

114TH CONGRESS
1ST SESSION

S. 1748

To provide for improved investment in national transportation infrastructure.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mrs. MURRAY (for herself, Ms. COLLINS, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for improved investment in national
transportation infrastructure.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Infra-
5 structure Grants and Economic Reinvestment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
9 ty” means—

10 (A) a State;

- 1 (B) an Indian tribe;
- 2 (C) the District of Columbia;
- 3 (D) a territory of the United States;
- 4 (E) a local government;
- 5 (F) a port authority;
- 6 (G) a metropolitan planning organization;
- 7 (H) a transit agency;
- 8 (I) another political subdivision of a State
- 9 or local government; and
- 10 (J) 2 or more of the entities described in
- 11 subparagraphs (A) through (I), working in col-
- 12 laboration.

13 (2) ELIGIBLE PROJECT.—

14 (A) IN GENERAL.—The term “eligible

15 project” means a transportation project that, as

16 determined by the Secretary, would have a sig-

17 nificant beneficial impact on a State, a metro-

18 politan area, a region, or the United States.

19 (B) INCLUSIONS.—The term “eligible

20 project” includes—

- 21 (i) a highway or bridge project eligible
- 22 for funding under chapter 1 of title 23,
- 23 United States Code (including a project re-
- 24 lated to bicycles or pedestrians);

1 (ii) a public transportation project eli-
2 gible for funding under chapter 53 of title
3 49, United States Code;

4 (iii) a passenger or freight rail trans-
5 portation project;

6 (iv) a port infrastructure project; and

7 (v) an intermodal project.

8 (3) ELIGIBLE PROJECT COSTS.—

9 (A) IN GENERAL.—The term “eligible
10 project costs” means costs relating to an eligi-
11 ble project, such as the costs of—

12 (i) development phase activities, in-
13 cluding planning, feasibility analysis, rev-
14 enue forecasting, environmental review,
15 permitting, preliminary engineering and
16 design work, and other preconstruction ac-
17 tivities;

18 (ii) construction, reconstruction, reha-
19 bilitation, replacement, and acquisition of
20 real property (including land related to the
21 eligible project and improvements to land),
22 environmental mitigation, construction con-
23 tingencies, and acquisition of equipment;
24 and

1 (iii) capitalized interest necessary to
 2 meet market requirements, reasonably re-
 3 quired reserve funds, capital issuance ex-
 4 penses, and other carrying costs during
 5 construction.

6 (B) DREDGING ACTIVITIES.—The term
 7 “eligible project costs”—

8 (i) includes the costs of dredging ac-
 9 tivities that are part of a berth reconstruc-
 10 tion or rehabilitation project; and

11 (ii) does not include the costs of
 12 dredging activities that are the responsi-
 13 bility of the Army Corps of Engineers.

14 (4) RURAL AREA.—The term “rural area”
 15 means any area not in an urbanized area (as that
 16 term is defined by the Census Bureau).

17 (5) SECRETARY.—The term “Secretary” means
 18 the Secretary of Transportation.

19 (6) STATE.—The term “State” means—

20 (A) any of the 50 States; or

21 (B) the District of Columbia.

22 (7) SUBSTANTIAL COMPLETION.—The term
 23 “substantial completion” means the opening of an
 24 eligible project to vehicular or passenger traffic.

1 **SEC. 3. NATIONAL INFRASTRUCTURE INVESTMENT PRO-**
2 **GRAM.**

3 (a) PROGRAM.—Not later than 1 year after the date
4 of the enactment of this Act, the Secretary shall by regula-
5 tion establish a program under which the Secretary shall
6 provide competitive grants to eligible entities for use in
7 carrying out eligible projects.

8 (b) GRANT REQUIREMENTS.—

9 (1) AMOUNT.—Except as provided in paragraph
10 (5)(B)(i), a grant under this Act shall be in an
11 amount that is not less than \$10,000,000 and not
12 greater than \$200,000,000.

13 (2) GEOGRAPHICAL DISTRIBUTION; BALANCE;
14 INVESTMENT.—In providing grants under this Act,
15 the Secretary shall take such measures as are nec-
16 essary to ensure, to the maximum extent prac-
17 ticable—

18 (A) an equitable geographical distribution
19 of funds;

20 (B) an appropriate balance in addressing
21 the needs of urban and rural areas; and

22 (C) investment in a variety of transpor-
23 tation modes.

24 (3) MAXIMUM PERCENTAGE PER STATE.—Not
25 more than 25 percent of the amounts made available

1 to provide grants under this Act for a fiscal year
2 may be provided for eligible projects in a State.

3 (4) FEDERAL SHARE.—

4 (A) IN GENERAL.—Except as provided in
5 paragraph (5)(B)(ii), the Federal share of the
6 cost of carrying out any eligible project funded
7 by a grant under this Act shall be, at the option
8 of the eligible entity receiving the grant, up to
9 80 percent.

10 (B) PRIORITY.—In providing grants under
11 this Act, the Secretary shall give priority to eli-
12 gible projects that require a contribution of
13 Federal funds in order to complete an overall fi-
14 nancing package for the eligible projects.

15 (5) ELIGIBLE PROJECTS IN RURAL AREAS.—

16 (A) IN GENERAL.—Not less than 20 per-
17 cent of the amounts made available to provide
18 grants under this Act for a fiscal year shall be
19 provided for eligible projects located in rural
20 areas.

21 (B) MINIMUM GRANT AMOUNT; FEDERAL
22 SHARE.—With respect to an eligible project lo-
23 cated in a rural area—

24 (i) the minimum amount of a grant
25 under this Act shall be \$1,000,000; and

1 (ii) the Secretary may increase the
2 Federal share of the cost of carrying out
3 the eligible project up to 100 percent.

4 (6) SET-ASIDES FOR CERTAIN COSTS,
5 PROJECTS, AND TRANSFERS.—Of the amounts made
6 available under this Act for a fiscal year, the Sec-
7 retary may—

8 (A) use an amount not to exceed
9 \$20,000,000 for grants that pay for the plan-
10 ning, preparation, or design of eligible projects;
11 and

12 (B) use an amount not to exceed
13 \$20,000,000 to fund the provision and over-
14 sight of grants under this Act, including trans-
15 fers of funds from that amount to the Adminis-
16 trators of the Federal Highway Administration,
17 the Federal Transit Administration, the Fed-
18 eral Railroad Administration, and the Maritime
19 Administration to fund the provision and over-
20 sight of grants under this Act for eligible
21 projects under the administrative jurisdiction of
22 those agencies.

23 (c) SELECTION AMONG ELIGIBLE PROJECTS.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish criteria for use in selecting among eligible
3 projects to receive funding under this Act.

4 (2) SELECTION CRITERIA.—

5 (A) PRIMARY SELECTION CRITERIA.—The
6 Secretary shall select among eligible projects by
7 evaluating the extent to which an eligible
8 project provides significant benefits to a State,
9 a metropolitan area, a region, or the United
10 States, including the extent to which an eligible
11 project—

12 (i) improves the safety of transpor-
13 tation facilities and systems;

14 (ii) improves the condition of existing
15 transportation facilities and systems;

16 (iii) contributes to economic competi-
17 tiveness over the medium- to long-term;

18 (iv) improves the environment, im-
19 proves energy efficiency, reduces depend-
20 ence on oil, or reduces greenhouse gas
21 emissions; and

22 (v) improves access to transportation
23 facilities and systems.

24 (B) SECONDARY SELECTION CRITERIA.—

25 In addition to considering the primary selection

1 criteria described in subparagraph (A), the Sec-
2 retary shall consider the extent to which a
3 project—

4 (i) uses innovative strategies or tech-
5 nologies to pursue any of those primary se-
6 lection criteria; and

7 (ii) demonstrates strong collaboration
8 among a broad range of participants, or
9 the integration of transportation with
10 other public service efforts.

11 (d) APPLICATION REQUIREMENT.—The Secretary
12 shall require an analysis of project benefits and costs in
13 each application for a construction grant under this Act.

14 (e) FEDERAL REQUIREMENTS.—The following provi-
15 sions of law shall apply to funds made available under this
16 Act and eligible projects carried out using those funds:

17 (1) Subchapter IV of chapter 31 of title 40,
18 United States Code.

19 (2) Title VI of the Civil Rights Act of 1964 (42
20 U.S.C. 2000d et seq.).

21 (3) The National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

23 (4) The Uniform Relocation Assistance and
24 Real Property Acquisition Policies Act of 1970 (42
25 U.S.C. 4601 et seq.).

1 (f) TRANSPARENCY.—

2 (1) IN GENERAL.—The Secretary shall include
3 in any notice of funding availability a full descrip-
4 tion of how applications will be evaluated against all
5 selection criteria.

6 (2) CONSULTATIONS ON DECISIONS.—After
7 provision of grants and credit assistance under this
8 Act for a fiscal year, the Secretary (or a designee)
9 shall be available to meet with any applicant, at a
10 time and place that is mutually acceptable to the
11 Secretary and the applicant, to review the applica-
12 tion of the applicant.

13 **SEC. 4. TIFIA SUBSIDY AND ADMINISTRATIVE COSTS.**

14 The Secretary may use up to 20 percent of the
15 amounts appropriated pursuant to the authorization under
16 section 6 to pay the subsidy and administrative costs of
17 projects eligible for Federal credit assistance under chap-
18 ter 6 of title 23, United States Code, if the Secretary de-
19 termines that such use of funds would advance the pur-
20 poses of this Act.

21 **SEC. 5. STATE AND LOCAL PERMITS.**

22 Financial assistance under this Act with respect to
23 an eligible project shall not—

1 (1) relieve any recipient of the assistance of any
2 obligation to obtain any required State or local per-
3 mit or approval with respect to the eligible project;

4 (2) limit the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the eligible
7 project; or

8 (3) otherwise supersede any State or local law
9 (including any regulation) applicable to the construc-
10 tion or operation of the eligible project.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to carry out this Act such sums as may be nec-
14 essary for each of the fiscal years 2016 through 2021.

15 (b) AVAILABILITY.—Amounts appropriated for a fis-
16 cal year pursuant to this section shall be available for obli-
17 gation during the 3-year period beginning on the first day
18 of such fiscal year.

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