

115TH CONGRESS
2D SESSION

S. 2951

To direct the Secretary of Transportation to establish a grant program for projects to strengthen and protect vulnerable infrastructure used during mass evacuations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Secretary of Transportation to establish a grant program for projects to strengthen and protect vulnerable infrastructure used during mass evacuations, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhancing the
5 Strength and Capacity of America’s Primary Evacuation
6 Routes Act” or the “ESCAPE Act”.

7 **SEC. 2. EVACUATION ROUTE PROGRAM.**

8 (a) **DEFINITIONS.**—In this section:

1 (1) EVACUATION ROUTE.—

2 (A) IN GENERAL.—The term “evacuation
3 route” means a route that—

4 (i) is owned, operated, or maintained
5 by a Federal, State, or local government or
6 a private entity;

7 (ii) is used—

8 (I) to transport the public away
9 from emergency events (as defined in
10 section 667.3 of title 23, Code of Fed-
11 eral Regulations (or successor regula-
12 tions)); or

13 (II) to transport emergency re-
14 sponders and recovery resources; and

15 (iii) is designated by the State in
16 which the route is located for the purposes
17 described in clause (ii).

18 (B) INCLUSION.—The term “evacuation
19 route” includes an eligible project under sub-
20 section (d).

21 (2) PROGRAM.—The term “program” means
22 the competitive grant program established under
23 subsection (b)(1).

24 (3) RESILIENCE PROJECT.—The term “resil-
25 ience project” means a project—

1 (A) with the ability to anticipate, prepare
2 for, and adapt to changing conditions and with-
3 stand, respond to, and recover rapidly from dis-
4 ruptions; and

5 (B) designed and built to address current
6 and future vulnerabilities to an evacuation
7 route due to—

8 (i) future occurrence or recurrence of
9 emergency events (as defined in section
10 667.3 of title 23, Code of Federal Regula-
11 tions (or successor regulations)) that are
12 likely to occur in the geographic area in
13 which the evacuation route is located; or

14 (ii) projected changes in development
15 patterns, demographics, or extreme weath-
16 er events based on the best available evi-
17 dence and analysis.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Transportation.

20 (b) ESTABLISHMENT OF PROGRAM.—

21 (1) IN GENERAL.—The Secretary (in consulta-
22 tion with the Administrator of the Federal Emer-
23 gency Management Agency for the purposes de-
24 scribed in paragraph (3)) shall establish a competi-
25 tive grant program to provide grants for resilience

1 projects that strengthen and protect evacuation
2 routes that are essential for providing and sup-
3 porting mass evacuations caused by emergency
4 events (as defined in section 667.3 of title 23, Code
5 of Federal Regulations (or successor regulations)).

6 (2) REQUIREMENTS.—A grant awarded under
7 the program shall address—

8 (A) current and future vulnerabilities to an
9 evacuation route due to future occurrence or re-
10 currence of emergency events (as defined in sec-
11 tion 667.3 of title 23, Code of Federal Regula-
12 tions (or successor regulations)) that are likely
13 to occur in the geographic area in which the
14 evacuation route is located; and

15 (B) projected changes in development pat-
16 terns, demographics, or climate change and ex-
17 treme weather events based on the best avail-
18 able evidence and analysis.

19 (3) CONSULTATION.—In carrying out the pro-
20 gram, the Administrator of the Federal Emergency
21 Management Agency shall consult with the Secretary
22 to provide technical assistance to the Secretary and
23 to applicants.

1 (c) ELIGIBLE RESILIENCE PROJECTS.—The Sec-
2 retary shall provide grants under this section to resilience
3 projects—

4 (1) that are eligible projects under subsection
5 (d); and

6 (2) that—

7 (A) ensure the ability of the evacuation
8 route to provide safe passage during a mass
9 evacuation and reduce the risk of damage to
10 evacuation routes as a result of future emer-
11 gency events (as defined in section 667.3 of
12 title 23, Code of Federal Regulations (or suc-
13 cessor regulations)), including—

14 (i) restoring or replacing existing
15 mass evacuation routes that are struc-
16 turally deficient or functionally obsolete;

17 (ii) protecting, elevating, or relocating
18 assets that are located in a base floodplain;

19 (iii) protecting assets vulnerable to
20 high winds;

21 (iv) installing mitigation measures
22 that prevent the intrusion of floodwaters
23 into transportation systems;

1 (v) strengthening systems that remove
2 rainwater from transportation facilities or
3 services; or

4 (vi) other resilience projects that ad-
5 dress identified vulnerabilities;

6 (B) if the Secretary determines that exist-
7 ing evacuation routes are not sufficient to ade-
8 quately facilitate mass evacuations, expand the
9 capacity of evacuation routes to swiftly and
10 safely accommodate mass evacuations, including
11 installation of—

12 (i) communications and intelligent
13 transportation system equipment and in-
14 frastructure;

15 (ii) counterflow measures; or

16 (iii) shoulders;

17 (C) are for the construction of—

18 (i) new or redundant evacuation
19 routes, if the Secretary determines that ex-
20 isting evacuation routes are not sufficient
21 to adequately facilitate mass evacuations;

22 or

23 (ii) sheltering facilities; or

24 (D) involve planning and acquisition, in-
25 cluding—

1 (i) mass evacuation planning and
2 preparation, such as—

3 (I) coordination with agencies
4 and departments within the State,
5 first responders, and other States;

6 (II) identification of evacuation
7 routes;

8 (III) evacuation route education
9 and awareness campaigns;

10 (IV) traffic analysis and moni-
11 toring; or

12 (V) data sharing;

13 (ii) acquisition of evacuation route
14 and traffic incident management equip-
15 ment and vehicles;

16 (iii) evacuation route risk assessment;

17 (iv) development of enhanced mass
18 evacuation response capabilities;

19 (v) evacuation route signage; or

20 (vi) equipment for pedestrian move-
21 ment.

22 (d) ELIGIBLE PROJECTS.—The Secretary may make
23 a grant under this section only for a project that is—

24 (1) a project eligible for assistance under title
25 23, United States Code;

1 (2) a public transportation facility or service eli-
2 gible for assistance under chapter 53 of title 49,
3 United States Code;

4 (3) a facility or service for intercity rail pas-
5 senger transportation (as defined in section 24102
6 of title 49, United States Code);

7 (4) a port facility, including a facility that—

8 (A) connects a port to other modes of
9 transportation;

10 (B) improves the efficiency of mass evacu-
11 ations and disaster relief; or

12 (C) aids transportation;

13 (5) a public-use airport (as defined in section
14 47102 of title 49, United States Code) that is in-
15 cluded in the national plan of integrated airport sys-
16 tems developed by the Federal Aviation Administra-
17 tion under section 47103 of title 49, United States
18 Code; or

19 (6) a route owned, operated, or maintained by
20 the Corps of Engineers.

21 (e) ELIGIBLE ENTITIES.—The Secretary may award
22 a grant under this section to any of the following:

23 (1) A State.

24 (2) A metropolitan planning organization that
25 serves an urbanized area (as defined by the Bureau

1 of the Census) with a population of more than
2 200,000 individuals.

3 (3) A unit of local government.

4 (4) A political subdivision of a State or local
5 government.

6 (5) A special purpose district or public author-
7 ity with a transportation function, including a port
8 authority.

9 (6) A Federal land management agency that
10 applies jointly with a State or group of States.

11 (7) A Tribal government or a consortium of
12 Tribal governments.

13 (8) A multistate or multijurisdictional group of
14 entities described in paragraphs (1) through (7).

15 (f) APPLICATIONS.—To be eligible to receive a grant
16 under this section, an eligible entity shall submit to the
17 Secretary an application in such form, at such time, and
18 containing such information as the Secretary determines
19 to be necessary.

20 (g) CRITERIA.—In selecting resilience projects to re-
21 ceive grants under the program, the Secretary shall con-
22 sider—

23 (1) the cost of the project compared to the risk
24 of recurring damage and the cost of future repairs,
25 taking into account current and future emergency

1 events (as defined in section 667.3 of title 23, Code
2 of Federal Regulations (or successor regulations))
3 and extreme weather events, to the maximum extent
4 practicable;

5 (2) the extent to which the project reduces the
6 financial risk to the Federal Government; and

7 (3) such other criteria as the Secretary deter-
8 mines to be appropriate.

9 (h) ADMINISTRATION OF PROJECTS.—Responsibility
10 for oversight and administration of a project that receives
11 a grant under this section—

12 (1) may be transferred within the Department
13 of Transportation; and

14 (2) shall be administered in accordance with—

15 (A) title 23 and title 49, United States
16 Code, as applicable;

17 (B) title VI of the Civil Rights Act of 1964
18 (42 U.S.C. 2000d et seq.);

19 (C) the National Environmental Policy Act
20 of 1969 (42 U.S.C. 4321 et seq.); and

21 (D) the Uniform Relocation Assistance and
22 Real Property Acquisition Policies Act of 1970
23 (42 U.S.C. 4601 et seq.).

24 (i) FEDERAL COST SHARE.—

1 (1) IN GENERAL.—The Federal share of the
2 cost of a project carried out under the program shall
3 not exceed 80 percent of the total project cost.

4 (2) NON-FEDERAL SHARE.—The eligible entity
5 may use funds provided from other Federal sources
6 to meet the non-Federal cost share requirement for
7 a project under the program.

8 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section for
10 each fiscal year \$1,000,000,000, to remain available until
11 expended.

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