

114TH CONGRESS
1ST SESSION

S. 2258

To amend title 23, United States Code, to reform the surface transportation project delivery program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2015

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to reform the surface transportation project delivery program.

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 “Surface Transpor-
5 tation Project Delivery Program Improvement Act”.

6 **SEC. 2. SURFACE TRANSPORTATION PROJECT DELIVERY**
7 **PROGRAM IMPROVEMENT.**

8 (a) WRITTEN AGREEMENT.—Section 327(c) of title
9 23, United States Code, is amended—

1 (1) in paragraph (3)(A), by inserting “, and is
2 solely responsible and liable for carrying out those
3 responsibilities” after “subsection (a)”; and

4 (2) in paragraph (4), by inserting “reasonably”
5 before “considers necessary”.

6 (b) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—
7 Section 327(e) of title 23, United States Code, is amend-
8 ed—

9 (1) by inserting “and without further approval
10 of” after “in lieu of”; and

11 (2) by inserting “(including the defense of any
12 civil action under subsection (d))” after “assumed
13 under subsection (a)(2)”.

14 (c) AUDITS.—Section 327(g) of title 23, United
15 States Code, is amended—

16 (1) in paragraph (1), by striking “shall con-
17 duct” and all that follows through the end of sub-
18 paragraph (B) and inserting the following: “shall—

19 “(A) not later than 180 days after the date
20 of execution of an assignment agreement under
21 this section, meet with the State to review im-
22 plementation of the assignment agreement and
23 discuss plans for the first annual audit;

24 “(B) conduct annual audits during each of
25 the first 4 years of State participation; and

1 “(C) ensure that the time period for com-
2 pleting an annual audit, from initiation to com-
3 pletion (including public comment and re-
4 sponses to those comments), does not exceed
5 180 days.”; and

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

7 “(3) AUDIT TEAM.—

8 “(A) IN GENERAL.—An audit conducted
9 under paragraph (1) shall be carried out by an
10 audit team determined by the Secretary, in con-
11 sultation with the State, in accordance with
12 subparagraph (B).

13 “(B) CONSULTATION.—Consultation with
14 the State under subparagraph (A) shall include
15 a reasonable opportunity for the State to review
16 and provide comments on the proposed mem-
17 bers of the audit team.

18 “(C) STATE DESIGNATION.—

19 “(i) IN GENERAL.—On request by the
20 State, the audit team shall include not less
21 than 1 member designated by the State, in
22 consultation with the Secretary.

23 “(ii) CRITERIA.—A member des-
24 ignated by the State under clause (i) may
25 be any person with relevant expertise and

1 experience who is not an employee of the
2 Secretary or of the State.”.

3 (d) CAPACITY BUILDING.—Section 327 of title 23,
4 United States Code, is amended by adding at the end the
5 following:

6 “(k) CAPACITY BUILDING.—The Secretary, in co-
7 operation with the American Association of State Highway
8 and Transportation Officials, shall carry out education,
9 training, peer exchange, and other initiatives, as appro-
10 priate—

11 “(1) to assist States in developing the capacity
12 to participate in the assignment program under this
13 section; and

14 “(2) to promote information sharing and col-
15 laboration among States that are participating in
16 the program.”.

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