELIMINATION OF CERTAIN FMCSA REPORTING**
21 **REQUIREMENTS.**

22 (a) MOTOR CARRIER EFFICIENCY STUDY ANNUAL
23 REPORT.—Section 5503 of the Safe, Accountable, Flexi-
24 ble, Efficient Transportation Equity Act: A Legacy for
25 Users (Public Law 109–59) is amended by—

26 (1) by striking subsection (d); and

1 (2) redesignating subsection (e) as subsection
2 (d).

3 (b) SAFETY DATA IMPROVEMENT PROGRAM RE-
4 PORT.—Section 4128 of the Safe, Accountable, Flexible,
5 Efficient Transportation Equity Act: A Legacy for Users
6 (Public Law 109–59) is amended by striking subsection
7 (d).

8 **TITLE VI—HAZARDOUS MATE-**
9 **RIAL TRANSPORTATION**
10 **SAFETY**

11 **SEC. 6001. AMENDMENT OF TITLE 49, UNITED STATES**
12 **CODE.**

13 Except as otherwise expressly provided, whenever in
14 this title an amendment or repeal is expressed in terms
15 of an amendment to, or a repeal of, a section or other
16 provision, the reference shall be considered to be made to
17 a section or other provision of title 49, United States
18 Code.

19 **SEC. 6002. EMERGENCY OPERATIONAL CONTROLS.**

20 (a) IN GENERAL.—Chapter 51 is amended by insert-
21 ing after section 5128 the following:

22 **“§ 5129. Emergency operational controls**

23 “(a) ORDERING OPERATIONAL CONTROLS, RESTRIC-
24 TIONS, AND PROHIBITIONS.—

1 “(1) IN GENERAL.—If, upon inspection, inves-
2 tigation, testing, or research carried out under this
3 chapter, the Secretary determines that an unsafe
4 condition or practice, or a combination of unsafe
5 conditions and practices, or an activity existing with-
6 in a regulated entity or industry, related to the
7 transportation of hazardous materials in commerce,
8 causes an emergency situation involving a hazard of
9 death, personal injury, or significant harm to prop-
10 erty or the environment, the Secretary immediately
11 may order such operational controls, restrictions,
12 and prohibitions, without prior notice or an oppor-
13 tunity for a hearing, as may be necessary to abate
14 the situation.

15 “(2) WRITTEN ORDERS.—The order shall be in
16 writing, and describe—

17 “(A) the condition, practice, or activity
18 that causes the emergency situation;

19 “(B) the operational controls, restrictions,
20 and prohibitions issued or imposed; and

21 “(C) the standards and procedures for ob-
22 taining relief from the order. This paragraph
23 does not affect the Secretary’s discretion under
24 this section to maintain the order in effect for
25 as long as the emergency situation exists.

1 “(3) EMERGENCY VARIANCE.—Notwithstanding
2 section 5117(e) of this title, such orders may provide
3 for an emergency variance from this chapter or a
4 regulation prescribed thereunder.

5 “(b) REVIEW OF ORDERS.—After issuing an order
6 under this section, the Secretary shall provide an oppor-
7 tunity for review of the order under section 554 of title
8 5. If a petition for review is filed and the review is not
9 completed by the end of the 30-day period beginning on
10 the date the order was issued, the order stops being effec-
11 tive at the end of that period unless the Secretary decides
12 in writing that the emergency situation still exists.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 51 is amended by inserting after the item relating
15 to section 5128 the following:

 “5129. Emergency operational controls”.

16 **SEC. 6003. ENHANCED REGISTRATION REQUIREMENTS.**

17 Section 5108 is amended by—

18 (1) inserting the following after subsection
19 (a)(2)(B):

20 “(C) a person who performs, or is respon-
21 sible for performing, a function specified by
22 regulation prescribed under this chapter that is
23 required to assure the safe transportation of
24 hazardous material, in commerce, and is subject
25 to the training requirements of section 5107.”;

1 (2) in subsection (a)(3), inserting after “mate-
2 rial,” the following: “or perform or be responsible
3 for performing a function specified by regulation
4 prescribed under this chapter that is required to as-
5 sure the safe transportation of hazardous material,
6 in commerce, and is subject to the training require-
7 ments of section 5107,”;

8 (3) in subparagraph (g)(2)(A), by striking “and
9 impose by regulation”; and

10 (4) in subparagraphs (g)(2)(B) and (g)(2)(C),
11 replacing “(i)” with “(h)”.

12 **SEC. 6004. USER FEES FOR SPECIAL PERMITS.**

13 Section 5117 is amended by inserting the following
14 at the end:

15 “(g) FEES.—

16 “(1) AUTHORIZATION.—The Secretary is au-
17 thorized to collect a reasonable fee, to the extent and
18 in such amounts as provided in advance in appro-
19 priations acts, for the administration of the special
20 permits and approvals programs. The fees shall be
21 deposited into a Hazardous Materials Approvals and
22 Permits Fund, which shall remain available until ex-
23 pended.

24 “(2) ESTABLISHMENT AND USE OF FEES.—

25 There is established a Hazardous Materials Approv-

1 als and Permits Fund in the Department of the
2 Treasury of the United States. Amounts collected
3 from fees under paragraph (1) shall be available for
4 administration of the special permits and approvals
5 programs.

6 “(3) FEES CREDITED AS OFFSETTING RE-
7 CEIPTS.—Notwithstanding section 3302 of title 31,
8 any fee authorized to be collected under this sub-
9 section shall be credited as offsetting receipts, and
10 remain available until expended.

11 “(4) REGULATIONS.—The Secretary, after pro-
12 viding notice and an opportunity for public com-
13 ment, shall issue regulations to implement this sub-
14 section.”.

15 **SEC. 6005. NATIONAL EMERGENCY AND DISASTER RE-**
16 **SPONSE.**

17 (a) PURPOSE.—Section 5101 is amended by inserting
18 “and to facilitate the safe movement of hazardous mate-
19 rials during national emergencies” after “commerce”.

20 (b) STANDARDS.—Section 5103 is amended by redess-
21 ignating subsections (c) and (d) as (d) and (e) and insert-
22 ing new subsection (c) to read as follows:

23 “(c) FEDERALLY DECLARED DISASTER AND EMER-
24 GENCY AREAS.—The Secretary, in consultation with the
25 Secretary of Homeland Security, may prescribe standards

1 to facilitate the movement of hazardous materials into,
2 from and within federally declared disaster and emergency
3 areas.”.

4 **SEC. 6006. ENHANCED REPORTING.**

5 Section 5121(h) is amended by—

6 (1) striking “transmit 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”; and

10 (2) inserting “make public” after “and”.

11 **SEC. 6007. IMPROVING PUBLICATION OF SPECIAL PERMITS.**

12 Section 5117 is amended—

13 (1) in subsection (b), by striking “publish in
14 the Federal Register” and inserting “make public
15 through” after “shall”; and

16 (2) in subsection (c), by striking “publish” and
17 “in the Federal Register” and inserting “make pub-
18 lic” after “shall”.

19 **SEC. 6008. HAZARD ABATEMENT AUTHORITY.**

20 (a) IN GENERAL.—Chapter 51 is amended by insert-
21 ing after section 5129 the following:

22 **“§ 5130. Hazard abatement authority**

23 “(a) ORDERING REMOVAL, REMEDIATION, OR DIS-
24 POSAL.—If, upon inspection, investigation, testing, or re-
25 search, the Secretary determines that an unsafe condition,

1 practice, or activity, related to the transportation of haz-
2 ardous materials in commerce or other items subject to
3 this chapter, causes unreasonable risk of death, personal
4 injury, or significant harm to the property or the environ-
5 ment, the Secretary may order removal, remediation, or
6 disposal of such hazardous materials or other items sub-
7 ject to this chapter, as may be necessary to abate the un-
8 reasonable risk.

9 “(b) WRITTEN ORDERS.—The order shall be in writ-
10 ing, and describe—

11 “(1) the condition, practice, or activity that
12 causes the unreasonable risk;

13 “(2) the actions that must be taken to abate
14 the unreasonable risk; and

15 “(3) the standards and procedures for obtaining
16 relief from the order.

17 “(c) DURATION OF ORDER.—Subsection (b) does not
18 affect the Secretary’s discretion under this section to
19 maintain the order in effect for as long as the emergency
20 situation exists.

21 “(d) FAILURE TO COMPLY.—If the Secretary deter-
22 mines that a person has failed to comply with an order
23 for removal, remediation, or disposal, the Secretary may
24 take such action to arrange for the removal, remediation,

1 or disposal of such hazardous materials as necessary to
2 abate the unreasonable risk.

3 “(e) LIABILITY FOR NONCOMPLIANCE.—Upon a de-
4 termination by the Secretary that a person has failed to
5 comply with an order for removal, remediation, or disposal
6 of a hazardous material, such person shall be liable for
7 all costs incurred by the United States Government in re-
8 moving, remediating, or disposing of such hazardous ma-
9 terials.”.

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 51 is amended by inserting after the item relating
12 to section 5129 the following:

“5130. Hazard abatement authority”.

13 **SEC. 6009. INSPECTION OF NON-DOMESTIC ENTITIES.**

14 Section 5121 is amended by inserting the following
15 after subsection (c)(3):

16 “(4) INSPECTION OF NON-DOMESTIC ENTI-
17 TIES.—In instances when a person seeks to manu-
18 facture, requalify, or inspect a DOT specification
19 packaging or special permit cylinders or certify com-
20 pliance with title 49 of the Code of Federal Regula-
21 tions outside the United States, that person must
22 seek an approval from the Secretary to perform that
23 function outside the United States. Upon the re-
24 quest of the Secretary, the applicant must allow the
25 Secretary or the Secretary’s designee to inspect the

1 applicant's process and procedures. The applicant
2 must bear the cost of the initial and subsequent in-
3 spections.”.

4 **SEC. 6010. IMPROVING THE EFFECTIVENESS OF THE HMEP**
5 **GRANT PROGRAM.**

6 (a) PLANNING AND TRAINING GRANTS.—Section
7 5116 is amended to read as follows:

8 **“§ 5116. Planning and training grants, monitoring,**
9 **and review**

10 “(a) PLANNING AND TRAINING GRANTS.—(1) The
11 Secretary shall make grants to States and Indian tribes—

12 “(A) to develop, improve, and carry out emer-
13 gency plans under the Emergency Planning and
14 Community Right-To-Know Act of 1986 (42 U.S.C.
15 11001 et seq.), including ascertaining flow patterns
16 of hazardous material on lands under the jurisdic-
17 tion of a State or Indian tribe, and between lands
18 under the jurisdiction of a State or Indian tribe and
19 lands of another State or Indian tribe;

20 “(B) to decide on the need for a regional haz-
21 ardous material emergency response team; and

22 “(C) to train public sector employees to respond
23 to accidents and incidents involving hazardous mate-
24 rial. To the extent that a grant is used to train
25 emergency responders, the State or Indian tribe

1 shall provide written certification to the Secretary
2 that the emergency responders who receive training
3 under the grant will have the ability to protect near-
4 by persons, property, and the environment from the
5 effects of accidents or incidents involving the trans-
6 portation of hazardous material in accordance with
7 existing regulations or National Fire Protection As-
8 sociation standards for competence of responders to
9 accidents and incidents involving hazardous mate-
10 rials.

11 “(2) The Secretary may make a grant to a State or
12 Indian tribe under paragraph (1) of this subsection only
13 if—

14 “(A) the State or Indian tribe certifies that the
15 total amount the State or Indian tribe expends (ex-
16 cept amounts of the United States Government) for
17 the purpose of the grant will at least equal the aver-
18 age level of expenditure for the last 5 years; and

19 “(B) any emergency response training provided
20 under the grant shall consist of:

21 “(i) a course developed or identified under
22 section 5115 of this title; or

23 “(ii) another course the Secretary decides
24 is consistent with the objectives of this section.

1 “(3) A State or Indian tribe receiving a grant under
2 this subsection shall ensure that planning and emergency
3 response training under the grant is coordinated with ad-
4 jacent States and Indian tribes.

5 “(4) A training grant under this subsection may be
6 used—

7 “(A) to pay—

8 “(i) the tuition costs of public sector em-
9 ployees being trained;

10 “(ii) travel expenses of those employees to
11 and from the training facility;

12 “(iii) room and board of those employees
13 when at the training facility; and

14 “(iv) travel expenses of individuals pro-
15 viding the training;

16 “(B) by the State, political subdivision, or In-
17 dian tribe to provide the training; and

18 “(C) to make an agreement with a person (in-
19 cluding an authority of a State, a political subdivi-
20 sion of a State or Indian tribe, or a local jurisdic-
21 tion), subject to approval by the Secretary, to pro-
22 vide the training—

23 “(i) if the agreement allows the Secretary
24 and the State or Indian tribe to conduct ran-

1 dom examinations, inspections, and audits of
2 the training without prior notice;

3 “(ii) the person agrees to have an
4 auditable accounting system; and

5 “(iii) if the State or Indian tribe conducts
6 at least one on-site observation of the training
7 each year.

8 “(5) The Secretary shall allocate amounts made
9 available for grants under this subsection among eligible
10 States and Indian tribes based on the needs of the States
11 and Indian tribes for emergency response training. In
12 making a decision about those needs, the Secretary shall
13 consider—

14 “(A) the number of hazardous material facili-
15 ties in the State or on land under the jurisdiction of
16 the Indian tribe;

17 “(B) the types and amounts of hazardous mate-
18 rial transported in the State or on such land;

19 “(C) whether the State or Indian tribe imposes
20 and collects a fee on transporting hazardous mate-
21 rial;

22 “(D) whether such fee is used only to carry out
23 a purpose related to transporting hazardous mate-
24 rial;

1 “(E) the past record of the State or Indian
2 tribe in effectively managing planning and training
3 grants; and

4 “(F) other factors the Secretary decides are ap-
5 propriate to carry out this subsection.

6 “(b) COMPLIANCE WITH CERTAIN LAW.—The Sec-
7 retary may make a grant to a State under this section
8 only if the State certifies that the State complies with sec-
9 tions 301 and 303 of the Emergency Planning and Com-
10 munity Right-To-Know Act of 1986 (42 U.S.C. 11001,
11 11003).

12 “(c) APPLICATIONS.—A State or Indian tribe inter-
13 ested in receiving a grant under this section shall submit
14 an application to the Secretary. The application must be
15 submitted at the time, and contain information, the Sec-
16 retary requires by regulation to carry out the objectives
17 of this section.

18 “(d) GOVERNMENT’S SHARE OF COSTS.—A grant
19 under this section is for 80 percent of the cost the State
20 or Indian tribe incurs to carry out the activity for which
21 the grant is made. Amounts of the State or tribe under
22 subsections (a)(2)(A) and (b)(2)(A) of this section are not
23 part of the non-Government share under this subsection.

24 “(e) MONITORING AND TECHNICAL ASSISTANCE.—In
25 coordination with the Secretaries of Transportation and

1 Energy, the Administrator of the Environmental Protec-
2 tion Agency, and the Director of the National Institute
3 of Environmental Health Sciences, the Administrator of
4 the Federal Emergency Management Agency shall monitor
5 public sector emergency response planning and training
6 for an accident or incident involving hazardous material.
7 Considering the results of the monitoring, the Secretaries,
8 Administrator, and Directors each shall provide technical
9 assistance to a State, political subdivision of a State, or
10 Indian tribe for carrying out emergency response training
11 and planning for an accident or incident involving haz-
12 ardous material and shall coordinate the assistance using
13 the existing coordinating mechanisms of the National Re-
14 sponse Team and, for radioactive material, the Federal
15 Radiological Preparedness Coordinating Committee.

16 “(f) DELEGATION OF AUTHORITY.—To minimize ad-
17 ministrative costs and to coordinate Federal financial as-
18 sistance for emergency response training and planning,
19 the Secretary may delegate to the Administrator of the
20 Federal Emergency Management Agency and Director of
21 the National Institute of Environmental Health Sciences,
22 Chairman of the Nuclear Regulatory Commission, Admin-
23 istrator of the Environmental Protection Agency, and Sec-
24 retaries of Labor and Energy any of the following:

1 “(1) Authority to receive applications for grants
2 under this section.

3 “(2) Authority to review applications for tech-
4 nical compliance with this section.

5 “(3) Authority to review applications to rec-
6 ommend approval or disapproval.

7 “(4) Any other ministerial duty associated with
8 grants under this section.

9 “(g) MINIMIZING DUPLICATION OF EFFORT AND EX-
10 PENSES.—The Secretaries of Transportation, Labor, and
11 Energy, the Administrator of the Federal Emergency
12 Management Agency, the Director of the National Insti-
13 tute of Environmental Health Sciences, the Chairman of
14 the Nuclear Regulatory Commission, and the Adminis-
15 trator of the Environmental Protection Agency shall re-
16 view periodically, with the head of each department, agen-
17 cy, or instrumentality of the Government, all emergency
18 response and preparedness training programs of that de-
19 partment, agency, or instrumentality to minimize duplica-
20 tion of effort and expense of the department, agency, or
21 instrumentality in carrying out the programs and shall
22 take necessary action to minimize duplication.

23 “(h) ANNUAL REGISTRATION FEE ACCOUNT AND ITS
24 USES.—The Secretary of the Treasury shall establish an
25 account in the Treasury (to be known as the ‘Hazardous

1 Materials Emergency Preparedness Fund') into which the
2 Secretary of the Treasury shall deposit amounts the Sec-
3 retary of Transportation transfers to the Secretary of the
4 Treasury under section 5108(g)(2)(C) of this title. With-
5 out further appropriation, amounts in the account are
6 available—

7 “(1) to make grants under this section;

8 “(2) to monitor and provide technical assistance
9 under subsection (e) of this section;

10 “(3) to publish and distribute an emergency re-
11 sponse guide; and

12 “(4) to pay administrative costs of carrying out
13 this section and sections 5108(g)(2) and 5115 of
14 this title, except that up to 4 percent of the amounts
15 made available from the account in a fiscal year may
16 be used to pay those costs.

17 “(i) INSTRUCTOR TRAINING GRANTS FOR EMER-
18 GENCY RESPONDERS AND HAZARDOUS MATERIALS EM-
19 PLOYEES.—

20 “(1) IN GENERAL.—The Secretary shall make
21 grants under this subsection—

22 “(A) for training instructors to conduct
23 hazardous materials response training programs
24 for individuals with statutory responsibility to

1 respond to hazardous materials accidents and
2 incidents;

3 “(B) for training instructors to train
4 hazmat employees; and

5 “(C) to the extent determined appropriate
6 by the Secretary, for such instructors to train
7 hazmat employees.

8 “(2) ELIGIBILITY FOR EMERGENCY RESPONDER
9 TRAINING GRANTS.—A grant under (1)(A) of this
10 subsection shall be made through a competitive pro-
11 cess to a nonprofit organization that—

12 “(A) demonstrates expertise in conducting
13 a training program for hazmat emergency re-
14 sponders;

15 “(B) has the ability to reach and involve in
16 a training program a target population of
17 hazmat emergency responders;

18 “(C) agrees to use a course or courses de-
19 veloped or identified under section 5115 of this
20 title or otherwise approved by the Secretary;

21 “(D) provides training courses that comply
22 with Federal regulations and national consensus
23 standards for hazardous materials response and
24 are offered on a nondiscriminatory basis; and

1 “(E) ensures that emergency responders
2 who receive training under the grant will have
3 the ability to protect nearby persons, property,
4 and the environment from the effects of acci-
5 dents or incidents involving the transportation
6 of hazardous material in accordance with exist-
7 ing regulations or National Fire Protection As-
8 sociation standards for competence of respond-
9 ers to accidents and incidents involving haz-
10 ardous materials.

11 “(3) ELIGIBILITY FOR HAZARDOUS MATERIALS
12 EMPLOYEE TRAINING GRANTS.—A grant under
13 (1)(B) and (1)(C) of this subsection shall be made
14 on a competitive basis to a nonprofit organization
15 that demonstrates expertise in providing training,
16 research, technological development, or a similar
17 service intended to enhance the capabilities of haz-
18 ardous materials employees.

19 “(4) TRAINING OF CERTAIN EMPLOYEES.—The
20 Secretary shall ensure that maintenance-of-way em-
21 ployees and railroad signalmen receive general
22 awareness and familiarization training and safety
23 training pursuant to section 172.704 of title 49,
24 Code of Federal Regulations.

1 “(5) EXISTING EFFORT.—No grant under this
2 subsection shall supplant or replace existing em-
3 ployer-provided hazardous materials training efforts
4 or obligations.

5 “(6) USE OF FUNDS.—Funds granted to an or-
6 ganization under this subsection shall only be
7 used—

8 “(A) to provide training, including portable
9 training, for instructors to conduct hazardous
10 materials and hazardous materials response
11 training programs;

12 “(B) to purchase training equipment used
13 exclusively to train instructors to conduct such
14 training programs; and

15 “(C) to disseminate such information and
16 materials as are necessary for the conduct of
17 such training programs.

18 “(7) PORTABLE TRAINING.—In this subsection,
19 the term ‘portable training’ means live, instructor-
20 led training provided by certified instructors that
21 can be offered in any suitable setting, rather than
22 specific designated facilities. Under this training de-
23 livery model, instructors travel to locations conven-
24 ient to students and utilize local facilities and re-
25 sources.

1 “(8) TERMS AND CONDITIONS.—The Secretary
2 may impose such additional terms and conditions on
3 grants to be made under this subsection as the Sec-
4 retary determines are necessary to protect the inter-
5 ests of the United States and to carry out the objec-
6 tives of this subsection.

7 “(j) REPORTS.—The Secretary shall make an annual
8 report available to the public (in an electronically-acces-
9 sible format). The report submitted under this subsection
10 shall include information on the allocation and uses of the
11 planning and training grants allocated under subsection
12 (a), and grants under subsection (i) of this section. The
13 report submitted under this subsection shall identify the
14 ultimate recipients of such grants and include—

15 “(1) a detailed accounting and description of
16 each grant expenditure by each grant recipient, in-
17 cluding the amount of, and purpose for, each ex-
18 penditure;

19 “(2) the number of persons trained under the
20 grant program, by training level;

21 “(3) an evaluation of the efficacy of such plan-
22 ning and training programs; and

23 “(4) any recommendations the Secretary may
24 have for improving such grant programs.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 51 is amended by striking the item relating to
3 section 5116 and inserting the following:

“5116. Planning and training grants, monitoring, and review”.

4 (c) TRAINING REQUIREMENTS.—Section 5107 is
5 amended by—

6 (1) striking “**and grants**” from the section
7 heading;

8 (2) deleting subsections (e), (f), and (h); and

9 (3) redesignating subsection (g) as subsection
10 (e).

11 (d) CONFORMING AMENDMENT.—The analysis for
12 chapter 51 is amended by striking the item relating to
13 section 5107 and inserting the following:

“5107. HAZMAT employee training requirements.”.

14 **SEC. 6011. CIVIL PENALTY.**

15 Section 5123 is amended—

16 (1) in subsection (a)(1), by striking “\$75,000”
17 and inserting “\$250,000”; and

18 (2) in subsection (a)(2), by striking “\$175,000”
19 and inserting “\$500,000”;

20 **SEC. 6012. GENERAL DUTY.**

21 Section 5103, as amended by this Act, is amended
22 by—

23 (1) redesignating subsections (d) and (e) as (e)
24 and (f), respectively; and

1 (2) inserting the following after subsection (c):

2 “(d) DUTY FOR SAFE TRANSPORTATION.—A person
3 shall—

4 “(1) take all reasonable measures and pre-
5 cautions to properly classify, describe, package,
6 mark and label, and ensure proper condition for
7 transportation of a hazardous material; and

8 “(2) comply with this chapter, or a regulation
9 prescribed, or an order, special permit or approval
10 issued under this chapter.”.

11 **SEC. 6013. AUTHORIZATION OF APPROPRIATIONS.**

12 The text of section 5128 is amended to read as fol-
13 lows:

14 “(a) IN GENERAL.—There are authorized to be ap-
15 propriated to the Secretary to carry out this chapter (ex-
16 cept sections 5108(g)(2), 5113, 5115, 5116, and 5119 of
17 this title), \$52,000,000 for fiscal year 2015 and such sums
18 as may be necessary for fiscal years 2016, 2017, and
19 2018.

20 “(b) HAZARDOUS MATERIALS EMERGENCY PRE-
21 PAREDNESS FUND.—From the Hazardous Materials
22 Emergency Preparedness Fund established under section
23 5116(h) of this title, the Secretary may expend, for each
24 of fiscal years 2015 through 2018—

25 “(1) \$188,000 to carry out section 5115;

1 “(2) \$21,800,000 to carry out subsection (a) of
2 section 5116;

3 “(3) \$150,000 to carry out section 5116(e);

4 “(4) \$625,000 to publish and distribute the
5 Emergency Response Guidebook under section
6 5116(h)(3); and

7 “(5) \$5,000,000 to carry out section 5116(i).

8 “(c) CREDITS TO APPROPRIATIONS.—

9 “(1) EXPENSES.—In addition to amounts oth-
10 erwise made available to carry out this chapter, the
11 Secretary may credit amounts received from a State,
12 Indian tribe, or other public authority or private en-
13 tity for expenses the Secretary incurs in providing
14 training to the State, authority, or entity.

15 “(2) AVAILABILITY OF AMOUNTS.—Amounts
16 made available under this section shall remain avail-
17 able until expended.”.

18 **SEC. 6014. ELIMINATION OF CERTAIN PHMSA REPORTING**

19 **REQUIREMENTS.**

20 Section 6 of the Norman Y. Mineta Research and
21 Special Programs Improvement Act (49 U.S.C. 108 note)
22 is amended—

23 (1) by striking subsection (b)(1); and

1 (2) by striking the heading for subsection (b)
2 and redesignating subsection (b)(2) as subsection
3 (b).

4 **TITLE VII—AMENDMENTS TO**
5 **THE INTERNAL REVENUE CODE**

6 **SEC. 7001. AMENDMENT OF 1986 CODE.**

7 Except as otherwise expressly provided, whenever in
8 this title an amendment or repeal is expressed in terms
9 of an amendment to, or repeal of, a section or other provi-
10 sion, the reference shall be considered to be made to a
11 section or other provision of the Internal Revenue Code
12 of 1986.

13 **SEC. 7002. EXTENSION OF HIGHWAY-RELATED TAXES.**

14 (a) EXTENSION OF TAXES.—

15 (1) IN GENERAL.—The following provisions are
16 each amended by striking “2016” each place it ap-
17 pears and inserting “2020”:

18 (A) Section 4041(a)(1)(C)(iii)(I) (relating
19 to rate of tax on certain buses).

20 (B) Section 4041(m)(1) (relating to cer-
21 tain alcohol fuels).

22 (C) Section 4051(c) (relating to termi-
23 nation of tax on heavy trucks and trailers).

24 (D) Section 4071(d) (relating to termi-
25 nation of tax on tires).

1 (E) Section 4081(d)(1) (relating to termi-
2 nation of tax on gasoline, diesel fuel, and ker-
3 osene).

4 (F) Section 4081(d)(3) (relating to the
5 Leaking Underground Storage Tank Financing
6 rate).

7 (2) EXTENSION OF TAX, ETC., ON USE OF CER-
8 TAIN HEAVY VEHICLES.—The following provisions
9 are each amended by striking “2017” each place it
10 appears and inserting “2020”:

11 (A) Section 4481(f) (relating to period tax
12 in effect).

13 (B) Section 4482(c)(4) (relating to taxable
14 period).

15 (C) Section 4482(d) (relating to special
16 rule for taxable period in which termination
17 date occurs).

18 (3) FLOOR STOCKS REFUNDS.—Section
19 6412(a)(1) (relating to floor stocks refunds) is
20 amended—

21 (A) by striking “2016” each place it ap-
22 pears and inserting “2020”; and

23 (B) by striking “2017” each place it ap-
24 pears and inserting “2021”.

25 (b) EXTENSION OF CERTAIN EXEMPTIONS.—

1 (1) CERTAIN TAX-FREE SALES.—Section
2 4221(a) (relating to certain tax-free sales) is amend-
3 ed by striking “2016” and inserting “2020”.

4 (2) TERMINATION OF EXEMPTIONS FOR HIGH-
5 WAY USE TAX.—Section 4483(i) (relating to termi-
6 nation of exemptions for highway use tax) is amend-
7 ed by striking “2017” and inserting “2021”.

8 **SEC. 7003. EXTENSION OF PROVISIONS RELATED TO THE**
9 **SPORT FISH RESTORATION AND BOATING**
10 **TRUST FUND.**

11 (a) EXTENSION OF EXPENDITURES FROM THE
12 TRUST FUND.—Subparagraphs (A) through (C) of para-
13 graph (2) of section 9504(b) of such Code are amended
14 to read as follows:

15 “(A) to carry out the purposes of the Din-
16 gell-Johnson Sport Fish Restoration Act (as in
17 effect on the date of the enactment of the
18 GROW AMERICA Act),

19 “(B) to carry out the purposes of section
20 7404(d) of the Transportation Equity Act for
21 the 21st Century (as in effect on the date of
22 the enactment of the GROW AMERICA Act),
23 and

24 “(C) to carry out the purposes of the
25 Coastal Wetlands Planning, Protection and

1 Restoration Act (as in effect on the date of the
2 enactment of the GROW AMERICA Act).”.

3 (b) EXCEPTION TO LIMITATION ON TRANSFERS.—
4 Paragraph (2) of section 9504(d) is amended by striking
5 “October 1, 2014,” and inserting “October 1, 2018,”.

6 **SEC. 7004. TRANSPORTATION TRUST FUND.**

7 (a) CREATION OF TRANSPORTATION TRUST FUND.—
8 Section 9503 is amended to read as follows:

9 **“§ 9503. Transportation Trust Fund**

10 “(a) CREATION OF TRUST FUND.—There is estab-
11 lished in the Treasury of the United States a trust fund
12 to be known as the ‘Transportation Trust Fund’, con-
13 sisting of such amounts as may be appropriated or cred-
14 ited to the Transportation Trust Fund as provided in this
15 section or section 9602(b). The Transportation Trust
16 Fund is a successor to the Highway Trust Fund estab-
17 lished under this section as in effect prior to the enact-
18 ment of the Transportation Jobs Act for the 21st Century.
19 All references to the Mass Transit Account of the High-
20 way Trust Fund are deemed to be references to the Mass
21 Transit Account of the Transportation Trust Fund under
22 subsection (e). All references to the Highway Trust Fund
23 (other than the Mass Transit Account) or to the Highway
24 Account of the Highway Trust Fund are deemed to be

1 references to the Highway Account of the Transportation
2 Trust Fund under subsection (f).

3 “(b) APPROPRIATION TO THE TRANSPORTATION
4 TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN
5 TAXES AND PENALTIES.—

6 “(1) CERTAIN TAXES.—There are hereby ap-
7 propriated to the Transportation Trust Fund
8 amounts equivalent to the taxes received in the
9 Treasury before October 1, 2020, under the fol-
10 lowing provisions—

11 “(A) section 4041 (relating to taxes on die-
12 sel fuels and special motor fuels),

13 “(B) section 4051 (relating to retail tax on
14 heavy trucks and trailers),

15 “(C) section 4071 (relating to tax on
16 tires),

17 “(D) section 4081 (relating to tax on gaso-
18 line, diesel fuel, and kerosene), and

19 “(E) section 4481 (relating to tax on use
20 of certain vehicles).

21 For purposes of this paragraph, taxes received under
22 sections 4041 and 4081 shall be determined without
23 reduction for credits under section 6426.

24 “(2) LIABILITIES INCURRED BEFORE OCTOBER
25 1, 2020.—There are hereby appropriated to the

1 Transportation Trust Fund amounts equivalent to
2 the taxes which are received in the Treasury after
3 September 30, 2020, and before July 1, 2021, and
4 which are attributable to liability for tax incurred
5 before October 1, 2020, under the provisions de-
6 scribed in paragraph (1).

7 “(3) CERTAIN TAXES NOT TRANSFERRED TO
8 TRANSPORTATION TRUST FUND.—For purposes of
9 paragraphs (1) and (2), there shall not be taken into
10 account the taxes imposed by—

11 “(A) section 4041(d),

12 “(B) section 4081 to the extent attrib-
13 utable to the rate specified in section
14 4081(a)(2)(B),

15 “(C) section 4041 or 4081 to the extent
16 attributable to fuel used in a train, or

17 “(D) in the case of gasoline and special
18 motor fuels used as described in paragraph
19 (3)(D) or (4)(B) of subsection (c), section 4041
20 or 4081 with respect to so much of the rate of
21 tax as exceeds—

22 “(i) 11.5 cents per gallon with respect
23 to taxes imposed before October 1, 2001,

1 “(ii) 13 cents per gallon with respect
2 to taxes imposed after September 30,
3 2001, and before October 1, 2003, and

4 “(iii) 13.5 cents per gallon with re-
5 spect to taxes imposed after September 30,
6 2003, and before October 1, 2005.

7 “(4) CERTAIN PENALTIES.—There are hereby
8 appropriated to the Transportation Trust Fund
9 amounts equivalent to the penalties paid under sec-
10 tions 6715, 6715A, 6717, 6718, 6719, 6720A, 6725,
11 7232, and 7272 (but only with regard to penalties
12 under each such section related to failure to register
13 under section 4101).

14 “(c) FLOOR STOCKS REFUNDS.—The Secretary shall
15 pay from time to time from the Transportation Trust
16 Fund into the general fund of the Treasury amounts
17 equivalent to the floor stocks refunds made before July
18 1, 2021, under section 6412(a). The amounts payable
19 from the each account in the Transportation Trust Fund
20 under the preceding sentence shall be determined by tak-
21 ing into account only the portion of the taxes which are
22 deposited into the Transportation Trust Fund and into
23 each account of such Fund.

24 “(d) TRANSFERS FROM THE TRUST FUND FOR
25 TAXES ON CERTAIN USES OF FUEL.—

1 “(1) MOTORBOAT FUEL TAXES.—

2 “(A) TRANSFER TO LAND AND WATER
3 CONSERVATION FUND.—

4 “(i) IN GENERAL.—The Secretary
5 shall pay from time to time from the
6 Transportation Trust Fund into the land
7 and water conservation fund provided for
8 in title I of the Land and Water Conserva-
9 tion Fund Act of 1965 amounts (as deter-
10 mined by the Secretary) equivalent to the
11 motorboat fuel taxes received on or after
12 October 1, 2005, and before October 1,
13 2020.

14 “(ii) LIMITATION.—The aggregate
15 amount transferred under this subpara-
16 graph during any fiscal year shall not ex-
17 ceed \$1,000,000.

18 “(2) EXCESS FUNDS TRANSFERRED TO SPORT
19 FISH RESTORATION AND BOATING TRUST FUND.—
20 Any amounts in the Transportation Trust Fund—

21 “(A) which are attributable to motorboat
22 fuel taxes, and

23 “(B) which are not transferred from the
24 Transportation Trust Fund under paragraph
25 (1)(A),

1 shall be transferred by the Secretary from the
2 Transportation Trust Fund into the Sport Fish Res-
3 toration and Boating Trust Fund.

4 “(3) MOTORBOAT FUEL TAXES.—For purposes
5 of this paragraph, the term ‘motorboat fuel taxes’
6 means the taxes under section 4041(a)(2) with re-
7 spect to special motor fuels used as fuel in motor-
8 boats and under section 4081 with respect to gaso-
9 line used as fuel in motorboats, but only to the ex-
10 tent such taxes are deposited into the Transpor-
11 tation Trust Fund.

12 “(4) DETERMINATION.—The amount of trans-
13 fers made under this paragraph after October 1,
14 1986 shall be determined by the Secretary in accord-
15 ance with the methodology described in the Treasury
16 Department’s Report to Congress of June 1986 enti-
17 tled ‘Gasoline Excise Tax Revenues Attributable to
18 Fuel Used in Recreational Motorboats’.

19 “(5) TRANSFERS FROM THE TRUST FUND FOR
20 SMALL-ENGINE FUEL TAXES.—

21 “(A) IN GENERAL.—The Secretary shall
22 pay from time to time from the Transportation
23 Trust Fund into the Sport Fish Restoration
24 and Boating Trust Fund amounts (as deter-
25 mined by him) equivalent to the small-engine

1 fuel taxes received on or after December 1,
2 1990, and before October 1, 2020.

3 “(B) SMALL-ENGINE FUEL TAXES.—For
4 purposes of this paragraph, the term ‘small-en-
5 gine fuel taxes’ means the taxes under section
6 4081 with respect to gasoline used as a fuel in
7 the nonbusiness use of small-engine outdoor
8 power equipment, but only to the extent such
9 taxes are deposited into the Transportation
10 Trust Fund and into each account of such
11 Fund.

12 “(6) TRANSFERS FROM THE TRUST FUND FOR
13 CERTAIN AVIATION FUEL TAXES.—The Secretary
14 shall pay at least monthly from the Transportation
15 Trust Fund into the Airport and Airway Trust
16 Fund amounts (as determined by the Secretary)
17 equivalent to the taxes received on or after October
18 1, 2005, and before October 1, 2020, under section
19 4081 with respect to so much of the rate of tax as
20 does not exceed.

21 “(A) 4.3 cents per gallon of kerosene sub-
22 ject to section 6427(l)(4)(A) with respect to
23 which a payment has been made by the Sec-
24 retary under section 6427(l), and

1 “(B) 21.8 cents per gallon of kerosene sub-
2 ject to section 6427(l)(4)(B) with respect to
3 which a payment has been made by the Sec-
4 retary under section 6427(l).

5 Transfers under the preceding sentence shall be
6 made on the basis of estimates by the Secretary, and
7 proper adjustments shall be made in the amounts
8 subsequently transferred to the extent prior esti-
9 mates were in excess of or less than the amounts re-
10 quired to be transferred. Any amount allowed as a
11 credit under section 34 by reason of paragraph (4)
12 of section 6427(l) shall be treated for purposes of
13 subparagraphs (A) and (B) as a payment made by
14 the Secretary under such paragraph.

15 “(e) ESTABLISHMENT OF MASS TRANSIT AC-
16 COUNT.—

17 “(1) CREATION OF ACCOUNT.—There is estab-
18 lished in the Transportation Trust Fund a separate
19 account to be known as the ‘Mass Transit Account’
20 consisting of such amounts as may be transferred or
21 credited to the Mass Transit Account as provided in
22 this section or section 9602(b).

23 “(2) TRANSFERS TO MASS TRANSIT AC-
24 COUNT.—The Secretary of the Treasury shall trans-
25 fer to the Mass Transit Account—

1 “(A) the mass transit portion of the
2 amounts appropriated to the Transportation
3 Trust Fund under subsection (b) which are at-
4 tributable to taxes under sections 4041 and
5 4081 imposed after March 31, 1983. For pur-
6 poses of the preceding sentence, the term ‘mass
7 transit portion’ means, for any fuel with respect
8 to which tax was imposed under section 4041
9 or 4081 and otherwise deposited into the
10 Transportation Trust Fund, the amount deter-
11 mined at the rate of—

12 “(i) except as otherwise provided in
13 this sentence, 2.86 cents per gallon,

14 “(ii) 1.43 cents per gallon in the case
15 of any partially exempt methanol or eth-
16 anol fuel (as defined in section 4041(m))
17 none of the alcohol in which consists of
18 ethanol,

19 “(iii) 1.86 cents per gallon in the case
20 of liquefied natural gas,

21 “(iv) 2.13 cents per gallon in the case
22 of liquefied petroleum gas,

23 “(v) 1.23 cents per energy equivalent
24 of a gallon of gasoline in the case of com-
25 pressed natural gas, and

1 “(B) additional amounts appropriated to
2 the Mass Transit Account by subsection
3 (h)(1)(B).

4 “(3) EXPENDITURES FROM ACCOUNT.—
5 Amounts in the Mass Transit Account shall be avail-
6 able, as provided by appropriation Acts, for making
7 capital or capital related expenditures (including
8 capital expenditures for new projects) before October
9 1, 2018, in accordance with the GROW AMERICA
10 Act or any other provision of law which was referred
11 to in this paragraph before the date of the enact-
12 ment of such Act (as such Act and provisions of law
13 are in effect on the date of the enactment of such
14 Act).

15 “(4) LIMITATION ON TRANSFERS TO THE AC-
16 COUNT.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), no amount may be trans-
19 ferred to the Mass Transit Account on and
20 after the date of any expenditure from the Mass
21 Transit Account which is not permitted by this
22 subsection. The determination of whether an ex-
23 penditure is so permitted shall be made without
24 regard to—

1 “(i) any provision of law which is not
2 contained or referenced in this title or in
3 a revenue Act, and

4 “(ii) whether such provision of law is
5 a subsequently enacted provision or di-
6 rectly or indirectly seeks to waive the ap-
7 plication of this paragraph.

8 “(B) EXCEPTION FOR PRIOR OBLIGA-
9 TIONS.—Subparagraph (A) shall not apply to
10 any expenditure to liquidate any contract en-
11 tered into (or for any amount otherwise obli-
12 gated) before October 1, 2018, in accordance
13 with the provisions of this section.

14 “(f) ESTABLISHMENT OF HIGHWAY ACCOUNT.—

15 “(1) CREATION OF ACCOUNT.—There is estab-
16 lished in the Transportation Trust Fund a separate
17 account to be known as the ‘Highway Account’ con-
18 sisting of such amounts as may be transferred or
19 credited to the Highway Account as provided in this
20 section or section 9602(b).

21 “(2) TRANSFERS TO THE HIGHWAY AC-
22 COUNT.—The Secretary of the Treasury shall trans-
23 fer to the Highway Account—

24 “(A) the portion of the taxes appropriated
25 to the Transportation Trust Fund by—

1 “(i) subparagraphs (B), (C), and (E)
2 of subsection (b)(1), and

3 “(ii) subparagraphs (A) and (D) of
4 subsection (b)(1), but only to the extent
5 that such taxes are not required to be
6 transferred to the Mass Transit Account
7 under subsection (e),

8 “(B) additional amounts appropriated to
9 the Highway Account by subsection (h)(1)(A);
10 and

11 “(C) fines and penalties appropriated to
12 the Transportation Trust Fund by subsection
13 (b)(4) and by section 521(b)(10) of title 49,
14 United States Code.

15 “(3) LIMITATION ON TRANSFERS TO THE AC-
16 COUNT.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), no amount may be trans-
19 ferred to the Highway Account on and after the
20 date of any expenditure from the Highway Ac-
21 count which is not permitted by this subsection.
22 The determination of whether an expenditure is
23 so permitted shall be made without regard to—

1 “(i) any provision of law which is not
2 contained or referenced in this title or in
3 a revenue Act, and

4 “(ii) whether such provision of law is
5 a subsequently enacted provision or di-
6 rectly or indirectly seeks to waive the ap-
7 plication of this paragraph.

8 “(B) EXCEPTION FOR PRIOR OBLIGA-
9 TIONS.—Subparagraph (A) shall not apply to
10 any expenditure to liquidate any contract en-
11 tered into (or for any amount otherwise obli-
12 gated) before October 1, 2018, in accordance
13 with the provisions of this section.

14 “(4) EXPENDITURES FROM ACCOUNT.—
15 Amounts in the Highway Account of the Transpor-
16 tation Trust Fund shall be available, as provided by
17 appropriation acts, for making expenditures before
18 October 1, 2018, to meet those obligations of the
19 United States heretofore or hereafter incurred which
20 are authorized to be paid out of the Highway Ac-
21 count under the GROW AMERICA Act or any other
22 provision of law which was referred to in paragraph
23 (c)(1) (as in effect on the day before enactment of
24 such Act) before the date of the enactment of such

1 Act (as such Act and provisions of law are in effect
2 on the date of the enactment of such Act).

3 “(g) ESTABLISHMENT OF RAIL ACCOUNT.—

4 “(1) CREATION OF ACCOUNT.—There is estab-
5 lished in the Transportation Trust Fund a separate
6 account to be known as the ‘Rail Account’ consisting
7 of such amounts as may be transferred or credited
8 to the Rail Account as provided in this section or
9 section 9602(b).

10 “(2) TRANSFERS TO THE RAIL ACCOUNT.—The
11 Secretary of the Treasury shall transfer to the Rail
12 Account amounts appropriated to the Rail Account
13 by subsection (h)(1)(C).

14 “(3) LIMITATION ON TRANSFERS TO THE AC-
15 COUNT.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), no amount may be trans-
18 ferred to the Rail Account on and after the date
19 of any expenditure from the Rail Account which
20 is not permitted by this subsection. The deter-
21 mination of whether an expenditure is so per-
22 mitted shall be made without regard to—

23 “(i) any provision of law which is not
24 contained or referenced in this title or in
25 a revenue Act, and

1 “(ii) whether such provision of law is
2 a subsequently enacted provision or di-
3 rectly or indirectly seeks to waive the ap-
4 plication of this paragraph.

5 “(B) EXCEPTION FOR PRIOR OBLIGA-
6 TIONS.—Subparagraph (A) shall not apply to
7 any expenditure to liquidate any contract en-
8 tered into (or for any amount otherwise obli-
9 gated) before October 1, 2018, in accordance
10 with the provisions of this section.

11 “(4) EXPENDITURES FROM ACCOUNT.—
12 Amounts in the Rail Account of the Transportation
13 Trust Fund shall be available, as provided by appro-
14 priation acts, for making expenditures before Octo-
15 ber 1, 2018, to meet those obligations of the United
16 States heretofore or hereafter incurred which are au-
17 thorized to be paid out of the Rail Account under
18 the GROW AMERICA Act.

19 “(h) ADDITIONAL APPROPRIATIONS.—

20 “(1) ADDITIONAL APPROPRIATIONS TO TRUST
21 FUND.—Out of money in the Treasury not otherwise
22 appropriated, there is hereby appropriated to—

23 “(A) the Highway Account in the Trans-
24 portation Trust Fund—

1 “(i) for fiscal year 2015,
2 \$25,000,000,000,

3 “(ii) for fiscal year 2016,
4 \$24,000,000,000,

5 “(iii) for fiscal year 2017,
6 \$16,700,000,000, and

7 “(iv) for fiscal year 2018,
8 \$8,700,000,000, and

9 “(B) the Mass Transit Account in the
10 Transportation Trust Fund—

11 “(i) for fiscal year 2015,
12 \$9,000,000,000,

13 “(ii) for fiscal year 2016,
14 \$10,000,000,000,

15 “(iii) for fiscal year 2017,
16 \$10,000,000,000, and

17 “(iv) for fiscal year 2018,
18 \$22,550,000,000,

19 “(C) the Rail Account in the Transpor-
20 tation Trust Fund—

21 “(i) for fiscal year 2015,
22 \$3,000,000,000,

23 “(ii) for fiscal year 2016,
24 \$3,000,000,000,

1 “(iii) for fiscal year 2017,
2 \$8,000,000,000, and

3 “(iv) for fiscal year 2018,
4 \$5,050,000,000; and

5 “(D) the Multimodal Account in the
6 Transportation Trust Fund—

7 “(i) for fiscal year 2015,
8 \$500,000,000,

9 “(ii) for fiscal year 2016,
10 \$500,000,000,

11 “(iii) for fiscal year 2017,
12 \$2,800,000,000, and

13 “(iv) for fiscal year 2018,
14 \$1,200,000,000.

15 “(2) TREATMENT OF APPROPRIATED
16 AMOUNTS.—Any amount appropriated under this
17 subsection shall remain available without fiscal year
18 limitation.

19 “(i) ADJUSTMENTS OF APPORTIONMENTS FOR HIGH-
20 WAY AND MASS TRANSIT ACCOUNT PROGRAMS.—The
21 Secretary of the Treasury and where so indicated, the Sec-
22 retary of Transportation, shall take the following actions
23 for the Highway Account and separately for the Mass
24 Transit Account—

1 “(1) ESTIMATES OF UNFUNDED AUTHORIZA-
2 TIONS AND NET RECEIPTS FOR ACCOUNT.—The Sec-
3 retary of the Treasury, not less frequently than once
4 in each calendar quarter, after consultation with the
5 Secretary of Transportation, shall estimate for the
6 Account—

7 “(A) the amount which would (but for this
8 subsection) be the unfunded authorizations at
9 the close of the next fiscal year, and

10 “(B) the net receipts for the 48-month pe-
11 riod beginning at the close of such fiscal year.

12 “(2) PROCEDURE WHERE THERE ARE EXCESS
13 UNFUNDED AUTHORIZATIONS.—If the Secretary of
14 the Treasury determines for any fiscal year that the
15 amount described in paragraph (1)(A) for the Ac-
16 count exceeds the amount described in paragraph
17 (1)(B) for such Account—

18 “(A) the Secretary shall so advise the Sec-
19 retary of Transportation, and

20 “(B) the Secretary shall further advise the
21 Secretary of Transportation as to the amount
22 of such excess.

23 “(3) ADJUSTMENT OF APPORTIONMENTS
24 WHERE UNFUNDED AUTHORIZATIONS EXCEED 4
25 YEARS’ RECEIPTS.—

1 “(A) DETERMINATION OF PERCENTAGE.—
2 If, before any apportionment to the States is
3 made of funds authorized to be appropriated
4 from the Account in the most recent estimate
5 made by the Secretary of the Treasury there is
6 an excess referred to in paragraph (2)(B) for
7 the Account, the Secretary of Transportation
8 shall determine the percentage which—

9 “(i) the excess referred to in para-
10 graph (2)(B) for the Account, is of

11 “(ii) the amount authorized to be ap-
12 propriated from that Account of the Trust
13 Fund for the fiscal year for apportionment
14 to the States.

15 If, but for this sentence, the most recent esti-
16 mate would be one which was made on a date
17 which will be more than 3 months before the
18 date of the apportionment, the Secretary of the
19 Treasury shall make a new estimate under
20 paragraph (1) for the appropriate fiscal year.

21 “(B) ADJUSTMENT OF APPORTION-
22 MENTS.—If the Secretary of Transportation de-
23 termines a percentage for the Account under
24 subparagraph (A) for purposes of any appor-
25 tionment, notwithstanding any other provision

1 of law, the Secretary of Transportation shall
2 apportion to the States (in lieu of the amount
3 which, but for the provisions of this subsection,
4 would be so apportioned) the amount obtained
5 by reducing the amount authorized to be so ap-
6 portioned by such percentage.

7 “(4) APPORTIONMENT OF AMOUNTS PRE-
8 VIOUSLY WITHHELD FROM APPORTIONMENT.—If,
9 after funds have been withheld from apportionment
10 under paragraph (3)(B), the Secretary of the Treas-
11 ury determines that the amount described in para-
12 graph (1)(A) does not exceed the amount described
13 in paragraph (1)(B) or that the excess described in
14 paragraph (1)(B) is less than the amount previously
15 determined, he shall so advise the Secretary of
16 Transportation. The Secretary of Transportation
17 shall apportion to the States such portion of the
18 funds so withheld from apportionment as the Sec-
19 retary of the Treasury has advised him may be so
20 apportioned without causing the amount described in
21 paragraph (1)(A) to exceed the amount described in
22 paragraph (1)(B). Any funds apportioned pursuant
23 to the preceding sentence shall remain available for
24 the period for which they would be available if such
25 apportionment took effect with the fiscal year in

1 which they are apportioned pursuant to the pre-
2 ceding sentence.

3 “(5) DEFINITIONS.—For purposes of this sub-
4 section—

5 “(A) UNFUNDED AUTHORIZATIONS.—The
6 term ‘unfunded authorizations’ means, at any
7 time, the excess (if any) of—

8 “(i) the total potential unpaid com-
9 mitments at such time as a result of the
10 apportionment to the States of the
11 amounts authorized to be appropriated
12 from the Account, over

13 “(ii) the amount available in the that
14 Account at such time to defray such com-
15 mitments (after all other unpaid commit-
16 ments at such time which are payable from
17 that Account have been defrayed).

18 “(B) NET RECEIPTS.—The term ‘net re-
19 ceipts’ means, with respect to any period, the
20 excess of—

21 “(i) the receipts (including interest) of
22 the Account during such period, over

23 “(ii) the amounts to be transferred
24 during such period from such Account
25 under subsection (d).

1 “(6) MEASUREMENT OF NET RECEIPTS.—For
2 purposes of making any estimate under paragraph
3 (1) of net receipts for periods ending after the date
4 specified in subsection (b)(1), the Secretary of the
5 Treasury shall treat—

6 “(A) each expiring provision of subsection
7 (b) which is related to appropriations or trans-
8 fers to the Highway Account or the Mass Tran-
9 sit Account of the Transportation Trust Fund
10 to have been extended through the end of the
11 48-month period referred to in paragraph
12 (1)(B), and

13 “(B) with respect to each tax imposed
14 under the sections referred to in subsection
15 (b)(1), the rate of such tax during the 48-
16 month period referred to in paragraph (1)(B)
17 to be the same as the rate of such tax as in ef-
18 fect on the date of such estimate.

19 “(7) REPORTS.—Any estimate under paragraph
20 (1) and any determination under paragraph (2) shall
21 be reported by the Secretary of the Treasury to the
22 Committee on Ways and Means of the House of
23 Representatives, the Committee on Finance of the
24 Senate, the Committees on the Budget of both
25 Houses, the Committee on Transportation and In-

1 frastructure of the House of Representatives, and
2 the Committee on Commerce, Science, and Trans-
3 portation, the Committee on Banking, and the Com-
4 mittee on Environment and Public Works of the
5 Senate.

6 “(j) ESTABLISHMENT OF MULTIMODAL ACCOUNT.—

7 “(1) CREATION OF ACCOUNT.—There is estab-
8 lished in the Transportation Trust Fund a separate
9 account to be known as the ‘Multimodal Account’
10 consisting of such amounts as may be transferred or
11 credited to the Multimodal Account as provided in
12 this section or section 9602(b).

13 “(2) TRANSFERS TO THE MULTIMODAL AC-
14 COUNT.—The Secretary of the Treasury shall trans-
15 fer to the Multimodal Account amounts appropriated
16 to the Multimodal Account by subsection (h)(1)(D).

17 “(3) LIMITATION ON TRANSFERS TO THE AC-
18 COUNT.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), no amount may be trans-
21 ferred to the Multimodal Account on and after
22 the date of any expenditure from the
23 Multimodal Account which is not permitted by
24 this subsection. The determination of whether

1 an expenditure is so permitted shall be made
2 without regard to—

3 “(i) any provision of law which is not
4 contained or referenced in this title or in
5 a revenue Act, and

6 “(ii) whether such provision of law is
7 a subsequently enacted provision or di-
8 rectly or indirectly seeks to waive the ap-
9 plication of this paragraph.

10 “(B) EXCEPTION FOR PRIOR OBLIGA-
11 TIONS.—Subparagraph (A) shall not apply to
12 any expenditure to liquidate any contract en-
13 tered into (or for any amount otherwise obli-
14 gated) before October 1, 2018, in accordance
15 with the provisions of this section.

16 “(4) EXPENDITURES FROM ACCOUNT.—
17 Amounts in the Multimodal Account of the Trans-
18 portation Trust Fund shall be available, as provided
19 by appropriation acts, for making expenditures be-
20 fore October 1, 2018, to meet those obligations of
21 the United States heretofore or hereafter incurred
22 which are authorized to be paid out of the
23 Multimodal Account under the GROW AMERICA
24 Act.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) The item relating to section 9503 in the
2 analysis of chapter 98 of the Internal Revenue Code
3 of 1986 is amended by striking “Highway” and in-
4 serting “Transportation”.

5 (2) Section 201(b) of the Land and Water Con-
6 servation Fund Act of 1965 (16 U.S.C. 4601-11(b))
7 is amended—

8 (A) by striking “2017” and inserting
9 “2020”, and

10 (B) by striking “2016” each place it ap-
11 pears and inserting “2021”.

12 (3) Section 521(b)(10) of title 49, United
13 States Code, is amended by striking “Highway
14 Trust Fund (other than the Mass Transit Account)”
15 and inserting “Highway Account of the Transpor-
16 tation Trust Fund”.

17 **SEC. 7005. EFFECTIVE DATE.**

18 The amendments made by this title shall take effect
19 on the date of the enactment of this Act.

20 **TITLE VIII—RESEARCH**

21 **Subtitle A—Funding**

22 **SEC. 8001. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—The following amounts are au-
24 thorized to be appropriated out of the Highway Account
25 of the Transportation Trust Fund:

1 (1) HIGHWAY RESEARCH AND DEVELOPMENT
2 PROGRAM.—To carry out section 503(b) of title 23,
3 United States Code—

- 4 (A) \$130,000,000 for fiscal year 2015;
5 (B) \$132,594,234 for fiscal year 2016;
6 (C) \$135,188,470 for fiscal year 2017; and
7 (D) \$138,070,953 for fiscal year 2018.

8 (2) TECHNOLOGY AND INNOVATION DEPLOY-
9 MENT PROGRAM.—To carry out section 503(c) of
10 title 23, United States Code—

- 11 (A) \$70,000,000 for fiscal year 2015;
12 (B) \$71,396,896 for fiscal year 2016;
13 (C) \$72,793,792 for fiscal year 2017; and
14 (D) \$74,345,898 for fiscal year 2018.

15 (3) TRAINING AND EDUCATION.—To carry out
16 section 504 of title 23, United States Code—

- 17 (A) \$27,000,000 for fiscal year 2015;
18 (B) \$27,538,803 for fiscal year 2016;
19 (C) \$28,077,605 for fiscal year 2017; and
20 (D) \$28,676,275 for fiscal year 2018.

21 (4) INTELLIGENT TRANSPORTATION SYSTEMS
22 PROGRAM.—To carry out sections 512 through 519
23 of title 23, United States Code—

- 24 (A) \$113,000,000 for fiscal year 2015;
25 (B) \$115,254,989 for fiscal year 2016;

1 (C) \$117,509,978 for fiscal year 2017; and

2 (D) \$120,015,521 for fiscal year 2018.

3 (5) UNIVERSITY TRANSPORTATION CENTERS
4 PROGRAM.—To carry out section 5505 of title 49,
5 United States Code—

6 (A) \$82,000,000 for fiscal year 2015;

7 (B) \$83,636,364 for fiscal year 2016;

8 (C) \$85,272,727 for fiscal year 2017; and

9 (D) \$87,090,909 for fiscal year 2018.

10 (6) BUREAU OF TRANSPORTATION STATIS-
11 TICS.—To carry out chapter 63 of title 49, United
12 States Code—

13 (A) \$29,000,000 for fiscal year 2015;

14 (B) \$29,578,714 for fiscal year 2016;

15 (C) \$30,157,428 for fiscal year 2017; and

16 (D) \$30,800,444 for fiscal year 2018.

17 (b) APPLICABILITY OF TITLE 23, UNITED STATES
18 CODE.—Funds authorized to be appropriated by sub-
19 section (a) shall—

20 (1) be available for obligation in the same man-
21 ner as if those funds were apportioned under chap-
22 ter 1 of title 23, United States Code, except that the
23 Federal share of the cost of a project or activity car-
24 ried out using those funds shall be 80 percent, un-
25 less otherwise expressly provided by this Act (includ-

1 ing the amendments by this Act) or otherwise deter-
2 mined by the Secretary; and

3 (2) remain available until expended and not be
4 transferable.

5 **Subtitle B—Research, Technology,**
6 **and Education**

7 **SEC. 8101. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**
8 **TATION RESEARCH PROGRAM.**

9 (a) IN GENERAL.—Chapter 5 of title 23, United
10 States Code, is amended by inserting the following at the
11 end:

12 **“SEC. 550. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**
13 **TATION RESEARCH PROGRAM.**

14 “(a) ESTABLISHMENT.—The Secretary shall estab-
15 lish and support a National Cooperative Freight Trans-
16 portation Research Program.

17 “(b) AGREEMENT.—The Secretary shall enter into an
18 agreement with the Transportation Research Board of the
19 National Research Council of the National Academies to
20 support and carry out administrative and management ac-
21 tivities relating to the governance of the National Coopera-
22 tive Freight Transportation Research Program.

23 “(c) ADVISORY COMMITTEE.—The National Acad-
24 emies shall select an advisory committee consisting of a
25 representative cross section of freight stakeholders, includ-

1 ing the Department of Transportation, other Federal
2 agencies, State transportation departments, local govern-
3 ments, nonprofit entities, academia, private sector carriers
4 and shippers, and other interested parties.

5 “(d) GOVERNANCE.—The National Cooperative
6 Freight Transportation Research Program established
7 under this section shall include the following administra-
8 tive and management elements:

9 “(1) NATIONAL RESEARCH AGENDA.—The advi-
10 sory committee, in consultation with interested par-
11 ties, shall recommend a national research agenda for
12 the program. The agenda shall—

13 “(A) include an emphasis on the safe and
14 efficient transportation and handling of haz-
15 ardous materials by all modes of transportation;

16 “(B) include a multiyear strategic plan;

17 “(C) be fully coordinated with the activi-
18 ties, plans, and reports required by sections
19 5304 and 5305 of title 49; and

20 “(D) be fully coordinated with the activi-
21 ties, plans, and reports required by section 508
22 of title 23, United States Code.

23 “(2) INVOLVEMENT.—Interested parties may—

24 “(A) submit research proposals to the advi-
25 sory committee;

1 “(B) participate in merit reviews of re-
2 search proposals and peer reviews of research
3 products; and

4 “(C) receive research results.

5 “(3) OPEN COMPETITION AND PEER REVIEW OF
6 RESEARCH PROPOSALS.—The National Academies
7 may award research contracts and grants under the
8 program through open competition and merit review
9 conducted on a regular basis.

10 “(4) RESEARCH COORDINATION.—The National
11 Academies shall ensure that research contracts and
12 grants awarded under this section are not duplica-
13 tive with research conducted under other cooperative
14 transportation research programs governed by the
15 National Academies; nor with research conducted by
16 the Department of Transportation or any other Fed-
17 eral, State, or local agency.

18 “(5) EVALUATION OF RESEARCH.—

19 “(A) PEER REVIEW.—Research contracts
20 and grants under the program may allow peer
21 review of the research results.

22 “(B) PROGRAMMATIC EVALUATIONS.—The
23 National Academies may conduct periodic pro-
24 grammatic evaluations on a regular basis of re-
25 search contracts and grants.

1 “(6) DISSEMINATION OF RESEARCH FIND-
2 INGS.—The National Academies shall disseminate
3 research findings to researchers, practitioners, and
4 decisionmakers, through conferences and seminars,
5 field demonstrations, workshops, training programs,
6 presentations, testimony to government officials, the
7 World Wide Web, publications for the general public,
8 collaboration with the National Transportation Li-
9 brary, and other appropriate means.

10 “(e) CONTENTS.—The national research agenda re-
11 quired under subsection (d)(1) shall at a minimum include
12 research in the following areas:

13 “(1) Techniques for estimating and quantifying
14 public benefits derived from freight transportation
15 projects.

16 “(2) Alternative approaches to calculating the
17 contribution of truck and rail traffic to congestion
18 on specific highway segments.

19 “(3) The feasibility of consolidating origins and
20 destinations for freight movement.

21 “(4) Methods for incorporating estimates of do-
22 mestic and international trade into landside trans-
23 portation planning.

24 “(5) Means of synchronizing infrastructure im-
25 provements with freight transportation demand.

1 “(6) The effect of changing patterns of freight
2 movement on transportation planning decisions.

3 “(7) Other research areas to identify and ad-
4 dress emerging and future research needs related to
5 freight transportation by all modes.

6 “(f) FUNDING.—

7 “(1) FEDERAL SHARE.—The Federal share of
8 the cost of an activity carried out under this section
9 shall be up to 100 percent.

10 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
11 tion to using funds authorized for this section, the
12 National Academies may seek and accept additional
13 funding sources from public and private entities ca-
14 pable of accepting funding from the Department of
15 Transportation, States, local governments, nonprofit
16 foundations, and the private sector.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary of
19 Transportation such sums as may be necessary to carry
20 out section 550 of such title.

21 (c) CONFORMING AMENDMENT.—The analysis for
22 chapter 501 of title 23, United States Code, is amended
23 by adding the following at the end:

“550. National cooperative freight transportation research program.”.

1 **SEC. 8102. COMPETITIVE UNIVERSITY TRANSPORTATION**
2 **CENTERS CONSORTIA PROGRAM.**

3 (a) IN GENERAL.—Section 5505 of title 49, United
4 States Code, is amended as follows:

5 (1) Subsection (a)(2)(A) is amended to read:

6 “(A) to advance multimodal and cross-
7 modal transportation expertise and technology
8 in the varied disciplines that comprise the field
9 of transportation through education, research,
10 and technology transfer activities;”.

11 (2) Subsection (a)(2)(C) of title 49 is amended
12 to read:

13 “(C) to address critical workforce needs
14 and educate the next generation of transpor-
15 tation leaders in a multidisciplinary fashion.”.

16 (3) Subsection (b) is amended to read as fol-
17 lows:

18 “(b) COMPETITIVE SELECTION PROCESS.—

19 “(1) APPLICATIONS.—To receive a grant under
20 this section, a consortium of nonprofit institutions of
21 higher education shall submit to the Secretary an
22 application that is in such form and contains such
23 information as the Secretary may require.

24 “(2) RESTRICTION.—The lead institution of a
25 consortium of nonprofit institutions of higher edu-
26 cation that receives a direct grant award under this

1 section for a national transportation center or a re-
2 gional transportation center in a fiscal year shall not
3 be eligible to receive funding, direct or indirectly,
4 from an additional grant in that fiscal year as the
5 lead institution or member of a consortium, for a
6 national transportation center or a regional trans-
7 portation center.

8 “(3) COORDINATION.—The Secretary shall so-
9 licit grant applications for national transportation
10 centers, regional transportation centers, and Tier 1
11 university transportation centers with identical ad-
12 vertisement schedules and deadlines.

13 “(4) GENERAL SELECTION CRITERIA.—

14 “(A) IN GENERAL.—Except as otherwise
15 provided by this section, the Secretary shall
16 award grants under this section in nonexclusive
17 candidate topic areas established by the Sec-
18 retary that address the research priorities iden-
19 tified in the plans developed under section 508
20 of title 23.

21 “(B) CRITERIA.—The Secretary, in con-
22 sultation with the Assistant Secretary for Re-
23 search and Technology and the Administrators
24 of the Federal Highway Administration and
25 Federal Railroad Administration, shall select

1 each recipient of a grant under this section
2 through a competitive process based on the as-
3 sessment of the Secretary relating to—

4 “(i) the demonstrated ability of the
5 recipient to address each specific topic area
6 described in the research and strategic
7 plans of the recipient;

8 “(ii) the demonstrated research, tech-
9 nology transfer, and education resources
10 available to the recipient to carry out this
11 section;

12 “(iii) the ability of the recipient to
13 provide leadership in solving immediate
14 and long-range national and regional
15 transportation problems;

16 “(iv) the ability of the recipient to
17 carry out research, education, and tech-
18 nology transfer activities that are
19 multimodal and multidisciplinary in scope;

20 “(v) the demonstrated commitment of
21 the recipient to carry out transportation
22 workforce development programs
23 through—

1 “(I) degree-granting programs or
2 programs that provide other industry-
3 recognized credentials; and

4 “(II) outreach activities to at-
5 tract new entrants into the transpor-
6 tation field, including minorities,
7 women, individuals with disabilities,
8 veterans, low-income populations, and
9 others who may not have considered
10 pursuing careers in transportation
11 previously;

12 “(vi) the demonstrated ability of the
13 recipient to disseminate results and spur
14 the implementation of transportation re-
15 search and education programs through
16 national or statewide continuing education
17 programs;

18 “(vii) the demonstrated commitment
19 of the recipient to the use of peer review
20 principles and other research best practices
21 in the selection, management, and dissemi-
22 nation of research projects;

23 “(viii) the strategic plan submitted by
24 the recipient describing the proposed re-
25 search to be carried out by the recipient

1 and the performance metrics to be used in
2 assessing the performance of the recipient
3 in meeting the stated research, technology
4 transfer, education, and outreach goals;
5 and

6 “(ix) the ability of the recipient to im-
7 plement the proposed program in a cost-ef-
8 ficient manner, such as through cost shar-
9 ing and overall reduced overhead, facilities,
10 and administrative costs.

11 “(5) TRANSPARENCY.—

12 “(A) IN GENERAL.—The Secretary shall
13 provide to each applicant, upon request, any
14 materials, including copies of reviews (with any
15 information that would identify a reviewer re-
16 dacted), used in the evaluation process of the
17 proposal of the applicant.

18 “(B) REPORTS.—The Secretary shall make
19 available to the public on a Department of
20 Transportation Web site a report describing the
21 overall review process under **[paragraph (3)]**
22 that includes—

23 “(i) specific criteria of evaluation used
24 in the review;

1 “(ii) descriptions of the review proc-
2 ess; and

3 “(iii) explanations of the selected
4 awards.

5 “(6) OUTSIDE STAKEHOLDERS.—The Secretary
6 shall, to the maximum extent practicable, consult ex-
7 ternal stakeholders such as the Transportation Re-
8 search Board of the National Research Council of
9 the National Academies to evaluate and competi-
10 tively review all proposals.”.

11 (4) Subsection (c) is amended to read as fol-
12 lows:

13 “(c) GRANTS.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of the GROW AMERICA Act,
16 the Secretary, in consultation with the Assistant
17 Secretary for Research and Technology and the Ad-
18 ministrators of the Federal Highway Administration
19 and Federal Railroad Administration, shall select
20 grant recipients under subsection (b) and make
21 grant amounts available to the selected recipients.

22 “(2) FOCUSED RESEARCH.—In awarding grants
23 under this paragraph, consideration shall be given to
24 minority institutions, as defined by section 365 of
25 the Higher Education Act of 1965 (20 U.S.C.

1 1067k), or consortia that include such institutions
2 that have demonstrated an ability in transportation-
3 related research and education.

4 “(3) NATIONAL TRANSPORTATION CENTERS.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), the Secretary shall provide grants to
7 5 consortia that the Secretary determines best
8 meet the criteria described in subsection (b)(4).

9 “(B) RESTRICTION.—For each fiscal year,
10 a grant made available under this paragraph
11 shall be \$3,200,000 per recipient.

12 “(C) MATCHING REQUIREMENT.—

13 “(i) IN GENERAL.—As a condition of
14 receiving a grant under this paragraph, a
15 grant recipient shall match 100 percent of
16 the amounts made available under the
17 grant.

18 “(ii) SOURCES.—The matching
19 amounts referred to in clause (i) may in-
20 clude—

21 “(I) amounts made available to
22 the recipient under title I of this Act;

23 “(II) amounts made available to
24 the recipient by the several adminis-

1 trations of the Department of Trans-
2 portation; and

3 “(III) amounts made available to
4 the recipient by other Federal depart-
5 ments, agencies, independent agencies,
6 boards, and other Federal elements
7 with interests in transportation.

8 “(4) REGIONAL UNIVERSITY TRANSPORTATION
9 CENTERS.—

10 “(A) LOCATION OF REGIONAL CENTERS.—

11 One regional university transportation center
12 shall be located in each of the 10 Federal re-
13 gions that comprise the Standard Federal Re-
14 gions established by the Office of Management
15 and Budget in the document entitled ‘Standard
16 Federal Regions’ and dated April 1974 (cir-
17 cular A-105).

18 “(B) SELECTION CRITERIA.—In con-
19 ducting a competition under subsection (b), the
20 Secretary shall provide grants to 10 consortia
21 on the basis of—

22 “(i) the criteria described in [sub-
23 section (b)(3)];

24 “(ii) the location of the center within
25 the Federal region to be served; and

1 “(iii) whether the consortium of insti-
2 tutions demonstrates that the consortium
3 has well-established, nationally recognized
4 multimodal and multidisciplinary programs
5 in transportation research and education,
6 as evidenced by—

7 “(I) recent expenditures by the
8 institution in surface transportation
9 research;

10 “(II) a historical track record of
11 awarding graduate degrees in profes-
12 sional fields closely related to surface
13 transportation; and

14 “(III) an experienced faculty who
15 specialize in professional fields closely
16 related to surface transportation.

17 “(C) RESTRICTIONS.—For each fiscal
18 year, a grant made available under this para-
19 graph shall be \$3,000,000 for each recipient.

20 “(D) MATCHING REQUIREMENT.—

21 “(i) IN GENERAL.—As a condition of
22 receiving a grant under this paragraph, a
23 grant recipient shall match 100 percent of
24 the amounts made available under the
25 grant.

1 “(ii) SOURCES.—The matching
2 amounts referred to in clause (i) may in-
3 clude—

4 “(I) amounts made available to
5 the recipient under title I of this Act;

6 “(II) amounts made available to
7 the recipient by the several adminis-
8 trations of the Department of Trans-
9 portation; and

10 “(III) amounts made available to
11 the recipient by other Federal depart-
12 ments, agencies, independent agencies,
13 boards, and other elements with inter-
14 ests in transportation.

15 “(5) TIER 1 UNIVERSITY TRANSPORTATION
16 CENTERS.—

17 “(A) IN GENERAL.—The Secretary shall
18 provide grants of \$1,800,000 each to not more
19 than 20 recipients to carry out this paragraph.

20 “(B) RESTRICTION.—The lead institution
21 of a consortium of nonprofit institutions of
22 higher education that receives a direct grant
23 award under paragraph (3) or (4) shall not be
24 eligible to receive a direct grant award under
25 this paragraph.

1 “(C) MATCHING REQUIREMENT.—

2 “(i) IN GENERAL.—Subject to [clause
3 (iii)], as a condition of receiving a grant
4 under this paragraph, a grant recipient
5 shall match 50 percent of the amounts
6 made available under the grant.

7 “(ii) SOURCES.—The matching
8 amounts referred to in clause (i) may in-
9 clude—

10 “(I) amounts made available to
11 the recipient under title I of this Act;

12 “(II) amounts made available to
13 the recipient by the several adminis-
14 trations of the Department of Trans-
15 portation; and

16 “(III) amounts made available to
17 the recipient by other Federal depart-
18 ments, agencies, independent agencies,
19 boards and other elements with inter-
20 ests in transportation.”.

21 (b) RESEARCH EFFICIENCY.—Section 5505 of title
22 49, United States Code, is further amended by inserting
23 after subsection (f) the following:

24 “(g) RESEARCH EFFICIENCY.—

1 “(1) ADDITIONAL SPONSORED GRANTS.—To en-
2 able access more broadly to the specialized skills and
3 multidisciplinary research capabilities of the trans-
4 portation university research community by the sev-
5 eral administrations of the Department of Transpor-
6 tation, and by other Federal departments, agencies,
7 independent agencies, boards, and other elements
8 with interests in transportation, these organizations
9 may sponsor competitive grants to consortia on spe-
10 cific research topics.

11 “(2) GRANTS.—

12 “(A) The grants shall conform to the selec-
13 tion criteria and requirements of either national
14 transportation centers or Tier 1 university
15 transportation centers; and be of an equivalent
16 grant value of the type of Center selected.

17 “(B) The grants shall conform to all other
18 requirements and restrictions under this sec-
19 tion.

20 “(C) The grants shall be competed, se-
21 lected, and awarded on the same schedule as all
22 grants competed under this section.

23 “(3) MATCHING REQUIREMENT.—Such grants
24 shall require identical matching requirements of the
25 type of center selected; except that sources of match-

1 ing funds may not be the same funding source as
2 the Federal entity funding the specialized grant.”.

3 **SEC. 8103. PRIORITY MULTIMODAL RESEARCH PROGRAM.**

4 (a) IN GENERAL.—Section 5506 of title 49, United
5 States Code, is amended to read as follows:

6 **“SEC. 5506. PRIORITY MULTIMODAL RESEARCH PROGRAM.**

7 “(a) ESTABLISHMENT.—The Secretary shall estab-
8 lish and support a Priority Multimodal Research Program.

9 “(b) FOCUSED RESEARCH.—The Secretary shall
10 enter into research agreements to carry out priority
11 multimodal research in the following topics:

12 “(1) Conduct research and standards/guideline
13 development for surface transportation infrastruc-
14 ture owners and services providers on systems resil-
15 ience and recovery.

16 “(2) Enable advanced research towards a Zero
17 Emissions Transportation System, to—

18 “(A) accelerate the goal of 80 percent
19 greenhouse gas emission reduction by 2050, to
20 a goal of 100 percent greenhouse gas emission
21 reduction by the same date; and

22 “(B) conduct advanced or long-term re-
23 search on emissions in the transportation sec-
24 tor, both in vehicle emissions and in infrastruc-
25 ture construction and maintenance.

1 “(3) Conduct a coordinated, multimodal STEM
2 Education and Workforce Development program to
3 support the transportation sector’s needs over the
4 next decade for a new workforce trained in the latest
5 technologies.

6 “(c) FUNDING.—

7 “(1) FEDERAL SHARE.—The Federal share of
8 the cost of an activity carried out under this section
9 shall be up to 100 percent.

10 “(2) USE OF NON-FEDERAL FUNDS.—In addi-
11 tion to using funds authorized for this section, the
12 Secretary may seek and accept additional funding
13 sources from public and private entities capable of
14 accepting funding from the Department of Trans-
15 portation, States, local governments, nonprofit foun-
16 dations, and the private sector.

17 “(3) PERIOD OF AVAILABILITY.—Amounts
18 made available to carry out this section shall remain
19 available until expended.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of
22 Transportation such sums as may be necessary to carry
23 out section 5506 of title 49, United States Code.

1 (c) CONFORMING AMENDMENT.—The analysis for
2 chapter 55 of title 49, United States Code, is amended
3 by inserting the following at the end:

“5506. Priority Multimodal Research Program.”.

4 **SEC. 8104. BUREAU OF TRANSPORTATION STATISTICS.**

5 (a) SECTION 6302 AMENDMENTS.—Section 6302 of
6 title 49, United States Code, is amended as follows:

7 (1) Subsection 6302(b)(3)(B)(vi)(III) of title
8 49, United States Code, is amended by striking
9 “section 6310” and inserting “section 6309”.

10 (2) Clauses (vii), (viii), (ix), and (x) of sub-
11 section 6302(b)(3)(B) of title 49, United States
12 Code, are redesignated as clauses (viii), (ix), (x), and
13 (xi), respectively.

14 (3) The following is inserted after subsection
15 6302(b)(3)(B)(vi):

16 “(vii) develop and improve transpor-
17 tation economic accounts, to meet demand
18 for methods for estimating the economic
19 value of transportation infrastructure, in-
20 vestment, and services;”.

21 (b) INTERMODAL TRANSPORTATION DATA PRO-
22 GRAM.—Section 6303 of title 49, United States Code, is
23 amended by adding after subsection (c) the following:

24 “(d) INTERMODAL TRANSPORTATION DATA COLLEC-
25 TION.—To provide content for the database described in

1 this section, the Director shall create and maintain
2 datasets and data analysis tools. Activities may include—

3 “(1) conducting national surveys of goods
4 movement, intercity passenger flows, household and
5 business logistics, the domestic transportation of
6 international trade, and vehicle inventory and use;

7 “(2) collecting household travel behavior data
8 and business logistics data crossing local jurisdic-
9 tional boundaries to accommodate external and
10 through travel;

11 “(3) collecting and analyzing administrative
12 records to identify travel patterns, goods movement,
13 and the economic value of transportation infrastruc-
14 ture serving travel and freight;

15 “(4) developing methods for establishing the
16 economic value of transportation capital stocks and
17 services;

18 “(5) enhancing and deploying analysis tools to
19 integrate data collected under this section into the
20 National Commodity Origin Destination Accounts,
21 National Passenger Travel Origin Destination Ac-
22 counts, and Transportation Economic Accounts of
23 the Intermodal Transportation Database; and

24 “(6) developing tools to enhance public access
25 to the Intermodal Transportation Database in con-

1 junction with development, application, and report-
2 ing of performance measures.”.

3 (c) NATIONAL TRANSPORTATION ATLAS DATA-
4 BASE.—Section 6311(5) of title 49, United States Code,
5 is amended by replacing “section 6310” with “section
6 6309”.

7 (d) INTERMODAL TRANSPORTATION DATA PRO-
8 GRAM.—Section 6303(c)(1) is amended to read as follows:
9 “(1) information on the items referred to in
10 subsection 6302(b)(3)(B)(vi).”.

11 (e) MANDATORY RESPONSE AUTHORITY FOR
12 FREIGHT DATA COLLECTION.—Section 6313(a) of title
13 49, United States Code, is amended by—

- 14 (1) striking paragraph (2);
- 15 (2) striking the designation and heading of
16 paragraph (1);
- 17 (3) redesignating subparagraphs (A) and (B) as
18 paragraphs (1) and (2), respectively; and
- 19 (4) striking “described in paragraph (2)” and
20 inserting “of any nature whatsoever”.

21 (f) NATIONAL TRANSPORTATION LIBRARY.—Section
22 6304 of title 49, United States Code, is amended to read
23 as follows:

1 **“SEC. 6304. NATIONAL TRANSPORTATION LIBRARY.**

2 “(a) PURPOSE AND ESTABLISHMENT.—To support
3 the information management and decisionmaking needs of
4 transportation officials at the Federal, State, and local lev-
5 els, there shall be in the Bureau a National Transpor-
6 tation Library, which shall—

7 “(1) be headed by an individual who is highly
8 qualified in library and information science;

9 “(2) acquire, preserve, and manage transpor-
10 tation information and information products and
11 services for use by the Department, other Federal
12 agencies, and the general public;

13 “(3) provide reference and research assistance;

14 “(4) serve as a central depository for research
15 results and technical publications of the Depart-
16 ment;

17 “(5) provide a central clearinghouse for trans-
18 portation data and information of the Federal Gov-
19 ernment;

20 “(6) plan for, coordinate, and evaluate informa-
21 tion sciences and library needs related to transpor-
22 tation research, education, and training;

23 “(7) serve as coordinator and policy lead for
24 transportation information access;

25 “(8) provide transportation information and in-
26 formation products and services to—

1 “(A) the Department;

2 “(B) other Federal agencies;

3 “(C) public and private organizations; and

4 “(D) individuals, within the United States
5 and internationally;

6 “(9) coordinate efforts among, and cooperate
7 with, transportation libraries, information providers,
8 and technical assistance centers, in conjunction with
9 private industry and other transportation library and
10 information centers, with the goal of developing a
11 comprehensive transportation information and
12 knowledge network that supports the activities de-
13 scribed in section 6302(b)(3)(B)(vi); and

14 “(10) engage in other activities the Director de-
15 termines to be necessary and as the resources of the
16 Library permit.

17 “(b) ACCESS.—

18 “(1) IN GENERAL.—The Director shall pub-
19 licize, facilitate, and promote access to the informa-
20 tion products and services described in subsection
21 (a), to improve the ability of the transportation com-
22 munity to share information and the ability of the
23 Director to make statistics and other information
24 readily accessible as required under section
25 6302(b)(3)(B)(x) of this title.

1 “(2) AVAILABILITY OF PUBLICATIONS, MATE-
2 RIALS, FACILITIES, OR SERVICES; PRESCRIPTION OF
3 RULES.—The Director shall—

4 “(A) make available publications or mate-
5 rials according to library and information
6 science best practices;

7 “(B) make available its facilities for re-
8 search; and

9 “(C) make available its bibliographic, basic
10 reference, or other services to public and private
11 entities and individuals.

12 “(3) RULES.—Rules described in section
13 6304(b)(1) of this title may provide for making
14 available such publications, materials, facilities, or
15 services—

16 “(A) without charge as a public service;

17 “(B) upon a loan, exchange, or charge
18 basis; or

19 “(C) in appropriate circumstances, under
20 contract arrangements made with **[a/?]** public
21 or other nonprofit entity.

22 “(c) AGREEMENTS.—

23 “(1) IN GENERAL.—To carry out this section,
24 the Director may enter into agreements with, award
25 grants to, and receive amounts from, any—

1 “(A) State or local government;

2 “(B) organization;

3 “(C) business; or

4 “(D) individual.

5 “(2) CONTRACTS, GRANTS, AND AGREE-
6 MENTS.—The Library may initiate and support spe-
7 cific information and data management, access, and
8 exchange activities in connection with matters relat-
9 ing to the Department’s strategic goals, knowledge
10 networking, and national and international coopera-
11 tion, by entering into contracts or other agreements
12 or awarding grants for the conduct of such activi-
13 ties.

14 “(3) AMOUNTS.—Any amounts received by the
15 Library as payment for library products and services
16 or other activities shall be made available to the Di-
17 rector to carry out this section, deposited in the Of-
18 fice of the Assistant Secretary for Research and
19 Technology’s general fund account, and remain
20 available until expended.”.

21 (g) PORT PERFORMANCE STATISTICS PROGRAM.—
22 Chapter 63 of title 49, United States Code, is amended
23 by adding after section 6313 the following:

1 **“SEC. 6314. PORT PERFORMANCE STATISTICS PROGRAM.**

2 “(a) IN GENERAL.—The Director may establish a
3 Port Performance Statistics Program to provide nationally
4 consistent measures of performance of the Nation’s mari-
5 time ports.

6 “(b) ANNUAL REPORTS.—The Director is authorized
7 to require annual reports from all ports that receive Fed-
8 eral assistance or are subject to Federal regulation, in-
9 cluding statistics on capacity, throughput, and other
10 measures of performance required for implementation of
11 the National Freight Policy required by section 167 of
12 title 23.

13 “(c) RECOMMENDATIONS.—The Director shall obtain
14 recommendations for specifications for port performance
15 measures from the United States Army Corps of Engi-
16 neers, the Maritime Administration, the Saint Lawrence
17 Seaway Development Corporation, the United States
18 Coast Guard, the Marine Transportation System National
19 Advisory Council, and the Department of Commerce Advi-
20 sory Council on Supply Chain Competitiveness to identify
21 standard data elements for measuring port performance.”.

22 “(h) CONFORMING AMENDMENT.—The analysis for
23 chapter 63 of title 49, United States Code, is amended
24 by inserting the following at the end:

“【Sec. 1】 6314. Port Performance Statistics Program.”.

1 **SEC. 8105. ITS GOALS AND PURPOSES.**

2 (a) **TECHNICAL CORRECTION.**—Section 514(a)(5) of
3 title 23, United States Code, is amended to read as fol-
4 lows:

5 “(5) improvement of the ability of the United
6 States to respond to security-related or other man-
7 made emergencies and natural disasters; and”.

8 (b) **FREIGHT GOALS.**—Section 514(a) of title 23,
9 United States Code, is amended by inserting the following
10 at the end:

11 “(6) enhancement of the Nation’s freight sys-
12 tem and support to freight policy goals by con-
13 ducting heavy-duty vehicle demonstration activities,
14 and accelerating adoption of ITS applications in
15 freight operations.”.

16 **SEC. 8106. ITS GENERAL AUTHORITIES AND REQUIRE-**
17 **MENTS.**

18 Section 515(h)(4) of title 23, United States Code, is
19 amended—

20 (1) by striking “February 1 of each year after
21 the date of enactment of the Transportation Re-
22 search and Innovative Technology Act of 2012” and
23 inserting “May 1 each year”; and

24 (2) by striking “submit to Congress” and in-
25 serting “make available to the public on a Depart-
26 ment of Transportation Web site”.

1 **SEC. 8107. ITS NATIONAL ARCHITECTURE AND STANDARDS.**

2 (a) IN GENERAL.—Section 517(a)(3) of title 23,
3 United States Code, is amended to read as follows:

4 “(3) USE OF STANDARDS DEVELOPMENT ORGA-
5 NIZATIONS.—In carrying out this section, the Sec-
6 retary shall support the development and mainte-
7 nance of standards and protocols using the services
8 of such standards development organizations as the
9 Secretary determines to be necessary and whose
10 memberships represent, but are not limited to, the
11 surface transportation and intelligent transportation
12 systems industries.”.

13 (b) TECHNICAL CORRECTION.—Section 517(b) of
14 title 23, United States Code, is amended to read as fol-
15 lows:

16 “(b) STANDARDS FOR NATIONAL POLICY IMPLEMEN-
17 TATION.—If the Secretary finds that a standard is nec-
18 essary for implementation of a nationwide policy or other
19 capability requiring nationwide uniformity, the Secretary,
20 after consultation with stakeholders and in accordance
21 with the requirements of section 553 of title 5, may estab-
22 lish and require the use of that standard.”.

1 **SEC. 8108. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRA-**
2 **STRUCTURE COMMUNICATIONS SYSTEMS DE-**
3 **PLOYMENT.**

4 Section 518(a) of title 23, United States Code, is
5 amended by striking all of the text that follows the head-
6 ing and precedes “that—” and inserting the following:

7 “Not later than July 6, 2015, the Secretary shall
8 make available to the public on a Department of Trans-
9 portation Web site a report”.

10 **SEC. 8109. INFRASTRUCTURE DEVELOPMENT.**

11 (a) IN GENERAL.—Chapter 5 of title 23, United
12 States Code, is amended by adding after section 518 the
13 following:

14 **“SEC. 519. INFRASTRUCTURE DEVELOPMENT.**

15 “Funds made available to carry out this subtitle for
16 operational tests—

17 “(1) shall be used primarily for the development
18 of intelligent transportation system infrastructure,
19 equipment, and systems; and

20 “(2) to the maximum extent practicable, shall
21 not be used for the construction of physical surface
22 transportation infrastructure unless the construction
23 is incidental and critically necessary to the imple-
24 mentation of an intelligent transportation system
25 project.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 5 of title 23, United States Code, is amended by
3 adding after section 518 the following:

“519. Infrastructure development.”.

4 **SEC. 8110. DEPARTMENTAL RESEARCH PROGRAMS; CON-**
5 **FORMING AMENDMENTS.**

6 (a) TITLE 49 AMENDMENTS.—Title 49, United
7 States Code, is amended as follows:

8 (1) Section 102(e) is amended—

9 (A) in paragraph (1), by striking “5” and
10 inserting “6”; and

11 (B) in paragraph (2), by inserting “an As-
12 sistant Secretary for Research and Tech-
13 nology,” before “and an Assistant Secretary”.

14 (2) Chapter 1 is amended by striking section
15 112, and the analysis of chapter 1 is amended by
16 striking the item relating to the “Research and In-
17 novative Technology Administration”.

18 (3) Section 330 is amended—

19 (A) by striking “**CONTRACTS**” in the sec-
20 tion heading and inserting “**ACTIVITIES**”; and

21 (B) by inserting at the end the following:

22 “(d) DUTIES.—The Secretary shall provide for the
23 following:

1 “(1) Coordination, facilitation, and review of
2 the Department’s research and development pro-
3 grams and activities.

4 “(2) Advancement, and research and develop-
5 ment, of innovative technologies, including intelligent
6 transportation systems.

7 “(3) Comprehensive transportation statistics re-
8 search, analysis, and reporting.

9 “(4) Education and training in transportation
10 and transportation-related fields.

11 “(5) Activities of the Volpe National Transpor-
12 tation Systems Center.

13 “(e) ADDITIONAL AUTHORITIES.—The Secretary
14 may—

15 “(1) enter into grants and cooperative agree-
16 ments with Federal agencies, State and local govern-
17 ment agencies, other public entities, private organi-
18 zations, and other persons to conduct research into
19 transportation service and infrastructure assurance;
20 and to carry out other research activities of the De-
21 partment;

22 “(2) carry out, on a cost-shared basis, collabo-
23 rative research and development to encourage inno-
24 vative solutions to multimodal transportation prob-

1 lems and stimulate the deployment of new tech-
2 nology with—

3 “(A) non-Federal entities, including State
4 and local governments, foreign governments, in-
5 stitutions of higher education, corporations, in-
6 stitutions, partnerships, sole proprietorships,
7 and trade associations that are incorporated or
8 established under the laws of any State;

9 “(B) Federal laboratories; and

10 “(C) other Federal agencies; and

11 “(3) directly initiate contracts, grants, coopera-
12 tive research and development agreements (as de-
13 fined in section 12 of the Stevenson-Wydler Tech-
14 nology Innovation Act of 1980 (15 U.S.C. 3710a)),
15 and other agreements to fund, and accept funds
16 from, the Transportation Research Board of the Na-
17 tional Research Council of the National Academy of
18 Sciences, State departments of transportation, cities,
19 counties, institutions of higher education, associa-
20 tions, and the agents of those entities to carry out
21 joint transportation research and technology efforts.

22 “(f) FEDERAL SHARE.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Federal share of the cost of an activity carried

1 out under subsection (e)(3) shall not exceed 50 per-
2 cent.

3 “(2) EXCEPTION.—If the Secretary determines
4 that the activity is of substantial public interest or
5 benefit, the Secretary may approve a greater Federal
6 share.

7 “(3) NON-FEDERAL SHARE.—All costs directly
8 incurred by the non-Federal partners, including per-
9 sonnel, travel, facility, and hardware development
10 costs, shall be credited toward the non-Federal share
11 of the cost of an activity described in paragraph (1).

12 “(g) PROGRAM EVALUATION AND OVERSIGHT.—For
13 fiscal years 2013 through 2018, the Secretary is author-
14 ized to expend not more than 1 and a half percent of the
15 amounts authorized to be appropriated for necessary ex-
16 penses for administration and operations of the Office of
17 the Assistant Secretary for Research and Technology for
18 the coordination, evaluation, and oversight of the pro-
19 grams administered by the Office.

20 “(h) USE OF TECHNOLOGY.—The research, develop-
21 ment, or use of a technology under a contract, grant, coop-
22 erative research and development agreement, or other
23 agreement entered into under this subsection, including
24 the terms under which the technology may be licensed and
25 the resulting royalties may be distributed, shall be subject

1 to the Stevenson-Wydler Technology Innovation Act of
2 1980 (15 U.S.C. 3701 et seq.).

3 “(i) WAIVER OF ADVERTISING REQUIREMENTS.—
4 Section 6101 of title 41 shall not apply to a contract,
5 grant, or other agreement entered into under this sec-
6 tion.”.

7 (4) The item relating to section 330 in the
8 analysis of chapter 3 is amended by striking “Con-
9 tracts” and inserting “Activities”.

10 (5) Section 6302(a) is amended to read as fol-
11 lows:

12 “(a) IN GENERAL.—There shall be within the De-
13 partment the Bureau of Transportation Statistics.”.

14 (b) TITLE 5 AMENDMENTS.—Title 5, United States
15 Code, is amended as follows:

16 (1) Section 5313 is amended by deleting “The
17 Under Secretary of Transportation for Security.”.

18 (2) Section 5314 is amended by deleting “Ad-
19 ministrator, Research and Innovative Technology
20 Administration.”.

21 (3) Section 5315 is amended by striking “(4)”
22 in the undesignated item relating to Assistant Secre-
23 taries of Transportation and inserting “(5)”.

1 (4) Section 5316 is amended by deleting “Asso-
2 ciate Deputy Secretary, Department of Transpor-
3 tation.”.

4 (c) CONFORMING AMENDMENT.—The analysis for
5 chapter 3 of title 49, United States Code, is amended by
6 revising the entry relating to section 330 to read as fol-
7 lows:

“330. Research activities.”.

8 **SEC. 8111. OFFICE OF INTERMODALISM.**

9 (a) IN GENERAL.—Section 5503 of title 49, United
10 States Code, is repealed.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 55 of title 49, United States Code, is amended
13 by striking the item relating to section 5503.

14 **SEC. 8112. COOPERATION WITH FEDERAL AND STATE**
15 **AGENCIES AND FOREIGN COUNTRIES.**

16 (a) AUTHORIZED ACTIVITIES.—

17 (1) SECTION 308 AMENDMENT.—Section 308(a)
18 of title 23, United States Code, is amended by in-
19 serting “cooperating international entities,” after
20 “countries”.

21 (2) SECTION 502 AMENDMENT.—Section
22 502(b)(3)(C) of title 23, United States Code, is
23 amended by inserting “international entities,” after
24 “country,”.

1 (b) USE OF FUNDS.—Section 502(b)(5)(B) is
2 amended to read as follows:

3 “(B) USE OF FUNDS.—The Secretary shall
4 use funds made available to carry out this chap-
5 ter to—

6 “(i) develop, administer, communicate,
7 and promote the use of products of re-
8 search, development, and technology trans-
9 fer programs under this chapter;

10 “(ii) promote United States highway
11 transportation expertise, goods, and serv-
12 ices in foreign countries; or

13 “(iii) conduct studies to assess the
14 need for or feasibility of highway transpor-
15 tation improvements in foreign countries.”.

16 **TITLE IX—RAIL SAFETY,**
17 **RELIABILITY, AND EFFICIENCY**

18 **SEC. 9001. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED**
19 **STATES CODE.**

20 (a) SHORT TITLE.—This title may be cited as the
21 “Rail for America Act”.

22 (b) AMENDMENT OF TITLE 49.—Except as otherwise
23 expressly provided, whenever in this title an amendment
24 or repeal is expressed in terms of an amendment to, or
25 a repeal of, a section or other provision, the reference shall

1 be considered to be made to a section or other provision
2 of title 49, United States Code.

3 **Subtitle A—National High-**
4 **Performance Rail System**

5 **SEC. 9101. PURPOSE AND OBJECTIVES.**

6 (a) **PURPOSE.**—The purpose of this subtitle is to pro-
7 mote and facilitate the development of the National High-
8 Performance Rail System, a comprehensive national net-
9 work of integrated passenger and freight rail services, and
10 to authorize funds for the planning, development, con-
11 struction, and implementation of rail corridors and related
12 infrastructure improvements.

13 (b) **OBJECTIVES.**—

14 (1) **SAFETY.**—The National High-Performance
15 Rail System shall contribute to reducing fatalities,
16 injuries, and incidents on the nation’s transportation
17 system.

18 (2) **MOBILITY.**—The National High-Perform-
19 ance Rail System shall increase the efficient and re-
20 liable movement of both goods and people through
21 targeted market-based investments and policies.

22 (3) **ENVIRONMENTAL SUSTAINABILITY.**—The
23 National High-Performance Rail System shall strive
24 to advance environmentally sustainable policies and
25 projects that reduce emissions of criteria air pollut-

1 ants, air toxins, and greenhouse gases from trans-
2 portation sources while protecting communities and
3 natural resources.

4 (4) ENERGY EFFICIENCY.—The National High-
5 Performance Rail System shall enhance energy effi-
6 cient transportation options and expand use of re-
7 newable and clean energy sources.

8 (5) QUALITY OF LIFE.—The National High-
9 Performance Rail System shall promote quality of
10 life and communities, including enhanced safety in
11 areas adjacent to transportation facilities and safety
12 at highway-rail grade crossing and efficient land-use
13 development, and protecting public health.

14 (6) INFRASTRUCTURE CONDITION.—The Na-
15 tional High-Performance Rail System shall ensure
16 that the current passenger rail network achieves and
17 maintains a state of good repair and is resilient and
18 reliable in the face of extreme events and changing
19 climatic conditions.

20 (7) OPTIMIZATION OF FREIGHT RAIL NET-
21 WORK.—The National High-Performance Rail Sys-
22 tem shall ensure that America’s world-class freight
23 rail system is preserved and improved while bal-
24 ancing and protecting both private and public inter-
25 ests, strengthening the ability of rural communities

1 to access national and international trade markets,
 2 and supporting regional economic development.

3 **SEC. 9102. GRANT PROGRAMS.**

4 (a) IN GENERAL.—Part C of subtitle V is amended
 5 by inserting the following after chapter 244:

6 **“CHAPTER 246—NATIONAL HIGH-**
 7 **PERFORMANCE RAIL SYSTEM**

“Sec.

“24601. Definitions.

“24602. Authorization of appropriations.

“24603. National high-performance passenger rail system.

“24604. Current passenger rail service program.

“24605. Rail service improvement program.

“24606. Oversight.

“24607. Financial assistance conditions.

8 **“§ 24601. Definitions**

9 “In this chapter:

10 “(1) Three types of passenger rail corridors are
 11 defined as follows:

12 “(A) CORE EXPRESS CORRIDOR.—The
 13 term ‘Core Express Corridor’ means a pas-
 14 senger rail corridor with trains operating pri-
 15 marily on dedicated passenger track at peak
 16 speeds of 125 to 250 miles per hour or greater,
 17 and that primarily connects major metropolitan
 18 centers in the United States that are generally
 19 up to 500 miles apart.

20 “(B) REGIONAL CORRIDOR.—The term
 21 ‘Regional Corridor’ means a passenger rail cor-

1 ridor with trains operating on either dedicated
2 and shared use track at peak speeds of 90 to
3 124 miles per hour, and that primarily connects
4 mid-size urban areas to larger and smaller com-
5 munities that are generally up to 500 miles
6 apart.

7 “(C) FEEDER CORRIDOR.—The term
8 ‘Feeder Corridor’ means a State- or regionally-
9 designated passenger rail corridor with trains
10 operating on shared use track at peak speeds of
11 up to 90 miles per hour and that connects
12 large, mid-sized, and small urban areas gen-
13 erally less than 750 miles apart.

14 “(2) CAPITAL PROJECT.—The term ‘capital
15 project’ means a project or program for use in or for
16 the primary benefit of intercity passenger rail service
17 or freight rail service, including—

18 “(A) acquiring, constructing, improving, or
19 inspecting equipment, track and track struc-
20 tures, or a facility;

21 “(B) expenses incidental to the activities
22 described in subsection 24601(2)(A) (including
23 designing, engineering, location surveying, map-
24 ping, environmental studies, utility relocation or
25 improvement, acquiring rights-of-way, and joint

1 development activities as defined in subsection
2 5302(3)(G)), and the maintenance of operations
3 during construction;

4 “(C) preserving and acquiring rights-of-
5 way;

6 “(D) payments for the capital portions of
7 rail trackage rights agreements;

8 “(E) highway-rail grade crossing improve-
9 ments;

10 “(F) mitigating environmental impacts;

11 “(G) communication and signalization im-
12 provements;

13 “(H) relocation assistance, including ac-
14 quiring replacement housing sites, and acquir-
15 ing, constructing, relocating, and rehabilitating
16 replacement housing;

17 “(I) interest and other financing costs to
18 efficiently carry out a part of the project within
19 a reasonable time; and

20 “(J) evaluation and assessment of project
21 implementation and outcomes.

22 “(3) HIGH-PERFORMANCE RAIL.—The term
23 ‘high-performance rail’ means a passenger and
24 freight rail network that is designed to meet the cur-
25 rent and future market demands for transportation

1 of people and goods, in terms of capacity, travel
2 times, reliability, and efficiency.

3 “(4) INTERCITY PASSENGER RAIL SERVICE.—
4 The term ‘intercity passenger rail service’ has the
5 same meaning as ‘intercity rail passenger transpor-
6 tation’, as defined in section 24102 of this title.

7 “(5) INTERSTATE COMPACT.—The term ‘inter-
8 state compact’ means two or more States that have
9 entered into compacts, agreements, or organizations,
10 not in conflict with any law of the United States, for
11 cooperative efforts and mutual assistance in support
12 of activities authorized under this chapter.

13 “(6) LONG-DISTANCE ROUTE.—The term ‘long-
14 distance route’ has the same meaning as under sec-
15 tion 24102(5)(C) of this title.

16 “(7) NORTHEAST CORRIDOR.—The term
17 ‘Northeast Corridor’ has the same meaning as under
18 section 24102(5)(A) of this title.

19 “(8) RAIL HUB PLAN.—The term ‘rail hub
20 plan’ means a plan that addresses the needs and op-
21 portunities for the dense, complex networks of
22 shared or interconnected freight, intercity passenger,
23 and commuter rail lines that tend to be found in and
24 around major urban areas.

1 “(9) STATE.—The term ‘State’ means a State
2 of the United States or the District of Columbia.

3 “(10) STATE CORRIDOR.—The term ‘State cor-
4 ridor’ has the same meaning as under section
5 24102(5)(D) of this title.

6 “(11) STATE OF GOOD REPAIR.—The term
7 ‘state of good repair’ means a condition in which the
8 existing physical assets, both individually and as a
9 system, are functioning as designed within their use-
10 ful lives and are sustained through regular mainte-
11 nance and replacement programs.

12 **“§ 24602. Authorization of appropriations**

13 “(a) CURRENT PASSENGER RAIL SERVICES PRO-
14 GRAM.—There are authorized to be appropriated from the
15 Rail Account of the Transportation Trust Fund to carry
16 out section 24604 of this title—

17 “(1) \$2,450,000,000 for fiscal year 2015;

18 “(2) \$2,400,000,000 for fiscal year 2016;

19 “(3) \$2,350,000,000 for fiscal year 2017; and

20 “(4) \$2,300,000,000 for fiscal year 2018.

21 “(b) RAIL SERVICE IMPROVEMENT PROGRAM.—
22 There are authorized to be appropriated from the Rail Ac-
23 count of the Transportation Trust Fund to carry out sec-
24 tion 24605 of this title—

25 “(1) \$2,325,000,000 for fiscal year 2015;

1 “(2) \$2,405,000,000 for fiscal year 2016;

2 “(3) \$2,370,000,000 for fiscal year 2017; and

3 “(4) \$2,450,000,000 for fiscal year 2018.

4 “(c) AVAILABILITY OF CONTRACT AUTHORITY.—

5 “(1) PERIOD OF AVAILABILITY.—The amounts
6 made available under this section shall remain avail-
7 able for obligation until expended.

8 “(2) CONTRACT AUTHORITY.—Authorizations
9 from the Transportation Trust Fund made by this
10 section shall be available for obligation on October 1
11 of the fiscal year for which they are authorized.

12 **“§ 24603. National high-performance passenger rail**
13 **system**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 shall facilitate the establishment of a national high-per-
16 formance rail system in accordance with this chapter.

17 “(b) CONTENTS.—The national high-performance
18 rail system includes the following:

19 “(1) Current passenger rail service program.

20 “(2) Rail service improvement program.

21 “(3) Railroad rehabilitation and improvement
22 financing program.

23 “(c) RULEMAKING AUTHORITY.—The Secretary shall
24 prescribe the regulations necessary to implement this
25 chapter.

1 **“§ 24604. Current passenger rail service program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall establish a Current Passenger Rail Service Program
4 under this section. The program shall ensure that existing
5 passenger rail assets and services are maintained in reli-
6 able working condition. The Current Passenger Rail Serv-
7 ice Program consists of programs for the following:

8 “(1) Northeast Corridor.

9 “(2) State Corridors.

10 “(3) Long-Distance Routes.

11 “(4) National Assets, Legacy Debt, and Amtrak
12 Positive Train Control.

13 “(5) Stations—Americans with Disabilities Act
14 Compliance.

15 “(b) NORTHEAST CORRIDOR.—

16 “(1) OBJECTIVE.—The objective of the North-
17 east Corridor program is to bring Northeast Cor-
18 ridor infrastructure and equipment into a state-of-
19 good repair, and to ensure that those assets are then
20 maintained in a state-of-good repair, so that the
21 Northeast Corridor can continue providing travelers
22 with a safe, reliable, and efficient travel option in
23 the congested Northeast region.

24 “(2) AUTHORITY.—The Secretary may provide
25 grants under this subsection to reduce the state-of-
26 good repair backlog on the Northeast Corridor; to

1 replace legacy passenger rail equipment used for
2 Northeast Corridor service; and to fund the portion
3 of ongoing capital replacement and renewal needs on
4 the Northeast Corridor not covered by Northeast
5 Corridor operating surpluses.

6 “(3) ELIGIBLE RECIPIENTS.—The Secretary
7 may provide grants to the following entities for eligi-
8 ble projects under this subsection:

9 “(A) Amtrak.

10 “(B) States and other public-sector entities
11 as identified in the Northeast Corridor Capital
12 Asset Plan required by section 24317 of this
13 title.

14 “(4) ELIGIBLE PROJECTS.—The Secretary may
15 provide grants under this subsection for the fol-
16 lowing activities, as identified in the Five-Year Cap-
17 ital Asset Plans described in section 24317 of this
18 title:

19 “(A) STATE OF GOOD REPAIR BACKLOG.—
20 To replace or rehabilitate railroad assets that
21 are not currently in a state of good repair.

22 “(B) LEGACY EQUIPMENT REPLACE-
23 MENT.—To replace legacy passenger rolling
24 stock and locomotives used for Northeast Cor-
25 ridor service.

1 “(C) ONGOING REPLACEMENT AND RE-
2 NEWAL.—To fund the balance needed to main-
3 tain the existing Northeast Corridor infrastruc-
4 ture and equipment in an ongoing state of good
5 repair, after the following revenues are first
6 dedicated to these activities:

7 “(i) All operating surpluses generated
8 from Northeast Corridor intercity pas-
9 senger rail services.

10 “(ii) All access fees from other users
11 of the Northeast Corridor.

12 “(iii) All revenues generated from an-
13 cillary businesses directly associated with
14 Northeast Corridor services or infrastruc-
15 ture.

16 “(5) FEDERAL SHARE OF TOTAL PROJECT
17 COSTS.—The Federal share of total project costs
18 under this subsection may be up to 100 percent.

19 “(c) STATE CORRIDORS.—

20 “(1) OBJECTIVE.—To enable the successful im-
21 plementation of section 209 of Division B of Public
22 Law 110–432 for existing State-supported passenger
23 rail operations through transitional financial assist-
24 ance to States.

1 “(2) AUTHORITY.—The Secretary is authorized
2 to provide grants, consistent with the maximum time
3 period under which temporary financial assistance
4 may be received as developed in subsection (c)(3) of
5 this section, to eligible recipients under this sub-
6 section to support the implementation of section 209
7 of Division B of Public Law 110–432; and replace-
8 ment of legacy passenger rolling stock and loco-
9 motives used on State corridors.

10 “(3) TRANSITION ASSISTANCE FRAMEWORK.—
11 The Secretary shall develop a transition assistance
12 framework within six months of the enactment of
13 this Act. As part of this framework, the Secretary
14 shall—

15 “(A) develop criteria for phasing out activi-
16 ties under subsection (c)(5)(A) of this section
17 by not later than October 1, 2017; and

18 “(B) develop policies governing financial
19 terms, repayment conditions, and other terms
20 of financial assistance.

21 “(4) ELIGIBLE RECIPIENTS.—

22 “(A) States are eligible to receive grants
23 for activities described in subsections (c)(5)(A)
24 and (c)(5)(B) of this section.

1 “(B) States may enter into contractual
2 agreements to allow for Amtrak to receive
3 grants for activities described in subsection
4 (c)(5)(B) of this section.

5 “(5) ELIGIBLE ACTIVITIES.—Grants provided
6 under this paragraph may be used to:

7 “(A) Provide temporary financial support
8 to eligible recipients in conformance with the
9 operating and capital cost methodologies devel-
10 oped pursuant to section 209 of Division B of
11 Public Law 110–432, until not later than Sep-
12 tember 30, 2017.

13 “(B) Replace legacy passenger rolling
14 stock and locomotives used for State corridor
15 service as identified in the Five-Year Capital
16 Asset Plans described in section 24317 of this
17 title.

18 “(6) FEDERAL SHARE.—The Federal share of
19 expenditures for activities described in subsections
20 (c)(5)(B) may be up to 80 percent of the total cost.

21 “(d) LONG-DISTANCE ROUTES.—

22 “(1) OBJECTIVE.—The objective of the long-
23 distance routes program is to provide grants to Am-
24 trak for the continuation of services on long-distance
25 routes.

1 “(2) AUTHORITY.—The Secretary may provide
2 grants to Amtrak under this subsection, in accord-
3 ance with the relevant provisions contained in part
4 C, subtitle V of this title.

5 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
6 to receive grants for long-distance route activities.

7 “(4) ELIGIBLE ACTIVITIES.—Grants provided
8 for long-distance routes may be expended for the op-
9 erating and capital costs associated with providing
10 reliable national long-distance passenger rail services
11 to the extent that such expenses cannot be fully sup-
12 ported by the passenger and non-passenger revenues
13 generated by long-distance passenger services, as
14 identified in the Five-Year Business Line Plan de-
15 scribed in section 24317 of this title.

16 “(5) FEDERAL SHARE.—The Federal share of
17 expenditures for eligible activities under this sub-
18 section may be up to 100 percent of the total cost.

19 “(e) NATIONAL ASSETS, LEGACY DEBT, AND AM-
20 TRAK POSITIVE TRAIN CONTROL.—

21 “(1) OBJECTIVE.—The objective of the national
22 assets program is to provide grants to Amtrak for
23 the operating and capital needs associated with the
24 Nation’s core rail assets; for servicing Amtrak’s leg-
25 acy debt; and for implementing positive train control

1 on Amtrak routes where Amtrak is fully or partially
2 responsible for compliance with section 20157 of this
3 title.

4 “(2) AUTHORITY.—The Secretary may provide
5 grants to Amtrak under this subsection.

6 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
7 to receive grants for national asset activities.

8 “(4) ELIGIBLE ACTIVITIES.—Grants provided
9 for national assets may be expended for—

10 “(A) operating and capital costs associated
11 with operating and maintaining national res-
12 ervations, security, mechanical facilities, train-
13 ing centers and other assets associated with
14 Amtrak’s national passenger rail transportation
15 system;

16 “(B) implementing positive train control
17 on Amtrak routes where Amtrak is fully or par-
18 tially responsible for compliance with section
19 20157 of this title; and

20 “(C) making payments for principal and
21 interest payments related to debt incurred prior
22 to fiscal year 2005.

23 “(5) EVALUATION OF NATIONAL ASSETS OPER-
24 ATING COSTS.—

1 “(A) The Secretary shall evaluate the cost
2 and scope of all operating activities defined in
3 paragraph (4)(A) of this subsection, and shall
4 identify which activities are—

5 “(i) required in order to ensure the ef-
6 ficient operations of a national passenger
7 rail system;

8 “(ii) appropriate for allocation to one
9 of the other Amtrak business lines; and

10 “(iii) extraneous to providing an effi-
11 cient national passenger rail system or are
12 too costly relative to the benefits or per-
13 formance outcomes they provide.

14 “(B) Within 1 year after the completion of
15 the review in subparagraph (A), the Federal
16 Railroad Administration, in consultation with
17 the Amtrak Board of Directors, the governors
18 of each relevant State, and the Mayor of the
19 District of Columbia, or entities representing
20 those officials, shall restructure and/or reallo-
21 cate national assets operating costs according to
22 the findings of the review in that subparagraph.

23 “(6) FEDERAL SHARE.—The Federal share of
24 expenditures for eligible activities under this sub-
25 section may be up to 100 percent of the total cost

1 as identified in the Five-Year Business Line Plan
2 described in section 24317 of this title.

3 “(f) STATIONS—AMERICANS WITH DISABILITIES
4 ACT COMPLIANCE.—

5 “(1) OBJECTIVE.—The objective of the pro-
6 gram is to bring all stations served by Amtrak into
7 compliance with the Americans with Disabilities Act.

8 “(2) AUTHORITY.—The Secretary may provide
9 grants to Amtrak under this subsection.

10 “(3) ELIGIBLE RECIPIENTS.—Amtrak is eligible
11 to receive grants for eligible activities under this
12 subsection.

13 “(4) ELIGIBLE ACTIVITIES.—Grants provided
14 under this subsection may be expended for upgrad-
15 ing existing intercity passenger rail stations to com-
16 ply with the Americans with Disabilities Act.

17 “(5) FEDERAL SHARE.—The Federal share of
18 expenditures for eligible activities under this sub-
19 section may be up to 100 percent of the total cost.

20 **“§ 24605. Rail service improvement program**

21 “(a) IN GENERAL.—The Secretary of Transportation
22 shall establish a Rail Service Improvement Program under
23 this section. The program shall promote and facilitate de-
24 velopment of new passenger rail corridors and improve-
25 ments to existing passenger and freight rail corridors. The

1 Rail Service Improvement Program consists of programs
2 covering the following:

3 “(1) Passenger Corridors.

4 “(2) Commuter Railroads—Positive Train Con-
5 trol Compliance.

6 “(3) Local Rail Facilities and Safety.

7 “(4) Planning.

8 “(b) PASSENGER CORRIDORS.—

9 “(1) OBJECTIVE.—The objective of the pas-
10 senger corridors program under this subsection is to
11 build regional networks of passenger rail corridors
12 through construction of new corridors or substantial
13 improvements to existing corridors, including Core
14 Express Corridors, Regional Corridors, and Feeder
15 Corridors, as defined in section 24601 of this title,
16 and to mitigate passenger train congestion at critical
17 rail chokepoints.

18 “(2) AUTHORITY.—The Secretary is authorized
19 to provide grants under this subsection to eligible re-
20 cipients (as specified in paragraph (3)) for eligible
21 corridor development and positive train control
22 projects (as specified in paragraph (4)).

23 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
24 for funding for eligible projects identified in para-
25 graph (4) are the following:

1 “(A) A State.

2 “(B) A group of States.

3 “(C) An Interstate Compact.

4 “(D) A Regional Rail Development Au-
5 thority as defined in chapter 289 of this title.

6 “(E) A public agency or publicly-chartered
7 authority established by one or more States and
8 having responsibility for providing high-speed or
9 intercity passenger rail service.

10 “(F) Amtrak.

11 “(G) Any institution for procuring, man-
12 aging, or maintaining passenger rail rolling
13 stock and locomotives that may be established
14 pursuant to the outcomes of the review de-
15 scribed in section 305 of division B of Public
16 Law 110–432, as amended.

17 “(4) ELIGIBLE PROJECTS.—The following
18 projects are eligible to receive funding under this
19 subsection:

20 “(A) A capital project that is for the pri-
21 mary benefit of or use in high-performance rail
22 service is eligible to receive passenger corridors
23 grants under this subsection, provided that—

24 “(i) the project proposal is consistent
25 with an adopted service development plan

1 or rail hub plan at the time of application;
2 and

3 “(ii) the project sponsor has com-
4 pleted, prior to the time of application, the
5 appropriate level of environmental reviews,
6 in compliance with the applicable environ-
7 mental protection requirements, including
8 the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.), its imple-
10 menting regulations, and applicable proce-
11 dures.

12 “(B) A capital project identified by the
13 Surface Transportation Board as to improve
14 the on-time performance and reliability of inter-
15 city rail passenger transportation under section
16 24308(f) of this title.

17 “(C) A capital project designated by the
18 Secretary as being necessary to address conges-
19 tion challenges affecting passenger rail.

20 “(5) PROJECT SELECTION CRITERIA.—In se-
21 lecting the recipients of grants for eligible projects
22 under paragraph (4), the Secretary shall:

23 “(A) Give preference to proposed projects
24 that are consistent with the investment goals,

1 objectives, policies, and methodologies defined
2 in the following:

3 “(i) Any national rail planning guid-
4 ance or parameters set forth by the Sec-
5 retary.

6 “(ii) Any Regional Rail Development
7 Plans described in section 22602 of this
8 title that are applicable to a project pro-
9 posal, once available.

10 “(iii) Any State Rail Plans, as de-
11 scribed in chapter 227 of this title that are
12 applicable to a project proposal.

13 “(B) Also consider the following:

14 “(i) The project’s system and service
15 performance as experienced by the pas-
16 senger, including measures such as im-
17 proved reliability, reduced trip time, addi-
18 tional service frequency to meet anticipated
19 or existing demand, or other significant
20 system and service enhancements.

21 “(ii) Cost-benefit analysis of the
22 project, which shall include such factors as
23 the project’s estimated ridership and an-
24 ticipated user and public benefits, relative
25 to the proposed Federal investment, and

1 consideration of enhanced mobility, envi-
2 ronmental, and economic benefits (both for
3 the specific project proposal and in terms
4 of the costs and benefits generated by the
5 specific project within a network context).

6 “(iii) Cross-modal benefits generated
7 by the project, including anticipated im-
8 pacts on air, transit, or highway traffic
9 congestion, capacity, or safety; and cost
10 avoidance or deferral of planned invest-
11 ments in aviation, transit, and highway
12 systems.

13 “(iv) Opportunities for operational in-
14 tegration with commuter rail or other rail
15 operations, as well as with regional public
16 transportation providers, including the de-
17 gree to which the project could allow for
18 coordinated schedules, seamless connec-
19 tions between trains, integrated sales and
20 ticketing systems, and other mechanisms
21 that will benefit passengers and encourage
22 cost containment among rail operators.

23 “(v) Equitable financial participation
24 by other beneficiaries of the project, in-
25 cluding the degree to which the project’s

1 business plan considers potential private
2 sector participation in the financing, con-
3 struction, and/or operation of the project.

4 “(vi) The recipient’s past performance
5 in developing and delivering similar pas-
6 senger rail projects.

7 “(vii) The recipient’s previous finan-
8 cial contributions to developing high-per-
9 formance rail services, including any non-
10 Federal contributions in excess of min-
11 imum requirements that the sponsor may
12 have provided as a match for previous Fed-
13 eral grants.

14 “(viii) The likelihood that new service
15 or expanded service projects, once brought
16 into service, will be able to cover on-going
17 operating costs without the support of
18 grants, within a reasonable time frame.

19 “(ix) Whether the recipient has or will
20 have the legal, financial, and technical ca-
21 pacity to carry out the project, satisfactory
22 continuing control over the use of the
23 equipment or facilities, and the capability
24 and willingness to maintain the equipment
25 or facilities.

1 “(x) The likelihood that the proposed
2 project is feasible and will result in the an-
3 ticipated benefits, including the recipient’s
4 means for ensuring the realization of the
5 anticipated benefits.

6 “(xi) Any other relevant factors as de-
7 termined by the Secretary.

8 “(6) PLANNING REQUIREMENTS.—To be eligi-
9 ble for a Federal grant under this subsection, a
10 project must be specifically identified on a State Rail
11 Plan, as described in section 22702.

12 “(7) FEDERAL SHARE OF TOTAL PROJECT
13 COSTS.—

14 “(A) TOTAL PROJECT COST.—The Sec-
15 retary shall estimate the total cost of a project
16 under this subsection based on engineering
17 studies, studies of economic feasibility, environ-
18 mental analyses, and information on the ex-
19 pected use of equipment or facilities.

20 “(B) FEDERAL SHARE.—The Federal
21 share of total project costs under this sub-
22 section shall not exceed 80 percent, except
23 where the proposed project was identified
24 through and is consistent with a Regional Rail
25 Development Plan described in chapter 289 of

1 this title, in which case the Federal share of
2 total project costs under this subsection shall
3 not exceed 85 percent.

4 “(c) COMMUTER RAILROADS; POSITIVE TRAIN CON-
5 TROL COMPLIANCE.—

6 “(1) OBJECTIVE.—The objective of this pro-
7 gram is to promote rail safety by assisting in fund-
8 ing the implementation of positive train control on
9 commuter railroad-owned infrastructure, equipment,
10 and back office systems.

11 “(2) AUTHORITY.—The Secretary is authorized
12 to provide grants under this subsection to eligible re-
13 cipients (as described in paragraph (3)) for eligible
14 positive train control projects (as described in para-
15 graph (4)).

16 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
17 for funding under this subsection include the fol-
18 lowing:

19 “(A) A State.

20 “(B) A group of States.

21 “(C) A provider of commuter rail pas-
22 senger transportation, as defined in section
23 24102 of this title.

1 “(4) ELIGIBLE PROJECTS.—Projects eligible to
2 receive grants under this subsection include the fol-
3 lowing:

4 “(A) A project for analyzing, designing,
5 developing, procuring, installing, modifying,
6 validating, configuring, and testing of positive
7 train control systems hardware or software sys-
8 tem elements on commuter railroad-owned in-
9 frastructure, equipment, or back office systems,
10 including the following activities:

11 “(i) Dedicated passenger service mo-
12 tive power equipment.

13 “(ii) Wayside interface of track-side
14 devices on track owned by eligible recipi-
15 ents.

16 “(iii) Back office and dispatch system
17 infrastructure owned and operated by pas-
18 senger railroads.

19 “(iv) Roadway worker terminal de-
20 vices.

21 “(v) Communications system design
22 and components, such as quality of service
23 determinations, physical communications
24 infrastructure, and message integrity, au-
25 thentication, and non-repudiation mecha-

1 nisms to protect positive train control sys-
2 tem communications.

3 “(vi) Track databases for track seg-
4 ments owned by eligible recipients, includ-
5 ing the population of such databases with
6 mapping data.

7 “(vii) Project management services for
8 oversight and systems engineering of pas-
9 senger railroad positive train control sys-
10 tem design, procurement, implementation,
11 and testing efforts.

12 “(viii) Positive train control system
13 training programs for eligible recipients
14 compliant with title 49 of the Code of Fed-
15 eral Regulations, part 236 subpart I.

16 “(ix) Engineering support to prepare
17 all necessary documentation required for
18 regulatory compliance and system certifi-
19 cation of positive train control systems for
20 eligible recipients.

21 “(B) An eligible entity specified in para-
22 graph (4)(A) may not receive funding under
23 this subsection for the following activities:

24 “(i) The procurement of radio fre-
25 quency spectrum.

1 “(ii) Positive train control-related
2 costs of any entity not listed in paragraph
3 (3), such as wayside positive train control
4 system components on track segments
5 owned by a Class I freight railroad and
6 over which commuter rail passenger trans-
7 portation is regularly provided.

8 “(5) PROJECT SELECTION CRITERIA.—The Sec-
9 retary, in selecting the recipients of grants for eligi-
10 ble projects under paragraph (4), shall consider the
11 following:

12 “(A) The scope of positive train control
13 system components necessary to comply with
14 section 20157 of this title, including the num-
15 ber of locomotives owned by the eligible recipi-
16 ent, the number of wayside miles owned by the
17 eligible recipient, the number of positive train
18 control systems with which the eligible recipi-
19 ent’s positive train control system must be
20 interoperable; the scale of the communications
21 infrastructure the eligible recipient requires to
22 support positive train control system operations;
23 and the number of modifications to dispatching
24 and back office systems required to support
25 positive train control system operations.

1 “(B) The extent to which the applicant has
2 demonstrated a clear need for Federal financial
3 assistance.

4 “(C) The overall completeness and quality
5 of the application, including the comprehensive-
6 ness of its supporting documentation.

7 “(D) The extent of prior positive train con-
8 trol implementation activities.

9 “(E) Any other relevant factors as deter-
10 mined by the Secretary.

11 “(6) FEDERAL SHARE OF PROJECT COSTS.—

12 “(A) TOTAL PROJECT COST.—The Sec-
13 retary shall estimate the total cost of a project
14 under this subsection based on engineering
15 studies, studies of economic feasibility, environ-
16 mental analyses, and information on the ex-
17 pected use of equipment or facilities.

18 “(B) FEDERAL SHARE.—The Federal
19 share of total project costs for grants provided
20 under this subsection shall not exceed 80 per-
21 cent of the total project cost.

22 “(C) MATCH CREDIT.—The non-Federal
23 share requirement may be met in whole or in
24 part by eligible expenditures by the railroad
25 carrier made subsequent to October 16, 2008,

1 excluding costs related to the lease or acquisi-
2 tion of radio frequency spectrum.

3 “(d) LOCAL RAIL FACILITIES AND SAFETY.—

4 “(1) OBJECTIVE.—The objective of the local
5 rail facilities and safety program under this sub-
6 section is to mitigate the impacts of railroad oper-
7 ations in local communities, through improvements
8 to highway-rail grade crossings, upgrades to short-
9 line railroad infrastructure, rail line relocation and
10 improvement projects, and training and technical as-
11 sistance to local governments.

12 “(2) AUTHORITY.—The Secretary is authorized
13 to provide grants under this subsection to eligible re-
14 cipients (as described in paragraph (3)) for eligible
15 freight capacity projects (as described in paragraph
16 (4)). A grant may be used to pay all or a portion
17 of the subsidy and administrative costs of projects
18 eligible for Federal credit assistance under the Rail-
19 road Revitalization and Regulatory Reform Act of
20 1976 (Public Law 94–210) (45 U.S.C. 801 et seq.)
21 for a capital project to improve short-line railroad
22 infrastructure.

23 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
24 for funding under this subsection include the fol-
25 lowing:

1 “(A) A State.

2 “(B) A group of States.

3 “(C) An Interstate Compact.

4 “(D) A Regional Rail Development Au-
5 thority, as defined in chapter 289 of this title.

6 “(E) A local government.

7 “(F) A metropolitan planning organization.

8 “(G) A group of metropolitan planning or-
9 ganizations.

10 “(4) ELIGIBLE PROJECTS.—Projects eligible to
11 receive grants under this subsection include the fol-
12 lowing:

13 “(A) A capital project to mitigate the im-
14 pacts of rail infrastructure and operations on a
15 local community, including rail line relocation
16 and improvement and improving the safety of,
17 or eliminating hazards at, a highway-rail grade
18 crossing.

19 “(B) A capital project to improve short-
20 line railroad infrastructure.

21 “(C) Training and technical assistance to
22 help local governments better understand how
23 to coordinate with railroads on operations and
24 safety issues, and how to integrate railroad

1 issues into land use and transportation plan-
2 ning processes.

3 “(5) PROJECT SELECTION CRITERIA.—In se-
4 lecting the recipients of grants for freight capacity
5 projects under this subsection, the Secretary shall
6 consider—

7 “(A) the extent to which a proposed
8 project—

9 “(i) alleviates the impacts of rail oper-
10 ations on local neighborhoods or urbanized
11 areas;

12 “(ii) will result in clearly-defined pub-
13 lic benefits;

14 “(iii) contributes to increasing the
15 competitiveness and state of good repair of
16 short line railroads;

17 “(iv) enhances safety at critical high-
18 way-rail grade crossings;

19 “(v) is compatible with local land use,
20 economic development, and transportation
21 plans and objectives;

22 “(vi) includes equitable participation
23 from other beneficiaries in the project’s fi-
24 nancing, including the extent to which the

1 project will leverage private or local gov-
2 ernment investments; and

3 “(vii) will increase the reliability and
4 resilience of the nation’s rail system;

5 “(B) the past performance of the recipient
6 and other beneficiaries of the project in devel-
7 oping and delivering rail projects; and

8 “(C) any other relevant factors as deter-
9 mined by the Secretary.

10 “(6) PLANNING REQUIREMENTS.—To be eligi-
11 ble for a Federal grant under this subsection, a
12 project must be specifically identified on a State Rail
13 Plan, as described in section 227 of this title.

14 “(7) FEDERAL SHARE OF PROJECT COSTS.—

15 “(A) TOTAL PROJECT COST.—The Sec-
16 retary shall estimate the total cost of a project
17 under this subsection based on engineering
18 studies, studies of economic feasibility, environ-
19 mental analyses, and information on the ex-
20 pected use of equipment or facilities.

21 “(B) FEDERAL SHARE.—The Federal
22 share of total project costs for grants provided
23 under this subsection shall not exceed 80 per-
24 cent of the total project cost.

25 “(e) PLANNING.—

1 “(1) OBJECTIVE.—The objective of the plan-
2 ning program under this subsection is to facilitate
3 the development of comprehensive plans to guide fu-
4 ture investments in the nation’s rail systems and to
5 develop the workforce necessary to advance Amer-
6 ica’s rail industry.

7 “(2) AUTHORITY.—The Secretary is authorized
8 to provide grants under this subsection to eligible re-
9 cipients (as described in paragraph (3)) for eligible
10 planning projects (as described in paragraph (4)).

11 “(3) ELIGIBLE RECIPIENTS.—Entities eligible
12 for funding under this subsection include the fol-
13 lowing:

14 “(A) A State.

15 “(B) A group of States.

16 “(C) An Interstate Compact.

17 “(D) A Regional Rail Development Au-
18 thority as defined in chapter 289 of this title.

19 “(E) A public agency or publicly-chartered
20 authority established by one or more States and
21 having responsibility for providing high-speed or
22 intercity passenger rail service.

23 “(F) A local government.

24 “(G) A metropolitan planning organiza-
25 tion.

1 “(H) A group of metropolitan planning or-
2 ganizations.

3 “(I) National Academy of Sciences Trans-
4 portation Research Board, for eligible projects
5 described in paragraph (4)(C).

6 “(J) Federal Railroad Administration.

7 “(4) ELIGIBLE PROJECTS.—Projects eligible to
8 receive grants under this subsection include the fol-
9 lowing:

10 “(A) The preparation of new rail planning
11 documents or any updates to existing rail plan-
12 ning documents including the following:

13 “(i) A corridor or rail hub investment
14 plan that consists of both—

15 “(I) a corridor service develop-
16 ment plan or rail hub plan; and

17 “(II) corresponding environ-
18 mental analyses.

19 “(ii) A regional rail development plan,
20 as defined in section 22602 of this title.

21 “(iii) A State rail plan, as defined in
22 section 22702 of this title.

23 “(iv) Any other national, multi-State,
24 mega-regional, or State planning activity
25 determined by the Secretary to be nec-

1 essary to advance the development of pas-
2 senger and freight rail systems.

3 “(B) Capital upgrades to the Transpor-
4 tation Technology Center for the purposes of
5 conducting research, development, testing, eval-
6 uation, and training for the purpose of enhanc-
7 ing technologies related to the design and de-
8 ployment of high-performance rail systems.

9 “(C) Research conducted by the National
10 Cooperative Rail Research Program, as estab-
11 lished by section 24910 of this title.

12 “(D) Workforce development activities, co-
13 ordinated to the extent practical with the exist-
14 ing local training programs supported by the
15 U.S. Department of Transportation, the U.S.
16 Department of Labor, and the U.S. Depart-
17 ment of Education, including—

18 “(i) interagency agreements with the
19 Manufacturing Extension Partnership at
20 the National Institute of Standards and
21 Technology;

22 “(ii) developing and deploying train-
23 ing and technical assistance opportunities
24 for rail stakeholders; and

1 “(iii) rail-based University Transpor-
2 tation Centers established by section 5505
3 of this title.

4 “(5) PROJECT SELECTION CRITERIA.—In se-
5 lecting the recipients of grants for planning projects
6 under paragraph (4)(A), the Secretary shall con-
7 sider—

8 “(A) the extent to which a proposed plan-
9 ning project—

10 “(i) comprehensively addresses both
11 freight and passenger rail issues and
12 needs;

13 “(ii) considers high-performance rail’s
14 role within a multimodal context;

15 “(iii) follows a planning process that
16 allows for meaningful incorporation of
17 input from affected communities, local gov-
18 ernments, regional councils and planning
19 organizations, railroads, transportation
20 modal partners, environmental interests,
21 workforce investment boards, economic de-
22 velopment agencies, the public, and other
23 stakeholders, early and throughout the
24 process;

1 “(iv) is integrated with other trans-
2 portation planning efforts;

3 “(v) will result in the appropriate doc-
4 umentation and institutional support to
5 proceed with project implementation; and

6 “(vi) examines and evaluates non-
7 transportation issues that could be affected
8 by future capital projects, including but
9 not limited to land use, economic develop-
10 ment, and social equity; and

11 “(B) Any other relevant factors as deter-
12 mined by the Secretary.

13 “(6) FEDERAL SHARE OF PROJECT COSTS.—

14 “(A) The Federal share of total project
15 costs for a grant provided under paragraph
16 (4)(A) shall not exceed 80 percent of the total
17 project cost.

18 “(B) The Federal share of total project
19 costs for a grant or contract provided under
20 this paragraph (4)(B)–(D) may be up to 100
21 percent of the total project cost.

22 “(7) FEDERALLY-LED RAIL PLANNING.—The
23 Secretary may retain up to two percent of the funds
24 made available under section 24602(b) of this title
25 to facilitate the preparation of national planning

1 tools and analyses, multi-State regional rail plans,
2 and service development plans and related environ-
3 mental reviews for corridors located in multiple
4 States.

5 **“§ 24606. Oversight**

6 “(a) AUTHORITY.—

7 “(1) IN GENERAL.—

8 “(A) CURRENT PASSENGER RAIL SERVICE
9 PROGRAM.—The Secretary of Transportation
10 may expend up to one-half percent of the funds
11 made available each fiscal year under section
12 24602(a) of this title to conduct oversight of
13 and to provide training and technical assistance
14 for the current passenger rail service program.

15 “(B) RAIL SERVICE IMPROVEMENT PRO-
16 GRAM.—The Secretary of Transportation may
17 expend up to 1 percent of the funds made avail-
18 able each fiscal year under section 24602(b) of
19 this title to conduct oversight, training and
20 technical assistance, and project evaluations
21 and assessments for the rail service improve-
22 ment program.

23 “(2) PAYMENT.—The Federal share of a con-
24 tract under this subsection shall be 100 percent.

25 “(b) PROJECT MANAGEMENT OVERSIGHT.—

1 “(1) PROCEDURES.—The Secretary shall de-
2 velop and implement oversight procedures to monitor
3 the effective and efficient use of funds appropriated
4 under this chapter. These procedures shall include
5 such measures as the Secretary deems necessary to
6 identify, mitigate, and monitor risks to successful
7 delivery of projects. These procedures may include—

8 “(A) entering into contracts for safety,
9 procurement, management, and financial com-
10 pliance reviews, audits, and reports of a recipi-
11 ent of funds appropriated under this chapter;

12 “(B) conducting site visits to review the
13 progress and implementation of projects under
14 this chapter; and

15 “(C) establishing field offices to oversee
16 projects and to provide project delivery assist-
17 ance to the recipients of financial assistance
18 under this chapter.

19 “(2) ACCESS.—Each recipient of financial as-
20 sistance under this chapter shall provide the Sec-
21 retary or the Secretary’s designee, including a con-
22 tractor the Secretary chooses under paragraph
23 (1)(A) of this subsection, with access to the con-
24 struction sites and records of the recipient when rea-
25 sonably necessary.

1 “(c) PROJECT EVALUATION AND ASSESSMENT.—The
2 Secretary shall develop and implement procedures for eval-
3 uating the implementation of projects receiving funds
4 made available under sections 24602(b) of this title and
5 assessing the extent to which these projects achieved in-
6 tended outcomes and public benefits. These procedures
7 may include—

8 “(1) establishing criteria to guide the selection
9 of grants under section 24602(b) for individual as-
10 sements;

11 “(2) identifying, collecting, and analyzing
12 standardized data and metrics related to grant ap-
13 plications under section 24602 (b) and (c), and to
14 the implementation, outcomes, and public benefits of
15 projects receiving grants under section 24602(b);

16 “(3) performing a national evaluation of overall
17 program results and outcomes under section
18 24602(b);

19 “(4) undertaking statistical and cost-benefit
20 analyses to identify strategies for maximizing return
21 on investment of Federal funding in rail research,
22 planning, and construction; and

23 “(5) entering into grants or contracts for the
24 purpose of carrying out the procedures established
25 under this paragraph.

1 “(d) TRAINING AND TECHNICAL ASSISTANCE.—The
2 Secretary shall develop and implement procedures to pro-
3 vide training and technical assistance to grantees and
4 other stakeholders in order to ensure the effective and effi-
5 cient use of funds appropriated under this chapter.

6 “(e) PROJECT DELIVERY DOCUMENTATION.—To re-
7 ceive Federal financial assistance for a project under this
8 chapter, an applicant shall prepare project delivery docu-
9 mentation, which may include the following:

10 “(1) A project management plan.

11 “(2) A financial plan.

12 “(3) A system safety plan.

13 “(4) Agreements between the project sponsor(s)
14 and all relevant entities.

15 “(5) A project risk management plan.

16 “(6) Other documents identified by the Sec-
17 retary as relevant to carrying out project manage-
18 ment oversight activities under this section.

19 **“§ 24607. Financial assistance conditions**

20 “(a) FINANCIAL ASSISTANCE CONDITIONS.—The
21 Secretary shall require, as a condition of making any fi-
22 nancial assistance under section 24605, that such finan-
23 cial assistance shall comply with section 24405 (b), (c),
24 (d), and (e) of this title, as amended, in the same manner
25 that funding under chapter 244 of part C of subtitle V

1 of this title is required to comply with section 24405 (b),
2 (c), (d), and (e) of this title.

3 “(b) LOCAL HIRING.—

4 “(1) IN GENERAL.—A recipient of assistance
5 may advertise, post job opportunities on State job
6 banks and with One Stop centers established under
7 the Workforce Investment Act, and award a contract
8 for construction containing requirements for the em-
9 ployment of individuals residing in or adjacent to
10 any of the areas in which the work is to be per-
11 formed is for construction work required under the
12 contract, provided that—

13 “(A) all or part of the construction work
14 performed under the contract occurs in an area
15 that has—

16 “(i) a per capita income of 80 percent
17 or less of the national average; or

18 “(ii) an unemployment rate that is for
19 the most recent 24-month period for which
20 data are available at least 1 percent great-
21 er than the national average unemploy-
22 ment rate;

23 “(B) the estimated cost of the project of
24 which the contract is a part is greater than \$10
25 million;

1 “(C) the recipient may not require the hir-
2 ing of individuals who do not have the nec-
3 essary skills to perform work in any craft or
4 trade, except for individuals who are subject to
5 a apprenticeship program or other training pro-
6 gram meeting the requirements of subsection
7 24605(e) of this title; and

8 “(D) the award of such a contract com-
9 plies with agreements subject to the Railway
10 Labor Act (45 U.S.C. 151–188), if applicable.

11 “(2) ADVERTISEMENT.—In advertising an
12 awarding a contract under this subsection, the Sec-
13 retary or a recipient of assistance shall ensure that
14 the requirements contained in the advertisement
15 would not—

16 “(A) compromise the quality of the project;

17 “(B) unreasonably delay the completion of
18 the project; or

19 “(C) unreasonably increase the cost of the
20 project.

21 “(3) AVAILABLE PROGRAMS.—The Secretary
22 shall make available to recipients the workforce de-
23 velopment and training programs set forth in section
24 24605(e)(4)(D)(ii) of this title to assist recipients
25 who wish to establish training programs that satisfy

1 the provisions of subsection (b)(1)(C). The Secretary
 2 of Labor shall make available its qualifying work-
 3 force and training development programs to recipi-
 4 ents who wish to establish training programs that
 5 satisfy the provisions of section (b)(1)(C).”.

6 (b) CONFORMING AMENDMENT.—The chapter anal-
 7 ysis for subtitle V is amended by inserting the following
 8 after the item relating to chapter 244:

“**246. National High-Performance Rail System24601”.**

9 **SEC. 9103. AMTRAK 5-YEAR BUSINESS PLANNING.**

10 (a) AMTRAK 5-YEAR BUSINESS LINE AND CAPITAL
 11 ASSET PLANS.—Part C of subtitle V is amended by in-
 12 serting the following new section after section 24316:

13 “**§ 24317. Amtrak 5-year business line and capital**
 14 **asset plans**

15 “(a) IN GENERAL.—

16 “(1) DRAFT PLANS.—Not later than July 1 of
 17 each year, Amtrak shall submit to the Secretary of
 18 Transportation draft 5-year business line plans and
 19 draft 5-year capital asset plans prepared in accord-
 20 ance with this section. Each draft plan shall include
 21 information on historical performance, the subse-
 22 quent base fiscal year, and the 5-year period that
 23 begins with the second full fiscal year after the sub-
 24 mission. Amtrak shall, in consultation with the Sec-

1 retary of Transportation, revise the draft plans, as
2 appropriate.

3 “(2) FINAL PLANS.—Not later than February
4 15 of each year, Amtrak shall submit to Congress
5 and the Secretary of Transportation 5-year business
6 line plans prepared in accordance with this section.
7 These plans shall form the basis for Amtrak’s gen-
8 eral and legislative annual report to the President
9 and Congress required by subsection 24315(b) of
10 this title.

11 “(3) UPDATED PLANS.—Amtrak shall submit
12 updated 5-year business line plans to Congress and
13 the Secretary of Transportation no later than 60
14 days after the date of enactment of an appropria-
15 tions Act for the fiscal year. The updated plan shall
16 reflect the actual appropriations levels or obligation
17 limits for that fiscal year, and any corresponding ad-
18 justments to the subsequent fiscal years. Amtrak
19 shall submit updated 5-year capital asset plans to
20 the Secretary of Transportation no later than 60
21 days after the date of enactment of an appropria-
22 tions Act for the fiscal year.

23 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

1 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
2 prepare a 5-year business line plan for each of the
3 following business lines:

4 “(A) Northeast Corridor, as defined by
5 section 24102(5)(A).

6 “(B) State corridors, as defined by section
7 24102(5)(D).

8 “(C) Long-distance routes, as defined by
9 section 24102(5)(C).

10 “(D) National assets.

11 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
12 PLANS.—The 5-year business line plan for each busi-
13 ness line shall include, at a minimum:

14 “(A) A statement of Amtrak’s vision,
15 goals, and objectives for the business line, co-
16 ordinated with any entities that are contrib-
17 uting capital or operating funding to support
18 passenger rail services within those business
19 lines, and aligned with Amtrak’s Strategic Plan.

20 “(B) All projected revenues and expendi-
21 tures for the business line, including identifica-
22 tion of revenues and expenditures incurred by—

23 “(i) passenger operations;

1 “(ii) non-passenger operations that
2 are directly related to the business line, in-
3 cluding all ancillary business activities; and

4 “(iii) governmental funding sources,
5 including revenues and other funding re-
6 ceived from States.

7 “(C) Projected ridership levels for all pas-
8 senger operations.

9 “(D) A prioritized list of capital projects,
10 including identified funding sources, that is
11 aligned with the Five-Year Capital Asset Plans
12 described in subsection (c).

13 “(E) Estimates of long-term and short-
14 term debt and associated principal and interest
15 payments (both current and forecasts).

16 “(F) Annual profit and loss statements
17 and forecasts and balance sheets.

18 “(G) Annual cash flow forecasts.

19 “(H) A statement describing the meth-
20 odologies and significant assumptions under-
21 lying estimates and forecasts.

22 “(I) Specific performance measures that
23 demonstrate measurable improvement year over
24 year in the financial results of Amtrak’s oper-
25 ations.

1 “(J) Financial performance for each route
2 within each business line, including descriptions
3 of the cash operating loss and labor produc-
4 tivity for each route.

5 “(K) Specific costs and savings estimates
6 resulting from reform initiatives.

7 “(L) Prior fiscal year and projected equip-
8 ment reliability statistics, in coordination with
9 the equipment capital asset plan.

10 “(M) Identification and explanation of any
11 adjustments made from previously approved
12 plans.

13 “(3) FIVE-YEAR BUSINESS LINE PLANS PROC-
14 ESS.—In meeting the requirements of this section,
15 Amtrak shall—

16 “(A) coordinate with the development of
17 the capital asset plans described in subsection
18 (c) and ensure integration of each 5-year busi-
19 ness line plan with the 5-year capital asset
20 plans;

21 “(B) for the Northeast Corridor business
22 line plan, coordinate with the Northeast Cor-
23 ridor Infrastructure and Operations Advisory
24 Commission, States, freight railroads, and com-

1 muter operators that access Northeast Corridor
2 infrastructure; and

3 “(C) ensure that Amtrak’s annual budget
4 request to Congress is consistent with the infor-
5 mation in the 5-year business line plans.

6 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
7 BILITY.—In meeting the requirements of subsection
8 (b) of this section, Amtrak shall—

9 “(A) apply sound budgetary practices; and

10 “(B) use the categories specified in the fi-
11 nancial accounting and reporting system devel-
12 oped under section 203 of Division B of Public
13 Law 110–432 when preparing its 5-year busi-
14 ness plans.

15 “(c) AMTRAK 5-YEAR CAPITAL ASSET PLANS.—

16 “(1) CAPITAL ASSET CATEGORIES.—Amtrak
17 shall prepare a 5-year capital asset plan for each of
18 the following capital asset categories:

19 “(A) Infrastructure, including all North-
20 east Corridor assets and other Amtrak-owned
21 infrastructure, and the associated engineering
22 facilities that support the maintenance and im-
23 provement of those assets.

24 “(B) Passenger rail equipment, including
25 all rolling stock, locomotives, and mechanical

1 shop facilities that are used to overhaul equip-
2 ment.

3 “(C) Stations, including all Amtrak-served
4 passenger rail stations.

5 “(D) Corporate, including assets such as
6 information technology, training centers, and
7 other capital items that support the national
8 passenger rail system.

9 “(2) CONTENTS OF 5-YEAR CAPITAL ASSET
10 PLANS.—Each capital asset plan shall include, at a
11 minimum—

12 “(A) a summary of Amtrak’s 5-year stra-
13 tegic plan for each asset category, including
14 goals, objectives, any relevant performance
15 metrics, and statutory or regulatory actions af-
16 fecting the assets;

17 “(B) an inventory of existing Amtrak cap-
18 ital assets, including information regarding
19 shared use or ownership, where applicable; and

20 “(C) a prioritized list of proposed capital
21 investments that—

22 “(i) categorizes each capital project as
23 being primarily associated with—

24 “(I) normalized capital replace-
25 ment;

1 “(II) backlog capital replace-
2 ment;

3 “(III) improvements to support
4 service enhancements or growth; or

5 “(IV) strategic initiatives that
6 will improve overall operational per-
7 formance, lower costs, or otherwise
8 improve Amtrak’s corporate efficiency;

9 “(ii) identifies the anticipated funding
10 source for each capital project;

11 “(iii) describes the anticipated busi-
12 ness outcomes of each project, including:
13 an assessment of the potential effect on
14 passenger operations, safety, reliability and
15 resilience, and on Amtrak’s ability to meet
16 regulatory requirements should the project
17 not be funded; and an assessment of the
18 benefits and costs;

19 “(iv) identifies where the capital as-
20 sets are or will be jointly used by intercity
21 passenger rail service and other users, and
22 that identifies the proportionate share of
23 this joint usage; and

24 “(v) for projects that are expected to
25 be fully or partially funded through Fed-

1 eral grants, identifies the most appropriate
2 public agency or entity to receive those
3 funds and implement each capital project,
4 in cases where that entity is not Amtrak.

5 “(3) 5-YEAR CAPITAL ASSET PLAN PROCESS.—
6 In meeting the requirements of subsection (c) of this
7 section, Amtrak shall—

8 “(A) coordinate with the development of
9 the business lines described in subsection (b)(1)
10 of this section and ensure integration of each 5-
11 year capital asset plan with the 5-year business
12 line plans; and

13 “(B) for the infrastructure capital asset
14 plan described in subsection (c)(1)(A) of this
15 section, coordinate with the Northeast Corridor
16 Infrastructure and Operations Advisory Com-
17 mission, States, freight railroads, and com-
18 muter operators that access Northeast Corridor
19 infrastructure.”.

20 (b) IDENTIFICATION OF DUPLICATIVE REPORTING
21 REQUIREMENTS.—

22 (1) The Secretary shall review existing Amtrak
23 reporting requirements and identify where these re-
24 quirements are duplicative with the business line and
25 capital asset plans required by this section.

1 (2) Where duplicative reporting requirements
2 are administrative, the Secretary shall eliminate
3 such duplicative requirements.

4 (3) The Secretary shall submit a report to Con-
5 gress with any recommendations for repealing dupli-
6 cative Amtrak reporting requirements.

7 **SEC. 9104. CLARIFICATION OF GRANT CONDITIONS.**

8 (a) RAIL CARRIERS.—Section 24405(b) is amend-
9 ed—

10 (1) by striking the title and inserting:

11 “(b) OPERATORS AND CERTAIN RAILROAD TRANS-
12 PORTATION SERVICE PROVIDERS DEEMED RAIL CAR-
13 RIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—(1)”;

14 (2) after “operations over” by inserting “, or
15 that performs dispatching, maintenance of way, or
16 signal system work for, or in support of, rail oper-
17 ations that is work performed by employees in crafts
18 and classes recognized by the National Mediation
19 Board on,”;

20 (3) by replacing “(1)”, “(2)”, and “(3)” with
21 “(A)”, “(B)”, and “(C)”;

22 (4) by inserting at the end the following:

23 “(2) Notwithstanding subsection (b) of this sec-
24 tion—

1 “(A) an employer engaged primarily in the
2 building and construction industry, as that
3 term is used in section 8(f) of the National
4 Labor Relations Act, which is performing work
5 as a contractor for a rail carrier shall not itself
6 be considered a rail carrier solely as a result of
7 performance of that work;

8 “(B) an employer performing work as a
9 contractor or subcontractor consistent with a
10 collective bargaining agreement covering the
11 railroad that owns rail infrastructure con-
12 structed or improved with funding provided in
13 whole or in part in a grant made under this
14 chapter shall not itself be considered a rail car-
15 rier solely as a result of performance of that
16 work; and

17 “(C) an employer performing work as a
18 contractor for an operator in accordance with a
19 collective bargaining agreement reached by the
20 operator and a union representing employees in
21 a craft or class recognized by the National Me-
22 diation Board covering work performed by that
23 craft or class shall not itself be considered a rail
24 carrier solely as a result of performance of that
25 work.”.

1 (b) GRANT CONDITIONS.—Section 24405(c) is
2 amended—

3 (1) by striking “railroad” and inserting “rail-
4 road or used by a railroad for common carrier serv-
5 ice”; and

6 (2) in subsection (c)(2), by striking “comply”
7 and inserting “assure compliance”.

8 **SEC. 9105. RESEARCH AND DEVELOPMENT.**

9 (a) RESEARCH, DEVELOPMENT, TESTING, AND
10 TRAINING.—Section 20108(a) is amended by inserting “,
11 operations, and technology” after the word “safety”.

12 (b) TECHNICAL CORRECTION.—Section 24910 is
13 amended by striking subsection (e).

14 **SEC. 9106. MISCELLANEOUS REVISIONS.**

15 (a) AMTRAK INDEBTEDNESS.—Division B of Public
16 Law 110–432, the Passenger Rail Investment and Im-
17 provement Act of 2008, is amended—

18 (1) by repealing section 204; and

19 (2) by revising section 205(a) to read as fol-
20 lows:

21 “(a) IN GENERAL.—The Secretary of the Treasury,
22 in consultation with the Secretary and Amtrak, may make
23 agreements to restructure Amtrak’s indebtedness as of the
24 date of enactment of this Act. This authorization expires
25 on September 30, 2018.”.

1 (b) CRIMINAL PENALTIES.—Section 21311 is amend-
2 ed as follows:

3 (1) Subsection (a) is amended by deleting “and
4 willfully”.

5 (2) The following is inserted at the end:

6 “(c) CRIMINAL PENALTY.—A person who knowingly
7 violates a provision of this chapter shall, if the violator’s
8 activities have led or could have led to death or serious
9 injury, be fined under title 18, imprisoned for not more
10 than 5 years, or both.”.

11 **Subtitle B—Policy**

12 **SEC. 9201. REGIONAL RAIL DEVELOPMENT AUTHORITIES.**

13 (a) IN GENERAL.—Part E of subtitle V is amended
14 by inserting the following after chapter 287:

15 **“CHAPTER 289—REGIONAL RAIL** 16 **DEVELOPMENT AUTHORITIES**

“Sec.

“28901. Authority and objectives.

“28902. Structure.

“28903. Activities.

17 **“§ 28901. Authority and objectives**

18 “(a) AUTHORITY.—The Secretary, in consultation
19 with State governors, is authorized to establish Regional
20 Rail Development Authorities (hereafter referred to as
21 ‘RRDAs’) to facilitate the development of multi-State
22 high-performance rail services and to coordinate these in-

1 vestments with other rail, transit, highway, and aviation
2 system services.

3 “(b) OBJECTIVES.—The objectives of RRDA’s are as
4 follows:

5 “(1) To establish multi-State public entities
6 that have the authority to plan and develop high-
7 speed and intercity passenger rail infrastructure and
8 services within regions, in coordination with other
9 planning and investment efforts in the region’s
10 freight rail, transit, highway, and aviation infra-
11 structure.

12 “(2) To develop and implement Regional Rail
13 Development Plans that are consistent with the
14 framework established in the National Passenger
15 Rail Development Plan, including establishing a
16 structure for State- and corridor-level planning ef-
17 forts.

18 “(3) To support the prioritization of intercity
19 passenger rail investments, taking into consideration
20 the most logical, efficient, and cost-effective ap-
21 proach for developing the regional passenger rail
22 network.

23 “(4) To facilitate interoperability and integra-
24 tion across corridors and States within regions.

1 **“§ 28902. Structure**

2 “(a) GOVERNANCE.—

3 “(1) EXECUTIVE DIRECTOR.—

4 “(A) APPOINTMENT.—An RRDA shall be
5 administered by an Executive Director who is
6 appointed by the Secretary.

7 “(B) SUPERVISION.—The Executive Direc-
8 tor shall be subject to the supervision and direc-
9 tion of the Secretary consistent with the Execu-
10 tive Director’s responsibilities and other re-
11 quirements established in this chapter.

12 “(C) EXPERTISE.—The Executive Director
13 shall have demonstrated expertise in the fol-
14 lowing three areas:

15 “(i) Passenger or freight rail oper-
16 ations.

17 “(ii) Transportation or infrastructure
18 planning.

19 “(iii) Project, public, or corporate fi-
20 nance.

21 “(D) AUTHORITY.—The Executive Direc-
22 tor shall be the chief executive officer of the
23 RRDA, with such executive functions, powers,
24 and duties as may be prescribed by this chapter
25 or otherwise by the Secretary.

1 “(E) RESPONSIBILITY.—The Executive Di-
2 rector shall have responsibility for the day-to-
3 day operations of the RRDA. In addition to the
4 other activities required to carry out the au-
5 thorities and purposes of the RRDA as set
6 forth in this chapter, the Executive Director
7 shall—

8 “(i) establish and maintain a pas-
9 senger rail corridor development and deliv-
10 ery capability that consists of qualified
11 transportation infrastructure planning, fi-
12 nancing, and construction professionals di-
13 rected to develop and deliver projects that
14 are consistent with the strategy and objec-
15 tives set forth in the Regional Rail Devel-
16 opment Plan; and

17 “(ii) establish and maintain a tech-
18 nical assistance capability at the RRDA
19 that consists of a staff of qualified project
20 management professionals directed to as-
21 sist other entities within the region that
22 are implementing high-speed and intercity
23 passenger rail projects.

24 “(2) REGIONAL COMMITTEE.—

1 “(A) ESTABLISHMENT.—There is estab-
2 lished within the RRDA a deliberative body to
3 be known as the ‘Regional Committee’.

4 “(B) MEMBERSHIP.—The membership of
5 the Regional Committee may be established and
6 maintained as follows:

7 “(i) Governors or their designees from
8 all States in the region.

9 “(ii) Other individuals and organiza-
10 tions the Secretary determines have a sig-
11 nificant interest in rail issues in the region.

12 “(C) CONSULTATION.—The Regional Com-
13 mittee shall consult with—

14 “(i) elected officials and other commu-
15 nity leaders in cities or counties affected
16 by high-speed or intercity passenger rail
17 projects;

18 “(ii) economic development bodies;

19 “(iii) business leaders in the region;

20 “(iv) freight carriers with operations
21 in the region;

22 “(v) commuter rail agencies with op-
23 erations in the region;

24 “(vi) rail labor;

1 “(vii) regional transportation and air
2 quality planning agencies; and

3 “(viii) other individuals or organiza-
4 tions that the Regional Committee deter-
5 mines would provide valuable input into
6 the Committee’s deliberations.

7 “(D) RESPONSIBILITIES.—The Regional
8 Committee shall be responsible for carrying out
9 the following:

10 “(i) Proposing to the Secretary the
11 Regional Rail Development Plan within
12 one year of the RRDA’s establishment and
13 making recommendations to the Secretary
14 for biennial updates.

15 “(ii) Evaluating Service Development
16 Plans and investment plans and related
17 materials or other analyses prepared by
18 the Executive Director for use in sup-
19 porting applications to the Secretary for
20 Federal financial assistance and providing
21 the Secretary with recommendations or
22 written objections to the Plan and related
23 materials as appropriate.

24 “(iii) Making recommendations to the
25 Secretary for the selection of private sector

1 partners for designing, constructing, oper-
2 ating, or maintaining a corridor.

3 “(iv) Evaluating and making rec-
4 ommendations to the Secretary for the
5 RRDA’s Annual Report.

6 “(v) Making recommendations to the
7 Secretary concerning the powers outlined
8 in section 28903 of this title.

9 “(E) MAJORITY VOTE.—An action or deci-
10 sion by the Regional Committee shall be by ma-
11 jority vote of all members, whether in person or
12 in absentia. Each member shall be provided a
13 reasonable opportunity to vote on all matters
14 before the Regional Committee.

15 “(F) PUBLICLY ACCESSIBLE MEETINGS.—
16 All meetings of the Regional Committee shall be
17 publicly-accessible, and the Regional Committee
18 shall also provide regular updates and informa-
19 tion on a publicly-accessible Web site.

20 “(b) EXEMPTION FROM FEDERAL ADVISORY COM-
21 MITTEE ACT.—The Federal Advisory Committee Act shall
22 not apply to Regional Rail Development Authorities.

23 **“§ 28903. Activities**

24 “(a) CORRIDOR DEVELOPMENT POWERS.—Regional
25 Rail Development Authorities established pursuant to this

1 chapter shall have the power to undertake the following
2 corridor development activities:

3 “(1) Planning for Core Express Corridors, Re-
4 gional Corridors, and Feeder Corridors within their
5 jurisdiction, including leading the development of the
6 Regional Rail Development Plan described in section
7 22602 of this title and identifying proposed corridor
8 alignments and station locations.

9 “(2) Planning that addresses transportation
10 issues and infrastructure investments for more effi-
11 cient movement of people and goods through and
12 among corridors, including consideration of the most
13 cost-effective transportation investments to address
14 a specific region’s or corridor’s transportation needs
15 for both people and goods.

16 “(3) Preparing engineering studies, environ-
17 mental and health analyses, project management
18 plans, financial plans, service development plans and
19 other documentation necessary for developing and
20 delivering new or improved high-speed or intercity
21 passenger rail services.

22 “(4) Receiving, managing, and expending Fed-
23 eral financial assistance, including taking responsi-
24 bility for all relevant reporting or other requirements
25 associated with that financial assistance.

1 “(5) Coordinating the financing package for
2 project development and delivery, including struc-
3 turing and overseeing Federal, State, and local fi-
4 nancial assistance funds, and private-sector con-
5 tributions.

6 “(6) Leading construction-related activities for
7 developing the corridor, including issuing requests
8 for proposals/qualifications, managing contractors,
9 entering into contracts with public and private enti-
10 ties for construction of the corridor, and other re-
11 lated activities.

12 “(7) Acquiring and preserving right-of-way for
13 dedicated corridors.

14 “(8) Providing for or supporting negotiations
15 with infrastructure owners for new or improved
16 shared-use passenger rail corridors.

17 “(9) Issuing requests for proposals for projects
18 for the financing, design, construction, operation,
19 and/or maintenance of a high-speed intercity pas-
20 senger rail system operating within the RRDA’s ju-
21 risdictions that shall include those items described in
22 paragraph (a)(4) of section 502 of Division B of
23 Public Law 110–432.

24 “(b) FUNDING ELIGIBILITY.—Regional Rail Develop-
25 ment Authorities are eligible to receive Federal funding

1 under the Rail Service Improvement Program, as de-
 2 scribed in section 24605 of this title.”.

3 (b) RELATED AMENDMENT.—The analysis for sub-
 4 title V is amended by inserting below the item for chapter
 5 287 the following:

“289. Authority and objectives	28901
“ Structure	28902
“ Activities	28903”.

6 **SEC. 9202. NORTHEAST CORRIDOR INFRASTRUCTURE AND**
 7 **OPERATIONS ADVISORY COMMISSION.**

8 Section 24905 is amended as follows:

9 (1) By revising paragraph (c)(1)(B) to read as
 10 follows:

11 “(B) develop a proposed timetable for im-
 12 plementing the formula that allows for a
 13 phased-in schedule that incorporates a reason-
 14 able amount of time for agreements to be nego-
 15 tiated among affected parties, provided that the
 16 formula is fully implemented no later than Sep-
 17 tember 30, 2018.”.

18 (2) In paragraph (e), by striking “2013” and
 19 replacing with “2018”.

20 (3) By inserting paragraph (g) to read as fol-
 21 lows:

22 “(g) NORTHEAST CORRIDOR GOVERNANCE.—Not
 23 later than September 30, 2014, the Commission shall
 24 issue a report with recommendations regarding the appro-

1 p r i a t e mechanisms for managing, improving, financing,
2 operating, and maintaining the Northeast Corridor, in-
3 cluding a clear delineation of responsibilities among the
4 Federal government, States, and Amtrak. This report
5 shall be submitted to the Secretary, the Committee on
6 Commerce, Science, and Transportation of the Senate,
7 and the Committee on Transportation and Infrastructure
8 of the House of Representatives.”.

9 **SEC. 9203. STANDARDIZATION OF PASSENGER EQUIPMENT**
10 **AND PLATFORMS.**

11 (a) PASSENGER PLATFORMS.—Where level-entry
12 boarding platforms are required by law—

13 (1) new or rebuilt passenger platforms in Con-
14 necticut, Delaware, Maine, Massachusetts, New
15 Hampshire, New Jersey, New York, Rhode Island,
16 and Vermont shall be constructed and maintained at
17 48 inches above top of rail;

18 (2) new or rebuilt passenger platforms in Mary-
19 land and Pennsylvania shall be constructed and
20 maintained at 15 or 48 inches above top of rail, in
21 coordination with the lowest floor height of equip-
22 ment serving the platform;

23 (3) new or rebuilt platforms at Union Station
24 in Washington, DC, shall be built and maintained to

1 facilitate level boarding for the equipment serving
2 the platform;

3 (4) all other new or rebuilt passenger rail plat-
4 forms shall be built and maintained at 15 inches
5 above top of rail; and

6 (5) it is the intent of Congress to expressly pre-
7 empt State and local laws, regulations and rules on
8 passenger platform height and setback.

9 (b) EXCEPTIONS.—

10 (1) A railroad owner may seek an exception to
11 the passenger platform height requirements by pre-
12 senting information to the Federal Railroad Admin-
13 istration of an actual conflict between the require-
14 ment and an existing piece of equipment operated
15 past the platform location. New or rebuilt passenger
16 rail equipment used on any route with a platform
17 excepted under this subpart must be equipped with
18 an onboard lift.

19 (2) A railroad owner may seek an exception to
20 the passenger platform height requirements by pre-
21 senting information to the Federal Railroad Admin-
22 istration that it will provide level-boarding at a
23 height other than that provided in subsection (a).

24 (3) A system that is in operation on the date
25 of this enactment that provides a level-boarding plat-

1 form at a height other than those described in sub-
2 section (a) may continue to provide such service.

3 **SEC. 9204. NEXT GENERATION EQUIPMENT COMMITTEE.**

4 (a) REVISIONS TO DIVISION B OF PUBLIC LAW 110–
5 432, THE PASSENGER RAIL INVESTMENT AND IMPROVE-
6 MENT ACT OF 2008.—Section 305 of Division B of Public
7 Law 110–432 is amended—

8 (1) in subsection (a), by inserting “labor orga-
9 nizations that represent employees who perform
10 overhaul and maintenance work on passenger equip-
11 ment used for intercity passenger rail transpor-
12 tation,” after “manufacturers,”;

13 (2) by redesignating paragraph (e) as para-
14 graph (f); and

15 (3) by inserting new paragraph (e) to read as
16 follows—

17 “(e) RAIL EQUIPMENT MANAGEMENT.—Not later
18 than December 30, 2013, the Next Generation Corridor
19 Equipment Pool Committee shall issue a report with rec-
20 ommendations regarding the appropriate mechanisms for
21 procuring, managing, and maintaining passenger rail cars
22 and locomotives. This report shall be submitted to the Sec-
23 retary, the Committee on Commerce, Science, and Trans-
24 portation of the Senate, and the Committee on Transpor-

1 tation and Infrastructure of the House of Representa-
2 tives.”.

3 (a) IN GENERAL.—Part E of subtitle V is amended
4 by inserting the following after chapter 285:

5 **“CHAPTER 287—BUY AMERICA**
6 **PREFERENCES**

“Sec.

“28701. Buying goods produced in the United States.

“28702. Fraudulent use of ‘Made in America’ label.

7 **“§ 28701. Buying goods produced in the United States**

8 “(a) PREFERENCE.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, the Secretary shall not obligate any
11 funds authorized to be appropriated to carry out
12 subtitle V of this title and administered by the De-
13 partment of Transportation, nor shall the Secretary
14 provide direct loans or loan guarantees under section
15 502 of the Railroad Revitalization and Regulatory
16 Reform Act of 1976 (45 U.S.C. 822), unless steel,
17 iron, and manufactured products used in the project
18 are produced in the United States.

19 “(2) NON-FEDERAL FUNDS.—Notwithstanding
20 any other provision of law, rolling stock and power
21 train equipment (including train control, commu-
22 nication, traction power equipment, and rolling stock
23 prototypes) purchased with non-Federal funds in
24 connection with a project receiving Federal financial

1 assistance under subtitle V of this title or under sec-
2 tion 502 of the Railroad Revitalization and Regu-
3 latory Reform Act of 1976 (45 U.S.C. 822), shall
4 only use steel, iron, and manufactured products pro-
5 duced in the United States.

6 “(b) WAIVER.—The Secretary may waive subsection
7 (a) of this section if the Secretary finds that—

8 “(1) applying subsection (a) would be incon-
9 sistent with the public interest;

10 “(2) such materials and products produced in
11 the United States are not produced in a sufficient
12 and reasonably available amount or are not of a sat-
13 isfactory quality;

14 “(3) the cost of the domestic material will in-
15 crease the cost of the end product by more than 25
16 percent; or

17 “(4) when procuring rolling stock or train con-
18 trol systems for high-speed rail, as that term is de-
19 fined by section 26105(2) of this title—

20 “(A) the rolling stock and train control
21 systems are manufactured in the United States
22 substantially from components produced or
23 manufactured in the United States;

24 “(B) the rolling stock domestic material
25 improvement plan required by subsection (c) of

1 this section addresses how the domestic mate-
2 rial content of the rolling stock and train con-
3 trol systems will be increased over the duration
4 of the contract; and

5 “(C) final assembly of the rolling stock
6 and train control systems, not including proto-
7 types that will primarily be used to test the roll-
8 ing stock or train control systems, has occurred
9 in the United States; and

10 “(5) the waiver justifications contained in this
11 subsection at paragraphs (1) through (3) apply to
12 all steel, iron, and manufactured products, including
13 all rolling stock.

14 “(c) ROLLING STOCK DOMESTIC MATERIAL IM-
15 PROVEMENT PLAN.—All rolling stock procurements sub-
16 ject to the requirements of subsection (a) of this section
17 shall require that rolling stock procurement proposals in-
18 clude a plan to increase the domestic material content of
19 the rolling stock over the duration of the contract. This
20 plan shall address increasing the domestic material con-
21 tent of all components and subcomponents. Significant
22 weight shall be given in the proposal evaluation criteria
23 for the plan achieving the most domestic material content.
24 The recipient of the Federal financial assistance shall con-
25 duct an audit post-contract award to verify implementa-

1 tion of the plan. As determined appropriate by the Sec-
2 retary, a certain amount of funding made available for the
3 rolling stock procurement shall be used to implement the
4 plan.

5 “(d) LABOR COSTS.—For purposes of this section,
6 labor costs involved in final assembly shall not be included
7 in calculating the cost of components.

8 “(e) WAIVER NOTICE AND COMMENT.—If the Sec-
9 retary determines that it is necessary to waive the applica-
10 tion of subsection (a) based on a finding under subsection
11 (b), the Secretary shall, before the date on which such
12 finding takes effect—

13 “(1) make available to the public on the De-
14 partment of Transportation’s public Web site the
15 waiver request and a detailed written justification as
16 to why the waiver is needed;

17 “(2) publish in the Federal Register a detailed
18 written justification as to why the waiver is needed;
19 and

20 “(3) provide notice of such finding and an op-
21 portunity for public comment on such finding for a
22 reasonable period of time not to exceed 15 days.

23 “(f) WAIVER PROHIBITED.—The Secretary may not
24 make a waiver under subsection (b) of this section for
25 goods produced in a foreign country if the Secretary, in

1 consultation with the United States Trade Representative,
2 decides that the government of that foreign country—

3 “(1) has an agreement with the United States
4 Government under which the Secretary has waived
5 the requirement of this section; and

6 “(2) has violated the agreement by discrimi-
7 nating against goods to which this section applies
8 that are produced in the United States and to which
9 the agreement applies.

10 “(g) STATE REQUIREMENTS.—The Secretary may
11 not impose any limitation on assistance provided under
12 subtitle V of this title that restricts a State from imposing
13 more stringent requirements than this section on the use
14 of articles, materials, and supplies mined, produced, or
15 manufactured in foreign countries, in projects carried out
16 with that assistance, or restricts a recipient of that assist-
17 ance from complying with those State-imposed require-
18 ments.

19 “(h) CERTIFICATION.—The Secretary may allow a
20 manufacturer or supplier of steel, iron, or manufactured
21 goods to correct after bid opening any certification of non-
22 compliance or failure to properly complete the certification
23 (but not including failure to sign the certification) under
24 this section if such manufacturer or supplier attests under
25 penalty of perjury that such manufacturer or supplier sub-

1 mitted an incorrect certification as a result of an inad-
2 vertent or clerical error. The burden of establishing inad-
3 vertent or clerical error is on the manufacturer or supplier.

4 “(i) REVIEW.—A party adversely affected by an
5 agency action under this section shall have the right to
6 seek review under section 702 of title 5.

7 “(j) MINIMUM COST.—The requirements of this sec-
8 tion shall only apply to contracts for which the costs ex-
9 ceed \$100,000.

10 “(k) INTERNATIONAL AGREEMENTS.—This section
11 shall be applied in a manner consistent with United States
12 obligations under international agreements.

13 **“§ 28702. Fraudulent use of ‘Made in America’ label**

14 “A person is ineligible to receive a contract or sub-
15 contract made with amounts authorized under subtitle V
16 of this title or section 502 of the Railroad Revitalization
17 and Regulatory Reform Act of 1976 (45 U.S.C. 822) if
18 a court or department, agency, or instrumentality of the
19 Government decides the person intentionally—

20 “(1) affixed a ‘Made in America’ label, or a
21 label with an inscription having the same meaning,
22 to goods sold in or shipped to the United States that
23 are used in a project to which this section applies,
24 but were not produced in the United States; or

1 “(2) represented that goods described in para-
2 graph (1) of this section were produced in the
3 United States.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 subtitle V is amended by inserting below the item for
6 chapter 285 the following:

“287. Buy America preferences28701”.

7 (c) RELATED AMENDMENTS.—

8 (1) Section 24305 is amended by repealing sub-
9 section (f).

10 (2) Section 24405(a) is amended by redesign-
11 nating paragraphs (1) through (11), respectively, as
12 paragraphs (2) through (12).

13 (3) Section 24405(a) is amended by inserting
14 at the beginning the following:

15 “(1) This subsection applies to projects that
16 have received Federal funding to carry out this
17 chapter prior to the enactment of the Rail Safety,
18 Reliability, and Efficiency for a Strong America
19 Act.”.

20 **SEC. 9206. RAIL PASSENGER TRANSPORTATION LIABILITY**
21 **AND MANDATORY COVERAGE.**

22 (a) LIABILITY.—Section 28103 is amended as fol-
23 lows:

1 (1) By revising subsection (a)(2) by inserting,
2 “including commuter rail passengers,” after the
3 words “rail passenger,”.

4 (2) By revising subsection (b) to read as fol-
5 lows:

6 “(b) CONTRACTUAL OBLIGATIONS.—A provider of
7 rail passenger transportation may enter into contracts
8 that allocate financial responsibility for claims and such
9 contracts shall be enforceable notwithstanding any other
10 provision of law, common law or public policy or the na-
11 ture of the conduct giving rise to the damages or liabil-
12 ity.”.

13 (3) By inserting at the end of subsection (e) the
14 following:

15 “(4) the term ‘rail passenger transportation’ in-
16 cludes commuter rail transportation.”.

17 (b) MANDATORY COVERAGE.—Subsection 28103(c)
18 is amended by striking “Amtrak” and inserting “A pro-
19 vider of rail passenger transportation”.

20 **SEC. 9207. SHARED-USE STUDY.**

21 (a) IN GENERAL.—The Secretary shall conduct a
22 study, in consultation with, as appropriate, Amtrak, com-
23 muter, and other passenger rail operators, rail carriers
24 that own rail infrastructure over which both passenger and
25 freight trains operate, States, the Surface Transportation

1 Board, and groups representing rail passengers and cus-
2 tomers, in order to evaluate the shared-use of right-of-way
3 by passenger and freight rail systems and the operational,
4 institutional, and legal structures that would best support
5 improvements to both of these systems.

6 (b) AREAS OF STUDY.—In conducting the study, the
7 Secretary shall evaluate—

8 (1) the access and use of railroad right-of-way
9 by a railroad that does not own the right-of-way.
10 This evaluation shall include an analysis of pas-
11 senger rail services that operate over privately owned
12 right-of-way, including access agreements, costs of
13 access, and the resolution of disputes relating to
14 such access or costs;

15 (2) the effectiveness of existing contractual and
16 regulatory mechanisms for establishing, measuring,
17 and enforcing train performance standards, includ-
18 ing identification of gaps in those existing mecha-
19 nisms and designation of possible new approaches;

20 (3) mechanisms for measuring and maintaining
21 benefits resulting from publically funded freight and/
22 or intercity passenger rail improvements, including
23 those improvements directed towards shared-use
24 right-of-way;

1 (4) standard approaches to operations, capacity,
2 and cost estimation modeling that allows for trans-
3 parent decision-making while also protecting the pro-
4 prietary interests of all parties; and

5 (5) other issues identified by the Secretary.

6 (c) REPORT.—Within 180 days after the establish-
7 ment of a dedicated Rail Account within the Transpor-
8 tation Trust Fund, the Secretary shall submit rec-
9 ommendations developed pursuant to subsections (a) and
10 (b), including any legislative proposals consistent with
11 such recommendations, to the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives,
13 and the Committee on Commerce, Science, and Transpor-
14 tation of the Senate.

15 (d) IMPLEMENTATION.—The Secretary shall inte-
16 grate the recommendations submitted under subsection (c)
17 into its financial assistance programs under subtitle V and
18 section 502 of the Railroad Revitalization and Regulatory
19 Reform Act of 1976 (45 U.S.C. 822), as appropriate. The
20 Secretary may promulgate a rulemaking or rulemakings
21 to integrate such recommendations, if appropriate.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Secretary such
24 sums as necessary to conduct the study described in this
25 section, to remain available until expended.

1 **SEC. 9208. DISADVANTAGED BUSINESS ENTERPRISES; DIS-**
2 **PARITY AND AVAILABILITY STUDY.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall continue actions to conduct a nationwide disparity
5 and availability study to establish the availability and utili-
6 zation of small business concerns owned and controlled by
7 socially and economically disadvantaged individuals
8 (“small disadvantaged businesses”) in publicly funded
9 railroad projects.

10 (b) DEFINITIONS.—In this section:

11 (1) SMALL BUSINESS CONCERN.—The term
12 “small business concern” means a small business
13 concern as the term is used in section 3 of the Small
14 Business Act (15 U.S.C. 632). The term “small
15 business concern” does not include any concern or
16 group of concerns controlled by the same socially
17 and economically disadvantaged individual or indi-
18 viduals that have average annual gross receipts dur-
19 ing the preceding 3 fiscal years in excess of
20 \$22,410,000, as adjusted annually by the Secretary
21 for inflation.

22 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
23 TAGED INDIVIDUAL.—The term “socially and eco-
24 nomically disadvantaged individual” has the mean-
25 ing given the term in section 8(d) of the Small Busi-
26 ness Act (15 U.S.C. 637(d)) and relevant subcon-

1 tracting regulations issued pursuant to that Act, ex-
2 cept that women shall be presumed to be socially
3 and economically disadvantaged individuals for pur-
4 poses of this section.

5 (c) REPORT.—Not later than 3 years after the date
6 of enactment of this Act, the Secretary shall transmit to
7 the Committee on Transportation and Infrastructure of
8 the House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a report
10 of the results of the nationwide disparity and availability
11 study.

12 (d) SECRETARIAL ACTION.—If the Secretary finds a
13 strong basis in evidence demonstrating that gender or race
14 discrimination or the effects of such discrimination is ad-
15 versely impacting the award and administration of con-
16 tracts to small disadvantaged businesses in Federal finan-
17 cial assistance programs for rail transportation adminis-
18 tered by the Department of Transportation, the Secretary
19 should take appropriate and necessary action to remedy
20 the effects of such discrimination.

21 **Subtitle C—Planning**

22 **SEC. 9301. NATIONAL AND REGIONAL RAIL PLANNING.**

23 (a) IN GENERAL.—Part B of subtitle V is amended
24 by inserting the following after chapter 225:

1 **“CHAPTER 226—NATIONAL AND REGIONAL**
2 **RAIL PLANNING**

“Sec.

“22601. National rail development plan.

“22602. Regional rail development plans.

3 **“§ 22601. National rail development plan**

4 “(a) IN GENERAL.—Within 1 year after the date of
5 the enactment of this Act, the Secretary of Transportation
6 shall complete a National Rail Development Plan.

7 “(b) OBJECTIVES.—The objectives of the National
8 Rail Development Plan are—

9 “(1) to set forth national policy involving high-
10 performance rail transportation, including presenting
11 priorities and strategies to enhance high-perform-
12 ance rail transportation; and

13 “(2) to serve as the foundation for Regional
14 Rail Development Plans.

15 “(c) CONTENTS.—The National Rail Development
16 Plan shall include the following elements:

17 “(1) Conditions under which Federal invest-
18 ments in regional networks comprised of Core Ex-
19 press Corridors, Regional Corridors, and/or Feeder
20 Corridors are justified, to include, at a minimum,
21 parameters addressing the following criteria:

22 “(A) Population size and density.

1 “(B) Projected population and economic
2 growth and changing demographic characteris-
3 tics.

4 “(C) Connections to local rail and bus
5 transit and alternative transportation options.

6 “(D) Economic profile of specific markets.

7 “(E) Congestion on existing transportation
8 facilities and constraints on future capacity en-
9 hancements, in relation to efficient movement of
10 both goods and people.

11 “(F) Distances between markets.

12 “(G) Geographic characteristics.

13 “(2) Conditions under which Federal invest-
14 ments in freight rail projects are justified.

15 “(3) A discussion of benefits and costs of po-
16 tential investments in high-performance rail that
17 considers both user and public benefits and costs
18 from a network perspective, to include factors such
19 as potential passenger ridership or freight tonnage
20 changes, travel time reductions, enhanced mobility
21 benefits, improved reliability and resilience, environ-
22 mental benefits, economic benefits, and other public
23 benefits, including sensitivity analyses on these fac-
24 tors.

1 “(4) Issues related to timing and phasing for
2 the implementation of potential Core Express Cor-
3 ridors, Regional Corridors, and Feeder Corridors.

4 “(5) A strategy for investments in intermodal
5 passenger stations that are linked to local public
6 transportation and non-motorized transportation op-
7 tions, and that connect to residential areas, commer-
8 cial areas, and other nearby transportation facilities.

9 “(6) Policies and strategies for improving the
10 competitiveness of the Nation’s freight rail industry.

11 “(7) Suggested performance standards for fiscal
12 and operational performance of new and enhanced
13 high-performance rail services by service type.

14 “(8) General description of the environmental
15 benefits or impacts related to the expansion of pas-
16 senger and freight rail networks, including analysis
17 of climate change issues and implications.

18 “(9) Recommendations regarding project fi-
19 nancing, management and implementation for cor-
20 ridor development, station development, and similar
21 projects.

22 “(10) Achievement of the objectives set forth in
23 section 101 of the Rail for America Act.

1 “(11) Additional factors that the Secretary
2 deems relevant for achieving the objectives of this
3 subsection.

4 **“§ 22602. Regional rail development plans**

5 “(a) IN GENERAL.—The Secretary shall facilitate the
6 development of a Regional Rail Development Plans to de-
7 scribe a multi-State region’s plans for a comprehensive
8 and integrated rail network, including plans for public in-
9 vestment in projects that contribute towards efficient
10 movement and increased capacity for freight, by either Re-
11 gional Rail Development Authorities, described in chapter
12 289 of this title, or by any two or more States that have
13 entered into interstate compacts, agreements, or organiza-
14 tions for the purpose of developing such a plan.

15 “(b) FEDERAL SHARE INCENTIVE.—A project pro-
16 posal for Passenger Corridor funding that is consistent
17 with an adopted Regional Rail Development Plan shall be
18 eligible for a higher Federal share of total project costs
19 under the Passenger Corridors program, as described in
20 section 24605(b)(7)(B) of this title, provided that the Re-
21 gional Rail Development Plan meets the content and proc-
22 ess criteria set forth in this paragraph.

23 “(c) CONTENTS AND PROCESS.—

24 “(1) CONTENTS.—At a minimum, the Regional
25 Rail Development Plan shall contain—

1 “(A) a map that shows specific alignment
2 alternatives for the Core Express Corridors, Re-
3 gional Corridors, and Feeder Corridors that are
4 consistent with the criteria established in the
5 National Rail Development Plan and that iden-
6 tifies potential station locations;

7 “(B) an examination of multi-modal cor-
8 ridors and connections that considers the most
9 cost-effective means for achieving the region’s
10 transportation goals and objectives;

11 “(C) a phasing plan for developing or up-
12 grading specific segments of the regional net-
13 work;

14 “(D) a capital cost estimate for developing
15 the regional network;

16 “(E) an analysis of operating financial
17 forecasts, including high-level ridership and rev-
18 enue projections;

19 “(F) a benefit-cost analysis for the re-
20 gional network that considers both user and
21 public benefits and costs from a network per-
22 spective, to include factors such as ridership
23 projections, travel time reductions, enhanced
24 mobility benefits, improved reliability and resil-

1 ience, environmental benefits, economic bene-
2 fits, and other public benefits;

3 “(G) an analysis of potential land use poli-
4 cies and strategies for areas near high-perform-
5 ance rail stations;

6 “(H) general description of the environ-
7 mental benefits or impacts that could result
8 from implementation of the Regional Rail De-
9 velopment Plan, including analysis of climate
10 change issues and implications;

11 “(I) consideration of the goals, policies,
12 and investment priorities described in highway
13 and transit plans developed by States and met-
14 ropolitan planning organizations within the re-
15 gion;

16 “(J) potential non-Federal funding
17 sources, including a detailed consideration of
18 anticipated private sector participation;

19 “(K) a proposal for the institutional and
20 governance structures that will be necessary to
21 develop, operate, and maintain the regional net-
22 work;

23 “(L) other project implementation consid-
24 erations, including an analysis of the readiness
25 of specific corridors to proceed for development

1 as evidenced by the completion of service devel-
2 opment planning and environmental analyses;

3 “(M) identification of plans for cost-effec-
4 tive, public investment in shared-benefit
5 projects that contribute toward the efficient
6 movement and increased capacity for freight
7 rail operations; or

8 “(N) evidence of support from affected
9 States and local jurisdictions.

10 “(2) PROCESS.—At a minimum, the process for
11 creating the Regional Rail Development Plan shall
12 fulfill the following:

13 “(A) Be led and formally adopted either—

14 “(i) by a Regional Rail Development
15 Authority, as described in chapter 289 of
16 this title, with the final plan being formally
17 adopted by the Regional Rail Development
18 Authority; or

19 “(ii) by two or more States that have
20 jointly engaged in the planning process,
21 with the final plan being formally incor-
22 porated into the State Rail Plans, State
23 Freight Plans, and Statewide Transpor-
24 tation Improvement Plans of each State,
25 as applicable.

1 “(B) Ensure substantial opportunities for
2 involvement of affected stakeholders, including
3 but not limited to local communities, elected of-
4 ficials, economic development bodies, business
5 leaders, railroad infrastructure owners, regional
6 air quality planning agencies, Amtrak, pas-
7 senger rail service operators, freight railroad
8 operators, representatives of rail labor, metro-
9 politan planning organizations, governing au-
10 thorities for transit systems or airports, Tribal
11 governments, and the general public, including
12 local communities, low-income and minority
13 populations, people with disabilities, and older
14 Americans.

15 “(C) Provide the stakeholders, including
16 those listed in subparagraph (B), reasonable op-
17 portunity to comment on and participate in the
18 development and implementation of the Plans,
19 particularly with regard to subsection (c)(1)(A)
20 and (G).

21 “(d) CONSISTENCY WITH NATIONAL RAIL DEVELOP-
22 MENT PLAN.—

23 “(1) ELIGIBILITY.—In order to be eligible for
24 Federal funding through the Passenger Corridor
25 program, a Core Express Corridor, Regional Cor-

1 ridor, or Feeder Corridor identified in the Regional
2 Rail Development Plan shall be consistent with the
3 parameters identified in the National Rail Develop-
4 ment Plan.

5 “(2) UPDATES.—In the event that the Regional
6 Rail Development Plan is adopted prior to publica-
7 tion of the National Rail Development Plan, the Re-
8 gional Plan shall be updated within 1 year of the
9 publication of the National Plan.

10 “(3) WAIVER.—The Secretary may waive re-
11 quirements under this subsection as necessary to ac-
12 commodate unique characteristics and situations in
13 specific regions.

14 “(e) FINANCIAL ASSISTANCE.—Planning activities to
15 create a Regional Rail Development Plan are eligible to
16 receive Planning grants, as described in subsection
17 24605(e) of this title. The Federal share of such a grant
18 shall not exceed 80 percent of the total cost of the
19 project.”.

20 (b) REVISIONS TO THE UNITED STATES CODE.—Sec-
21 tion 103(j) is amended—

22 (1) by striking paragraphs (2) and (3); and

23 (2) by redesignating paragraphs (4) through

24 (7), respectively, as paragraphs (2) through (5).

1 **SEC. 9302. STATE RAIL PLANS.**

2 Chapter 227 of Part B is amended—

3 (1) in section 22702(b)(4), by striking “5 years
4 for reapproval by the Secretary” and inserting “4
5 years for acceptance by the Secretary”; and

6 (2) by striking section 22705(a)(12).

7 **Subtitle D—Safety Improvements**

8 **SEC. 9401. REQUIREMENT FOR UNIFORM OPERATING**
9 **RULES.**

10 (a) AMENDMENT.—Chapter 201, as amended by this
11 Act, is further amended by adding at the end the following
12 new section:

13 **“§ 20168. Uniform operating rules**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 may prescribe regulations or issue orders to require in
16 small geographic areas, as defined by the Secretary, where
17 two or more railroads serve as host railroads for joint op-
18 erations that occur within a small geographic area, all
19 such host railroads in the small geographic area shall de-
20 velop unified operating rules governing all operations with-
21 in the small geographic area with respect to the following:

22 “(1) signal aspects and indications, such that
23 no aspect represents multiple indications for any op-
24 erations within the small geographic area;

25 “(2) after-arrival mandatory directives, such
26 that the use of an after-arrival mandatory directive

1 is prohibited for any operations in non-signaled ter-
2 ritory within the small geographic area; and

3 “(3) forms used to convey track authority, such
4 that track authority for any operations within the
5 small geographic area is conveyed using an identical
6 set of forms.

7 “(b) CONSTRUCTION.—Nothing in this section shall
8 be construed to limit the authority of the Secretary to pre-
9 scribe regulations or issue orders not authorized by this
10 section.”.

11 (b) CONFORMING AMENDMENT.—The chapter anal-
12 ysis for chapter 201 is amended by inserting after the item
13 relating to section 20167 the following:

“20168. Uniform operating rules.”.

14 **SEC. 9402. POSITIVE TRAIN CONTROL.**

15 (a) IMPLEMENTATION.—Section 20157(a) is revised
16 to read as follows:

17 “(a) IMPLEMENTATION.—

18 “(1) WHERE IMPLEMENTATION REQUIRED.—
19 Each Class I railroad carrier and each entity pro-
20 viding regularly scheduled intercity or commuter rail
21 passenger transportation shall develop and submit to
22 the Secretary of Transportation a plan for imple-
23 menting a positive train control system by December
24 31, 2015, governing operations on—

1 “(A) its main line over which intercity rail
2 passenger transportation or commuter rail pas-
3 senger transportation, as defined in section
4 24102, is regularly provided;

5 “(B) its main line over which poison- or
6 toxic-by-inhalation hazardous materials, as de-
7 fined in sections 171.8, 173.115, and 173.132
8 of title 49, Code of Federal Regulations, are
9 transported; and

10 “(C) such other tracks as the Secretary
11 may prescribe by regulation or order.

12 “(2) INTEROPERABILITY AND
13 PRIORITIZATION.—The plan shall describe how the
14 railroad carrier or other entity subject to subsection
15 (a)(1) will provide for interoperability of the system
16 with movements of trains of other railroad carriers
17 over its lines and shall, to the extent practical, im-
18 plement the system in a manner that addresses
19 areas of greater risk before areas of lesser risk. The
20 railroad carrier or other entity shall implement a
21 positive train control system in accordance with the
22 plan.

23 “(3) PHASED IMPLEMENTATION.—The Sec-
24 retary shall prescribe regulations to establish an im-
25 plementation schedule for positive train control sys-

1 tems to ensure successful implementation of positive
2 train control systems.

3 “(4) EXTENSION AUTHORITY.—The Secretary
4 may extend the implementation deadline for one or
5 more railroad carriers or other entities set by regula-
6 tions prescribed pursuant to paragraph (1) and
7 paragraph (3) if the Secretary determines that—

8 “(A) the railroad carrier or other entity
9 has encountered technical programmatic chal-
10 lenges, as identified by the Secretary in his
11 2012 report to Congress pursuant to subsection
12 (d), and those challenges have negatively af-
13 fected the successful implementation of positive
14 train control systems;

15 “(B) the railroad carrier or other entity
16 has demonstrated substantial progress in de-
17 ploying positive train control to the extent fea-
18 sible;

19 “(C) the railroad carrier or other entity
20 has taken actions to mitigate risks to successful
21 implementation, as identified by the Secretary
22 in his 2012 report to Congress pursuant to sub-
23 section (d); and

1 “(D) the railroad carrier or other entity is
2 proceeding to implement its plan expeditiously
3 and successfully.”.

4 (b) PROVISIONAL OPERATION.—Section 20157(h) is
5 amended to read as follows:

6 “(h) CERTIFICATION.—

7 “(1) IN GENERAL.—The Secretary shall not
8 permit the installation of any positive train control
9 system or component in revenue service unless the
10 Secretary has certified that any such system or com-
11 ponent has been approved through the approval
12 process set forth in part 236 of title 49, Code of
13 Federal Regulations, and complies with the require-
14 ments of that part.

15 “(2) PROVISIONAL OPERATION.—The Secretary
16 may permit, upon submission of a positive train con-
17 trol implementation plan, the provisional operation
18 of a positive train control system or component in
19 revenue service where the development of the system
20 or component has been approved by the Secretary
21 through the process set forth in part 236 of title 49,
22 Code of Federal Regulations, complies with the re-
23 quirements of that part, and complies with any con-
24 ditions the Secretary may provide for such provi-
25 sional operation.”.

1 (c) ALTERNATIVE PROTECTION.—After subsection
2 (i) of section 20157, the following is inserted:

3 “(j) EXCEPTION FOR ALTERNATIVE PROTECTION.—

4 “(1) Notwithstanding the other provisions of
5 this section, a railroad may petition the Secretary to
6 implement alternative risk mitigation strategies on a
7 particular a main line in place of a positive train
8 control system that would otherwise be required to
9 be installed on such line under this section if such
10 risk mitigation strategies incorporate alternative
11 technology or operating practices.

12 “(2) The Secretary may approve a plan to use
13 such alternate risk mitigation strategies under this
14 provision on a main line identified by a railroad car-
15 rier or other entity in a plan submitted to the Sec-
16 retary if the Secretary determines that—

17 “(A) the use of the alternative strategies
18 will not result in a decrease in the level of safe-
19 ty from that currently existing on the line;

20 “(B) the alternative strategies provide an
21 appropriate level of risk mitigation with regards
22 to preventing the risks identified in subsection
23 (i)(3); and

24 “(C) the alternative risk mitigation strate-
25 gies will be implemented as soon as possible.”.

1 (d) SPECTRUM.—Chapter 201, as amended by this
2 Act, is further amended by adding the following new sec-
3 tion:

4 **“§ 20169. Federal communications commission spec-**
5 **trum**

6 “Not later than 120 days after the date of enactment
7 of the Rail for America Act, the Secretary of Transpor-
8 tation and the Chairman of the Federal Communications
9 Commission shall coordinate to assess spectrum needs and
10 availability for implementing positive train control sys-
11 tems, as defined in section 20157 of this title. Such coordi-
12 nation may include conversations with external stake-
13 holders.”.

14 (e) CONFORMING AMENDMENT.—The chapter anal-
15 ysis for chapter 201, as amended by this Act, is further
16 amended by inserting after the item relating to section
17 20168 the following:

“20169. Federal Communications Commission spectrum.”.

18 **SEC. 9403. HOURS OF SERVICE REFORM.**

19 (a) CESSATION OF EFFECTIVENESS.—Chapter 211,
20 as amended by this Act, shall cease to be effective upon
21 the effective date of the regulations mandated by sub-
22 section (c) of this section.

23 (b) AMENDMENT.—Upon the effective date of the
24 regulations mandated by subsection (c) of this section—

1 (1) the first sentence of section 20103(a) is
2 amended to read as follows:

3 “(1) The Secretary of Transportation, as nec-
4 essary, shall prescribe regulations and issue orders
5 for every area of railroad safety—

6 “(A) superseding the Federal hours of
7 service laws formerly codified at chapter 211 of
8 this title and regulations and orders pursuant
9 to those laws; and

10 “(B) supplementing other regulations and
11 other laws in effect on October 16, 1970.”; and

12 (2) the second sentence of section 20103(a), as
13 amended by this Act, is designated as paragraph
14 (2).

15 (c) AMENDMENT.—Chapter 201, as amended by this
16 Act, is further amended by adding at the end the following
17 new section:

18 **“§ 20171. Fatigue, including hours of service**

19 “(a) MANDATE TO CONVERT STATUTE TO REGULA-
20 TIONS; NONREVIEWABILITY; CESSATION OF EFFECTIVE-
21 NESS OF CHAPTER 211.—

22 “(1) The Secretary of Transportation shall pre-
23 scribe regulations embodying the substantive provi-
24 sions of the Federal hours of service laws codified at
25 sections 21101–21106, 21108, and 21109 of this

1 title and in so doing may make changes necessary to
2 transform those provisions into regulatory form.

3 “(2) Notwithstanding any other provision of
4 law, these regulations shall not be subject to judicial
5 review.

6 “(3) Upon the effective date of the regulations
7 prescribed under this subsection (a) (the status quo
8 regulations), chapter 211 of this title shall cease to
9 be effective.

10 “(b) AUTHORITY TO PRESCRIBE AMENDMENTS TO
11 THE STATUS QUO REGULATIONS.—After the Secretary
12 has prescribed the regulations mandated by subsection (a)
13 and after the regulations mandated by subsection (a) have
14 become effective, the Secretary may amend the regulations
15 as the Secretary deems necessary in accordance with the
16 Secretary’s general authority under section 20103 of this
17 title, to prevent and mitigate fatigue among individuals
18 performing safety-critical duties in train and engine serv-
19 ice, signal or train control service, or dispatching service,
20 whether or not directly employed by a railroad carrier.

21 “(c) DETERMINATIONS COMMITTED TO THE DISCRE-
22 TION OF THE SECRETARY.—In the prescription of any
23 final rule amendment by the Secretary to the regulations
24 mandated by subsection (a), or to the regulations author-
25 ized by subsection (b), determinations of scientific knowl-

1 edge and literature relating to fatigue, scientific and med-
2 ical research on circadian rhythms and human sleep and
3 rest requirements, reasonable levels of fatigue prevention
4 or fatigue mitigation, and other related determinations
5 and applications of scientific knowledge and literature are
6 committed to the discretion of the Secretary.”.

7 (d) CONFORMING AMENDMENT.—The chapter anal-
8 ysis for chapter 201, as amended by this Act, is further
9 amended by inserting after the item relating to section
10 20170 the following:

“20171. Fatigue, including hours of service.”.

11 (e) AMENDMENT.—Effective upon the effective date
12 of the regulations prescribed under subsection (c) of this
13 section, the following new section of chapter 201, as
14 amended by this Act, shall become effective:

15 **“§ 20172. Maximum duty hours and subjects of collec-**
16 **tive bargaining**

17 “The number of hours that an employee may be re-
18 quired or allowed to be on duty (a number formerly estab-
19 lished by the Federal hours of service laws, formerly codi-
20 fied at chapter 211 of this title, and presently established
21 under section 20171 of this title) is the maximum number
22 of hours consistent with safety. Shorter hours of service
23 and time on duty of an employee are proper subjects for
24 collective bargaining between a railroad carrier and its em-
25 ployees.”.

1 (f) CONFORMING AMENDMENT.—Effective upon the
2 effective date of regulations prescribed under subsection
3 (c) of this section, the following new item in the chapter
4 analysis for chapter 201, as amended by this Act, shall
5 become effective:

“20172. Maximum duty hours and subjects of collective bargaining.”.

6 **SEC. 9404. AMENDMENTS TO THE SAFETY APPLIANCE LAW.**

7 (a) AMENDMENT.—Section 20303 is amended by
8 adding at the end the following new subsections:

9 “(d) DEFINITIONS AND CLARIFICATION.—In sub-
10 section (a)—

11 “(1) ‘place at which the repairs can be made’
12 means—

13 “(A) a location with a fixed facility for
14 conducting the repairs that are necessary to
15 bring the defective or insecure vehicle into com-
16 pliance with this chapter; or

17 “(B) a location where a mobile repair
18 truck capable of making the repairs that are
19 necessary to bring the defective or insecure ve-
20 hicle into compliance with this chapter makes
21 the same kind of repair at the location regularly
22 (as specified in regulations prescribed by the
23 Secretary);

1 “(2) ‘nearest’ means the closest in the forward
2 direction of travel for the defective or insecure vehi-
3 cle; and

4 “(3) movement of a defective or insecure vehicle
5 from a location is ‘necessary to make repairs’ of the
6 vehicle even though a mobile repair truck capable of
7 making the repairs has gone to the location on an
8 irregular basis (as specified in regulations prescribed
9 by the Secretary).

10 “(e) ADDITIONAL CONDITIONS FOR MOVEMENT TO
11 MAKE REPAIRS.—The Secretary of Transportation may
12 impose conditions for the movement of a defective or inse-
13 cure vehicle to make repairs in addition to those conditions
14 set forth in subsection (a) by prescribing regulations or
15 issuing orders as necessary.”.

16 (b) AMENDMENT.—Section 20306 is amended by—

17 (1) striking the word “or” at the end of sub-
18 section (b)(1);

19 (2) striking the period at the end of subsection
20 (b)(2) and inserting “; or”; and

21 (3) adding at the end a new subsection (b)(3)
22 to read as follows:

23 “(3) a regulation as contemplated by section
24 553 of title 5, United States Code.”.

1 **SEC. 9405. AMENDMENTS TO THE LOCOMOTIVE INSPEC-**
2 **TION LAW.**

3 (a) AMENDMENT.—Section 20701 is amended by—

4 (1) redesignating its text as subsection (a) with
5 the heading “GENERAL.—”;

6 (2) striking the word “and” at the end of sub-
7 section (a)(2);

8 (3) striking the period at the end of subsection
9 (a)(3) and inserting “; and”; and

10 (4) adding at the end a new subsection (a)(4)
11 to read as follows:

12 “(4) if of a unique design or utilizing a new
13 power source technology, have been approved in ad-
14 vance by the Secretary.”.

15 (b) AMENDMENT.—Section 20701, as amended by
16 this Act, is further amended by adding at the end the fol-
17 lowing:

18 “(b) DEFINITIONS.—For the purposes of subsection
19 (a)(4), the term ‘new power source technology’ means a
20 technology that employs a source of motive power other
21 than diesel fuel, electricity, or steam.”.

22 **SEC. 9406. TECHNICAL AMENDMENT TO THE PROVISION ON**
23 **PROTECTION OF RAILROAD SAFETY RISK RE-**
24 **DUCTION PROGRAM INFORMATION.**

25 Section 20119(b) is amended to read as follows:

1 “(b) **AUTHORITY.**—Following completion of the study
2 required under subsection (a), the Secretary, if in the pub-
3 lic interest, including public safety and the legal rights of
4 persons injured in railroad accidents, may prescribe a rule
5 subject to notice and comment to address the results of
6 the study. This rule may include provisions that withhold
7 from discovery or admission into evidence (in the course
8 of civil litigation for damages involving personal injury,
9 wrongful death, or property damage against a carrier) any
10 plan, document, report, survey, schedule, list, or data com-
11 piled or collected solely for the purpose of developing, eval-
12 uating, planning, or implementing a railroad safety risk
13 reduction program required under this chapter, including
14 a railroad carrier’s analysis of its safety risks and its
15 statement of the mitigation measures with which it will
16 address those risks. Any such rule prescribed pursuant to
17 this subsection shall not become effective until 1 year after
18 its adoption.”.

19 **SEC. 9407. NOISE EMISSION STANDARDS.**

20 (a) **IN GENERAL.**—Chapter 201, as amended by this
21 Act, is further amended by adding at the end the fol-
22 lowing:

23 **“§ 20170. Noise emission standards**

24 “The Secretary of Transportation, with the concur-
25 rence of the Administrator of the Environmental Protec-

1 tion Agency, may prescribe regulations governing railroad-
 2 related noise emission standards for railroad carriers oper-
 3 ating on the general railroad system of transportation, in-
 4 cluding noise related to magnetic levitation systems. Such
 5 regulations may consider variances in maximum pass-by
 6 noise with respect to the speed of the equipment, account
 7 for current engineering best practices, and encourage the
 8 use of noise mitigation techniques only where reasonable
 9 and the benefits exceed the costs.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
 11 ysis for chapter 201, as amended by this Act, is further
 12 amended by inserting after the item relating to section
 13 20169 the following:

“20170. Noise emission standards.”.

14 **SEC. 9408. TECHNICAL AMENDMENT TO CHAPTER 201 GEN-**
 15 **ERAL CIVIL PENALTY PROVISION.**

16 Section 21301(a)(1), as amended by this Act, is fur-
 17 ther amended by inserting immediately before the last sen-
 18 tence the following: “An act by an individual that causes
 19 a railroad carrier to be in violation is a violation.”.

20 **SEC. 9409. MISCELLANEOUS AUTHORIZATION OF APPRO-**
 21 **PRIATIONS.**

22 (a) HIGHWAY-RAIL GRADE CROSSING SAFETY
 23 STUDY.—There are authorized to be appropriated to the
 24 Secretary such sums as necessary to conduct a study of
 25 railroad operations that block highway-rail grade cross-

1 ings, including the severity, frequency, and other charac-
2 teristics of such blockages, to remain available until ex-
3 pended. For the purpose of this paragraph the term “high-
4 way-rail grade crossing” has the definition given in section
5 20153(a) of title 49, United States Code.

6 (b) TRACK ELECTRIFICATION STUDY.—There are
7 authorized to be appropriated to the Secretary such sums
8 as necessary to conduct a study of track electrification and
9 the development of standards for track electrification, to
10 remain available until expended.

11 (c) TRAIN LENGTH STUDY.—There are authorized to
12 be appropriated to the Secretary such sums as necessary
13 to conduct a study of whether train length correlates with
14 the severity and frequency of train derailments, to remain
15 available until expended.

16 **SEC. 9410. REPAIR AND REPLACEMENT OF DAMAGED**
17 **TRACK INSPECTION EQUIPMENT.**

18 Part A of subtitle V is amended by inserting the fol-
19 lowing after section 20120:

20 **“§ 20121. Repair and replacement of damaged track**
21 **inspection equipment**

22 “The Secretary of Transportation may receive and
23 expend cash, or receive and utilize spare parts and similar
24 items, from non-United States Government sources to re-
25 pair damages to or replace United States Government

1 owned automated track inspection cars and equipment as
2 a result of third-party liability for such damages, and any
3 amounts collected under this section shall be credited di-
4 rectly to the Railroad Safety and Operations account of
5 the Federal Railroad Administration, and shall remain
6 available until expended for the repair, operation, and
7 maintenance of automated track inspection cars and
8 equipment in connection with the automated track inspec-
9 tion program.”.

10 **Subtitle E—Miscellaneous Revi-** 11 **sions and Technical Corrections**

12 **SEC. 9501. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) AUTHORIZATION.—Section 20117(a) is amended
14 to read as follows:

15 “(a) IN GENERAL.—There are authorized to be ap-
16 propriated to the Secretary of Transportation to carry out
17 this subtitle and to carry out responsibilities under chapter
18 51, as delegated or authorized by the Secretary, the fol-
19 lowing sums:

20 “(1) \$185,250,000 for fiscal year 2015.

21 “(2) For fiscal year 2016 such sums as may be
22 necessary.

23 “(3) For fiscal year 2017 such sums as may be
24 necessary.

1 “(4) For fiscal year 2018 such sums as may be
2 necessary.”.

3 (b) TECHNICAL CORRECTIONS.—

4 (1) Section 20117 is amended by striking sub-
5 section (e).

6 (2) Section 20154 is amended by striking sub-
7 section (i).

8 (3) Section 20158 is amended by striking sub-
9 section (c).

10 (4) Section 20167 is amended by striking sub-
11 section (e).

12 (5) Chapter 221 is amended by striking section
13 22108.

14 (6) Section 22301 is amended by striking sub-
15 section (g).

16 (7) Chapter 225 is amended by striking section
17 22505.

18 (8) Chapter 241 is amended by striking section
19 24104.

20 (9) Section 24105 is amended by striking sub-
21 section (e).

22 (10) Chapter 244 is amended by striking sec-
23 tion 24406.

24 (11) Chapter 249 is amended by striking sec-
25 tion 24909.

1 (12) Section 24910 is amended by striking sub-
2 section (e).

3 (13) Section 26104 is amended by—

4 (A) striking subsection (a); and

5 (B) redesignating subsection (b) as (a).

6 (14) Section 26106 is amended by striking sub-
7 section (h).

8 **SEC. 9502. TECHNICAL CORRECTIONS TO THE RAIL SAFETY**
9 **IMPROVEMENT ACT OF 2008.**

10 (a) FEDERAL RAILROAD ADMINISTRATION.—Section
11 103(c) is amended by striking “the Administration shall
12 consider the assignment and maintenance of safety as the
13 highest priority,” and inserting “the Administration shall
14 consider the improvement of safety as the highest pri-
15 ority,”.

16 (b) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
17 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
18 is amended—

19 (1) in subsection (a)(1) by striking “phone
20 number” and inserting “telephone number”;

21 (2) in subsection (a)(2) by striking “post trau-
22 ma communication with families” and inserting
23 “post-trauma communication with families”; and

1 (3) in subsection (j)(2) by striking “railroad
2 passenger accident” and inserting “rail passenger
3 accident”.

4 (c) SOLID WASTE RAIL TRANSFER FACILITIES
5 LAND-USE EXEMPTION.—Section 10909 is amended—

6 (1) in subsection (b), in the matter preceding
7 paragraph (1), by striking “Clean Railroad Act of
8 2008,” and inserting “Clean Railroads Act of
9 2008,”; and

10 (2) in subsection (e) by striking “Upon the
11 granting of petition from the State” and inserting
12 “Upon the granting of a petition from the State”.

13 (d) RULEMAKING PROCESS.—Section 20116 is
14 amended—

15 (1) by inserting “(1)” after “unless”; and

16 (2) by inserting “(2)” before “the code, rule,
17 standard, requirement, or practice has been subject
18 to notice and comment under a rule or order issued
19 under this part.”.

20 (e) ENFORCEMENT REPORT.—Section 20120(a) is
21 amended—

22 (1) in the matter preceding paragraph (1), by
23 striking “website” and inserting “Web site”;

1 (2) in paragraph (1), by striking “accident and
2 incidence reporting” and inserting “accident and in-
3 cident reporting”;

4 (3) in paragraph (2)(G), by inserting “and” at
5 the end; and

6 (4) in paragraph (5)(B) by striking “Adminis-
7 trative Hearing Officer or Administrative Law
8 Judge” and inserting “administrative hearing officer
9 or administrative law judge”.

10 (f) RAILROAD SAFETY RISK REDUCTION PRO-
11 GRAM.—Section 20156 is amended—

12 (1) in subsection (c) by inserting a comma after
13 “In developing its railroad safety risk reduction pro-
14 gram”; and

15 (2) in subsection (g) by inserting a comma after
16 “good faith” and by striking “non-profit” and in-
17 serting “nonprofit”.

18 (g) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
19 RAIL GRADE CROSSINGS.—Section 20159 is amended by
20 striking “the Secretary” and inserting “the Secretary of
21 Transportation”.

22 (h) NATIONAL CROSSING INVENTORY.—Section
23 20160 is amended—

24 (1) in subsection (a)(1) by striking the word
25 “or” from the phrase “concerning each previously

1 unreported crossing through which it operates or
2 with respect to the trackage over which it operates”;
3 and

4 (2) in subsection (b)(1)(A) by striking the word
5 “or” from the phrase “concerning each crossing
6 through which it operates or with respect to the
7 trackage over which it operates”.

8 (i) MINIMUM TRAINING STANDARDS.—Section
9 20162(a)(3) is amended by striking “railroad compliance
10 with Federal standards” and inserting “railroad carrier
11 compliance with Federal standards”.

12 (j) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
13 NOLOGY.—Section 20164(a) is amended by striking “after
14 enactment of the Railroad Safety Enhancement Act of
15 2008” and inserting “after the enactment of the Rail
16 Safety Improvement Act of 2008”.

17 (k) LIMITATIONS ON FINANCIAL ASSISTANCE.—Sec-
18 tion 22106(b) is amended by striking “interest thereof”
19 and inserting “interest thereon”.

20 (l) CHAPTER ANALYSIS FOR CHAPTER 243.—The
21 item for section 24316 in the chapter analysis for chapter
22 243 is amended by striking “to assist families of pas-
23 sengers” and inserting “to address needs of families of
24 passengers”.

1 **SEC. 9503. TECHNICAL CORRECTION TO INTRODUCTORY**
2 **TEXT OF PUBLIC LAW 110-432.**

3 The introductory text of Public Law 110-432 (122
4 Stat. 4848) is amended by striking “Federal Railroad
5 Safety Administration” and inserting “Federal Railroad
6 Administration”.

7 **SEC. 9504. TECHNICAL CORRECTIONS TO UNCODIFIED PRO-**
8 **VISIONS OF DIVISION A OF PUBLIC LAW 110-**
9 **432, THE RAIL SAFETY IMPROVEMENT ACT OF**
10 **2008.**

11 (a) TABLE OF CONTENTS.—Section 1(b) of division
12 A of Public Law 110-432 (122 Stat. 4848), is amended—

13 (1) in the item for section 307, by striking
14 “website” and inserting “Web site”.

15 (2) in the item for title VI, by striking “Solid
16 Waste Facilities” and inserting “Solid Waste Rail
17 Transfer Facilities”; and

18 (3) in the item for section 602, by striking
19 “solid waste transfer facilities” and inserting “solid
20 waste rail transfer facilities”.

21 (b) DEFINITIONS.—Section 2(a)(1) of division A of
22 Public Law 110-432 (122 Stat. 4849) is amended by in-
23 serting a comma after the word “grade”.

24 (c) RAILROAD SAFETY STRATEGY.—Section
25 102(a)(6) of title I of division A of Public Law 110-432
26 (122 Stat. 4852) is amended—

1 (1) by striking “Improving the safety of rail-
2 road bridges, tunnels, and related infrastructure to
3 prevent accidents, incidents, injuries and fatalities
4 caused by catastrophic failures and other bridge and
5 tunnel failures.”; and

6 (2) by inserting “Improving the safety of rail-
7 road bridges, tunnels, and related infrastructure to
8 prevent accidents, incidents, injuries and fatalities
9 caused by catastrophic and other failures of such in-
10 frastructure.”.

11 (d) OPERATION LIFESAVER.—Section 206(a) of title
12 II of division A of Public Law 110–432 (122 Stat. 4873)
13 is amended by striking “Public Service Announcements”
14 and inserting “public service announcements”.

15 (e) UPDATE OF FEDERAL RAILROAD ADMINISTRA-
16 TION’S WEB SITE.—Section 307 of title III of division A
17 of Public Law 110–432 (122 Stat. 4881) is amended—

18 (1) in the caption by striking “**WEBSITE**” and
19 inserting “**WEB SITE**”; and

20 (2) in the text by striking “website” wherever
21 it appears and inserting “Web site”.

22 (f) ALCOHOL AND CONTROLLED SUBSTANCE TEST-
23 ING FOR MAINTENANCE-OF-WAY EMPLOYEES.—Section
24 412 of title IV of division A of Public Law 110–432 (122

1 Stat. 4889) is amended by striking “Secretary of Trans-
2 portation” and inserting “Secretary”.

3 (g) TUNNEL INFORMATION.—Section 414 of title IV
4 of division A of Public Law 110–432 is amended—

5 (1) by striking “parts 171.8, 173.115,” (122
6 Stat. 4889) and inserting “sections 171.8,
7 173.115,”; and

8 (2) by striking “part 1520.5” (122 Stat. 4890)
9 and inserting “section 1520.5”.

10 (h) SAFETY INSPECTIONS IN MEXICO.—Section 416
11 of title IV of division A of Public Law 110–432 (122 Stat.
12 4890) is amended—

13 (1) in the introductory text by striking “Sec-
14 retary of Transportation” and inserting “Secretary”;
15 and

16 (2) in paragraph (4) by striking “subsection”
17 and inserting “section”.

18 (i) HEADING OF TITLE VI.—The heading of title VI
19 of division A of Public Law 110–432 (122 Stat. 4900)
20 is amended by striking “**SOLID WASTE FACILI-**
21 **TIES**” and inserting “**SOLID WASTE RAIL**
22 **TRANSFER FACILITIES**”.

23 (j) CAPTION OF SECTION 602.—The caption of sec-
24 tion 602 of title VI of division A of Public Law 110–432
25 (122 Stat. 4900) is amended by striking “**SOLID WASTE**

1 **TRANSFER FACILITIES.”** and inserting **“SOLID WASTE**
2 **RAIL TRANSFER FACILITIES.”**.

3 **SEC. 9505. TECHNICAL CORRECTIONS TO PROVISIONS OF**
4 **THE HOURS OF SERVICE LAWS AND RELATED**
5 **CIVIL PENALTY PROVISION.**

6 (a) **NONAPPLICATION, EXEMPTION, AND ALTERNATE**
7 **HOURS OF SERVICE REGIME.**—Section 21102(c) is
8 amended—

9 (1) by striking **“APPLICATION OF HOURS OF**
10 **SERVICE REGIME TO COMMUTER AND INTER-**
11 **CITY PASSENGER RAILROAD TRAIN EMPLOY-**
12 **EES”** and inserting **“APPLICATION OF HOURS OF**
13 **SERVICE REGIME TO COMMUTER AND INTER-**
14 **CITY PASSENGER RAILROAD TRAIN EMPLOY-**
15 **EES, INCLUDING TOURIST, HISTORIC, SCENIC,**
16 **OR EXCURSION RAILROAD TRAIN EMPLOYEES”**;

17 (2) in paragraph (1) by inserting after “com-
18 muter rail passenger transportation or intercity rail
19 passenger transportation,” the phrase “including
20 tourist, historic, scenic, or excursion rail transpor-
21 tation,” and by striking “including public authorities
22 operating passenger service” and inserting “includ-
23 ing tourist, historic, scenic, or excursion railroad
24 carriers and public authorities operating passenger
25 service”;

1 (3) in paragraph (2) by inserting after “com-
2 muter rail passenger transportation or intercity rail
3 passenger transportation,” the following phrase: “in-
4 cluding tourist, historic, scenic, or excursion rail
5 transportation,”;

6 (4) in paragraph (3)(A) by inserting after
7 “commuter rail passenger transportation or intercity
8 rail passenger transportation” a comma and adding
9 the following phrase: “including tourist, historic, sce-
10 nic, or excursion rail transportation,”; and

11 (5) in paragraph (4) by striking the colon after
12 “*In this subsection*” and inserting a dash and by re-
13 designating subparagraphs (C) and (D) as subpara-
14 graphs (B) and (C) respectively.

15 (b) **LIMITATIONS ON DUTY HOURS OF TRAIN EM-**
16 **PLOYEES.**—Section 21103(e) is amended by striking
17 “such railroads’ efficient operations and on-time perform-
18 ance of its trains.” and inserting “such a railroad’s effi-
19 cient operations and on-time performance of its trains.”.

20 (c) **REGULATORY AUTHORITY.**—Section 21109(b) is
21 amended—

22 (1) by striking “**REGULATIONS GOVERNING**
23 **THE HOURS OF SERVICE OF TRAIN EMPLOYEES**
24 **OF COMMUTER AND INTERCITY PASSENGER**
25 **RAILROAD CARRIERS**” and inserting “**REGULA-**

- 1 (1) by striking the heading for paragraph (1);
2 and
3 (2) by striking paragraph (2).

4 **TITLE X—MISCELLANEOUS**

5 **SEC. 10001. CONSIDERATION OF TRAVEL AND TOURISM IN** 6 **AWARD OF FINANCIAL ASSISTANCE.**

7 Section 305 of title 49, United States Code, is
8 amended by inserting the following at the end:

9 “(c) The Secretary shall—

10 “(1) encourage recipients of grants under this
11 title and title 23 to fund projects with the grants
12 that support travel and tourism-based infrastructure
13 within the United States; and

14 “(2) consider the potential effects of travel and
15 tourism within the United States among the eligi-
16 bility criteria when allocating funds for projects
17 funded under the titles.”.

18 **SEC. 10002. ELECTRONIC REPORTS AND REPORT MODI-** 19 **FICATION.**

20 (a) **USE OF ELECTRONIC MEDIA FOR DOT RE-**
21 **PORTS.—**

22 (1) **IN GENERAL.—**Notwithstanding any other
23 provision of law, the Secretary of Transportation—

24 (A) may not publish any report required or
25 authorized by law in a printed format; and

1 (B) shall publish any such report by post-
2 ing it on the Department’s Internet Web site in
3 an easily accessible and downloadable electronic
4 format.

5 (2) EXCEPTION.—Paragraph (1) does not apply
6 to any report with respect to which the Secretary de-
7 termines that—

8 (A) its publication in a printed format is
9 essential to the mission of the Department of
10 Transportation, as determined by the Secretary;
11 or

12 (B) its publication in accordance with the
13 requirements of paragraph (1) would disclose
14 matter—

15 (i) described in section 552(b) of title
16 5, United States Code; or

17 (ii) the disclosure of which would have
18 an adverse impact on safety or security, as
19 determined by the Secretary.

20 (b) ANNUAL REPORTING REQUIREMENT ON NTSB
21 MOST WANTED LIST.—

22 (1) Section 1135(e)(1) of title 49, United
23 States Code, is amended—

24 (A) by striking “On February 1 of each
25 year” and inserting “Within 120 days after

1 publication of the Board’s annual” most wanted
2 list“”; and

3 (B) by striking “the report due on Feb-
4 ruary 1 of”.

5 (2) Section 1135(e)(2) of title 49, United
6 States Code is amended by striking “on March 1 of
7 each year” and inserting “after 30 days following
8 the due date,”.

9 **SEC. 10003. AMENDMENT OF FEDERAL AID IN SPORT FISH**
10 **RESTORATION ACT.**

11 Section 4 of the Federal Aid in Fish Restoration Act
12 (16 U.S.C. 777e) is amended—

13 (1) in subsection (a), by striking “fiscal year
14 through 2014,” and inserting “fiscal year through
15 2018,”; and

16 (2) in subsection (b)(1)(A), by striking “fiscal
17 year through 2014,” and inserting “fiscal year
18 through 2018,”.

19 **SEC. 10004. AMENDMENTS TO CHAPTER 537 OF TITLE 46.**

20 Chapter 537 of title 46, United States Code, is
21 amended—

22 (1) by amending section 53701(13) to read as
23 follows:

24 “(13) SECRETARY.—The term ‘Secretary’
25 means—

1 “(A) the Secretary of Commerce with re-
2 spect to fishing vessels and fishery facilities;
3 and

4 “(B) the Secretary of Transportation with
5 respect to other vessels and general shipyard fa-
6 cilities (as defined in section 53733(a) of this
7 title).”;

8 (2) in section 53706(c), by striking “Adminis-
9 trator” each place it appears and inserting “Sec-
10 retary or Administrator”;

11 (3) in section 53707(b), by striking “Adminis-
12 trator” and inserting “Secretary or Administrator”;

13 (4) in section 53708(a), by striking “Adminis-
14 trator” each place it appears and inserting “Sec-
15 retary or Administrator”;

16 (5) in section 53710(b)—

17 (A) in paragraph (1), by striking “Admin-
18 istrator’s” and inserting “Secretary’s or Admin-
19 istrator’s”; and

20 (B) in paragraph (2), by striking “Admin-
21 istrator” and inserting “Secretary or Adminis-
22 trator”;

23 (6) in section 53717—

1 (A) in subsection (b), by striking “Admin-
2 istrator” each place it appears and inserting
3 “Secretary or Administrator”; and

4 (B) by striking subsection (e) and redesign-
5 ating subsection (d) as subsection (e);

6 (7) in section 53718, by striking “Adminis-
7 trator” and inserting “Secretary or Administrator”;

8 (8) in section 53731, by striking “Adminis-
9 trator” each place it appears and inserting “Sec-
10 retary or Administrator”;

11 (9) in section 53732, by striking “Adminis-
12 trator” each place it appears and inserting “Sec-
13 retary or Administrator”; and

14 (10) in section 53733, by striking “Adminis-
15 trator” each place it appears and inserting “Sec-
16 retary or Administrator”.

17 **SEC. 10005. GOVERNMENT-WIDE AUTHORITY FOR ELEC-**
18 **TRIC CHARGING INFRASTRUCTURE AT NO**
19 **COST TO THE TAXPAYER.**

20 (a) ESTABLISHMENT OF AUTHORITY FOR GOVERN-
21 MENT-WIDE PROVISION OF ELECTRIC CHARGING AT NO
22 COST TO THE TAXPAYER.—Chapter 79 of title 5, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“SEC. 7907. GOVERNMENT-WIDE AUTHORITY FOR ELECTRIC**
2 **CHARGING INFRASTRUCTURE.**

3 “(a) DEFINITIONS.—

4 “(1) COVERED INDIVIDUAL.—The term ‘cov-
5 ered individual’ means—

6 “(A) any employee (as defined in section
7 2105 of this title;

8 “(B) a member of a uniformed service;

9 “(C) any other individual who performs
10 services for or on behalf of a Federal agency
11 under a contract or subcontract with a Federal
12 agency; or

13 “(D) a visitor to a Federal agency or facil-
14 ity.

15 “(2) FEDERAL AGENCY.—The term ‘Federal
16 agency’ has the meaning given the term ‘Executive
17 agency’ in section 105 of this title, and also includes
18 the U.S. Postal Service, the Executive Office of the
19 President, the military departments as defined in
20 section 102 of this title, and the judicial branch.

21 “(b) AUTHORITY.—

22 “(1) IN GENERAL.—The head of a Federal
23 agency may—

24 “(A) construct, install, operate, and main-
25 tain electric charging infrastructure on a reim-

1 bursable basis in parking areas under the juris-
2 diction of the Federal agency; and

3 “(B) provide electricity on a reimbursable
4 basis in parking areas under the jurisdiction of
5 the Federal agency for use by privately owned
6 vehicles used by covered individuals.

7 “(2) VENDORS AUTHORIZED.—In carrying out
8 paragraph (1), the head of a Federal agency may
9 use 1 or more vendors on a commission or no-cost
10 contract basis.

11 “(3) USE OF CHARGING INFRASTRUCTURE FOR
12 OFFICIAL AGENCY VEHICLES.—The head of a Fed-
13 eral agency may use electric charging infrastructure
14 installed for official agency vehicles, to the extent
15 that it is available, to provide electric vehicle charg-
16 ing under this section.

17 “(4) INTEGRATION OF RENEWABLE ENERGY.—
18 The head of a Federal agency may encourage the in-
19 clusion of options for generating electricity from re-
20 newable energy as part of the design of parking
21 areas for the agency.

22 “(c) FEES.—The head of a Federal agency shall
23 charge fees for electricity provided to covered individuals
24 sufficient to cover the initial and continuing costs to the
25 head of the Federal agency of carrying out this section,

1 including the costs of any vendors or other costs associ-
2 ated with maintaining the electric charging infrastructure.

3 “(d) DEPOSIT AND AVAILABILITY OF FEES AND
4 COMMISSIONS.—Any fees or commissions collected by the
5 head of a Federal agency under this section—

6 “(1) shall be—

7 “(A) deposited monthly into the account of
8 the Treasury from which the amounts were
9 made available to carry out this section, not-
10 withstanding section 3302(b) of title 31; and

11 “(B) transferred from the Treasury to an
12 appropriate account of the agency if the agency
13 operates with a budget outside of the Treasury;
14 and

15 “(2) shall be available for obligation by the
16 head of the Federal agency without further appro-
17 priation during—

18 “(A) the fiscal year collected; and

19 “(B) the fiscal year following the fiscal
20 year collected.

21 “(e) PARKING FEES.—If a Federal agency charges
22 covered employees parking fees for use of a facility that
23 contains an electric vehicle charging facility provided
24 under this section, employees using the electric vehicle

1 charging facility shall pay the same parking fee as covered
 2 employees not using the electric vehicle charging facility.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
 4 chapter 79 of title 5, United States Code, is amended by
 5 adding at the end the following:

“7907. Government-Wide Authority for Electric Charging Infrastructure.”.

6 **TITLE XI—BUDGETARY INTER-**
 7 **PRETATIONS AND TREAT-**
 8 **MENTS**

9 **SEC. 11001. AMOUNTS IN THIS ACT.**

10 (a) CONTRACT AUTHORITY.—Except as provided in
 11 subsection (c), or except as explicitly provided otherwise
 12 by this Act or in title 23, United States Code, all funding
 13 provided by this Act is contract authority as defined in
 14 section 3(2)(A)(iii) of the Congressional Budget and Im-
 15 poundment Act of 1974 (2 U.S.C. 622(2)(A)(iii)), and all
 16 such contract authority shall become available for obliga-
 17 tion in the fiscal year specified in this Act and shall re-
 18 main available until expended.

19 (b) OBLIGATION LIMITS.—

20 (1) IN GENERAL.—Except as explicitly pro-
 21 vided, obligation limits established by this Act shall
 22 apply for a term of one year and shall apply to obli-
 23 gations to be incurred in the fiscal year specified.

24 Notwithstanding any other provision of law, obliga-

1 tion limits established by this Act shall not apply
2 after 2018.

3 (2) EXCEPTIONS.—

4 (A) Except as provided in this Act, obliga-
5 tion limits established by this Act shall apply to
6 unobligated contract authority from the High-
7 way Trust Fund (other than the Mass Transit
8 Account) prior to the date of enactment of this
9 Act.

10 (B) Obligation limitations established by
11 this Act shall not apply to—

12 (i) unobligated contract authority pro-
13 vided by this Act that could have been obli-
14 gated in a prior year within any obligation
15 limits applicable to that prior year or was
16 exempt from such limitations, but was not
17 so obligated;

18 (ii) the use of fees authorized or pro-
19 vided by this Act as described in sub-
20 section (d); and

21 (iii) reimbursable programs under-
22 taken by accounts established in this Act
23 on behalf of discretionary accounts.

24 (3) OBLIGATION LIMITS IN APPROPRIATIONS
25 ACTS.—

1 (A) During any session of Congress, ap-
2 propriations Acts may increase or decrease any
3 obligation limit established by this Act for any
4 current year or budget year prior to fiscal year
5 2019.

6 (B) During any session of Congress, it
7 shall not be in order in either the House of
8 Representatives or the Senate for any appro-
9 priations Act to alter obligation limits under
10 this Act for any outyear.

11 (C) This paragraph is enacted by the Con-
12 gress—

13 (i) as an exercise of the rulemaking
14 power of the House of Representatives and
15 the Senate, respectively, and as such is
16 deemed a part of the rules of each House,
17 respectively, and such procedures super-
18 sede other rules only to the extent that
19 they are inconsistent therewith; and

20 (ii) with full recognition of the con-
21 stitutional right of either House to change
22 the rules (so far as relating to the proce-
23 dure of that House) at any time, in the
24 same manner and to the same extent as in
25 the case of any other rule of that House.

1 (c) LIQUIDATING CASH.—There is authorized to be
2 appropriated such sums as may be necessary for the liq-
3 uidation of obligations incurred under contract authority
4 created by this Act or under contract authority provided
5 from the Highway Trust Fund as it existed in any version
6 at any time prior to the effective date of this Act.

7 (d) ADMINISTRATIVE FEES.—The collection and ex-
8 penditure of fees to cover certain administrative costs
9 under this Act for a fiscal year, if subject to annual appro-
10 priations, shall be treated as discretionary offsetting col-
11 lections and discretionary appropriations, respectively.
12 The collection and expenditure of fees to cover certain ad-
13 ministrative costs under this Act for a fiscal year, if not
14 subject to annual appropriations, shall be treated as man-
15 datory offsetting collections and mandatory appropria-
16 tions, respectively.

17 **SEC. 11002. DIRECT OR MANDATORY SPENDING.**

18 (a) NEW CONTRACT AUTHORITY; OUTLAYS.—The
19 contract authority created by this Act and the outlays
20 flowing from that contract authority shall be treated as
21 direct spending or mandatory spending for all purposes.

22 (b) PRIOR FUNDING OF THE HIGHWAY TRUST
23 FUND.—To the extent that contract authority from the
24 Highway Trust Fund enacted prior to the date of the en-
25 actment of this Act produces outlays in fiscal year 2015

1 or beyond, as of October 1, 2014, those outlays shall be
2 treated as direct spending or mandatory spending for all
3 purposes and shall be attributed to the Transportation
4 Trust Fund.

5 **SEC. 11003. TREATMENT FOR STATUTORY PAYGO AND RE-**
6 **LATED PURPOSES.**

7 (a) GENERAL RULE.—Except as provided in sub-
8 section (b), and consistent with the definition of direct
9 spending in section 250(c)(8) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985, as amended (2
11 U.S.C. 900(c)(8)), the following shall be treated as direct
12 spending for purposes of Presidential and Congressional
13 budgets and the Statutory Pay-As-You-Go Act of 2010
14 (124 Stat. 8):

15 (1) Contract authority of the Transportation
16 Trust Fund under this Act, the outlays flowing
17 therefrom, and the outlays flowing from contract au-
18 thority previously provided from the Highway Trust
19 Fund.

20 (2) Except as provided in section 11004,
21 11005, and 11006 of this title, legislation reauthor-
22 izing or amending this Act.

23 (b) TRANSITIONAL RULE; EXCESS REVENUES ARE
24 DEDICATED TO DEFICIT REDUCTION.—For purposes of
25 Presidential and Congressional budgets and the Statutory

1 Pay-As-You-Go Act of 2010 (124 Stat. 8), calculations of
2 the budgetary effects of this Act when it is initially en-
3 acted shall be as follows:

4 (1) The baseline projections of total outlays for
5 the Highway Trust Fund and of new outlays for the
6 general fund accounts listed in paragraph (2) shall
7 be treated as offsets to the total level of mandatory
8 outlays of the Transportation Trust Fund resulting
9 from this Act.

10 (A) For this purpose, “new outlays” means
11 outlays that flow from contract authority pro-
12 vided by this Act.

13 (B) For this purpose, the budgetary re-
14 sources to which the baseline projection shall
15 apply are—

16 (i) the discretionary budget authority
17 provided for fiscal year 2014, for the ac-
18 counts listed in paragraph (2); and

19 (ii) the obligation limits for fiscal year
20 2014 applicable to the Highway Trust
21 Fund, and shall be projected under section
22 257(c) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985, as
24 amended (2 U.S.C. 907(c)), except that
25 contract authority of the Highway Trust

1 Fund not subject to those obligation limits
2 shall be projected under section 257(b) of
3 that Act.

4 (2) The general fund programs referred to in
5 paragraph (1) are—

6 (A) the general fund portion of National
7 Highway Traffic Safety Administration, Oper-
8 ations and Research (69X0650).

9 (B) Federal Transit Administration, Ad-
10 ministrative Expenses (69 1120).

11 (C) Federal Transit Administration, Cap-
12 ital Investment Grants (69X1134).

13 (D) Federal Transit Administration, Re-
14 search and University Research Centers
15 (69X1137).

16 (E) Federal Transit Administration, Tech-
17 nical Assistance and Standards Development
18 (69X1142).

19 (F) Federal Railroad Administration, Op-
20 erating Subsidy Grants to the National Rail-
21 road Passenger Corporation (69X0121).

22 (G) Federal Railroad Administration, Cap-
23 ital and Debt Service Grants to the National
24 Railroad Passenger Corporation (69X0125).

1 (H) National Infrastructure Investments
2 (69X0143).

3 (3) If the increase in net governmental receipts
4 under this Act, relative to current law, exceeds the
5 increase in mandatory outlays under this Act as
6 measured under paragraph (1) for either or both of
7 the periods covered by the five-year scorecard and
8 the ten-year scorecard established by the Statutory
9 Pay-As-You-Go Act of 2010 (124 Stat. 8), the
10 amounts of that excess in net governmental receipts
11 shall not be recorded on those respective scorecards,
12 with the result that this Act shall not be shown as
13 reducing Pay-As-You-Go deficits or increasing Pay-
14 As-You-Go surpluses.

15 **SEC. 11004. SCORING OF CHANGES IN CONTRACT AUTHOR-**
16 **ITY IN APPROPRIATIONS ACTS.**

17 Consistent with scorekeeping guidelines in effect from
18 1990 through the enactment of this Act, changes enacted
19 in annual appropriations Acts during a session of Con-
20 gress to the level of contract authority provided by this
21 Act shall be scored as discretionary to the extent they in-
22 crease or decrease contract authority in the current year
23 or the budget year, and shall be scored as mandatory or
24 direct spending to the extent they increase or decrease
25 contract authority in an outyear. To the extent any such

1 change in contract authority produces changes in esti-
2 mated outlays in any year, that change in outlays shall
3 be scored as discretionary if it is generated by a change
4 in contract authority that is scored as discretionary, and
5 shall be scored as mandatory if it is generated by a change
6 in contract authority that is scored as mandatory.

7 **SEC. 11005. SCORING OF CHANGES IN OBLIGATION LIMITS**
8 **IN APPROPRIATIONS ACTS.**

9 **【Determine in consultation with Congress.】**

10 **SEC. 11006. SCORING OF TRANSFERS BETWEEN THE GEN-**
11 **ERAL FUND AND THE TRANSPORTATION**
12 **TRUST FUND.**

13 **【Determine in consultation with Congress.】**

14 **SEC. 11007. SPECIAL RULE.**

15 (a) **IN GENERAL.**—On September 30, 2018, the Sec-
16 retary shall permanently cancel, and return such amounts
17 to the Treasury, the contract authority described in sub-
18 section (b).

19 (b) **REFERENCED CONTRACT AUTHORITY.**—The con-
20 tract authority referenced in subsection (a) are those
21 amounts apportioned under the Federal Aid Highway pro-
22 gram that are available to each State for fiscal years 2015
23 through 2018, that are in excess of contract authority pro-
24 vided for fiscal years 2015 through 2018 by section 2001
25 of this Act.

1 (c) CANCELLATION METHOD.—When implementing
2 subsection (a), the cancellation shall be taken from unobli-
3 gated balances that remain from contract authority en-
4 acted before the enactment of this Act.

5 (d) LIMITED APPLICABILITY.—This section shall not
6 apply to contract authority provided by **【this Act】** or prior
7 acts that is exempt from obligation limitations.

○