

116TH CONGRESS
1ST SESSION

S. 2302

To amend title 23, United States Code, to authorize funds for Federal-aid highways and highway safety construction programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2019

Mr. BARRASSO 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 authorize funds for Federal-aid highways and highway safety construction 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 “America’s Transportation Infrastructure Act of 2019”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation ceiling.
- Sec. 1103. Definitions.
- Sec. 1104. Apportionment.
- Sec. 1105. National highway performance program.
- Sec. 1106. Emergency relief.
- Sec. 1107. Federal share payable.
- Sec. 1108. Railway-highway grade crossings.
- Sec. 1109. Surface transportation block grant program.
- Sec. 1110. Nationally significant freight and highway projects.
- Sec. 1111. Highway safety improvement program.
- Sec. 1112. Federal lands transportation program.
- Sec. 1113. Federal lands access program.
- Sec. 1114. National highway freight program.
- Sec. 1115. Congestion mitigation and air quality improvement program.
- Sec. 1116. National scenic byways program.
- Sec. 1117. Alaska Highway.
- Sec. 1118. Toll roads, bridges, tunnels, and ferries.
- Sec. 1119. Bridge investment program.
- Sec. 1120. Safe routes to school program.
- Sec. 1121. Highway use tax evasion projects.
- Sec. 1122. Construction of ferry boats and ferry terminal facilities.
- Sec. 1123. Balance exchanges for infrastructure program.
- Sec. 1124. Safety incentive programs.
- Sec. 1125. Wildlife crossing safety.
- Sec. 1126. Consolidation of programs.
- Sec. 1127. State freight advisory committees.
- Sec. 1128. Territorial and Puerto Rico highway program.

Subtitle B—Planning and Performance Management

- Sec. 1201. Transportation planning.
- Sec. 1202. Fiscal constraint on long-range transportation plans.
- Sec. 1203. State human capital plans.
- Sec. 1204. Accessibility data pilot program.
- Sec. 1205. Prioritization process pilot program.
- Sec. 1206. Exemptions for low population density States.
- Sec. 1207. Travel demand data and modeling.
- Sec. 1208. Increasing safe and accessible transportation options.

Subtitle C—Project Delivery and Process Improvement

- Sec. 1301. Efficient environmental reviews for project decisionmaking and One Federal Decision.
- Sec. 1302. Work zone process reviews.
- Sec. 1303. Transportation management plans.
- Sec. 1304. Intelligent transportation systems.
- Sec. 1305. Alternative contracting methods.
- Sec. 1306. Flexibility for projects.
- Sec. 1307. Improved Federal-State stewardship and oversight agreements.
- Sec. 1308. Geomatic data.
- Sec. 1309. Evaluation of projects within an operational right-of-way.

Sec. 1310. Department of Transportation reports.

Subtitle D—Climate Change

- Sec. 1401. Grants for charging and fueling infrastructure to modernize and re-connect America for the 21st century.
- Sec. 1402. Reduction of truck emissions at port facilities.
- Sec. 1403. Carbon reduction incentive programs.
- Sec. 1404. Congestion relief program.
- Sec. 1405. Freight plans.
- Sec. 1406. Utilizing significant emissions with innovative technologies.
- Sec. 1407. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant program.
- Sec. 1408. Diesel emissions reduction.

Subtitle E—Miscellaneous

- Sec. 1501. Additional deposits into Highway Trust Fund.
- Sec. 1502. Stopping threats on pedestrians.
- Sec. 1503. Transfer and sale of toll credits.
- Sec. 1504. Forest Service Legacy Roads and Trails Remediation Program.
- Sec. 1505. Disaster relief mobilization pilot program.
- Sec. 1506. Appalachian regional development.
- Sec. 1507. Requirements for transportation projects carried out through public-private partnerships.
- Sec. 1508. Community connectivity pilot program.
- Sec. 1509. Repeal of rescission.
- Sec. 1510. Federal interagency working group for conversion of Federal fleet to hybrid-electric vehicles, electric vehicles, and alternative fueled vehicles.
- Sec. 1511. Cybersecurity tool; cyber coordinator.
- Sec. 1512. Study on most effective upgrades to roadway infrastructure.
- Sec. 1513. Study on vehicle-to-infrastructure communication technology.
- Sec. 1514. Nonhighway recreational fuel study.
- Sec. 1515. Buy America.
- Sec. 1516. Report on data-driven infrastructure traffic safety improvements.
- Sec. 1517. High priority corridors on the National Highway System.
- Sec. 1518. Interstate weight limits.
- Sec. 1519. Interstate exemption.
- Sec. 1520. Report on air quality improvements.
- Sec. 1521. Roadside highway safety hardware.
- Sec. 1522. Permeable pavements study.
- Sec. 1523. Emergency relief projects.
- Sec. 1524. Certain gathering lines located on Federal land and Indian land.
- Sec. 1525. Technical corrections.

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

- Sec. 2001. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

- Sec. 3001. Surface transportation system funding alternatives.
- Sec. 3002. Performance management data support program.
- Sec. 3003. Data integration pilot program.

Sec. 3004. Emerging technology research pilot program.
 Sec. 3005. Research and technology development and deployment.
 Sec. 3006. Workforce development, training, and education.
 Sec. 3007. Wildlife-vehicle collision research.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

8 This Act and the amendments made by this Act take
 9 effect on October 1, 2020.

10 **TITLE I—FEDERAL-AID**
 11 **HIGHWAYS**
 12 **Subtitle A—Authorizations and**
 13 **Programs**

14 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—The following amounts are au-
 16 thorized to be appropriated out of the Highway Trust
 17 Fund (other than the Mass Transit Account):

18 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
 19 the national highway performance program under
 20 section 119 of title 23, United States Code, the sur-
 21 face transportation block grant program under sec-
 22 tion 133 of that title, the highway safety improve-
 23 ment program under section 148 of that title, the

1 congestion mitigation and air quality improvement
2 program under section 149 of that title, the national
3 highway freight program under section 167 of that
4 title, and to carry out section 134 of that title—

5 (A) \$47,855,749,000 for fiscal year 2021;

6 (B) \$48,829,248,000 for fiscal year 2022;

7 (C) \$49,849,443,000 for fiscal year 2023;

8 (D) \$50,914,302,000 for fiscal year 2024;

9 and

10 (E) \$51,979,162,000 for fiscal year 2025.

11 (2) TRANSPORTATION INFRASTRUCTURE FI-
12 NANCE AND INNOVATION PROGRAM.—For credit as-
13 sistance under the transportation infrastructure fi-
14 nance and innovation program under chapter 6 of
15 title 23, United States Code, \$300,000,000 for each
16 of fiscal years 2021 through 2025.

17 (3) FEDERAL LANDS AND TRIBAL TRANSPOR-
18 TATION PROGRAMS.—

19 (A) TRIBAL TRANSPORTATION PRO-
20 GRAM.—For the tribal transportation program
21 under section 202 of title 23, United States
22 Code—

23 (i) \$565,000,000 for fiscal year 2021;

24 (ii) \$580,000,000 for fiscal year 2022;

1 (iii) \$595,000,000 for fiscal year
2 2023;

3 (iv) \$610,000,000 for fiscal year
4 2024; and

5 (v) \$625,000,000 for fiscal year 2025.

6 (B) FEDERAL LANDS TRANSPORTATION
7 PROGRAM.—

8 (i) IN GENERAL.—For the Federal
9 lands transportation program under sec-
10 tion 203 of title 23, United States Code—

11 (I) \$413,000,000 for fiscal year
12 2021;

13 (II) \$423,000,000 for fiscal year
14 2022;

15 (III) \$433,000,000 for fiscal year
16 2023;

17 (IV) \$443,000,000 for fiscal year
18 2024; and

19 (V) \$453,000,000 for fiscal year
20 2025.

21 (ii) ALLOCATION.—Of the amount
22 made available for a fiscal year under
23 clause (i)—

24 (I) the amount for the National
25 Park Service is—

1 (aa) \$330,000,000 for fiscal
2 year 2021;

3 (bb) \$338,000,000 for fiscal
4 year 2022;

5 (cc) \$346,000,000 for fiscal
6 year 2023;

7 (dd) \$354,000,000 for fiscal
8 year 2024; and

9 (ee) \$362,000,000 for fiscal
10 year 2025;

11 (II) the amount for the United
12 States Fish and Wildlife Service is
13 \$33,000,000 for each of fiscal years
14 2021 through 2025; and

15 (III) the amount for the Forest
16 Service is—

17 (aa) \$22,000,000 for fiscal
18 year 2021;

19 (bb) \$23,000,000 for fiscal
20 year 2022;

21 (cc) \$24,000,000 for fiscal
22 year 2023;

23 (dd) \$25,000,000 for fiscal
24 year 2024; and

1 (ee) \$26,000,000 for fiscal
2 year 2025.

3 (C) FEDERAL LANDS ACCESS PROGRAM.—
4 For the Federal lands access program under
5 section 204 of title 23, United States Code—

6 (i) \$280,000,000 for fiscal year 2021;

7 (ii) \$285,000,000 for fiscal year 2022;

8 (iii) \$290,000,000 for fiscal year
9 2023;

10 (iv) \$295,000,000 for fiscal year
11 2024; and

12 (v) \$300,000,000 for fiscal year 2025.

13 (4) TERRITORIAL AND PUERTO RICO HIGHWAY
14 PROGRAM.—For the territorial and Puerto Rico
15 highway program under section 165 of title 23,
16 United States Code—

17 (A) \$204,500,000 for fiscal year 2021;

18 (B) \$208,000,000 for fiscal year 2022;

19 (C) \$212,000,000 for fiscal year 2023;

20 (D) \$216,000,000 for fiscal year 2024;

21 and

22 (E) \$221,500,000 for fiscal year 2025.

23 (5) NATIONALLY SIGNIFICANT FREIGHT AND
24 HIGHWAY PROJECTS.—For nationally significant

1 freight and highway projects under section 117 of
2 title 23, United States Code—

3 (A) \$1,050,000,000 for fiscal year 2021;

4 (B) \$1,075,000,000 for fiscal year 2022;

5 (C) \$1,100,000,000 for fiscal year 2023;

6 (D) \$1,125,000,000 for fiscal year 2024;

7 and

8 (E) \$1,150,000,000 for fiscal year 2025.

9 (b) OTHER PROGRAMS.—

10 (1) IN GENERAL.—The following amounts are
11 authorized to be appropriated out of the Highway
12 Trust Fund (other than the Mass Transit Account):

13 (A) BRIDGE INVESTMENT PROGRAM.—To
14 carry out the bridge investment program under
15 section 124 of title 23, United States Code—

16 (i) \$600,000,000 for fiscal year 2021;

17 (ii) \$640,000,000 for fiscal year 2022;

18 (iii) \$650,000,000 for fiscal year
19 2023;

20 (iv) \$675,000,000 for fiscal year
21 2024; and

22 (v) \$700,000,000 for fiscal year 2025.

23 (B) CONGESTION RELIEF PROGRAM.—To
24 carry out the congestion relief program under
25 section 129(d) of title 23, United States Code,

1 \$40,000,000 for each of fiscal years 2021
2 through 2025.

3 (C) CHARGING AND FUELING INFRASTRUC-
4 TURE GRANTS.—To carry out section 151(f) of
5 title 23, United States Code—

6 (i) \$100,000,000 for fiscal year 2021;

7 (ii) \$100,000,000 for fiscal year 2022;

8 (iii) \$200,000,000 for fiscal year
9 2023;

10 (iv) \$300,000,000 for fiscal year
11 2024; and

12 (v) \$300,000,000 for fiscal year 2025.

13 (D) FORMULA SAFETY INCENTIVE PRO-
14 GRAM.—To carry out the formula safety incen-
15 tive program under section 172 of title 23,
16 United States Code, \$500,000,000 for each of
17 fiscal years 2021 through 2025.

18 (E) FATALITY REDUCTION PERFORMANCE
19 PROGRAM.—To carry out the fatality reduction
20 performance program under section 173 of title
21 23, United States Code, \$100,000,000 for each
22 of fiscal years 2021 through 2025.

23 (F) FORMULA CARBON REDUCTION INCEN-
24 TIVE PROGRAM.—To carry out the formula car-
25 bon reduction incentive program under section

1 177 of title 23, United States Code,
2 \$600,000,000 for each of fiscal years 2021
3 through 2025.

4 (G) CARBON REDUCTION PERFORMANCE
5 PROGRAM.—To carry out the carbon reduction
6 performance program under section 178 of title
7 23, United States Code, \$100,000,000 for each
8 of fiscal years 2021 through 2025.

9 (H) PROTECT GRANTS.—To carry out
10 the PROTECT grant program under section
11 179 of title 23, United States Code, for each of
12 fiscal years 2021 through 2025—

13 (i) \$786,000,000 for formula awards
14 to States under subsection (c) of that sec-
15 tion; and

16 (ii) \$200,000,000 for competitive
17 grants under subsection (d) of that section,
18 of which not less than \$20,000,000 shall
19 be for planning grants under paragraph
20 (3) of that subsection.

21 (I) REDUCTION OF TRUCK EMISSIONS AT
22 PORT FACILITIES.—

23 (i) IN GENERAL.—To carry out the
24 reduction of truck emissions at port facili-
25 ties under section 1402—

1 (I) \$60,000,000 for fiscal year
2 2021;

3 (II) \$70,000,000 for fiscal year
4 2022;

5 (III) \$70,000,000 for fiscal year
6 2023;

7 (IV) \$80,000,000 for fiscal year
8 2024; and

9 (V) \$90,000,000 for fiscal year
10 2025.

11 (ii) TREATMENT.—Amounts made
12 available under clause (i) shall be available
13 for obligation in the same manner as if
14 those amounts were apportioned under
15 chapter 1 of title 23, United States Code.

16 (J) NATIONALLY SIGNIFICANT FEDERAL
17 LANDS AND TRIBAL PROJECTS.—

18 (i) IN GENERAL.—To carry out the
19 nationally significant Federal lands and
20 tribal projects program under section 1123
21 of the FAST Act (23 U.S.C. 201 note;
22 Public Law 114–94), \$50,000,000 for each
23 of fiscal years 2021 through 2025.

24 (ii) TREATMENT.—Amounts made
25 available under clause (i) shall be available

1 for obligation in the same manner as if
2 those amounts were apportioned under
3 chapter 1 of title 23, United States Code.

4 (2) GENERAL FUND.—

5 (A) BRIDGE INVESTMENT PROGRAM.—

6 (i) IN GENERAL.—In addition to
7 amounts made available under paragraph
8 (1)(A), there are authorized to be appro-
9 priated to carry out the bridge investment
10 program under section 124 of title 23,
11 United States Code—

12 (I) \$600,000,000 for fiscal year
13 2021;

14 (II) \$640,000,000 for fiscal year
15 2022;

16 (III) \$650,000,000 for fiscal year
17 2023;

18 (IV) \$675,000,000 for fiscal year
19 2024; and

20 (V) \$700,000,000 for fiscal year
21 2025.

22 (ii) ALLOCATION.—Amounts made
23 available under clause (i) shall be allocated
24 in the same manner as if made available
25 under paragraph (1)(A).

1 (B) NATIONALLY SIGNIFICANT FEDERAL
2 LANDS AND TRIBAL PROJECTS PROGRAM.—

3 (i) IN GENERAL.—In addition to
4 amounts made available under paragraph
5 (1)(J), there is authorized to be appro-
6 priated to carry out section 1123 of the
7 FAST Act (23 U.S.C. 201 note; Public
8 Law 114–94) \$100,000,000 for each of fis-
9 cal years 2021 through 2025, to remain
10 available for a period of 3 fiscal years fol-
11 lowing the fiscal year for which the
12 amounts are appropriated.

13 (ii) CONFORMING AMENDMENT.—Sec-
14 tion 1123 of the FAST Act (23 U.S.C.
15 201 note; Public Law 114–94) is amended
16 by striking subsection (h).

17 (c) RESEARCH, TECHNOLOGY, AND EDUCATION AU-
18 THORIZATIONS.—

19 (1) IN GENERAL.—The following amounts are
20 authorized to be appropriated out of the Highway
21 Trust Fund (other than the Mass Transit Account):

22 (A) HIGHWAY RESEARCH AND DEVELOP-
23 MENT PROGRAM.—To carry out section 503(b)
24 of title 23, United States Code, \$153,431,378
25 for each of fiscal years 2021 through 2025.

1 (B) TECHNOLOGY AND INNOVATION DE-
2 PLOYMENT PROGRAM.—To carry out section
3 503(c) of title 23, United States Code,
4 \$135,000,000 for each of fiscal years 2021
5 through 2025.

6 (C) TRAINING AND EDUCATION.—To carry
7 out section 504 of title 23, United States
8 Code—

9 (i) \$25,000,000 for fiscal year 2021;

10 (ii) \$26,000,000 for fiscal year 2022;

11 (iii) \$27,000,000 for fiscal year 2023;

12 (iv) \$27,000,000 for fiscal year 2024;

13 and

14 (v) \$27,000,000 for fiscal year 2025.

15 (D) INTELLIGENT TRANSPORTATION SYS-
16 TEMS PROGRAM.—To carry out sections 512
17 through 518 of title 23, United States Code,
18 \$110,000,000 for each of fiscal years 2021
19 through 2025.

20 (E) UNIVERSITY TRANSPORTATION CEN-
21 TERS PROGRAM.—To carry out section 5505 of
22 title 49, United States Code—

23 (i) \$82,500,000 for fiscal year 2021;

24 (ii) \$84,000,000 for fiscal year 2022;

25 (iii) \$85,500,000 for fiscal year 2023;

1 (iv) \$87,000,000 for fiscal year 2024;

2 and

3 (v) \$88,500,000 for fiscal year 2025.

4 (F) BUREAU OF TRANSPORTATION STATIS-
5 TICS.—To carry out chapter 63 of title 49,
6 United States Code, \$26,000,000 for each of
7 fiscal years 2021 through 2025.

8 (2) ADMINISTRATION.—The Federal Highway
9 Administration shall—

10 (A) administer the programs described in
11 subparagraphs (A), (B), and (C) of paragraph
12 (1); and

13 (B) in consultation with relevant modal ad-
14 ministrations, administer the programs de-
15 scribed in paragraph (1)(D).

16 (3) APPLICABILITY OF TITLE 23, UNITED
17 STATES CODE.—Amounts authorized to be appro-
18 priated by paragraph (1) shall—

19 (A) be available for obligation in the same
20 manner as if those funds were apportioned
21 under chapter 1 of title 23, United States Code,
22 except that the Federal share of the cost of a
23 project or activity carried out using those funds
24 shall be 80 percent, unless otherwise expressly
25 provided by this Act (including the amendments

1 by this Act) or otherwise determined by the
2 Secretary; and

3 (B) remain available until expended and
4 not be transferable, except as otherwise pro-
5 vided by this Act.

6 (d) PILOT PROGRAMS.—The following amounts are
7 authorized to be appropriated out of the Highway Trust
8 Fund (other than the Mass Transit Account):

9 (1) WILDLIFE CROSSINGS PILOT PROGRAM.—
10 For the wildlife crossings pilot program under sec-
11 tion 174 of title 23, United States Code—

12 (A) \$55,000,000 for fiscal year 2021;

13 (B) \$60,000,000 for fiscal year 2022;

14 (C) \$45,000,000 for fiscal year 2023;

15 (D) \$45,000,000 for fiscal year 2024; and

16 (E) \$45,000,000 for fiscal year 2025.

17 (2) PRIORITIZATION PROCESS PILOT PRO-
18 GRAM.—

19 (A) IN GENERAL.—For the prioritization
20 process pilot program under section 1205,
21 \$10,000,000 for each of fiscal years 2021
22 through 2025.

23 (B) TREATMENT.—Amounts made avail-
24 able under subparagraph (A) shall be available
25 for obligation in the same manner as if those

1 amounts were apportioned under chapter 1 of
2 title 23, United States Code.

3 (3) DISASTER RELIEF MOBILIZATION PILOT
4 PROGRAM.—

5 (A) IN GENERAL.—For the disaster relief
6 mobilization pilot program under section 1505,
7 \$1,000,000 for each of fiscal years 2021
8 through 2025.

9 (B) TREATMENT.—Amounts made avail-
10 able under subparagraph (A) shall be available
11 for obligation in the same manner as if those
12 amounts were apportioned under chapter 1 of
13 title 23, United States Code, except that those
14 amounts shall remain available until expended.

15 (4) COMMUNITY CONNECTIVITY PILOT PRO-
16 GRAM.—

17 (A) PLANNING GRANTS.—For planning
18 grants under the community connectivity pilot
19 program under section 1508(c)—

20 (i) \$20,000,000 for fiscal year 2021;

21 (ii) \$15,000,000 for fiscal year 2022;

22 (iii) \$10,000,000 for fiscal year 2023;

23 (iv) \$2,500,000 for fiscal year 2024;

24 and

25 (v) \$2,500,000 for fiscal year 2025.

1 (B) CAPITAL CONSTRUCTION GRANTS.—

2 For capital construction grants under the com-
3 munity connectivity pilot program under section
4 1508(d), \$14,000,000 for each of fiscal years
5 2021 through 2025.

6 (C) TREATMENT.—Amounts made avail-
7 able under subparagraph (A) or (B) shall be
8 available for obligation in the same manner as
9 if those amounts were apportioned under chap-
10 ter 1 of title 23, United States Code, except
11 that those amounts shall remain available until
12 expended.

13 (5) OPEN CHALLENGE AND RESEARCH INITIA-
14 TIVE PILOT PROGRAM.—

15 (A) IN GENERAL.—For the open challenge
16 and research proposal pilot program under sec-
17 tion 3005(e), \$15,000,000 for each of fiscal
18 years 2021 through 2025.

19 (B) TREATMENT.—Amounts made avail-
20 able under subparagraph (A) shall be available
21 for obligation and administered as if appor-
22 tioned under chapter 1 of title 23, United
23 States Code.

24 (e) DISADVANTAGED BUSINESS ENTERPRISES.—

25 (1) FINDINGS.—Congress finds that—

1 (A) while significant progress has occurred
2 due to the establishment of the disadvantaged
3 business enterprise program, discrimination and
4 related barriers continue to pose significant ob-
5 stacles for minority- and women-owned busi-
6 nesses seeking to do business in Federally as-
7 sisted surface transportation markets across the
8 United States;

9 (B) the continuing barriers described in
10 subparagraph (A) merit the continuation of the
11 disadvantaged business enterprise program;

12 (C) Congress has received and reviewed
13 testimony and documentation of race and gen-
14 der discrimination from numerous sources, in-
15 cluding congressional hearings and roundtables,
16 scientific reports, reports issued by public and
17 private agencies, news stories, reports of dis-
18 crimination by organizations and individuals,
19 and discrimination lawsuits, which show that
20 race- and gender-neutral efforts alone are insuf-
21 ficient to address the problem;

22 (D) the testimony and documentation de-
23 scribed in subparagraph (C) demonstrate that
24 discrimination across the United States poses a
25 barrier to full and fair participation in surface

1 transportation-related businesses of women
2 business owners and minority business owners
3 and has impacted firm development and many
4 aspects of surface transportation-related busi-
5 ness in the public and private markets; and

6 (E) the testimony and documentation de-
7 scribed in subparagraph (C) provide a strong
8 basis that there is a compelling need for the
9 continuation of the disadvantaged business en-
10 terprise program to address race and gender
11 discrimination in surface transportation-related
12 business.

13 (2) DEFINITIONS.—In this subsection:

14 (A) SMALL BUSINESS CONCERN.—

15 (i) IN GENERAL.—The term “small
16 business concern” means a small business
17 concern (as the term is used in section 3
18 of the Small Business Act (15 U.S.C.
19 632)).

20 (ii) EXCLUSIONS.—The term “small
21 business concern” does not include any
22 concern or group of concerns controlled by
23 the same socially and economically dis-
24 advantaged individual or individuals that
25 have average annual gross receipts during

1 the preceding 3 fiscal years in excess of
2 \$25,790,000, as adjusted annually by the
3 Secretary for inflation.

4 (B) SOCIALLY AND ECONOMICALLY DIS-
5 ADVANTAGED INDIVIDUALS.—The term “so-
6 cially and economically disadvantaged individ-
7 uals” has the meaning given the term in section
8 8(d) of the Small Business Act (15 U.S.C.
9 637(d)) and relevant subcontracting regulations
10 issued pursuant to that Act, except that women
11 shall be presumed to be socially and economi-
12 cally disadvantaged individuals for purposes of
13 this subsection.

14 (3) AMOUNTS FOR SMALL BUSINESS CON-
15 CERNS.—Except to the extent that the Secretary de-
16 termines otherwise, not less than 10 percent of the
17 amounts made available for any program under this
18 Act and section 403 of title 23, United States Code,
19 shall be expended through small business concerns
20 owned and controlled by socially and economically
21 disadvantaged individuals.

22 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
23 NESS ENTERPRISES.—Each State shall annually—

24 (A) survey and compile a list of the small
25 business concerns referred to in paragraph (3)

1 in the State, including the location of the small
2 business concerns in the State; and

3 (B) notify the Secretary, in writing, of the
4 percentage of the small business concerns that
5 are controlled by—

6 (i) women;

7 (ii) socially and economically dis-
8 advantaged individuals (other than
9 women); and

10 (iii) individuals who are women and
11 are otherwise socially and economically dis-
12 advantaged individuals.

13 (5) UNIFORM CERTIFICATION.—

14 (A) IN GENERAL.—The Secretary shall es-
15 tablish minimum uniform criteria for use by
16 State governments in certifying whether a con-
17 cern qualifies as a small business concern for
18 the purpose of this subsection.

19 (B) INCLUSIONS.—The minimum uniform
20 criteria established under subparagraph (A)
21 shall include, with respect to a potential small
22 business concern—

23 (i) on-site visits;

24 (ii) personal interviews with personnel;

25 (iii) issuance or inspection of licenses;

- 1 (iv) analyses of stock ownership;
2 (v) listings of equipment;
3 (vi) analyses of bonding capacity;
4 (vii) listings of work completed;
5 (viii) examination of the resumes of
6 principal owners;
7 (ix) analyses of financial capacity; and
8 (x) analyses of the type of work pre-
9 ferred.

10 (6) REPORTING.—The Secretary shall establish
11 minimum requirements for use by State govern-
12 ments in reporting to the Secretary—

13 (A) information concerning disadvantaged
14 business enterprise awards, commitments, and
15 achievements; and

16 (B) such other information as the Sec-
17 retary determines to be appropriate for the
18 proper monitoring of the disadvantaged busi-
19 ness enterprise program.

20 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
21 ing in this subsection limits the eligibility of an indi-
22 vidual or entity to receive funds made available
23 under this Act and section 403 of title 23, United
24 States Code, if the entity or person is prevented, in
25 whole or in part, from complying with paragraph (3)

1 because a Federal court issues a final order in which
2 the court finds that a requirement or the implemen-
3 tation of paragraph (3) is unconstitutional.

4 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
5 OF DBE SUBCONTRACTORS.—It is the sense of Con-
6 gress that—

7 (A) the Secretary should take additional
8 steps to ensure that recipients comply with sec-
9 tion 26.29 of title 49, Code of Federal Regula-
10 tions (the disadvantaged business enterprises
11 prompt payment rule), or any corresponding
12 regulation, in awarding federally funded trans-
13 portation contracts under laws and regulations
14 administered by the Secretary; and

15 (B) such additional steps should include
16 increasing the ability of the Department to
17 track and keep records of complaints and to
18 make that information publicly available.

19 **SEC. 1102. OBLIGATION CEILING.**

20 (a) GENERAL LIMITATION.—Subject to subsection
21 (e), and notwithstanding any other provision of law, the
22 obligations for Federal-aid highway and highway safety
23 construction programs shall not exceed—

24 (1) \$54,388,462,378 for fiscal year 2021;

25 (2) \$55,483,447,378 for fiscal year 2022;

1 (3) \$56,666,082,378 for fiscal year 2023;

2 (4) \$57,930,317,378 for fiscal year 2024; and

3 (5) \$59,103,552,378 for fiscal year 2025.

4 (b) EXCEPTIONS.—The limitations under subsection
5 (a) shall not apply to obligations under or for—

6 (1) section 125 of title 23, United States Code;

7 (2) section 147 of the Surface Transportation
8 Assistance Act of 1978 (23 U.S.C. 144 note; 92
9 Stat. 2714);

10 (3) section 9 of the Federal-Aid Highway Act
11 of 1981 (95 Stat. 1701);

12 (4) subsections (b) and (j) of section 131 of the
13 Surface Transportation Assistance Act of 1982 (96
14 Stat. 2119);

15 (5) subsections (b) and (c) of section 149 of the
16 Surface Transportation and Uniform Relocation As-
17 sistance Act of 1987 (101 Stat. 198);

18 (6) sections 1103 through 1108 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (105 Stat. 2027);

21 (7) section 157 of title 23, United States Code
22 (as in effect on June 8, 1998);

23 (8) section 105 of title 23, United States Code
24 (as in effect for fiscal years 1998 through 2004, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

3 (9) Federal-aid highway programs for which ob-
4 ligation authority was made available under the
5 Transportation Equity Act for the 21st Century
6 (112 Stat. 107) or subsequent Acts for multiple
7 years or to remain available until expended, but only
8 to the extent that the obligation authority has not
9 lapsed or been used;

10 (10) section 105 of title 23, United States Code
11 (as in effect for fiscal years 2005 through 2012, but
12 only in an amount equal to \$639,000,000 for each
13 of those fiscal years);

14 (11) section 1603 of SAFETEA-LU (23
15 U.S.C. 118 note; 119 Stat. 1248), to the extent that
16 funds obligated in accordance with that section were
17 not subject to a limitation on obligations at the time
18 at which the funds were initially made available for
19 obligation;

20 (12) section 119 of title 23, United States Code
21 (as in effect for fiscal years 2013 through 2015, but
22 only in an amount equal to \$639,000,000 for each
23 of those fiscal years);

24 (13) section 119 of title 23, United States Code
25 (as in effect for fiscal years 2016 through 2020, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years); and

3 (14) section 119 of title 23, United States Code
4 (but, for fiscal years 2021 through 2025, only in an
5 amount equal to \$639,000,000 for each of those fis-
6 cal years).

7 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
8 For each of fiscal years 2021 through 2025, the Sec-
9 retary—

10 (1) shall not distribute obligation authority pro-
11 vided by subsection (a) for the fiscal year for—

12 (A) amounts authorized for administrative
13 expenses and programs by section 104(a) of
14 title 23, United States Code; and

15 (B) amounts authorized for the Bureau of
16 Transportation Statistics;

17 (2) shall not distribute an amount of obligation
18 authority provided by subsection (a) that is equal to
19 the unobligated balance of amounts—

20 (A) made available from the Highway
21 Trust Fund (other than the Mass Transit Ac-
22 count) for Federal-aid highway and highway
23 safety construction programs for previous fiscal
24 years the funds for which are allocated by the
25 Secretary (or apportioned by the Secretary

1 under section 202 or 204 of title 23, United
2 States Code); and

3 (B) for which obligation authority was pro-
4 vided in a previous fiscal year;

5 (3) shall determine the proportion that—

6 (A) the obligation authority provided by
7 subsection (a) for the fiscal year, less the aggre-
8 gate of amounts not distributed under para-
9 graphs (1) and (2) of this subsection; bears to

10 (B) the total of the sums authorized to be
11 appropriated for the Federal-aid highway and
12 highway safety construction programs (other
13 than sums authorized to be appropriated for
14 provisions of law described in paragraphs (1)
15 through (13) of subsection (b) and sums au-
16 thorized to be appropriated for section 119 of
17 title 23, United States Code, equal to the
18 amount referred to in subsection (b)(14) for the
19 fiscal year), less the aggregate of the amounts
20 not distributed under paragraphs (1) and (2) of
21 this subsection;

22 (4) shall distribute the obligation authority pro-
23 vided by subsection (a), less the aggregate amounts
24 not distributed under paragraphs (1) and (2), for
25 each of the programs (other than programs to which

1 paragraph (1) applies) that are allocated by the Sec-
2 retary under this Act and title 23, United States
3 Code, or apportioned by the Secretary under sections
4 202 or 204 of that title, by multiplying—

5 (A) the proportion determined under para-
6 graph (3); by

7 (B) the amounts authorized to be appro-
8 priated for each such program for the fiscal
9 year; and

10 (5) shall distribute the obligation authority pro-
11 vided by subsection (a), less the aggregate amounts
12 not distributed under paragraphs (1) and (2) and
13 the amounts distributed under paragraph (4), for
14 Federal-aid highway and highway safety construc-
15 tion programs that are apportioned by the Secretary
16 under title 23, United States Code (other than the
17 amounts apportioned for the national highway per-
18 formance program in section 119 of title 23, United
19 States Code, that are exempt from the limitation
20 under subsection (b)(14) and the amounts appor-
21 tioned under sections 202 and 204 of that title) in
22 the proportion that—

23 (A) amounts authorized to be appropriated
24 for the programs that are apportioned under

1 title 23, United States Code, to each State for
2 the fiscal year; bears to

3 (B) the total of the amounts authorized to
4 be appropriated for the programs that are ap-
5 portioned under title 23, United States Code, to
6 all States for the fiscal year.

7 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
8 THORITY.—Notwithstanding subsection (c), the Secretary
9 shall, after August 1 of each of fiscal years 2021 through
10 2025—

11 (1) revise a distribution of the obligation au-
12 thority made available under subsection (c) if an
13 amount distributed cannot be obligated during that
14 fiscal year; and

15 (2) redistribute sufficient amounts to those
16 States able to obligate amounts in addition to those
17 previously distributed during that fiscal year, giving
18 priority to those States having large unobligated bal-
19 ances of funds apportioned under sections 144 (as in
20 effect on the day before the date of enactment of
21 MAP–21 (Public Law 112–141; 126 Stat. 405)) and
22 104 of title 23, United States Code.

23 (e) APPLICABILITY OF OBLIGATION LIMITATIONS TO
24 TRANSPORTATION RESEARCH PROGRAMS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), obligation limitations imposed by sub-
3 section (a) shall apply to contract authority for
4 transportation research programs carried out under
5 chapter 5 of title 23, United States Code.

6 (2) EXCEPTION.—Obligation authority made
7 available under paragraph (1) shall—

8 (A) remain available for a period of 4 fis-
9 cal years; and

10 (B) be in addition to the amount of any
11 limitation imposed on obligations for Federal-
12 aid highway and highway safety construction
13 programs for future fiscal years.

14 (f) REDISTRIBUTION OF CERTAIN AUTHORIZED
15 FUNDS.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date of distribution of obligation authority under
18 subsection (c) for each of fiscal years 2021 through
19 2025, the Secretary shall distribute to the States
20 any funds (excluding funds authorized for the pro-
21 gram under section 202 of title 23, United States
22 Code) that—

23 (A) are authorized to be appropriated for
24 the fiscal year for Federal-aid highway pro-
25 grams; and

1 (B) the Secretary determines will not be
2 allocated to the States (or will not be appor-
3 tioned to the States under section 204 of title
4 23, United States Code), and will not be avail-
5 able for obligation, for the fiscal year because
6 of the imposition of any obligation limitation for
7 the fiscal year.

8 (2) **RATIO.**—Funds shall be distributed under
9 paragraph (1) in the same proportion as the dis-
10 tribution of obligation authority under subsection
11 (c)(5).

12 (3) **AVAILABILITY.**—Funds distributed to each
13 State under paragraph (1) shall be available for any
14 purpose described in section 133(b) of title 23,
15 United States Code.

16 **SEC. 1103. DEFINITIONS.**

17 Section 101(a) of title 23, United States Code, is
18 amended—

19 (1) in paragraph (4)—

20 (A) in subparagraph (A), by inserting “as-
21 sessing resilience,” after “surveying,”;

22 (B) in subparagraph (G), by striking
23 “and” at the end;

24 (C) by redesignating subparagraph (H) as
25 subparagraph (I); and

1 (D) by inserting after subparagraph (G)
2 the following:

3 “(H) improvements that reduce the num-
4 ber of wildlife-vehicle collisions, such as wildlife
5 crossing structures; and”;

6 (2) by redesignating paragraphs (17) through
7 (34) as paragraphs (18), (19), (20), (21), (22), (23),
8 (25), (26), (27), (28), (29), (30), (31), (32), (33),
9 (34), (35), and (36), respectively;

10 (3) by inserting after paragraph (16) the fol-
11 lowing:

12 “(17) NATURAL INFRASTRUCTURE.—The term
13 ‘natural infrastructure’ means infrastructure that
14 uses, restores, or emulates natural ecological proc-
15 esses and—

16 “(A) is created through the action of nat-
17 ural physical, geological, biological, and chem-
18 ical processes over time;

19 “(B) is created by human design, engineer-
20 ing, and construction to emulate or act in con-
21 cert with natural processes; or

22 “(C) involves the use of plants, soils, and
23 other natural features, including through the
24 creation, restoration, or preservation of vege-
25 tated areas using materials appropriate to the

1 region to manage stormwater and runoff, to at-
2 tenuate flooding and storm surges, and for
3 other related purposes.”;

4 (4) by inserting after paragraph (23) (as so re-
5 designated) the following:

6 “(24) RESILIENCE.—The term ‘resilience’, with
7 respect to a project, means a project with the ability
8 to anticipate, prepare for, or adapt to conditions or
9 withstand, respond to, or recover rapidly from dis-
10 ruptions, including the ability—

11 “(A)(i) to resist hazards or withstand im-
12 pacts from weather events and natural disas-
13 ters; or

14 “(ii) to reduce the magnitude, duration, or
15 impact of a disruptive weather event or natural
16 disaster to a project; and

17 “(B) to have the absorptive capacity,
18 adaptive capacity, and recoverability to decrease
19 project vulnerability to weather events or other
20 natural disasters.”; and

21 (5) in subparagraph (A) of paragraph (32) (as
22 so redesignated)—

23 (A) by striking the period at the end and
24 inserting “; and”;

1 (B) by striking “through the implementa-
 2 tion” and inserting the following: “through—
 3 “(i) the implementation”; and
 4 (C) by adding at the end the following:
 5 “(ii) the consideration of incor-
 6 porating natural infrastructure.”.

7 **SEC. 1104. APPORTIONMENT.**

8 (a) ADMINISTRATIVE EXPENSES.—Section 104(a) of
 9 title 23, United States Code, is amended by striking para-
 10 graph (1) and inserting the following:

11 “(1) IN GENERAL.—There are authorized to be
 12 appropriated from the Highway Trust Fund (other
 13 than the Mass Transit Account) to be made avail-
 14 able to the Secretary for administrative expenses of
 15 the Federal Highway Administration—

16 “(A) \$490,282,000 for fiscal year 2021;

17 “(B) \$499,768,000 for fiscal year 2022;

18 “(C) \$509,708,000 for fiscal year 2023;

19 “(D) \$520,084,000 for fiscal year 2024;

20 and

21 “(E) \$530,459,000 for fiscal year 2025.”.

22 (b) NATIONAL HIGHWAY FREIGHT PROGRAM.—Sec-
 23 tion 104(b)(5) of title 23, United States Code, is amended
 24 by striking subparagraph (B) and inserting the following:

1 “(B) TOTAL AMOUNT.—The total amount
2 set aside for the national highway freight pro-
3 gram for all States shall be—

4 “(i) \$1,625,000,000 for fiscal year
5 2021;

6 “(ii) \$1,660,000,000 for fiscal year
7 2022;

8 “(iii) \$1,700,000,000 for fiscal year
9 2023;

10 “(iv) \$1,740,000,000 for fiscal year
11 2024; and

12 “(v) \$1,775,000,000 for fiscal year
13 2025.”.

14 (c) CALCULATION OF AMOUNTS.—Section 104(e) of
15 title 23, United States Code, is amended—

16 (1) in paragraph (1)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “each of fiscal years 2016
19 through 2020” and inserting “fiscal year 2021
20 and each fiscal year thereafter”;

21 (B) in subparagraph (A)(ii)(I), by striking
22 “fiscal year 2015” and inserting “fiscal year
23 2020”; and

24 (C) by striking subparagraph (B) and in-
25 serting the following:

1 “(B) GUARANTEED AMOUNTS.—The initial
2 amounts resulting from the calculation under
3 subparagraph (A) shall be adjusted to ensure
4 that each State receives an aggregate appor-
5 tionment that is—

6 “(i) equal to at least 95 percent of the
7 estimated tax payments paid into the
8 Highway Trust Fund (other than the Mass
9 Transit Account) in the most recent fiscal
10 year for which data are available that
11 are—

12 “(I) attributable to highway
13 users in the State; and

14 “(II) associated with taxes in ef-
15 fect on July 1, 2019, and only up to
16 the rate those taxes were in effect on
17 that date;

18 “(ii) at least 2 percent greater than
19 the apportionment that the State received
20 for fiscal year 2020; and

21 “(iii) at least 1 percent greater than
22 the apportionment that the State received
23 for the previous fiscal year.”; and

1 (2) in paragraph (2), by striking “fiscal years
2 2016 through 2020” and inserting “fiscal year 2021
3 and each fiscal year thereafter”.

4 (d) SUPPLEMENTAL FUNDS.—Section 104(h) of title
5 23, United States Code, is amended—

6 (1) in paragraph (1), by striking subparagraph
7 (A) and inserting the following:

8 “(A) AMOUNT.—Before making an appor-
9 tionment for a fiscal year under subsection (c),
10 the Secretary shall reserve for the national
11 highway performance program under section
12 119 for that fiscal year an amount equal to—

13 “(i) \$1,160,000,000 for fiscal year
14 2021;

15 “(ii) \$1,184,000,000 for fiscal year
16 2022;

17 “(iii) \$1,208,000,000 for fiscal year
18 2023;

19 “(iv) \$1,233,000,000 for fiscal year
20 2024; and

21 “(v) \$1,259,000,000 for fiscal year
22 2025.”; and

23 (2) in paragraph (2), by striking subparagraph
24 (A) and inserting the following:

1 “(A) AMOUNT.—Before making an appor-
2 tionment for a fiscal year under subsection (c),
3 the Secretary shall reserve for the surface
4 transportation block grant program under sec-
5 tion 133 for that fiscal year, pursuant to sec-
6 tion 133(h)—

7 “(i) \$1,200,000,000 for fiscal year
8 2021;

9 “(ii) \$1,224,000,000 for fiscal year
10 2022;

11 “(iii) \$1,248,000,000 for fiscal year
12 2023;

13 “(iv) \$1,273,000,000 for fiscal year
14 2024; and

15 “(v) \$1,299,000,000 for fiscal year
16 2025.”.

17 **SEC. 1105. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

18 Section 119 of title 23, United States Code, is
19 amended—

20 (1) in subsection (b)—

21 (A) in paragraph (2), by striking “and” at
22 the end;

23 (B) in paragraph (3), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(4) to provide support for measures to in-
2 crease the resiliency of Federal-aid highways and
3 bridges on and off the National Highway System to
4 mitigate the impacts of sea level rise, extreme weath-
5 er events, flooding, or other natural disasters.”; and

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

7 “(k) PROTECTIVE FEATURES.—

8 “(1) IN GENERAL.—A State may use not more
9 than 15 percent of the funds apportioned to the
10 State under section 104(b)(1) for each fiscal year
11 for 1 or more protective features on a Federal-aid
12 highway or bridge off the National Highway System,
13 if the protective feature is designed to mitigate the
14 risk of recurring damage, or the cost of future re-
15 pairs, from extreme weather events, flooding, or
16 other natural disasters.

17 “(2) PROTECTIVE FEATURES DESCRIBED.—A
18 protective feature referred to in paragraph (1) may
19 include—

20 “(A) raising roadway grades;

21 “(B) relocating roadways in a base flood-
22 plain to higher ground above projected flood
23 elevation levels or away from slide prone areas;

24 “(C) stabilizing slide areas;

25 “(D) stabilizing slopes;

- 1 “(E) installing riprap;
- 2 “(F) lengthening or raising bridges to in-
3 crease waterway openings;
- 4 “(G) deepening channels to prevent flood-
5 ing;
- 6 “(H) increasing the size or number of
7 drainage structures;
- 8 “(I) replacing culverts with bridges or
9 upsizing culverts;
- 10 “(J) repairing or maintaining tide gates;
- 11 “(K) installing seismic retrofits on bridges;
- 12 “(L) adding scour protection at bridges;
- 13 “(M) adding scour, stream stability, coast-
14 al, or other hydraulic countermeasures, includ-
15 ing spur dikes;
- 16 “(N) the use of natural infrastructure to
17 mitigate the risk of recurring damage or the
18 cost of future repair from extreme weather
19 events, flooding, or other natural disasters; and
- 20 “(O) any other features that mitigate the
21 risk of recurring damage or the cost of future
22 repair as a result of extreme weather events,
23 flooding, or other natural disasters, as deter-
24 mined by the Secretary.

1 “(3) SAVINGS PROVISION.—Nothing in this sub-
 2 section limits the ability of a State to carry out a
 3 project otherwise eligible under subsection (d) using
 4 funds apportioned under section 104(b)(1).”.

5 **SEC. 1106. EMERGENCY RELIEF.**

6 Section 125 of title 23, United States Code, is
 7 amended—

8 (1) in subsection (a)(1), by inserting “wildfire,
 9 sea level rise,” after “severe storm”;

10 (2) by striking subsection (b) and inserting the
 11 following:

12 “(b) RESTRICTION ON ELIGIBILITY.—Funds under
 13 this section shall not be used for the repair or reconstruc-
 14 tion of a bridge that has been permanently closed to all
 15 vehicular traffic by the Federal, State, Tribal, or respon-
 16 sible local official because of imminent danger of collapse
 17 due to a structural deficiency or physical deterioration.”;
 18 and

19 (3) in subsection (d)—

20 (A) in paragraph (2)(A)—

21 (i) by striking the period at the end
 22 and inserting “; and”;

23 (ii) by striking “a facility that meets
 24 the current” and inserting the following:

25 “a facility that—

1 “(i) meets the current”; and
2 (iii) by adding at the end the fol-
3 lowing:

4 “(ii) incorporates economically justifi-
5 able improvements designed to mitigate the
6 risk of recurring damage from extreme
7 weather events, flooding, or other natural
8 disasters.”;

9 (B) by redesignating paragraphs (3)
10 through (5) as paragraphs (4) through (6), re-
11 spectively; and

12 (C) by inserting after paragraph (2) the
13 following:

14 “(3) PROTECTIVE FEATURES.—

15 “(A) IN GENERAL.—The cost of an im-
16 provement that is part of a project under this
17 section shall be an eligible expense under this
18 section if the improvement is a protective fea-
19 ture that is designed to mitigate the risk of re-
20 curring damage, or the cost of future repair,
21 from extreme weather events, flooding, or other
22 natural disasters.

23 “(B) PROTECTIVE FEATURES DE-
24 SCRIBED.—A protective feature referred to in
25 subparagraph (A) may include—

- 1 “(i) raising roadway grades;
- 2 “(ii) relocating roadways in a base
3 floodplain to higher ground above projected
4 flood elevation levels or away from slide
5 prone areas;
- 6 “(iii) stabilizing slide areas;
- 7 “(iv) stabilizing slopes;
- 8 “(v) installing riprap;
- 9 “(vi) lengthening or raising bridges to
10 increase waterway openings;
- 11 “(vii) deepening channels to prevent
12 flooding;
- 13 “(viii) increasing the size or number
14 of drainage structures;
- 15 “(ix) replacing culverts with bridges
16 or upsizing culverts;
- 17 “(x) repairing or maintaining tide
18 gates;
- 19 “(xi) installing seismic retrofits on
20 bridges;
- 21 “(xii) adding scour protection at
22 bridges;
- 23 “(xiii) adding scour, stream stability,
24 coastal, and other hydraulic counter-
25 measures, including spur dikes;

1 “(xiv) the use of natural infrastruc-
2 ture to mitigate the risk of recurring dam-
3 age or the cost of future repair from ex-
4 treme weather events, flooding, or other
5 natural disasters; and

6 “(xv) any other features that mitigate
7 the risk of recurring damage or the cost of
8 future repair as a result of extreme weath-
9 er events, flooding, or other natural disas-
10 ters, as determined by the Secretary.”.

11 **SEC. 1107. FEDERAL SHARE PAYABLE.**

12 Section 120(c) of title 23, United States Code, is
13 amended by adding at the end the following:

14 “(4) PROTECTIVE FEATURES.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law, the Federal share pay-
17 able for the cost of a protective feature on a
18 Federal-aid highway or bridge project under
19 this title may be up to 100 percent, at the dis-
20 cretion of the State, if the protective feature is
21 an improvement designed to mitigate the risk of
22 recurring damage, or the cost of future repair,
23 from extreme weather events, flooding, or other
24 natural disasters.

1 “(B) PROTECTIVE FEATURES DE-
2 SCRIBED.—A protective feature referred to in
3 subparagraph (A) may include—

- 4 “(i) raising roadway grades;
5 “(ii) relocating roadways in a base
6 floodplain to higher ground above projected
7 flood elevation levels or away from slide
8 prone areas;
9 “(iii) stabilizing slide areas;
10 “(iv) stabilizing slopes;
11 “(v) installing riprap;
12 “(vi) lengthening or raising bridges to
13 increase waterway openings;
14 “(vii) deepening channels to prevent
15 flooding;
16 “(viii) increasing the size or number
17 of drainage structures;
18 “(ix) replacing culverts with bridges
19 or upsizing culverts;
20 “(x) repairing or maintaining tide
21 gates;
22 “(xi) installing seismic retrofits on
23 bridges;
24 “(xii) adding scour protection at
25 bridges;

1 “(xiii) adding scour, stream stability,
2 coastal, and other hydraulic counter-
3 measures, including spur dikes;

4 “(xiv) the use of natural infrastruc-
5 ture to mitigate the risk of recurring dam-
6 age or the cost of future repair from ex-
7 treme weather events, flooding, or other
8 natural disasters; and

9 “(xv) any other features that mitigate
10 the risk of recurring damage or the cost of
11 future repair as a result of extreme weath-
12 er events, flooding, or other natural disas-
13 ters, as determined by the Secretary.”.

14 **SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.**

15 (a) IN GENERAL.—Section 130(e) of title 23, United
16 States Code, is amended—

17 (1) in the heading, by striking “PROTECTIVE
18 DEVICES” and inserting “RAILWAY-HIGHWAY
19 GRADE CROSSINGS”; and

20 (2) in paragraph (1)—

21 (A) in subparagraph (A), by striking
22 “crossings” in the matter preceding clause (i)
23 and all that follows through “2020.” in clause
24 (v) and inserting the following: “crossings and
25 as described in subparagraph (B), not less than

1 \$245,000,000 for each of fiscal years 2021
2 through 2025.”; and

3 (B) by striking subparagraph (B) and in-
4 serting the following:

5 “(B) REDUCING TRESPASSING FATALITIES
6 AND INJURIES.—A State may use funds set
7 aside under subparagraph (A) for projects to
8 reduce pedestrian fatalities and injuries from
9 trespassing at grade crossings.”.

10 (b) FEDERAL SHARE.—Section 130(f)(3) of title 23,
11 United States Code, is amended by striking “90 percent”
12 and inserting “100 percent”.

13 (c) GAO STUDY.—Not later than 3 years after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall submit to Congress a report
16 that includes an analysis of the effectiveness of the rail-
17 way-highway crossings program under section 130 of title
18 23, United States Code.

19 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
20 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
21 sense of Congress that the Department should, where fea-
22 sible, coordinate departmental efforts to prevent or reduce
23 trespasser deaths along railroad rights-of-way and at or
24 near railway-highway crossings.

1 **SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Section 133 of title 23, United
4 States Code, is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (B)—

8 (I) by adding “or” at the end;

9 (II) by striking “facilities eligi-
10 ble” and inserting the following: “fa-
11 cilities—

12 “(i) that are eligible”; and

13 (III) by adding at the end the
14 following:

15 “(ii) that are privately or majority-
16 privately owned, but that the Secretary de-
17 termines provide a substantial public
18 transportation benefit or otherwise meet
19 the foremost needs of the surface transpor-
20 tation system described in section
21 101(b)(3)(D);”;

22 (ii) in subparagraph (E), by striking
23 “and” at the end;

24 (iii) in subparagraph (F), by striking
25 the period at the end and inserting “;
26 and”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(G) wildlife crossing structures.”;

4 (B) in paragraph (3), by inserting
5 “148(a)(4)(B)(xvii),” after “119(g),”;

6 (C) by redesignating paragraphs (4)
7 through (15) as paragraphs (5), (6), (7), (8),
8 (9), (10), (11), (12), (13), (15), (16), and (17),
9 respectively;

10 (D) by inserting after paragraph (3) the
11 following:

12 “(4) Projects that use natural infrastructure
13 alone or in combination with other eligible projects
14 to enhance resilience of a transportation facility oth-
15 erwise eligible for assistance under this section.”;

16 (E) by inserting after paragraph (13) (as
17 so redesignated) the following:

18 “(14) Projects and strategies designed to re-
19 duce the number of wildlife-vehicle collisions, includ-
20 ing project-related planning, design, construction,
21 monitoring, and preventative maintenance.”; and

22 (F) by adding at the end the following:

23 “(18) Rural barge landing, dock, and water-
24 front infrastructure projects in accordance with sub-
25 section (j).”;

1 (2) in subsection (c)—

2 (A) in paragraph (2), by striking “para-
3 graphs (4) through (11)” and inserting “para-
4 graphs (5) through (12) and paragraph (18)”;

5 (B) in paragraph (3), by striking “and” at
6 the end;

7 (C) by redesignating paragraph (4) as
8 paragraph (5); and

9 (D) by inserting after paragraph (3) the
10 following:

11 “(4) for a bridge project for the replacement of
12 a low water crossing (as defined by the Secretary)
13 with a bridge; and”;

14 (3) in subsection (d)—

15 (A) in paragraph (1)(A), in the matter
16 preceding clause (i), by striking “the percentage
17 specified in paragraph (6) for a fiscal year” and
18 inserting “55 percent for each of fiscal years
19 2021 through 2025”; and

20 (B) by striking paragraph (6);

21 (4) in subsection (e)(1), in the matter preceding
22 subparagraph (A), by striking “fiscal years 2016
23 through 2020” and inserting “fiscal years 2021
24 through 2025”;

25 (5) in subsection (f)—

1 (A) in paragraph (1)—

2 (i) by inserting “or low water crossing
3 (as defined by the Secretary)” after “a
4 highway bridge”; and

5 (ii) by inserting “or low water cross-
6 ing (as defined by the Secretary)” after
7 “other than a bridge”;

8 (B) in paragraph (2)(A), by striking “ac-
9 tivities described in subsection (b)(2) for off-
10 system bridges” and inserting “activities de-
11 scribed in paragraphs (1)(A) and (10) of sub-
12 section (b) for off-system bridges, projects and
13 activities described in subsection (b)(1)(A) for
14 the replacement of low water crossings with
15 bridges, and projects and activities described in
16 subsection (b)(10) for low water crossings (as
17 defined by the Secretary),”; and

18 (C) in paragraph (3), in the matter pre-
19 ceding subparagraph (A)—

20 (i) by striking “bridge or rehabilita-
21 tion of a bridge” and inserting “bridge, re-
22 habilitation of a bridge, or replacement of
23 a low water crossing (as defined by the
24 Secretary) with a bridge”; and

1 (ii) by inserting “or, in the case of a
2 replacement of a low water crossing with a
3 bridge, is determined by the Secretary on
4 completion to have improved the safety of
5 the location” after “no longer a deficient
6 bridge”;

7 (6) in subsection (g)(1), by striking “fiscal
8 years 2016 through 2020” and inserting “fiscal
9 years 2021 through 2025”; and

10 (7) by adding at the end the following:

11 “(j) RURAL BARGE LANDING, DOCK, AND WATER-
12 FRONT INFRASTRUCTURE PROJECTS.—

13 “(1) IN GENERAL.—A State may use not more
14 than 5 percent of the funds apportioned to the State
15 under section 104(b)(2) for eligible rural barge land-
16 ing, dock, and waterfront infrastructure projects de-
17 scribed in paragraph (2).

18 “(2) ELIGIBLE PROJECTS.—An eligible rural
19 barge landing, dock, or waterfront infrastructure
20 project referred to in paragraph (1) is a project for
21 the planning, designing, engineering, or construction
22 of a barge landing, dock, or other waterfront infra-
23 structure in a rural community or a Native village
24 (as defined in section 3 of the Alaska Native Claims
25 Settlement Act (43 U.S.C. 1602))—

1 “(A) that is off the road system; and

2 “(B) for which the Secretary determines
3 there is a lack of adequate infrastructure.”.

4 (b) SET-ASIDE.—Section 133(h) of title 23, United
5 States Code, is amended—

6 (1) in paragraph (1)(A), by striking clauses (i)
7 and (ii) and inserting the following:

8 “(i) \$1,200,000,000 for fiscal year
9 2021;

10 “(ii) \$1,224,000,000 for fiscal year
11 2022;

12 “(iii) \$1,248,000,000 for fiscal year
13 2023;

14 “(iv) \$1,273,000,000 for fiscal year
15 2024; and

16 “(v) \$1,299,000,000 for fiscal year
17 2025; and”;

18 (2) by striking paragraph (2) and inserting the
19 following:

20 “(2) ALLOCATION WITHIN A STATE.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), funds reserved for a State
23 under paragraph (1) shall be obligated within
24 that State in the manner described in sub-
25 section (d), except that, for purposes of this

1 paragraph (after funds are made available
2 under paragraph (5))—

3 “(i) for each fiscal year, the percent-
4 age specified in subsection (d)(1)(A) shall
5 be deemed to be 57.5 percent; and

6 “(ii) paragraph (3) of that subsection
7 shall not apply.

8 “(B) LOCAL CONTROL.—

9 “(i) IN GENERAL.—On approval of a
10 plan submitted to the Secretary that de-
11 scribes the manner in which the plan will
12 maximize local control and the means by
13 which the State plans to comply with para-
14 graph (8), the State may allocate up to
15 100 percent of the funds referred to in
16 subparagraph (A)(i) to counties and other
17 local transportation entities.

18 “(ii) REQUIREMENT.—A State that
19 allocates funding under clause (i) to coun-
20 ties and other local transportation entities
21 shall make available an equivalent amount
22 of obligation limitation to those counties
23 and other local transportation entities.”;

24 (3) in paragraph (4)(B)—

1 (A) in clause (vii), by striking “respon-
2 sible” and all that follows through “programs”;

3 (B) in clause (viii), by inserting “that
4 serves an urbanized population of over
5 200,000” after “metropolitan planning organi-
6 zation”;

7 (C) by redesignating clauses (vii) and (viii)
8 as clauses (viii) and (ix), respectively; and

9 (D) by inserting after clause (vi) the fol-
10 lowing:

11 “(vii) a metropolitan planning organi-
12 zation that serves an urbanized population
13 of 200,000 or fewer;”;

14 (4) in paragraph (6), by adding at the end the
15 following:

16 “(C) IMPROVING ACCESSIBILITY AND EFFI-
17 CIENCY.—

18 “(i) IN GENERAL.—A State may elect
19 to use an amount equal to not more than
20 7 percent of the funds reserved for the
21 State under this subsection, after allo-
22 cating funds in accordance with paragraph
23 (2)(A), to improve the ability of applicants
24 to access funding for projects under this

1 subsection in an efficient and expeditious
2 manner by—

3 “(I) providing to applicants for
4 projects under this subsection applica-
5 tion assistance, technical assistance,
6 and assistance in reducing the period
7 of time between the selection of the
8 project and the obligation of funds for
9 the project; and

10 “(II) providing funding for 1 or
11 more full-time State employee posi-
12 tions to administer this subsection.

13 “(ii) USE OF FUNDS.—Amounts used
14 under clause (i) may be expended—

15 “(I) directly by the State; or

16 “(II) through contracts with
17 State agencies, private entities, or
18 nonprofit entities.”;

19 (5) by redesignating paragraph (7) as para-
20 graph (8); and

21 (6) by inserting after paragraph (6) the fol-
22 lowing:

23 “(7) FEDERAL SHARE.—

24 “(A) REQUIRED AGGREGATE NON-FED-
25 ERAL SHARE.—

1 “(i) IN GENERAL.—The average an-
2 nual non-Federal share of the total cost of
3 all projects carried out under this sub-
4 section in a State for a fiscal year shall be
5 not less than the non-Federal share au-
6 thorized for the State under section
7 120(b).

8 “(ii) SINGLE PROJECTS.—Subject to
9 clause (i), the Federal share of the total
10 cost of a single project carried out under
11 this subsection may be up to 100 percent.

12 “(B) FLEXIBLE FINANCING.—Subject to
13 subparagraph (A), notwithstanding section
14 120—

15 “(i) funds made available to carry out
16 section 148 may be credited toward the
17 non-Federal share of the costs of a project
18 type under this subsection that the Sec-
19 retary determines to have an expected safe-
20 ty benefit; and

21 “(ii) the non-Federal share for a
22 project under this subsection may be cal-
23 culated on a project, multiple-project, or
24 program basis.”.

1 **SEC. 1110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
2 **WAY PROJECTS.**

3 (a) IN GENERAL.—Section 117 of title 23, United
4 States Code, is amended—

5 (1) in subsection (a)(2)—

6 (A) in subparagraph (A), by inserting “in
7 and across rural and urban areas” after “peo-
8 ple”; and

9 (B) in subparagraph (F), by inserting “,
10 including highways that support movement of
11 energy equipment” after “security”;

12 (2) in subsection (b), by adding at the end the
13 following:

14 “(3) GRANT ADMINISTRATION.—The Secretary
15 may—

16 “(A) retain not more than a total of 2 per-
17 cent of the funds made available to carry out
18 this section for the National Surface Transpor-
19 tation and Innovative Finance Bureau to review
20 applications for grants under this section; and

21 “(B) transfer portions of the funds re-
22 tained under subparagraph (A) to the relevant
23 Administrators to fund the award and oversight
24 of grants provided under this section.”;

25 (3) in subsection (d)—

26 (A) in paragraph (1)(A)—

1 (i) in clause (iii)(II), by striking “or”
2 at the end;

3 (ii) in clause (iv), by striking “and” at
4 the end and inserting “or”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(v) a wildlife crossing project; and”;

8 (B) in paragraph (2)(A), in the matter
9 preceding clause (i)—

10 (i) by striking “\$500,000,000” and
11 inserting “30 percent”; and

12 (ii) by striking “fiscal years 2016
13 through 2020, in the aggregate,” and in-
14 sserting “each of fiscal years 2021 through
15 2025”; and

16 (C) by adding at the end the following:

17 “(3) CRITICAL RURAL STATE INTERSTATE
18 PROJECTS.—

19 “(A) REQUIREMENT.—Not less than
20 \$500,000,000 of the amounts made available
21 for grants under this section for fiscal years
22 2021 through 2025, in the aggregate, shall be
23 used to make grants for Interstate interchange
24 projects between 2 routes on the Interstate Sys-
25 tem that—

1 “(i) are located in a State—

2 “(I) with a population density of
3 not more than 80 persons per square
4 mile of land area, based on the 2010
5 census; and

6 “(II) that has 3 or fewer Inter-
7 state interchanges between 2 routes
8 on the Interstate System; and

9 “(ii) are projects that—

10 “(I) address a freight system
11 need identified in a State freight plan
12 under section 70202 of title 49 (re-
13 ferred to in this paragraph as a ‘State
14 freight plan’);

15 “(II) address a freight mobility
16 issue identified in a State freight
17 plan; or

18 “(III) are identified in a State
19 freight plan.

20 “(B) INCLUSION IN STATE FREIGHT
21 PLAN.—A project described in subparagraph
22 (A)(ii)(III) may include a project listed in the
23 freight investment plan required under section
24 70202(b)(9) of title 49.

1 “(C) UNUTILIZED AMOUNTS.—If, in fiscal
2 year 2025, the Secretary determines that
3 grants under this paragraph will not allow for
4 the amount reserved under subparagraph (A) to
5 be fully utilized, the Secretary shall use the un-
6 utilized amounts to make other grants under
7 this section during that fiscal year.

8 “(4) CRITICAL URBAN STATE PROJECTS.—

9 “(A) REQUIREMENT.—Not less than
10 \$500,000,000 of the amounts made available
11 for grants under this section for fiscal years
12 2021 through 2025, in the aggregate, shall be
13 used to make grants to eligible projects that are
14 located in a State with a population density of
15 not less than 400 persons per square mile of
16 land area, based on the 2010 census.

17 “(B) INCLUSION IN STATE FREIGHT
18 PLAN.—A project described in subparagraph
19 (A) may include a project listed in the freight
20 investment plan required under section
21 70202(b)(9) of title 49.

22 “(C) UNUTILIZED AMOUNTS.—If, in fiscal
23 year 2025, the Secretary determines that
24 grants under this paragraph will not allow for
25 the amount reserved under subparagraph (A) to

1 be fully utilized, the Secretary shall use the un-
2 utilized amounts to make other grants under
3 this section during that fiscal year.”;

4 (4) in subsection (e)—

5 (A) in paragraph (1), by striking “10 per-
6 cent” and inserting “not less than 15 percent”;

7 (B) in paragraph (3)—

8 (i) in subparagraph (A), by striking
9 “and” at the end;

10 (ii) in subparagraph (B), by striking
11 the period at the end and inserting “;
12 and”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(C) the effect of the proposed project on
16 safety on freight corridors with significant haz-
17 ards, such as high winds, heavy snowfall, flood-
18 ing, rockslides, mudslides, wildfire, wildlife
19 crossing onto the roadway, or steep grades.”;
20 and

21 (C) by adding at the end the following:

22 “(4) REQUIREMENT.—Of the amounts reserved
23 under paragraph (1), not less than 30 percent shall
24 be used for projects in rural areas (as defined in
25 subsection (i)(3)).”;

1 (5) in subsection (h)—

2 (A) in paragraph (2), by striking “and” at
3 the end;

4 (B) in paragraph (3), by striking the pe-
5 riod at the end and inserting “; and”; and

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

7 “(4) enhancement of freight resilience to nat-
8 ural hazards or disasters, including high winds,
9 heavy snowfall, flooding, rockslides, mudslides, wild-
10 fire, wildlife crossing onto the roadway, or steep
11 grades.”;

12 (6) in subsection (i)(2), by striking “other
13 grants under this section” and inserting “grants
14 under subsection (e)”;

15 (7) in subsection (j)—

16 (A) by striking the subsection designation
17 and heading and all that follows through “The
18 Federal share” in paragraph (1) and inserting
19 the following:

20 “(j) FEDERAL ASSISTANCE.—

21 “(1) FEDERAL SHARE.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B) or for a grant under sub-
24 section (q), the Federal share”;

1 (B) in paragraph (1), by adding at the end
2 the following:

3 “(B) SMALL PROJECTS.—In the case of a
4 project described in subsection (e)(1), the Fed-
5 eral share of the cost of the project shall be 80
6 percent.”; and

7 (C) in paragraph (2)—

8 (i) by striking “Federal assistance
9 other” and inserting “Except for grants
10 under subsection (q), Federal assistance
11 other”; and

12 (ii) by striking “except that the total
13 Federal” and inserting the following: “ex-
14 cept that—

15 “(A) for a State with a population density
16 of not more than 80 persons per square mile of
17 land area, based on the 2010 census, the max-
18 imum share of the total Federal assistance pro-
19 vided for a project receiving a grant under this
20 section shall be the applicable share under sec-
21 tion 120(b); and

22 “(B) for a State not described in subpara-
23 graph (A), the total Federal”;

24 (8) by redesignating subsections (k) through
25 (n) as subsections (l), (m), (n), and (p), respectively;

1 (9) by inserting after subsection (j) the fol-
2 lowing:

3 “(k) EFFICIENT USE OF NON-FEDERAL FUNDS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law and subject to approval by the Sec-
6 retary under paragraph (2)(B), in the case of any
7 grant for a project under this section, during the pe-
8 riod beginning on the date on which the grant recipi-
9 ent is selected and ending on the date on which the
10 grant agreement is signed—

11 “(A) the grant recipient may obligate and
12 expend non-Federal funds with respect to the
13 project for which the grant is provided; and

14 “(B) any non-Federal funds obligated or
15 expended in accordance with subparagraph (A)
16 shall be credited toward the non-Federal cost
17 share for the project for which the grant is pro-
18 vided.

19 “(2) REQUIREMENTS.—

20 “(A) APPLICATION.—In order to obligate
21 and expend non-Federal funds under paragraph
22 (1), the grant recipient shall submit to the Sec-
23 retary a request to obligate and expend non-
24 Federal funds under that paragraph, includ-
25 ing—

1 “(i) a description of the activities the
2 grant recipient intends to fund;

3 “(ii) a justification for advancing the
4 activities described in clause (i), including
5 an assessment of the effects to the project
6 scope, schedule, and budget if the request
7 is not approved; and

8 “(iii) the level of risk of the activities
9 described in clause (i).

10 “(B) APPROVAL.—The Secretary shall ap-
11 prove or disapprove each request submitted
12 under subparagraph (A).

13 “(C) COMPLIANCE WITH APPLICABLE RE-
14 QUIREMENTS.—Any non-Federal funds obli-
15 gated or expended under paragraph (1) shall
16 comply with all applicable requirements, includ-
17 ing any requirements included in the grant
18 agreement.

19 “(3) EFFECT.—The obligation or expenditure
20 of any non-Federal funds in accordance with this
21 subsection shall not—

22 “(A) affect the signing of a grant agree-
23 ment or other applicable grant procedures with
24 respect to the applicable grant;

1 “(B) create an obligation on the part of
2 the Federal Government to repay any non-Fed-
3 eral funds if the grant agreement is not signed;
4 or

5 “(C) affect the ability of recipient of the
6 grant to obligate or expend non-Federal funds
7 to meet the non-Federal cost share for the
8 project for which the grant is provided after the
9 period described in paragraph (1).”;

10 (10) by inserting after subsection (n) (as so re-
11 designated) the following:

12 “(o) APPLICANT NOTIFICATION.—

13 “(1) IN GENERAL.—Not later than 60 days
14 after the date on which a grant recipient for a
15 project under this section is selected, the Secretary
16 shall provide to each eligible applicant not selected
17 for that grant a written notification that the eligible
18 applicant was not selected.

19 “(2) INCLUSION.—A written notification under
20 paragraph (1) shall include an offer for a written or
21 telephonic debrief by the Secretary that will pro-
22 vide—

23 “(A) detail on the evaluation of the appli-
24 cation of the eligible applicant; and

1 “(B) an explanation of and guidance on
2 the reasons the application was not selected for
3 a grant under this section.

4 “(3) RESPONSE.—

5 “(A) IN GENERAL.—Not later than 30
6 days after the eligible applicant receives a writ-
7 ten notification under paragraph (1), if the eli-
8 gible applicant opts to receive a debrief de-
9 scribed in paragraph (2), the eligible applicant
10 shall notify the Secretary that the eligible appli-
11 cant is requesting a debrief.

12 “(B) DEBRIEF.—If the eligible applicant
13 submits a request for a debrief under subpara-
14 graph (A), the Secretary shall provide the de-
15 brief by not later than 60 days after the date
16 on which the Secretary receives the request for
17 a debrief.”; and

18 (11) by striking subsection (p) (as so redesign-
19 nated) and inserting the following:

20 “(p) REPORTS.—

21 “(1) ANNUAL REPORT.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other provision of law, not later than 30 days
24 after the date on which the Secretary selects a
25 project for funding under this section, the Sec-

1 retary shall submit to the Committee on Envi-
2 ronment and Public Works of the Senate and
3 the Committee on Transportation and Infra-
4 structure of the House of Representatives a re-
5 port that describes the reasons for selecting the
6 project, based on any criteria established by the
7 Secretary in accordance with this section.

8 “(B) INCLUSIONS.—The report submitted
9 under subparagraph (A) shall specify each cri-
10 terion established by the Secretary that the
11 project meets.

12 “(C) AVAILABILITY.—The Secretary shall
13 make available on the website of the Depart-
14 ment of Transportation the report submitted
15 under subparagraph (A).

16 “(D) APPLICABILITY.—This paragraph ap-
17 plies to all projects described in subparagraph
18 (A) that the Secretary selects on or after Janu-
19 ary 1, 2019.

20 “(2) COMPTROLLER GENERAL.—

21 “(A) ASSESSMENT.—The Comptroller Gen-
22 eral of the United States shall conduct an as-
23 sessment of the establishment, solicitation, se-
24 lection, and justification process with respect to
25 the funding of projects under this section.

1 “(B) REPORT.—Not later than 1 year
2 after the date of enactment of the America’s
3 Transportation Infrastructure Act of 2019 and
4 annually thereafter, the Comptroller General of
5 the United States shall submit to the Com-
6 mittee on Environment and Public Works of the
7 Senate and the Committee on Transportation
8 and Infrastructure of the House of Representa-
9 tives a report that describes, for each project
10 selected to receive funding under this section—

11 “(i) the process by which each project
12 was selected;

13 “(ii) the factors that went into the se-
14 lection of each project; and

15 “(iii) the justification for the selection
16 of each project based on any criteria estab-
17 lished by the Secretary in accordance with
18 this section.

19 “(3) INSPECTOR GENERAL.—Not later than 1
20 year after the date of enactment of the America’s
21 Transportation Infrastructure Act of 2019 and an-
22 nually thereafter, the Inspector General of the De-
23 partment of Transportation shall—

24 “(A) conduct an assessment of the estab-
25 lishment, solicitation, selection, and justification

1 process with respect to the funding of projects
2 under this section; and

3 “(B) submit to the Committee on Environ-
4 ment and Public Works of the Senate and the
5 Committee on Transportation and Infrastruc-
6 ture of the House of Representatives a final re-
7 port that describes the findings of the Inspector
8 General of the Department of Transportation
9 with respect to the assessment conducted under
10 subparagraph (A).

11 “(q) STATE INCENTIVES PILOT PROGRAM.—

12 “(1) ESTABLISHMENT.—There is established a
13 pilot program to award grants to eligible applicants
14 for projects eligible for grants under this section (re-
15 ferred to in this subsection as the ‘pilot program’).

16 “(2) PRIORITY.—In awarding grants under the
17 pilot program, the Secretary shall give priority to an
18 application that offers a greater non-Federal share
19 of the cost of a project relative to other applications
20 under the pilot program.

21 “(3) FEDERAL SHARE.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other provision of law, the Federal share of the
24 cost of a project assisted with a grant under the
25 pilot program may not exceed 50 percent.

1 “(B) NO FEDERAL INVOLVEMENT.—

2 “(i) IN GENERAL.—For grants award-
3 ed under the pilot program, except as pro-
4 vided in clause (ii), an eligible applicant
5 may not use Federal assistance to satisfy
6 the non-Federal share of the cost under
7 subparagraph (A).

8 “(ii) EXCEPTION.—An eligible appli-
9 cant may use funds from a secured loan
10 (as defined in section 601(a)) to satisfy the
11 non-Federal share of the cost under sub-
12 paragraph (A) if the loan is repayable from
13 non-Federal funds.

14 “(4) RESERVATION.—

15 “(A) IN GENERAL.—Of the amounts made
16 available to provide grants under this section,
17 the Secretary shall reserve for each fiscal year
18 \$150,000,000 to provide grants under the pilot
19 program.

20 “(B) UNUTILIZED AMOUNTS.—In any fis-
21 cal year during which applications under this
22 subsection are insufficient to effect an award or
23 allocation of the entire amount reserved under
24 subparagraph (A), the Secretary shall use the

1 unutilized amounts to provide other grants
2 under this section.

3 “(5) SET-ASIDES.—

4 “(A) SMALL PROJECTS.—

5 “(i) IN GENERAL.—Of the amounts
6 reserved under paragraph (4)(A), the Sec-
7 retary shall reserve for each fiscal year not
8 less than 10 percent for projects eligible
9 for a grant under subsection (e).

10 “(ii) REQUIREMENT.—For a grant
11 awarded from the amount reserved under
12 clause (i)—

13 “(I) the requirements of sub-
14 section (e) shall apply; and

15 “(II) the requirements of sub-
16 section (g) shall not apply.

17 “(B) RURAL PROJECTS.—

18 “(i) IN GENERAL.—Of the amounts
19 reserved under paragraph (4)(A), the Sec-
20 retary shall reserve for each fiscal year not
21 less than 25 percent for projects eligible
22 for a grant under subsection (i).

23 “(ii) REQUIREMENT.—For a grant
24 awarded from the amount reserved under

1 clause (i), the requirements of subsection
2 (i) shall apply.

3 “(6) REPORT TO CONGRESS.—Not later than 2
4 years after the date of enactment of this subsection,
5 the Secretary shall submit to the Committee on En-
6 vironment and Public Works of the Senate and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives a report that describes
9 the administration of the pilot program, including—

10 “(A) the number, types, and locations of
11 eligible applicants that have applied for grants
12 under the pilot program;

13 “(B) the number, types, and locations of
14 grant recipients under the pilot program;

15 “(C) an assessment of whether implemen-
16 tation of the pilot program has incentivized eli-
17 gible applicants to offer a greater non-Federal
18 share for grants under the pilot program; and

19 “(D) any recommendations for modifica-
20 tions to the pilot program.”.

21 (b) EFFICIENT USE OF NON-FEDERAL FUNDS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, in the case of a grant described in
24 paragraph (2), section 117(k) of title 23, United

1 States Code, shall apply to the grant as if the grant
2 was a grant provided under that section.

3 (2) GRANT DESCRIBED.—A grant referred to in
4 paragraph (1) is a grant that is—

5 (A) provided under a competitive discre-
6 tionary grant program administered by the
7 Federal Highway Administration;

8 (B) for a project eligible under title 23,
9 United States Code; and

10 (C) in an amount greater than \$5,000,000.

11 **SEC. 1111. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

12 Section 148 of title 23, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) in paragraph (4)(B)—

16 (i) in clause (xxviii), by striking
17 “through (xxvii)” and inserting “through
18 (xxviii)”;

19 (ii) by redesignating clause (xxviii) as
20 clause (xxix); and

21 (iii) by inserting after clause (xxvii)
22 the following:

23 “(xxviii) Leading pedestrian inter-
24 vals.”;

1 (B) by redesignating paragraphs (10)
2 through (12) as paragraphs (11) through (13),
3 respectively; and

4 (C) by inserting after paragraph (9) the
5 following:

6 “(10) SAFETY PROJECT UNDER ANY OTHER
7 SECTION.—

8 “(A) IN GENERAL.—The term ‘safety
9 project under any other section’ means a
10 project carried out for the purpose of safety
11 under any other section of this title.

12 “(B) INCLUSION.—The term ‘safety
13 project under any other section’ includes a
14 project, consistent with the State strategic high-
15 way safety plan, that—

16 “(i) promotes public awareness and
17 informs the public regarding highway safe-
18 ty matters (including motorcycle safety);

19 “(ii) facilitates enforcement of traffic
20 safety laws;

21 “(iii) provides infrastructure and in-
22 frastructure-related equipment to support
23 emergency services; or

1 “(iv) conducts safety-related research
2 to evaluate experimental safety counter-
3 measures or equipment.”;

4 (2) in subsection (c)(1)(A), by striking “sub-
5 sections (a)(11)” and inserting “subsections
6 (a)(12)”;

7 (3) in subsection (d)(2)(B)(i), by striking “sub-
8 section (a)(11)” and inserting “subsection (a)(12)”;
9 and

10 (4) in subsection (e), by adding at the end the
11 following:

12 “(3) FLEXIBLE FUNDING FOR SAFETY
13 PROJECTS UNDER ANY OTHER SECTION.—

14 “(A) IN GENERAL.—To advance the imple-
15 mentation of a State strategic highway safety
16 plan, a State may use not more than 25 percent
17 of the amounts apportioned to the State under
18 section 104(b)(3) for a fiscal year to carry out
19 safety projects under any other section.

20 “(B) OTHER TRANSPORTATION AND HIGH-
21 WAY SAFETY PLANS.—Nothing in this para-
22 graph requires a State to revise any State proc-
23 ess, plan, or program in effect on the date of
24 enactment of this paragraph.”.

1 **SEC. 1112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

2 Section 203(a) of title 23, United States Code, is
3 amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B), by adding “and”
6 at the end;

7 (B) in subparagraph (C), by striking “;
8 and” and inserting a period; and

9 (C) in subparagraph (D), by striking
10 “\$10,000,000” and inserting “\$20,000,000”;
11 and

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

13 “(6) NATIVE PLANT MATERIALS.—In carrying
14 out an activity described in paragraph (1), the entity
15 carrying out the activity shall consider—

16 “(A) the use of locally adapted native plant
17 materials; and

18 “(B) designs that minimize runoff and
19 heat generation.”.

20 **SEC. 1113. FEDERAL LANDS ACCESS PROGRAM.**

21 Section 204(a) of title 23, United States Code, is
22 amended—

23 (1) in paragraph (1)(A)—

24 (A) in the matter preceding clause (i), by
25 inserting “context-sensitive solutions,” after
26 “restoration,”;

1 (B) in clause (i), by inserting “, including
2 interpretive panels in or adjacent to those
3 areas” after “areas”;

4 (C) in clause (v), by striking “and” at the
5 end;

6 (D) by redesignating clause (vi) as clause
7 (ix); and

8 (E) by inserting after clause (v) the fol-
9 lowing:

10 “(vi) contextual wayfinding markers;

11 “(vii) landscaping;

12 “(viii) cooperative mitigation of visual
13 blight, including screening or removal;
14 and”;

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

16 “(6) NATIVE PLANT MATERIALS.—In carrying
17 out an activity described in paragraph (1), the Sec-
18 retary shall ensure that the entity carrying out the
19 activity considers—

20 “(A) the use of locally adapted native plant
21 materials; and

22 “(B) designs that minimize runoff and
23 heat generation.”.

1 **SEC. 1114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

2 Section 167 of title 23, United States Code, is
3 amended—

4 (1) in subsection (e)—

5 (A) in paragraph (2), by striking “150
6 miles” and inserting “300 miles”; and

7 (B) by adding at the end the following:

8 “(3) RURAL STATES.—Notwithstanding para-
9 graph (2), a State with a population per square mile
10 of area that is less than the national average, based
11 on the 2010 census, may designate as critical rural
12 freight corridors a maximum of 600 miles of high-
13 way or 25 percent of the primary highway freight
14 system mileage in the State, whichever is greater.”;

15 (2) in subsection (f)(4), by striking “75 miles”
16 and inserting “150 miles”; and

17 (3) in subsection (i)(5)(B)—

18 (A) in the matter preceding clause (i), by
19 striking “10 percent” and inserting “30 per-
20 cent”;

21 (B) in clause (i), by striking “and” at the
22 end;

23 (C) in clause (ii), by striking the period at
24 the end and inserting a semicolon; and

25 (D) by adding at the end the following:

1 “(iii) for the modernization or reha-
2 bilitation of a lock and dam, if the Sec-
3 retary determines that the project—

4 “(I) is functionally connected to
5 the National Highway Freight Net-
6 work; and

7 “(II) is likely to reduce on-road
8 mobile source emissions; and

9 “(iv) on a marine highway corridor,
10 connector, or crossing designated by the
11 Secretary under section 55601(c) of title
12 46 (including an inland waterway corridor,
13 connector, or crossing), if the Secretary de-
14 termines that the project—

15 “(I) is functionally connected to
16 the National Highway Freight Net-
17 work; and

18 “(II) is likely to reduce on-road
19 mobile source emissions.”.

20 **SEC. 1115. CONGESTION MITIGATION AND AIR QUALITY IM-**
21 **PROVEMENT PROGRAM.**

22 Section 149 of title 23, United States Code, is
23 amended—

24 (1) in subsection (b)—

1 (A) in the matter preceding paragraph (1),
2 by striking “subsection (d)” and inserting “sub-
3 sections (d) and (m)(1)(B)(ii)”;

4 (B) in paragraph (8)(B), by striking “or”
5 at the end;

6 (C) in paragraph (9), by striking the pe-
7 riod at the end and inserting a semicolon; and

8 (D) by adding at the end the following:

9 “(10) if the project is for the modernization or
10 rehabilitation of a lock and dam that—

11 “(A) is functionally connected to the Fed-
12 eral-aid highway system; and

13 “(B) the Secretary determines is likely to
14 contribute to the attainment or maintenance of
15 a national ambient air quality standard; or

16 “(11) if the project is on a marine highway cor-
17 ridor, connector, or crossing designated by the Sec-
18 retary under section 55601(e) of title 46 (including
19 an inland waterway corridor, connector, or crossing)
20 that—

21 “(A) is functionally connected to the Fed-
22 eral-aid highway system; and

23 “(B) the Secretary determines is likely to
24 contribute to the attainment or maintenance of
25 a national ambient air quality standard.”;

1 (2) in subsection (c), by adding at the end the
2 following:

3 “(4) LOCKS AND DAMS; MARINE HIGHWAYS.—
4 For each fiscal year, a State may not obligate more
5 than 10 percent of the funds apportioned to the
6 State under section 104(b)(4) for projects described
7 in paragraphs (10) and (11) of subsection (b).”; and

8 (3) by striking subsection (m) and inserting the
9 following:

10 “(m) OPERATING ASSISTANCE.—

11 “(1) IN GENERAL.—A State may obligate funds
12 apportioned under section 104(b)(4) in an area of
13 the State that is otherwise eligible for obligations of
14 such funds for operating costs—

15 “(A) under chapter 53 of title 49; or

16 “(B) on—

17 “(i) a system for which CMAQ fund-
18 ing was eligible, made available, obligated,
19 or expended in fiscal year 2012; or

20 “(ii) a State-supported Amtrak route
21 with a valid cost-sharing agreement under
22 section 209 of the Passenger Rail Invest-
23 ment and Improvement Act of 2008 (49
24 U.S.C. 24101 note; Public Law 110–432)

1 and no current nonattainment areas under
2 subsection (d).

3 “(2) NO TIME LIMITATION.—Operating assist-
4 ance provided under paragraph (1) shall have no im-
5 posed time limitation if the operating assistance is
6 for—

7 “(A) a route described in subparagraph
8 (B)(ii) of that paragraph; or

9 “(B) a transit system that is located in—

10 “(i) a non-urbanized area; or

11 “(ii) an urbanized area with a popu-
12 lation of 200,000 or fewer.”.

13 **SEC. 1116. NATIONAL SCENIC BYWAYS PROGRAM.**

14 (a) REQUEST FOR NOMINATIONS.—Not later than 90
15 days after the date of enactment of this Act, the Secretary
16 shall issue a request for nominations with respect to roads
17 to be designated under the national scenic byways pro-
18 gram, as described in section 162(a) of title 23, United
19 States Code. The Secretary shall make the request for
20 nominations available on the appropriate website of the
21 Department.

22 (b) DESIGNATION DETERMINATIONS.—Not later
23 than 1 year after the date on which the request for nomi-
24 nations required under subsection (a) is issued, the Sec-
25 retary shall make publicly available on the appropriate

1 website of the Department a list specifying the roads,
2 nominated pursuant to such request, to be designated
3 under the national scenic byways program.

4 **SEC. 1117. ALASKA HIGHWAY.**

5 Section 218 of title 23, United States Code, is
6 amended to read as follows:

7 **“§ 218. Alaska Highway**

8 “(a) Recognizing the benefits that will accrue to the
9 State of Alaska and to the United States from the recon-
10 struction of the Alaska Highway from the Alaskan border
11 at Beaver Creek, Yukon Territory, to Haines Junction in
12 Canada and the Haines Cutoff Highway from Haines
13 Junction in Canada to Haines, Alaska, the Secretary may
14 provide for the necessary reconstruction of the highway
15 using funds awarded through an applicable competitive
16 grant program, if the highway meets all applicable eligi-
17 bility requirements for the program, except for the specific
18 requirements established by the agreement for the Alaska
19 Highway Project between the Government of the United
20 States and the Government of Canada. In addition to the
21 funds described in the previous sentence, notwithstanding
22 any other provision of law and on agreement with the
23 State of Alaska, the Secretary is authorized to expend on
24 such highway or the Alaska Marine Highway System any
25 Federal-aid highway funds apportioned to the State of

1 Alaska under this title at a Federal share of 100 per cen-
2 tum. No expenditures shall be made for the construction
3 of the portion of such highways that are in Canada unless
4 an agreement is in place between the Government of Can-
5 ada and the Government of the United States (including
6 an agreement in existence on the date of enactment of the
7 America’s Transportation Infrastructure Act of 2019)
8 that provides, in part, that the Canadian Government—

9 “(1) will provide, without participation of funds
10 authorized under this title, all necessary right-of-way
11 for the reconstruction of such highways;

12 “(2) will not impose any highway toll, or permit
13 any such toll to be charged for the use of such high-
14 ways by vehicles or persons;

15 “(3) will not levy or assess, directly or indi-
16 rectly, any fee, tax, or other charge for the use of
17 such highways by vehicles or persons from the
18 United States that does not apply equally to vehicles
19 or persons of Canada;

20 “(4) will continue to grant reciprocal recogni-
21 tion of vehicle registration and driver’s licenses in
22 accordance with agreements between the United
23 States and Canada; and

1 “(5) will maintain such highways after their
2 completion in proper condition adequately to serve
3 the needs of present and future traffic.

4 “(b) The survey and construction work undertaken
5 in Canada pursuant to this section shall be under the gen-
6 eral supervision of the Secretary.

7 “(c) For purposes of this section, the term ‘Alaska
8 Marine Highway System’ includes all existing or planned
9 transportation facilities and equipment in Alaska, includ-
10 ing the lease, purchase, or construction of vessels, termi-
11 nals, docks, floats, ramps, staging areas, parking lots,
12 bridges and approaches thereto, and necessary roads.”.

13 **SEC. 1118. TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.**

14 Section 129(e) of title 23, United States Code, is
15 amended in the matter preceding paragraph (1) by strik-
16 ing “the construction of ferry boats and ferry terminal fa-
17 cilities, whether toll or free,” and inserting “the construc-
18 tion of ferry boats and ferry terminal facilities (including
19 ferry maintenance facilities), whether toll or free, and the
20 procurement of transit vehicles used exclusively as an inte-
21 gral part of an intermodal ferry trip,”.

22 **SEC. 1119. BRIDGE INVESTMENT PROGRAM.**

23 (a) IN GENERAL.—Chapter 1 of title 23, United
24 States Code, is amended by inserting after section 123 the
25 following:

1 **“§ 124. Bridge investment program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ELIGIBLE PROJECT.—

4 “(A) IN GENERAL.—The term ‘eligible
5 project’ means a project to replace, rehabilitate,
6 preserve, or protect 1 or more bridges on the
7 National Bridge Inventory under section
8 144(b).

9 “(B) INCLUSIONS.—The term ‘eligible
10 project’ includes—

11 “(i) a bundle of projects described in
12 subparagraph (A), regardless of whether
13 the bundle of projects meets the require-
14 ments of section 144(j)(5); and

15 “(ii) a project to replace or rehabili-
16 tate culverts for the purpose of improving
17 flood control and improved habitat
18 connectivity for aquatic species.

19 “(2) LARGE PROJECT.—The term ‘large
20 project’ means an eligible project with total eligible
21 project costs of greater than \$100,000,000.

22 “(3) PROGRAM.—The term ‘program’ means
23 the bridge investment program established by sub-
24 section (b)(1).

25 “(b) ESTABLISHMENT OF BRIDGE INVESTMENT PRO-
26 GRAM.—

1 “(1) IN GENERAL.—There is established a
2 bridge investment program to provide financial as-
3 sistance for eligible projects under this section.

4 “(2) GOALS.—The goals of the program shall
5 be—

6 “(A) to improve the safety, efficiency, and
7 reliability of the movement of people and freight
8 over bridges;

9 “(B) to improve the condition of bridges in
10 the United States by reducing—

11 “(i) the number of bridges—

12 “(I) in poor condition; or

13 “(II) in fair condition and at risk
14 of falling into poor condition within
15 the next 3 years;

16 “(ii) the total person miles traveled
17 over bridges—

18 “(I) in poor condition; or

19 “(II) in fair condition and at risk
20 of falling into poor condition within
21 the next 3 years;

22 “(iii) the number of bridges that—

23 “(I) do not meet current geo-
24 metric design standards; or

1 “(II) cannot meet the load and
2 traffic requirements typical of the re-
3 gional transportation network; and

4 “(iv) the total person miles traveled
5 over bridges that—

6 “(I) do not meet current geo-
7 metric design standards; or

8 “(II) cannot meet the load and
9 traffic requirements typical of the re-
10 gional transportation network; and

11 “(C) to provide financial assistance that
12 leverages and encourages non-Federal contribu-
13 tions from sponsors and stakeholders involved
14 in the planning, design, and construction of eli-
15 gible projects.

16 “(c) GRANT AUTHORITY.—

17 “(1) IN GENERAL.—In carrying out the pro-
18 gram, the Secretary may award grants, on a com-
19 petitive basis, in accordance with this section.

20 “(2) GRANT AMOUNTS.—Except as otherwise
21 provided, a grant under the program shall be—

22 “(A) in the case of a large project, in an
23 amount that is—

1 “(i) adequate to fully fund the project
2 (in combination with other financial re-
3 sources identified in the application); and

4 “(ii) not less than \$50,000,000; and

5 “(B) in the case of any other eligible
6 project, in an amount that is—

7 “(i) adequate to fully fund the project
8 (in combination with other financial re-
9 sources identified in the application); and

10 “(ii) not less than \$2,500,000.

11 “(3) MAXIMUM AMOUNT.—Except as otherwise
12 provided, for an eligible project receiving assistance
13 under the program, the amount of assistance pro-
14 vided by the Secretary under this section, as a share
15 of eligible project costs, shall be—

16 “(A) in the case of a large project, not
17 more than 50 percent; and

18 “(B) in the case of any other eligible
19 project, not more than 80 percent.

20 “(4) FEDERAL SHARE.—

21 “(A) MAXIMUM FEDERAL INVOLVE-
22 MENT.—Federal assistance other than a grant
23 under the program may be used to satisfy the
24 non-Federal share of the cost of a project for
25 which a grant is made, except that the total

1 Federal assistance provided for a project receiv-
2 ing a grant under the program may not exceed
3 the Federal share for the project under section
4 120.

5 “(B) OFF-SYSTEM BRIDGES.—In the case
6 of an eligible project for an off-system bridge
7 (as defined in section 133(f)(1))—

8 “(i) Federal assistance other than a
9 grant under the program may be used to
10 satisfy the non-Federal share of the cost of
11 a project; and

12 “(ii) notwithstanding subparagraph
13 (A), the total Federal assistance provided
14 for the project shall not exceed 90 percent
15 of the total eligible project costs.

16 “(C) FEDERAL LAND MANAGEMENT AGEN-
17 CIES AND TRIBAL GOVERNMENTS.—Notwith-
18 standing any other provision of law, Federal
19 funds other than Federal funds made available
20 under this section may be used to pay the re-
21 maining share of the cost of a project under the
22 program by a Federal land management agency
23 or a Tribal government or consortium of Tribal
24 governments.

25 “(5) CONSIDERATIONS.—

1 “(A) IN GENERAL.—In awarding grants
2 under the program, the Secretary shall con-
3 sider—

4 “(i) in the case of a large project, the
5 ratings assigned under subsection
6 (g)(5)(A);

7 “(ii) in the case of an eligible project
8 other than a large project, the quality rat-
9 ing assigned under subsection (f)(3)(A)(ii);

10 “(iii) the average daily person and
11 freight throughput supported by the eligi-
12 ble project;

13 “(iv) the number and percentage of
14 bridges within the same State as the eligi-
15 ble project that are in poor condition;

16 “(v) the extent to which the eligible
17 project demonstrates cost savings by bun-
18 dling multiple bridge projects;

19 “(vi) in the case of an eligible project
20 of a Federal land management agency, the
21 extent to which the grant would reduce a
22 Federal liability or Federal infrastructure
23 maintenance backlog;

24 “(vii) geographic diversity among
25 grant recipients, including the need for a

1 balance between the needs of rural and
2 urban communities; and

3 “(viii) the extent to which a bridge
4 that would be assisted with a grant—

5 “(I) is, without that assistance—

6 “(aa) at risk of falling into
7 or remaining in poor condition;
8 or

9 “(bb) in fair condition and
10 at risk of falling into poor condi-
11 tion within the next 3 years;

12 “(II) does not meet current geo-
13 metric design standards based on—

14 “(aa) the current use of the
15 bridge; or

16 “(bb) load and traffic re-
17 quirements typical of the regional
18 corridor or local network in
19 which the bridge is located; or

20 “(III) does not meet current seis-
21 mic design standards.

22 “(B) REQUIREMENT.—The Secretary
23 shall—

1 “(i) give priority to an application for
2 an eligible project that is located within a
3 State for which—

4 “(I) 2 or more applications for
5 eligible projects within the State were
6 submitted for the current fiscal year
7 and an average of 2 or more applica-
8 tions for eligible projects within the
9 State were submitted in prior fiscal
10 years of the program; and

11 “(II) fewer than 2 grants have
12 been awarded for eligible projects
13 within the State under the program;

14 “(ii) during the period of fiscal years
15 2021 through 2025, for each State de-
16 scribed in clause (i), select—

17 “(I) not fewer than 1 large
18 project that the Secretary determines
19 is justified under the evaluation under
20 subsection (g)(4); or

21 “(II) 2 eligible projects that are
22 not large projects that the Secretary
23 determines are justified under the
24 evaluation under subsection (f)(3);
25 and

1 “(iii) not be required to award a grant
2 for an eligible project that the Secretary
3 does not determine is justified under an
4 evaluation under subsection (f)(3) or
5 (g)(4).

6 “(6) CULVERT LIMITATION.—Not more than 5
7 percent of the amounts made available for each fis-
8 cal year for grants under the program may be used
9 for eligible projects that consist solely of culvert re-
10 placement or rehabilitation.

11 “(d) ELIGIBLE ENTITY.—The Secretary may make
12 a grant under the program to any of the following:

13 “(1) A State or a group of States.

14 “(2) A metropolitan planning organization that
15 serves an urbanized area (as designated by the Bu-
16 reau of the Census) with a population of over
17 200,000.

18 “(3) A unit of local government or a group of
19 local governments.

20 “(4) A political subdivision of a State or local
21 government.

22 “(5) A special purpose district or public author-
23 ity with a transportation function.

24 “(6) A Federal land management agency.

1 “(7) A Tribal government or a consortium of
2 Tribal governments.

3 “(8) A multistate or multijurisdictional group
4 of entities described in paragraphs (1) through (7).

5 “(e) ELIGIBLE PROJECT REQUIREMENTS.—The Sec-
6 retary may make a grant under the program only to an
7 eligible entity for an eligible project that—

8 “(1) in the case of a large project, the Sec-
9 retary recommends for funding in the annual report
10 on funding recommendations under subsection
11 (g)(6);

12 “(2) is reasonably expected to begin construc-
13 tion not later than 18 months after the date on
14 which funds are obligated for the project; and

15 “(3) is based on the results of preliminary engi-
16 neering.

17 “(f) COMPETITIVE PROCESS AND EVALUATION OF
18 ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

19 “(1) COMPETITIVE PROCESS.—

20 “(A) IN GENERAL.—The Secretary shall—

21 “(i) for the first fiscal year for which
22 funds are made available for obligation
23 under the program, not later than 60 days
24 after the date on which the template under
25 subparagraph (B)(i) is developed, and in

1 subsequent fiscal years, not later than 60
2 days after the date on which amounts are
3 made available for obligation under the
4 program, solicit grant applications for eli-
5 gible projects other than large projects;
6 and

7 “(ii) not later than 120 days after the
8 date on which the solicitation under clause
9 (i) expires, conduct evaluations under
10 paragraph (3).

11 “(B) REQUIREMENTS.—In carrying out
12 subparagraph (A), the Secretary shall—

13 “(i) develop a template for applicants
14 to use to summarize project needs and
15 benefits, including benefits described in
16 paragraph (3)(B)(i); and

17 “(ii) enable applicants to use data
18 from the National Bridge Inventory under
19 section 144(b) to populate templates de-
20 scribed in clause (i), as applicable.

21 “(2) APPLICATIONS.—An eligible entity shall
22 submit to the Secretary an application at such time,
23 in such manner, and containing such information as
24 the Secretary may require.

25 “(3) EVALUATION.—

1 “(A) IN GENERAL.—Prior to providing a
2 grant under this subsection, the Secretary
3 shall—

4 “(i) conduct an evaluation of each eli-
5 gible project for which an application is re-
6 ceived under this subsection; and

7 “(ii) assign a quality rating to the eli-
8 gible project on the basis of the evaluation
9 under clause (i).

10 “(B) REQUIREMENTS.—In carrying out an
11 evaluation under subparagraph (A), the Sec-
12 retary shall—

13 “(i) consider information on project
14 benefits submitted by the applicant using
15 the template developed under paragraph
16 (1)(B)(i), including whether the project
17 will generate, as determined by the Sec-
18 retary—

19 “(I) costs avoided by the preven-
20 tion of closure or reduced use of the
21 bridge to be improved by the project;

22 “(II) in the case of a bundle of
23 projects, benefits from executing the
24 projects as a bundle compared to as
25 individual projects;

1 “(III) safety benefits, including
2 the reduction of accidents and related
3 costs;

4 “(IV) person and freight mobility
5 benefits, including congestion reduc-
6 tion and reliability improvements;

7 “(V) national or regional eco-
8 nomic benefits;

9 “(VI) benefits from long-term re-
10 siliency to extreme weather events,
11 flooding, or other natural disasters;

12 “(VII) benefits from protection
13 (as described in section 133(b)(10)),
14 including improving seismic or scour
15 protection;

16 “(VIII) environmental benefits,
17 including wildlife connectivity;

18 “(IX) benefits to nonvehicular
19 and public transportation users;

20 “(X) benefits of using—

21 “(aa) innovative design and
22 construction techniques; or

23 “(bb) innovative tech-
24 nologies; or

1 “(XI) reductions in maintenance
2 costs, including, in the case of a feder-
3 ally owned bridge, cost savings to the
4 Federal budget; and

5 “(ii) consider whether and the extent
6 to which the benefits, including the bene-
7 fits described in clause (i), are more likely
8 than not to outweigh the total project
9 costs.

10 “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-
11 NUAL REPORT FOR LARGE PROJECTS.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish an annual date by which an eligible entity sub-
14 mitting an application for a large project shall sub-
15 mit to the Secretary such information as the Sec-
16 retary may require, including information described
17 in paragraph (2), in order for a large project to be
18 considered for a recommendation by the Secretary
19 for funding in the next annual report under para-
20 graph (6).

21 “(2) INFORMATION REQUIRED.—The informa-
22 tion referred to in paragraph (1) includes—

23 “(A) all necessary information required for
24 the Secretary to evaluate the large project; and

1 “(B) information sufficient for the Sec-
2 retary to determine that—

3 “(i) the large project meets the appli-
4 cable requirements under this section; and

5 “(ii) there is a reasonable likelihood
6 that the large project will continue to meet
7 the requirements under this section.

8 “(3) DETERMINATION; NOTICE.—On making a
9 determination that information submitted to the
10 Secretary under paragraph (1) is sufficient, the Sec-
11 retary shall provide a written notice of that deter-
12 mination to—

13 “(A) the eligible entity that submitted the
14 application;

15 “(B) the Committee on Environment and
16 Public Works of the Senate; and

17 “(C) the Committee on Transportation and
18 Infrastructure of the House of Representatives.

19 “(4) EVALUATION.—The Secretary may rec-
20 ommend a large project for funding in the annual
21 report under paragraph (6) only if the Secretary
22 evaluates the proposed project and determines that
23 the project is justified because the project—

24 “(A) addresses a need to improve the con-
25 dition of the bridge, as determined by the Sec-

1 retary, consistent with the goals of the program
2 under subsection (b)(2);

3 “(B) will generate, as determined by the
4 Secretary—

5 “(i) costs avoided by the prevention of
6 closure or reduced use of the bridge to be
7 improved by the project;

8 “(ii) in the case of a bundle of
9 projects, benefits from executing the
10 projects as a bundle compared to as indi-
11 vidual projects;

12 “(iii) safety benefits, including the re-
13 duction of accidents and related costs;

14 “(iv) person and freight mobility bene-
15 fits, including congestion reduction and re-
16 liability improvements;

17 “(v) national or regional economic
18 benefits;

19 “(vi) benefits from long-term resil-
20 iency to extreme weather events, flooding,
21 or other natural disasters;

22 “(vii) benefits from protection (as de-
23 scribed in section 133(b)(10)), including
24 improving seismic or scour protection;

1 “(viii) environmental benefits, includ-
2 ing wildlife connectivity;
3 “(ix) benefits to nonvehicular and
4 public transportation users;
5 “(x) benefits of using—
6 “(I) innovative design and con-
7 struction techniques; or
8 “(II) innovative technologies; or
9 “(xi) reductions in maintenance costs,
10 including, in the case of a federally owned
11 bridge, cost savings to the Federal budget;
12 “(C) is cost effective based on an analysis
13 of whether the benefits and avoided costs de-
14 scribed in subparagraph (B) are expected to
15 outweigh the project costs;
16 “(D) is supported by other Federal or non-
17 Federal financial commitments or revenues ade-
18 quate to fund ongoing maintenance and preser-
19 vation; and
20 “(E) is consistent with the objectives of an
21 applicable asset management plan of the project
22 sponsor, including a State asset management
23 plan under section 119(e) in the case of a
24 project on the National Highway System that is
25 sponsored by a State.

1 “(5) RATINGS.—

2 “(A) IN GENERAL.—The Secretary shall
3 develop a methodology to evaluate and rate a
4 large project on a 5-point scale (the points of
5 which include ‘high’, ‘medium-high’, ‘medium’,
6 ‘medium-low’, and ‘low’) for each of—

7 “(i) paragraph (4)(B);

8 “(ii) paragraph (4)(C); and

9 “(iii) paragraph (4)(D).

10 “(B) REQUIREMENT.—To be considered
11 justified and receive a recommendation for
12 funding in the annual report under paragraph
13 (6), a project shall receive a rating of not less
14 than ‘medium’ for each rating required under
15 subparagraph (A).

16 “(6) ANNUAL REPORT ON FUNDING REC-
17 OMMENDATIONS FOR LARGE PROJECTS.—

18 “(A) IN GENERAL.—Not later than the
19 first Monday in February of each year, the Sec-
20 retary shall submit to the Committees on
21 Transportation and Infrastructure and Appro-
22 priations of the House of Representatives and
23 the Committees on Environment and Public
24 Works and Appropriations of the Senate a re-
25 port that includes—

1 “(i) a list of large projects that have
2 requested a recommendation for funding
3 under a new grant agreement from funds
4 anticipated to be available to carry out this
5 subsection in the next fiscal year;

6 “(ii) the evaluation under paragraph
7 (4) and ratings under paragraph (5) for
8 each project referred to in clause (i);

9 “(iii) the grant amounts that the Sec-
10 retary recommends providing to large
11 projects in the next fiscal year, including—

12 “(I) scheduled payments under
13 previously signed multiyear grant
14 agreements under subsection (j);

15 “(II) payments for new grant
16 agreements, including single-year
17 grant agreements and multiyear grant
18 agreements; and

19 “(III) a description of how
20 amounts anticipated to be available
21 for the program from the Highway
22 Trust Fund for that fiscal year will be
23 distributed; and

24 “(iv) for each project for which the
25 Secretary recommends a new multiyear

1 grant agreement under subsection (j), the
2 proposed payout schedule for the project.

3 “(B) LIMITATIONS.—

4 “(i) IN GENERAL.—The Secretary
5 shall not recommend in an annual report
6 under this paragraph a new multiyear
7 grant agreement provided from funds from
8 the Highway Trust Fund unless the Sec-
9 retary determines that the project can be
10 completed using funds that are anticipated
11 to be available from the Highway Trust
12 Fund in future fiscal years.

13 “(ii) GENERAL FUND PROJECTS.—
14 The Secretary—

15 “(I) may recommend for funding
16 in an annual report under this para-
17 graph a large project using funds
18 from the general fund of the Treas-
19 ury; but

20 “(II) shall not execute a grant
21 agreement for that project unless—

22 “(aa) funds other than from
23 the Highway Trust Fund have
24 been made available for the
25 project; and

1 “(bb) the Secretary deter-
2 mines that the project can be
3 completed using funds other than
4 from the Highway Trust Fund
5 that are anticipated to be avail-
6 able in future fiscal years.

7 “(C) CONSIDERATIONS.—In selecting
8 projects to recommend for funding in the an-
9 nual report under this paragraph, the Secretary
10 shall—

11 “(i) consider the amount of funds
12 available in future fiscal years for
13 multiyear grant agreements as described in
14 subparagraph (B); and

15 “(ii) assume the availability of funds
16 in future fiscal years for multiyear grant
17 agreements that extend beyond the period
18 of authorization based on the amount
19 made available for large projects under the
20 program in the last fiscal year of the pe-
21 riod of authorization.

22 “(D) PROJECT DIVERSITY.—In selecting
23 projects to recommend for funding in the an-
24 nual report under this paragraph, the Secretary

1 shall ensure diversity among projects rec-
2 ommended based on—

3 “(i) the amount of the grant re-
4 quested; and

5 “(ii) grants for an eligible project for
6 1 bridge compared to an eligible project
7 that is a bundle of projects.

8 “(h) ELIGIBLE PROJECT COSTS.—A grant received
9 for an eligible project under the program may be used
10 for—

11 “(1) development phase activities, including
12 planning, feasibility analysis, revenue forecasting,
13 environmental review, preliminary engineering and
14 design work, and other preconstruction activities;

15 “(2) construction, reconstruction, rehabilitation,
16 acquisition of real property (including land related
17 to the project and improvements to the land), envi-
18 ronmental mitigation, construction contingencies, ac-
19 quisition of equipment, and operational improve-
20 ments directly related to improving system perform-
21 ance; and

22 “(3) expenses related to the protection (as de-
23 scribed in section 133(b)(10)) of a bridge, including
24 seismic or scour protection.

1 “(i) TIFIA PROGRAM.—On the request of an eligible
2 entity carrying out an eligible project, the Secretary may
3 use amounts awarded to the entity to pay subsidy and ad-
4 ministrative costs necessary to provide to the entity Fed-
5 eral credit assistance under chapter 6 with respect to the
6 eligible project for which the grant was awarded.

7 “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE
8 PROJECTS.—

9 “(1) IN GENERAL.—A large project that re-
10 ceives a grant under the program in an amount of
11 not less than \$100,000,000 may be carried out
12 through a multiyear grant agreement in accordance
13 with this subsection.

14 “(2) REQUIREMENTS.—A multiyear grant
15 agreement for a large project described in paragraph
16 (1) shall—

17 “(A) establish the terms of participation by
18 the Federal Government in the project;

19 “(B) establish the maximum amount of
20 Federal financial assistance for the project in
21 accordance with paragraphs (3) and (4) of sub-
22 section (c);

23 “(C) establish a payout schedule for the
24 project that provides for disbursement of the
25 full grant amount by not later than 4 fiscal

1 years after the fiscal year in which the initial
2 amount is provided;

3 “(D) determine the period of time for com-
4 pleting the project, even if that period extends
5 beyond the period of an authorization; and

6 “(E) attempt to improve timely and effi-
7 cient management of the project, consistent
8 with all applicable Federal laws (including regu-
9 lations).

10 “(3) SPECIAL FINANCIAL RULES.—

11 “(A) IN GENERAL.—A multiyear grant
12 agreement under this subsection—

13 “(i) shall obligate an amount of avail-
14 able budget authority specified in law; and

15 “(ii) may include a commitment, con-
16 tingent on amounts to be specified in law
17 in advance for commitments under this
18 paragraph, to obligate an additional
19 amount from future available budget au-
20 thority specified in law.

21 “(B) STATEMENT OF CONTINGENT COM-
22 MITMENT.—The agreement shall state that the
23 contingent commitment is not an obligation of
24 the Federal Government.

1 “(C) INTEREST AND OTHER FINANCING
2 COSTS.—

3 “(i) IN GENERAL.—Interest and other
4 financing costs of carrying out a part of
5 the project within a reasonable time shall
6 be considered a cost of carrying out the
7 project under a multiyear grant agreement,
8 except that eligible costs may not be more
9 than the cost of the most favorable financ-
10 ing terms reasonably available for the
11 project at the time of borrowing.

12 “(ii) CERTIFICATION.—The applicant
13 shall certify to the Secretary that the ap-
14 plicant has shown reasonable diligence in
15 seeking the most favorable financing
16 terms.

17 “(4) ADVANCE PAYMENT.—Notwithstanding
18 any other provision of law, an eligible entity carrying
19 out a large project under a multiyear grant agree-
20 ment—

21 “(A) may use funds made available to the
22 eligible entity under this title for eligible project
23 costs of the large project until the amount spec-
24 ified in the multiyear grant agreement for the

1 project for that fiscal year becomes available for
2 obligation; and

3 “(B) if the eligible entity uses funds as de-
4 scribed in subparagraph (A), the funds used
5 shall be reimbursed from the amount made
6 available under the multiyear grant agreement
7 for the project.

8 “(k) UNDERTAKING PARTS OF PROJECTS IN AD-
9 VANCE UNDER LETTERS OF NO PREJUDICE.—

10 “(1) IN GENERAL.—The Secretary may pay to
11 an applicant all eligible project costs under the pro-
12 gram, including costs for an activity for an eligible
13 project incurred prior to the date on which the
14 project receives funding under the program if—

15 “(A) before the applicant carries out the
16 activity, the Secretary approves through a letter
17 to the applicant the activity in the same man-
18 ner as the Secretary approves other activities as
19 eligible under the program;

20 “(B) a record of decision, a finding of no
21 significant impact, or a categorical exclusion
22 under the National Environmental Policy Act of
23 1969 (42 U.S.C. 4321 et seq.) has been issued
24 for the eligible project; and

1 “(C) the activity is carried out without
2 Federal assistance and in accordance with all
3 applicable procedures and requirements.

4 “(2) INTEREST AND OTHER FINANCING
5 COSTS.—

6 “(A) IN GENERAL.—For purposes of para-
7 graph (1), the cost of carrying out an activity
8 for an eligible project includes the amount of
9 interest and other financing costs, including
10 any interest earned and payable on bonds, to
11 the extent interest and other financing costs are
12 expended in carrying out the activity for the eli-
13 gible project, except that interest and other fi-
14 nancing costs may not be more than the cost of
15 the most favorable financing terms reasonably
16 available for the eligible project at the time of
17 borrowing.

18 “(B) CERTIFICATION.—The applicant shall
19 certify to the Secretary that the applicant has
20 shown reasonable diligence in seeking the most
21 favorable financing terms under subparagraph
22 (A).

23 “(3) NO OBLIGATION OR INFLUENCE ON REC-
24 COMMENDATIONS.—An approval by the Secretary
25 under paragraph (1)(A) shall not—

1 “(A) constitute an obligation of the Fed-
2 eral Government; or

3 “(B) alter or influence any evaluation
4 under subsection (f)(3)(A)(i) or (g)(4) or any
5 recommendation by the Secretary for funding
6 under the program.

7 “(1) FEDERALLY OWNED BRIDGES.—

8 “(1) DIVESTITURE CONSIDERATION.—In the
9 case of a bridge owned by a Federal land manage-
10 ment agency for which that agency applies for a
11 grant under the program, the agency—

12 “(A) shall consider options to divest the
13 bridge to a State or local entity after comple-
14 tion of the project; and

15 “(B) may apply jointly with the State or
16 local entity to which the bridge may be divested.

17 “(2) TREATMENT.—Notwithstanding any other
18 provision of law, section 129 shall apply to a bridge
19 that was previously owned by a Federal land man-
20 agement agency and has been transferred to a non-
21 Federal entity under paragraph (1) in the same
22 manner as if the bridge was never federally owned.

23 “(m) CONGRESSIONAL NOTIFICATION.—Not later
24 than 30 days before making a grant for an eligible project
25 under the program, the Secretary shall submit to the Com-

1 mittee on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Environment
3 and Public Works of the Senate a written notification of
4 the proposed grant that includes—

5 “(1) an evaluation and justification for the eli-
6 gible project; and

7 “(2) the amount of the proposed grant.

8 “(n) REPORTS.—

9 “(1) ANNUAL REPORT.—Not later than August
10 1 of each fiscal year, the Secretary shall make avail-
11 able on the website of the Department of Transpor-
12 tation an annual report that lists each eligible
13 project for which a grant has been provided under
14 the program during the fiscal year.

15 “(2) GAO ASSESSMENT AND REPORT.—Not
16 later than 3 years after the date of enactment of the
17 America’s Transportation Infrastructure Act of
18 2019, the Comptroller General of the United States
19 shall—

20 “(A) conduct an assessment of the admin-
21 istrative establishment, solicitation, selection,
22 and justification process with respect to the
23 funding of grants under the program; and

24 “(B) submit to the Committee on Trans-
25 portation and Infrastructure of the House of

1 Representatives and the Committee on Environ-
2 ment and Public Works of the Senate a report
3 that describes—

4 “(i) the adequacy and fairness of the
5 process under which each eligible project
6 that received a grant under the program
7 was selected; and

8 “(ii) the justification and criteria used
9 for the selection of each eligible project.

10 “(o) LIMITATION.—

11 “(1) LARGE PROJECTS.—Of the amounts made
12 available out of the Highway Trust Fund (other
13 than the Mass Transit Account) to carry out this
14 section for each of fiscal years 2021 through 2025,
15 not less than 50 percent, in aggregate, shall be used
16 for large projects.

17 “(2) UNUTILIZED AMOUNTS.—If, in fiscal year
18 2025, the Secretary determines that grants under
19 the program will not allow for the requirement under
20 paragraph (1) to be met, the Secretary shall use the
21 unutilized amounts to make other grants under the
22 program during that fiscal year.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by insert-
25 ing after the item relating to section 123 the following:

“124. Bridge investment program.”.

1 **SEC. 1120. SAFE ROUTES TO SCHOOL PROGRAM.**

2 Section 1404 of SAFETEA-LU (23 U.S.C. 402 note;
3 Public Law 109–59) is amended—

4 (1) in subsection (a), by striking “primary and
5 middle” and inserting “primary, middle, and high”;
6 and

7 (2) in subsection (k)(2)—

8 (A) in the heading, by striking “PRIMARY
9 AND MIDDLE” and inserting “PRIMARY, MID-
10 DLE, AND HIGH”;

11 (B) by striking “primary and middle” and
12 inserting “primary, middle, and high”; and

13 (C) by striking “eighth grade” and insert-
14 ing “12th grade”.

15 **SEC. 1121. HIGHWAY USE TAX EVASION PROJECTS.**

16 Section 143(b)(2)(A) of title 23, United States Code,
17 is amended by striking “fiscal years 2016 through 2020”
18 and inserting “fiscal years 2021 through 2025”.

19 **SEC. 1122. CONSTRUCTION OF FERRY BOATS AND FERRY**
20 **TERMINAL FACILITIES.**

21 Section 147 of title 23, United States Code, is
22 amended by striking subsection (h) and inserting the fol-
23 lowing:

24 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated out of the Highway Trust

1 Fund (other than the Mass Transit Account) to carry out
2 this section—

3 “(1) \$86,000,000 for fiscal year 2021;

4 “(2) \$87,000,000 for fiscal year 2022;

5 “(3) \$88,000,000 for fiscal year 2023;

6 “(4) \$89,000,000 for fiscal year 2024; and

7 “(5) \$90,000,000 for fiscal year 2025.”.

8 **SEC. 1123. BALANCE EXCHANGES FOR INFRASTRUCTURE**
9 **PROGRAM.**

10 (a) IN GENERAL.—Chapter 1 of title 23, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 171. Balance exchanges for infrastructure program**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ADMINISTRATIVELY ALLOCATED.—The
16 term ‘administratively allocated’ means the alloca-
17 tion by the Secretary of budget authority for a
18 project under the TIFIA program that occurs
19 when—

20 “(A) a potential applicant has been invited
21 into the creditworthiness phase for a project
22 under the TIFIA program; or

23 “(B) the project is subject to a master
24 credit agreement (as defined in section 601(a)),
25 in accordance with section 602(b)(2).

1 “(2) APPALACHIAN STATE.—The term ‘Appa-
2 lachian State’ means a State that contains 1 or
3 more counties in the Appalachian region (as defined
4 in section 14102(a) of title 40).

5 “(3) PROGRAM.—The term ‘program’ means
6 the Balance Exchanges for Infrastructure Program
7 established under subsection (b).

8 “(4) TIFIA CARRYOVER BALANCE.—

9 “(A) IN GENERAL.—The term ‘TIFIA car-
10 ryover balance’ means the amounts made avail-
11 able for the TIFIA program for previous fiscal
12 years that are unobligated and have not been
13 administratively allocated.

14 “(B) INCLUSION.—The term ‘TIFIA car-
15 ryover balance’ includes—

16 “(i) the applicable amount of contract
17 authority for the amounts described in
18 subparagraph (A); and

19 “(ii) the equivalent amount of obliga-
20 tion limitation for the fiscal year in which
21 the Secretary makes a transfer under sub-
22 section (f)(2).

23 “(5) TIFIA PROGRAM.—The term ‘TIFIA pro-
24 gram’ has the meaning given the term in section
25 601(a).

1 “(b) ESTABLISHMENT.—The Secretary shall estab-
 2 lish a program, to be known as the ‘Balance Exchanges
 3 for Infrastructure Program’, in accordance with this sec-
 4 tion to provide flexibility for the Secretary and States to
 5 improve highway infrastructure.

6 “(c) OFFER TO FUND PROJECTS OR EXCHANGE
 7 FUNDS.—

8 “(1) SOLICITATION.—For each fiscal year for
 9 which an amount is reserved under subsection (f)(1),
 10 the Secretary shall—

11 “(A) not later than December 1 of that fis-
 12 cal year—

13 “(i) solicit requests from Appalachian
 14 States to return amounts under subsection
 15 (d)(1)(A); and

16 “(ii) solicit applications from Appa-
 17 lachian States for grants under subsection
 18 (e); and

19 “(B) require that, not later than 60 days
 20 after the date of the solicitations under sub-
 21 paragraph (A), each Appalachian State that
 22 elects to participate in the program shall submit
 23 to the Secretary either—

24 “(i) a request that describes the
 25 amount that the Appalachian State re-

1 quests to return under subsection
2 (d)(1)(A); or

3 “(ii) an application for a grant under
4 subsection (e).

5 “(d) EXCHANGE AGREEMENTS.—

6 “(1) IN GENERAL.—The Secretary shall enter
7 into an agreement with each Appalachian State that
8 submits a request under subsection (c)(1)(A)(i)
9 under which—

10 “(A) the Appalachian State shall return to
11 the Secretary all, or at the discretion of the Ap-
12 palachian State, a portion of, the unobligated
13 amounts from the Highway Trust Fund (in-
14 cluding the applicable amount of contract au-
15 thority and an equal amount of special no-year
16 obligation limitation associated with that con-
17 tract authority) apportioned to the Appalachian
18 State for the Appalachian development highway
19 system under section 14501 of title 40 (but not
20 including any amounts made available by an ap-
21 propriations Act without an initial authoriza-
22 tion); and

23 “(B) the Secretary shall transfer to the
24 Appalachian State, from amounts transferred to
25 the program under subsection (f)(2) for that

1 fiscal year, an amount (including the applicable
2 amount of contract authority and an equal
3 amount of annual obligation limitation) equal to
4 the amount that the Appalachian State re-
5 turned under subparagraph (A) that shall be
6 used to carry out projects described in para-
7 graph (3).

8 “(2) STATE LIMITATION.—The amount of con-
9 tract authority returned by an Appalachian State
10 under paragraph (1)(A) may not exceed the amount
11 of the special no-year obligation limitation available
12 to the Appalachian State prior to the return of the
13 special no-year obligation limitation under that para-
14 graph.

15 “(3) ELIGIBLE PROJECTS.—

16 “(A) IN GENERAL.—A project eligible to
17 be carried out using funds transferred to an
18 Appalachian State under paragraph (1)(B) is a
19 project described in section 133(b).

20 “(B) FEDERAL SHARE.—The Federal
21 share of the cost of a project carried out using
22 funds transferred to an Appalachian State
23 under paragraph (1)(B) shall be up to 100 per-
24 cent, at the discretion of the Appalachian State.

1 “(C) APPLICATION OF SECTION 133.—Ex-
2 cept as otherwise provided in this paragraph,
3 section 133 shall not apply to a project carried
4 out using funds transferred to an Appalachian
5 State under paragraph (1)(B).

6 “(4) TOTAL LIMITATION.—For each fiscal year,
7 the total amount exchanged under paragraph (1)
8 shall not exceed the amount available to be trans-
9 ferred to the program under subsection (f).

10 “(5) AMOUNTS EXCHANGED.—For each fiscal
11 year, if the total amount requested by all Appa-
12 lachian States to return under paragraph (1)(A) is
13 greater than the amount available to be transferred
14 to the program under subsection (f), the Secretary
15 shall exchange amounts under paragraph (1) based
16 on the proportion that—

17 “(A) the amount requested to be returned
18 for the fiscal year by the Appalachian State;
19 bears to

20 “(B) the amount requested to be returned
21 for the fiscal year by all Appalachian States.

22 “(e) APPALACHIAN DEVELOPMENT HIGHWAY SYS-
23 TEM CORRIDOR GRANTS.—

24 “(1) IN GENERAL.—Using amounts returned to
25 the Secretary under subsection (d)(1)(A), the Sec-

1 retary shall provide grants of contract authority, to
2 remain available until expended, and subject to spe-
3 cial no-year obligation limitation, on a competitive
4 basis to Appalachian States for eligible projects de-
5 scribed in paragraph (2).

6 “(2) ELIGIBLE PROJECT.—A project eligible to
7 be carried out with a grant under this subsection is
8 a project that is—

9 “(A) eligible under section 14501 of title
10 40 as of the date of enactment of this section;
11 and

12 “(B) reasonably expected to begin con-
13 struction by not later than 2 years after the
14 date of obligation of funds provided under this
15 subsection for the project.

16 “(3) APPLICATION.—To be eligible to receive a
17 grant under this subsection, an Appalachian State
18 shall submit to the Secretary an application at such
19 time, in such manner, and containing such informa-
20 tion as the Secretary may require.

21 “(4) FEDERAL SHARE.—The Federal share of
22 the cost of a project carried out using a grant pro-
23 vided under this subsection shall be up to 100 per-
24 cent, at the discretion of the Appalachian State.

1 “(5) LIMITATION.—An Appalachian State that
2 enters into an agreement to exchange funds under
3 subsection (d) for any fiscal year shall not be eligible
4 to receive a grant under this subsection.

5 “(f) TRANSFER FROM TIFIA PROGRAM.—

6 “(1) IN GENERAL.—On October 1 of each fiscal
7 year, the Secretary shall reserve, for the purpose of
8 funding transfers under paragraph (2) until the
9 transfers are completed, the amount of TIFIA carry-
10 over balance that exceeds the amount authorized to
11 carry out the TIFIA program for that fiscal year.

12 “(2) TRANSFERS.—For each fiscal year, not
13 later than 60 days after the date on which the Sec-
14 retary receives the responses to the solicitations
15 under subsection (c)(1) or the date on which the full
16 appropriation for that fiscal year is available, which-
17 ever is later, the Secretary shall transfer from the
18 TIFIA program to the program an amount of con-
19 tract authority and an equal amount of obligation
20 limitation, to remain available until expended, that is
21 equal to the lesser of—

22 “(A) the total amount requested by all Ap-
23 palachian States for the fiscal year under sub-
24 section (c)(1)(B)(i);

1 “(B) the total amount requested by all Ap-
 2 palachian States for grants under subsection
 3 (c)(1)(B)(ii); and

4 “(C) the amount reserved under paragraph
 5 (1).”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
 7 ter 1 of title 23, United States Code, is amended by insert-
 8 ing after the item relating to section 170 the following:
 “171. Balance exchanges for infrastructure program.”.

9 **SEC. 1124. SAFETY INCENTIVE PROGRAMS.**

10 (a) IN GENERAL.—

11 (1) FORMULA SAFETY INCENTIVE PROGRAM.—
 12 Chapter 1 of title 23, United States Code (as
 13 amended by section 1123(a)), is amended by adding
 14 at the end the following:

15 **“§ 172. Formula safety incentive program**

16 “(a) DEFINITIONS.—In this section:

17 “(1) METROPOLITAN PLANNING ORGANIZATION;
 18 URBANIZED AREA.—The terms ‘metropolitan plan-
 19 ning organization’ and ‘urbanized area’ have the
 20 meaning given those terms in section 134(b).

21 “(2) TRANSPORTATION MANAGEMENT AREA.—
 22 The term ‘transportation management area’ means
 23 a transportation management area identified or des-
 24 ignated by the Secretary under section 134(k)(1).

1 “(3) VULNERABLE ROAD USER.—The term
2 ‘vulnerable road user’ means a nonmotorist (as that
3 term is used in the Fatality Analysis Reporting Sys-
4 tem of the National Highway Traffic Safety Admin-
5 istration).

6 “(4) VULNERABLE ROAD USER SAFETY FOCUS
7 AREA.—The term ‘vulnerable road user safety focus
8 area’ means—

9 “(A) an urbanized area with combined fa-
10 tality rate of vulnerable road users that is
11 greater than 1.5 per 100,000 individuals; or

12 “(B) a State in which fatalities of vulner-
13 able road users combined represents not less
14 than 15 percent of the total annual crash fatali-
15 ties in the State.

16 “(b) FORMULA FUNDING AWARDS.—

17 “(1) IN GENERAL.—For each fiscal year, the
18 Secretary shall distribute among the States the
19 amounts made available to carry out this section for
20 that fiscal year in accordance with paragraph (2).

21 “(2) DISTRIBUTION.—The amount for each
22 State shall be determined by multiplying the total
23 amount of funding made available to carry out this
24 section for the applicable fiscal year by the ratio
25 that—

1 “(A) the total base apportionment for the
2 State under section 104(c); bears to

3 “(B) the total base apportionments for all
4 States under section 104(c).

5 “(c) SAFETY SUPPLEMENTAL.—

6 “(1) IN GENERAL.—A State shall use 50 per-
7 cent of the amount distributed to the State under
8 subsection (b) for each fiscal year to carry out the
9 eligible activities under paragraph (2).

10 “(2) ELIGIBLE ACTIVITIES.—

11 “(A) STATES.—Subject to paragraph
12 (4)(A), a State shall use the funds under para-
13 graph (1) for a highway safety improvement
14 project or strategy included on the State stra-
15 tegic highway safety plan (as defined in section
16 148(a)) of the State.

17 “(B) MPOs.—Subject to paragraph
18 (4)(B), a metropolitan planning organization
19 that is required to obligate funds under sub-
20 section (e) shall use the funds under paragraph
21 (1) for a highway safety improvement project
22 (as defined in section 148(a)).

23 “(3) FEDERAL SHARE.—The Federal share of
24 the cost of a project carried out with funds under

1 paragraph (1) shall be determined in accordance
2 with section 120.

3 “(4) LIMITATION ON FLEXIBILITY.—

4 “(A) STATES.—Notwithstanding para-
5 graph (2)(A), a State that is a vulnerable road
6 user safety focus area shall use the funds under
7 paragraph (1) for a highway safety improve-
8 ment project (as defined in section 148(a)) to
9 improve the safety of vulnerable road users, re-
10 gardless of whether the project is included on
11 the State strategic highway safety plan (as de-
12 fined in section 148(a)) of the State.

13 “(B) MPOs.—Notwithstanding paragraph
14 (2)(B), a metropolitan planning organization
15 that is required to obligate funds under sub-
16 section (e) that contains an area designated as
17 a vulnerable road user safety focus area shall
18 use the funds under paragraph (1) for a high-
19 way safety improvement project (as defined in
20 section 148(a)) to improve the safety of vulner-
21 able road users.

22 “(d) SAFETY PLANNING INCENTIVE.—

23 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
24 MENTS.—

1 “(A) IN GENERAL.—A State may, in con-
2 sultation with metropolitan planning organiza-
3 tions within the State, develop and publish a
4 State vulnerable road user safety assessment
5 described in subparagraph (B).

6 “(B) STATE VULNERABLE ROAD USER
7 SAFETY ASSESSMENT DESCRIBED.—A vulner-
8 able road user safety assessment referred to in
9 subparagraph (A) is an assessment of the safe-
10 ty performance of the State with respect to vul-
11 nerable road users and the plan of the State,
12 developed in consultation with the metropolitan
13 planning organizations within the State, if any,
14 to improve the safety of vulnerable road users,
15 which shall—

16 “(i) include the approximate location
17 within the State of each vulnerable road
18 user fatality during the most recently re-
19 ported 2-year period of final data from the
20 Fatality Analysis Reporting System of the
21 National Highway Traffic Safety Adminis-
22 tration and the operating speed of the
23 roadway at that location;

24 “(ii) include the corridors within the
25 State on which a vulnerable road user fa-

1 tality has occurred during the most re-
2 cently reported 2-year period of final data
3 from the Fatality Analysis Reporting Sys-
4 tem of the National Highway Traffic Safe-
5 ty Administration and the operating speeds
6 of those corridors;

7 “(iii) include a list of projects within
8 the State that primarily address the safety
9 of vulnerable road users that—

10 “(I) have been completed during
11 the 2 most recent fiscal years prior to
12 date of the publication of the vulner-
13 able road user safety assessment, in-
14 cluding the amount of funding that
15 has been dedicated to those projects,
16 described in total amounts and as a
17 percentage of total capital expendi-
18 tures;

19 “(II) are planned to be completed
20 during the 2 fiscal years following the
21 date of the publication of the vulner-
22 able road user assessment, including
23 the amount of funding that the State
24 plans to be dedicated to those
25 projects, described in total amounts

1 and as a percentage of total capital
2 expenditures; and

3 “(III) have the potential to be in-
4 cluded on the list described in sub-
5 clause (II) once the permitting and
6 approval processes for those projects
7 are complete, including the reason for
8 the delay in the completion of those
9 processes, if any; and

10 “(iv) be reviewed and certified by the
11 Secretary to have met the requirements of
12 this subparagraph.

13 “(2) ACCELERATION OF SAFETY PROJECT DE-
14 LIVERY.—For each project identified by a State
15 under paragraph (1)(B)(iii)(III), to the maximum
16 extent practicable, the Secretary, in consultation
17 with the State, shall use the authority under section
18 1420 of the FAST Act (23 U.S.C. 101 note; Public
19 Law 114–94) to accelerate delivery of the project.

20 “(3) SAFETY PLAN INCENTIVE.—A State shall
21 use 50 percent of the amounts made available to the
22 State under subsection (b) for each fiscal year to
23 carry out eligible activities under paragraph (4).

24 “(4) ELIGIBLE ACTIVITIES.—

1 “(A) IN GENERAL.—A State and any met-
2 ropolitan planning organization in the State
3 that is required to obligate funds under sub-
4 section (e) may use funds under paragraph (3)
5 for a project or strategy described in subsection
6 (b)(2).

7 “(B) ADDITIONAL ELIGIBILITY INCEN-
8 TIVE.—In addition to the eligible activities
9 under subparagraph (A), a State and any met-
10 ropolitan planning organization in the State
11 that is required to obligate funds under sub-
12 section (e) may use the funds under paragraph
13 (3) for a project eligible under section 133(b)
14 if—

15 “(i) the State has, within the fiscal
16 year prior to the fiscal year in which the
17 Secretary is making the grant or by a
18 deadline established by the Secretary in
19 the fiscal year in which the Secretary is
20 making the grant, conducted and published
21 a vulnerable road user safety assessment
22 described in paragraph (1)(B) that has
23 been approved by the Secretary under
24 clause (iv) of that paragraph; or

1 “(ii) for a State that has previously
2 published a vulnerable road user safety as-
3 sessment described in paragraph (1)(B)
4 that has been approved by the Secretary
5 under clause (iv) of that paragraph—

6 “(I) the State has, within the fis-
7 cal year prior to the fiscal year in
8 which the Secretary is making the
9 grant or by a deadline established by
10 the Secretary in the fiscal year in
11 which the Secretary is making the
12 grant, updated the estimates de-
13 scribed in clauses (i) and (ii) of para-
14 graph (1)(B); and

15 “(II) the State and the metro-
16 politan planning organization have,
17 within the 4 fiscal years prior to the
18 fiscal year in which the Secretary is
19 making the grant or by a deadline es-
20 tablished by the Secretary in the fiscal
21 year in which the Secretary is making
22 the grant, incorporated a vulnerable
23 road user safety assessment described
24 in paragraph (1)(B) into—

1 “(aa) a long-range transpor-
2 tation plan developed by the met-
3 ropolitan planning organization
4 under section 134(c), if any; and

5 “(bb) the long-range state-
6 wide transportation plan devel-
7 oped by the State under section
8 135(f)(1).

9 “(5) FEDERAL SHARE.—The Federal share of
10 the cost of a project carried out using funds under
11 paragraph (3)—

12 “(A) in the case of a State or metropolitan
13 planning organization within a State that meets
14 the requirements under paragraph (4)(B), may
15 be up to 100 percent, at the discretion of the
16 State; and

17 “(B) in the case of a State or metropolitan
18 planning organization within a State that is not
19 described in subparagraph (A), shall be deter-
20 mined in accordance with section 120.

21 “(e) SUBALLOCATION REQUIREMENTS.—

22 “(1) IN GENERAL.—For each fiscal year, of the
23 funds made available to a State under subsections
24 (c) and (d)—

1 “(A) 65 percent of each amount shall be
2 obligated, in proportion to their relative shares
3 of the population of the State—

4 “(i) in urbanized areas of the State
5 with an urbanized area population of over
6 200,000; and

7 “(ii) in other areas of the State; and

8 “(B) the remainder may be obligated in
9 any area of the State.

10 “(2) METROPOLITAN AREAS.—Funds attributed
11 to an urbanized area under paragraph (1)(A)(i) may
12 be obligated in the metropolitan area established
13 under section 134 that encompasses the urbanized
14 area.

15 “(3) DISTRIBUTION AMONG URBANIZED AREAS
16 OF OVER 200,000 POPULATION.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), the amount that a State is
19 required to obligate under paragraph (1)(A)(i)
20 shall be obligated in urbanized areas described
21 in paragraph (1)(A)(i) based on the relative
22 population of the areas.

23 “(B) OTHER FACTORS.—The State may
24 obligate the funds described in subparagraph
25 (A) based on other factors if—

1 “(i) the State and the relevant metro-
 2 politan planning organizations jointly apply
 3 to the Secretary for the permission to base
 4 the obligation on other factors; and

5 “(ii) the Secretary grants the request.

6 “(4) CONSULTATION IN URBANIZED AREAS.—
 7 Before obligating funds for an activity under sub-
 8 sections (c) or (d) in an urbanized area that is not
 9 a transportation management area, a State shall
 10 consult with any metropolitan planning organization
 11 that represents the urbanized area prior to deter-
 12 mining which activities should be carried out.

13 “(5) CONSULTATION IN RURAL AREAS.—Before
 14 obligating funds for an eligible activity under sub-
 15 sections (c) and (d) in a rural area, a State shall
 16 consult with any regional transportation planning
 17 organization or metropolitan planning organization
 18 that represents a rural area of the State prior to de-
 19 termining which activities should be carried out.

20 **“§ 173. Fatality reduction performance program**

21 “(a) DEFINITIONS.—In this section:

22 “(1) METROPOLITAN PLANNING ORGANIZATION;
 23 URBANIZED AREA.—The terms ‘metropolitan plan-
 24 ning organization’ and ‘urbanized area’ have the
 25 meaning given those terms in section 134(b).

1 “(2) QUALIFYING STATE.—The term ‘qualifying
2 State’ means a State in which—

3 “(A) the average fatality and serious in-
4 jury rates per 100,000,000 vehicle-miles-trav-
5 eled within the State during the 3-year period
6 beginning on January 1 of the fiscal year that
7 was 3 years prior to the fiscal year in which the
8 Secretary is making the grant under this sec-
9 tion has grown more slowly or declined, as com-
10 pared to the average fatality and serious injury
11 rates per 100,000,000 vehicle-miles-traveled
12 within the State during the 3-year period begin-
13 ning on January 1 of the fiscal year that was
14 6 years prior to the fiscal year in which the
15 Secretary is making the grant under this sec-
16 tion;

17 “(B) the average annual number of serious
18 injuries and fatalities within the State, as meas-
19 ured on a per capita basis, during the 3-year
20 period beginning on January 1 of the fiscal
21 year that was 3 years prior to the fiscal year
22 in which the Secretary is making the grant
23 under this section has grown more slowly or de-
24 clined, as compared to the average annual num-
25 ber of serious injuries and fatalities within the

1 State, as measured on a per capita basis, dur-
2 ing the 3-year period beginning on January 1
3 of the fiscal year that was 6 years prior to the
4 fiscal year in which the Secretary is making the
5 grant under this section;

6 “(C) the average annual number of fatali-
7 ties within the State, as measured on a per cap-
8 ita basis, during the 3-year period beginning on
9 January 1 of the fiscal year that was 3 years
10 prior to the fiscal year in which the Secretary
11 is making the grant under this section is less
12 than $\frac{1}{2}$ of the nationwide average annual per
13 capita number of fatalities during that period;
14 or

15 “(D)(i) the performance targets set by the
16 State under subsection (d)(1) of section 150, in
17 accordance with subsection (c)(4) of that sec-
18 tion, in the most recently completed perform-
19 ance cycle prior to the year in which the Sec-
20 retary is making the funds available under this
21 section demonstrate a reduction in the number
22 and rate of serious injuries and fatalities; and

23 “(ii) the State has met or exceeded the
24 performance targets described in clause (i).

1 “(3) QUALIFYING UNIT OF LOCAL GOVERN-
2 MENT.—The term ‘qualifying unit of local govern-
3 ment’ means a unit of local government in an urban-
4 ized area served by a metropolitan planning organi-
5 zation in which—

6 “(A) the average fatality and serious in-
7 jury rates per 100,000,000 vehicle-miles-trav-
8 eled within the urbanized area during the 3-
9 year period beginning on January 1 of the fis-
10 cal year that was 3 years prior to the fiscal
11 year in which the Secretary is making the grant
12 under this section has grown more slowly or de-
13 clined, as compared to the average fatality and
14 serious injury rates per 100,000,000 vehicle-
15 miles-traveled within the urbanized area during
16 the 3-year period beginning on January 1 of
17 the fiscal year that was 6 years prior to the fis-
18 cal year in which the Secretary is making the
19 grant under this section;

20 “(B) the average annual number of serious
21 injuries and fatalities within the urbanized
22 area, as measured on a per capita basis, during
23 the 3-year period beginning on January 1 of
24 the fiscal year that was 3 years prior to the fis-
25 cal year in which the Secretary is making the

1 grant under this section has grown more slowly
2 or declined, as compared to the average annual
3 per capita number of serious injuries and fatali-
4 ties within the urbanized area during the 3-year
5 period beginning on January 1 of the fiscal
6 year that was 6 years prior to the fiscal year
7 in which the Secretary is making the grant
8 under this section;

9 “(C) the average annual number of fatali-
10 ties within the urbanized area, as measured on
11 a per capita basis, during the 3-year period be-
12 ginning on January 1 of the fiscal year that
13 was 3 years prior to the fiscal year in which the
14 Secretary is making the grant under this sec-
15 tion is less than $\frac{1}{2}$ of the nationwide average
16 annual per capita number of fatalities during
17 that period; or

18 “(D)(i) the performance targets set for the
19 urbanized area under section 150(c)(4), in ac-
20 cordance with section 134(h)(2)(B)(i), in the
21 most recently completed performance cycle prior
22 to the year in which the Secretary is making
23 the grant under this section demonstrate a re-
24 duction in the number and rate of serious inju-
25 ries and fatalities; and

1 “(ii) the urbanized area has met or exceed-
2 ed the performance targets described in clause
3 (i).

4 “(4) SERIOUS INJURIES AND FATALITIES.—The
5 term ‘serious injuries and fatalities’ means serious
6 injuries and fatalities, as measured in accordance
7 with the measures established under section
8 150(c)(4).

9 “(b) FATALITY REDUCTION PERFORMANCE AND
10 PLANNING RECOGNITION AWARDS.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish a competitive grant program to award grants to
13 eligible entities in recognition of the achievement of
14 the eligible entity in meeting the performance cat-
15 egories described in paragraph (3)(A).

16 “(2) ELIGIBLE ENTITIES.—The Secretary shall
17 distribute amounts under paragraph (1) to any of
18 the following:

19 “(A) A qualifying State.

20 “(B) A qualifying unit of local government.

21 “(3) PERFORMANCE CATEGORIES.—

22 “(A) IN GENERAL.—The Secretary shall
23 select eligible entities to receive a grant under
24 paragraph (1) to recognize the achievement of

1 the eligible entity in meeting any of the fol-
2 lowing performance categories:

3 “(i) Significant progress in reducing
4 serious injuries and fatalities, as measured
5 on a per capita basis.

6 “(ii) Significant progress in reducing
7 the rates of serious injuries and fatalities
8 per vehicle-mile traveled.

9 “(iii) Having a per capita number of
10 serious injuries and fatalities that is
11 among the lowest of jurisdictions with
12 comparable population and surface trans-
13 portation system characteristics.

14 “(iv) Having a per vehicle-mile trav-
15 eled number of serious injuries and fatali-
16 ties that is among the lowest of jurisdic-
17 tions with comparable population and sur-
18 face transportation system characteristics.

19 “(v) Innovative safety planning efforts
20 and implementation of plans leading to
21 achievement with respect to the reduction
22 of serious injuries and fatalities.

23 “(B) MERIT BASED DISTRIBUTION.—In se-
24 lecting among eligible entities to receive grants
25 under paragraph (1) and the amounts of each

1 of those grants, the Secretary shall give priority
2 to eligible entities that have achieved the most
3 significant levels of reduction in serious injuries
4 and fatalities, as measured either on a per cap-
5 ita basis or per-vehicle mile traveled basis.

6 “(C) MULTIPLE AWARDS.—The Secretary
7 may—

8 “(i) award a grant under paragraph
9 (1) to multiple eligible entities for each
10 performance category described in sub-
11 paragraph (A); and

12 “(ii) recognize achievements in each
13 performance category described in sub-
14 paragraph (A)—

15 “(I) in urban and rural areas;

16 and

17 “(II) on the State and local level.

18 “(D) REPEAT AWARDS.—The Secretary
19 may not award a grant under this subsection to
20 the same eligible entity more than once during
21 a 2-year period.

22 “(4) AWARD AMOUNT.—A grant under para-
23 graph (1) shall be in an amount—

24 “(A) not less than \$5,000,000; and

25 “(B) not more than \$30,000,000.

1 “(5) ELIGIBLE USES.—An eligible entity may
2 use a grant under paragraph (1) for—

3 “(A) an activity eligible under this title; or

4 “(B) a project—

5 “(i) to maintain the condition of a
6 Federal-aid highway, including routine
7 maintenance; or

8 “(ii) that—

9 “(I) responds to a specific condi-
10 tion or event; and

11 “(II) restores a Federal-aid high-
12 way to a functional state of oper-
13 ations.

14 “(6) APPLICATIONS.—To be eligible to receive a
15 grant under paragraph (1), an eligible entity shall
16 submit to the Secretary an application at such time,
17 in such manner, and containing such information as
18 the Secretary may require.

19 “(7) FEDERAL SHARE.—The Federal share of
20 the cost of a project carried out using a grant under
21 paragraph (1) shall be, as determined at the discre-
22 tion of the grant recipient, up to 100 percent.”.

23 (2) CLERICAL AMENDMENT.—The analysis for
24 chapter 1 of title 23, United States Code (as amend-

1 ed by section 1123(b)), is amended by inserting
 2 after the item relating to section 171 the following:

“172. Formula safety incentive program.

“173. Fatality reduction performance program.”.

3 (b) VULNERABLE ROAD USER RESEARCH PLAN.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) ADMINISTRATOR.—The term “Admin-
 6 istrator” means the Secretary of Transpor-
 7 tation, acting through the Administrator of the
 8 Federal Highway Administration.

9 (B) VULNERABLE ROAD USER.—The term
 10 “vulnerable road user” has the meaning given
 11 the term in section 172(a) of title 23, United
 12 States Code.

13 (2) ESTABLISHMENT OF RESEARCH PLAN.—

14 The Administrator shall establish a research plan to
 15 prioritize research on roadway designs, the develop-
 16 ment of safety countermeasures to minimize fatali-
 17 ties and serious injuries to vulnerable road users,
 18 and the promotion of bicycling and walking, includ-
 19 ing research relating to—

20 (A) roadway safety improvements, includ-
 21 ing traffic calming techniques and vulnerable
 22 road user accommodations appropriate in a sub-
 23 urban arterial context;

1 (B) the impacts of traffic speeds, and ac-
2 cess to low-traffic stress corridors, on safety
3 and rates of bicycling and walking;

4 (C) tools to evaluate the impact of trans-
5 portation improvements on projected rates and
6 safety of bicycling and walking; and

7 (D) other research areas to be determined
8 by the Administrator.

9 (3) VULNERABLE ROAD USER ASSESSMENTS.—

10 The Administrator shall—

11 (A) review each vulnerable road user safety
12 assessment submitted by a State under section
13 172(c) of title 23, United States Code, and
14 other relevant sources of data to determine
15 what, if any, standard definitions and methods
16 should be developed through guidance to enable
17 a State to collect pedestrian injury and fatality
18 data; and

19 (B) in the first progress update under
20 paragraph (4)(B), provide—

21 (i) the results of the determination de-
22 scribed in subparagraph (A); and

23 (ii) the recommendations of the Sec-
24 retary with respect to the collection and re-

1 porting of data on the safety of vulnerable
2 road users.

3 (4) SUBMISSION; PUBLICATION.—

4 (A) SUBMISSION OF PLAN.—Not later than
5 180 days after the date of enactment of this
6 Act, the Administrator shall submit to the Com-
7 mittee on Environment and Public Works of the
8 Senate and the Committee on Transportation
9 and Infrastructure of the House of Representa-
10 tives the research plan described in paragraph
11 (2).

12 (B) PROGRESS UPDATES.—Not later than
13 2 years after the date of enactment of this Act,
14 and biannually thereafter, the Administrator
15 shall submit to the Committees described in
16 subparagraph (A)—

17 (i) updates on the progress and find-
18 ings of the research conducted pursuant to
19 the plan described in paragraph (2); and

20 (ii) in the first submission under this
21 subparagraph, the results and rec-
22 ommendations described in paragraph
23 (3)(B).

1 **SEC. 1125. WILDLIFE CROSSING SAFETY.**

2 (a) DECLARATION OF POLICY.—Section
3 101(b)(3)(D) of title 23, United States Code, is amended,
4 in the matter preceding clause (i), by inserting “resilient,”
5 after “efficient,”.

6 (b) WILDLIFE CROSSINGS PILOT PROGRAM.—

7 (1) IN GENERAL.—Chapter 1 of title 23, United
8 States Code (as amended by section 1124(a)(1)), is
9 amended by adding at the end the following:

10 **“§ 174. Wildlife crossings pilot program**

11 “(a) FINDING.—Congress finds that greater adoption
12 of wildlife-vehicle collision safety countermeasures is in the
13 public interest because—

14 “(1) according to the report of the Federal
15 Highway Administration entitled ‘Wildlife-Vehicle
16 Collision Reduction Study’, there are more than
17 1,000,000 wildlife-vehicle collisions every year;

18 “(2) wildlife-vehicle collisions—

19 “(A) present a danger to—

20 “(i) human safety; and

21 “(ii) wildlife survival; and

22 “(B) represent a persistent concern that
23 results in tens of thousands of serious injuries
24 and hundreds of fatalities on the roadways of
25 the United States;

1 “(3) the total annual cost associated with wild-
2 life-vehicle collisions has been estimated to be
3 \$8,388,000,000; and

4 “(4) wildlife-vehicle collisions are a major
5 threat to the survival of species, including birds, rep-
6 tiles, mammals, and amphibians.

7 “(b) ESTABLISHMENT.—The Secretary shall estab-
8 lish a competitive wildlife crossings pilot program (re-
9 ferred to in this section as the ‘pilot program’) to provide
10 grants for projects that seek to achieve—

11 “(1) a reduction in the number of wildlife-vehi-
12 cle collisions; and

13 “(2) in carrying out the purpose described in
14 paragraph (1), improved habitat connectivity for ter-
15 restrial and aquatic species.

16 “(c) ELIGIBLE ENTITIES.—An entity eligible to apply
17 for a grant under the pilot program is—

18 “(1) a State highway agency, or an equivalent
19 of that agency;

20 “(2) a metropolitan planning organization (as
21 defined in section 134(b));

22 “(3) a unit of local government;

23 “(4) a regional transportation authority;

1 “(5) a special purpose district or public author-
2 ity with a transportation function, including a port
3 authority;

4 “(6) an Indian tribe (as defined in section
5 207(m)(1)), including a Native village and a Native
6 Corporation (as those terms are defined in section 3
7 of the Alaska Native Claims Settlement Act (43
8 U.S.C. 1602));

9 “(7) a Federal land management agency; or

10 “(8) a group of any of the entities described in
11 paragraphs (1) through (7).

12 “(d) APPLICATIONS.—

13 “(1) IN GENERAL.—To be eligible to receive a
14 grant under the pilot program, an eligible entity
15 shall submit to the Secretary an application at such
16 time, in such manner, and containing such informa-
17 tion as the Secretary may require.

18 “(2) REQUIREMENT.—If an application under
19 paragraph (1) is submitted by an eligible entity
20 other than an eligible entity described in paragraph
21 (1) or (7) of subsection (c), the application shall in-
22 clude documentation that the State highway agency,
23 or an equivalent of that agency, of the State in
24 which the eligible entity is located was consulted
25 during the development of the application.

1 “(3) GUIDANCE.—To enhance consideration of
2 current and reliable data, eligible entities may obtain
3 guidance from an agency in the State with jurisdic-
4 tion over fish and wildlife.

5 “(e) CONSIDERATIONS.—In selecting grant recipients
6 under the pilot program, the Secretary shall take into con-
7 sideration the following:

8 “(1) Primarily, the extent to which the pro-
9 posed project of an eligible entity is likely to protect
10 motorists and wildlife by reducing the number of
11 wildlife-vehicle collisions and improve habitat
12 connectivity for terrestrial and aquatic species.

13 “(2) Secondly, the extent to which the pro-
14 posed project of an eligible entity is likely to accom-
15 plish the following:

16 “(A) Leveraging Federal investment by en-
17 couraging non-Federal contributions to the
18 project, including projects from public-private
19 partnerships.

20 “(B) Supporting local economic develop-
21 ment and improvement of visitation opportuni-
22 ties.

23 “(C) Incorporation of innovative tech-
24 nologies, including advanced design techniques
25 and other strategies to enhance efficiency and

1 effectiveness in reducing wildlife-vehicle colli-
2 sions and improving habitat connectivity for
3 terrestrial and aquatic species.

4 “(D) Provision of educational and outreach
5 opportunities.

6 “(E) Monitoring and research to evaluate,
7 compare effectiveness of, and identify best prac-
8 tices in, selected projects.

9 “(F) Any other criteria relevant to reduc-
10 ing the number of wildlife-vehicle collisions and
11 improving habitat connectivity for terrestrial
12 and aquatic species, as the Secretary deter-
13 mines to be appropriate, subject to the condi-
14 tion that the implementation of the pilot pro-
15 gram shall not be delayed in the absence of ac-
16 tion by the Secretary to identify additional cri-
17 teria under this subparagraph.

18 “(f) USE OF FUNDS.—

19 “(1) IN GENERAL.—The Secretary shall ensure
20 that a grant received under the pilot program is
21 used for a project to reduce wildlife-vehicle collisions.

22 “(2) GRANT ADMINISTRATION.—

23 “(A) IN GENERAL.—A grant received
24 under the pilot program shall be administered
25 by—

1 “(i) in the case of a grant to a Fed-
2 eral land management agency or an Indian
3 tribe (as defined in section 207(m)(1)), in-
4 cluding a Native village and a Native Cor-
5 poration (as those terms are defined in
6 section 3 of the Alaska Native Claims Set-
7 tlement Act (43 U.S.C. 1602)), the Fed-
8 eral Highway Administration, through an
9 agreement; and

10 “(ii) in the case of a grant to an eligi-
11 ble entity other than an eligible entity de-
12 scribed in clause (i), the State highway
13 agency, or an equivalent of that agency,
14 for the State in which the project is to be
15 carried out.

16 “(B) PARTNERSHIPS.—

17 “(i) IN GENERAL.—A grant received
18 under the pilot program may be used to
19 provide funds to eligible partners of the
20 project for which the grant was received
21 described in clause (ii), in accordance with
22 the terms of the project agreement.

23 “(ii) ELIGIBLE PARTNERS DE-
24 SCRIBED.—The eligible partners referred
25 to in clause (i) include—

- 1 “(I) a metropolitan planning or-
- 2 ganization (as defined in section
- 3 134(b));
- 4 “(II) a unit of local government;
- 5 “(III) a regional transportation
- 6 authority;
- 7 “(IV) a special purpose district
- 8 or public authority with a transpor-
- 9 tation function, including a port au-
- 10 thority;
- 11 “(V) an Indian tribe (as defined
- 12 in section 207(m)(1)), including a Na-
- 13 tive village and a Native Corporation
- 14 (as those terms are defined in section
- 15 3 of the Alaska Native Claims Settle-
- 16 ment Act (43 U.S.C. 1602));
- 17 “(VI) a Federal land manage-
- 18 ment agency;
- 19 “(VII) a foundation, nongovern-
- 20 mental organization, or institution of
- 21 higher education;
- 22 “(VIII) a Federal, Tribal, re-
- 23 gional, or State government entity;
- 24 and

1 “(IX) a group of any of the enti-
2 ties described in subclauses (I)
3 through (VIII).

4 “(3) COMPLIANCE.—An eligible entity that re-
5 ceives a grant under the pilot program and enters
6 into a partnership described in paragraph (2) shall
7 establish measures to verify that an eligible partner
8 that receives funds from the grant complies with the
9 conditions of the pilot program in using those funds.

10 “(g) REQUIREMENT.—The Secretary shall ensure
11 that not less than 60 percent of the amounts made avail-
12 able for grants under the pilot program each fiscal year
13 are for projects located in rural areas.

14 “(h) ANNUAL REPORT TO CONGRESS.—

15 “(1) IN GENERAL.—Not later than December
16 31 of each calendar year, the Secretary shall submit
17 to Congress, and make publicly available, a report
18 describing the activities under the pilot program for
19 the fiscal year that ends during that calendar year.

20 “(2) CONTENTS.—The report under paragraph
21 (1) shall include—

22 “(A) a detailed description of the activities
23 carried out under the pilot program;

1 “(A) AREAS OF STUDY.—The study
2 shall—

3 “(i) update and expand on, as appro-
4 priate—

5 “(I) the report entitled ‘Wildlife
6 Vehicle Collision Reduction Study:
7 2008 Report to Congress’; and

8 “(II) the document entitled
9 ‘Wildlife Vehicle Collision Reduction
10 Study: Best Practices Manual’ and
11 dated October 2008; and

12 “(ii) include—

13 “(I) an assessment, as of the
14 date of the study, of—

15 “(aa) the causes of wildlife-
16 vehicle collisions;

17 “(bb) the impact of wildlife-
18 vehicle collisions on motorists
19 and wildlife; and

20 “(cc) the impacts of roads
21 and traffic on habitat
22 connectivity for terrestrial and
23 aquatic species; and

24 “(II) solutions and best practices
25 for—

1 “(aa) reducing wildlife-vehi-
2 cle collisions; and

3 “(bb) improving habitat
4 connectivity for terrestrial and
5 aquatic species.

6 “(B) METHODS.—In carrying out the
7 study, the Secretary shall—

8 “(i) conduct a thorough review of re-
9 search and data relating to—

10 “(I) wildlife-vehicle collisions; and

11 “(II) habitat fragmentation that
12 results from transportation infrastruc-
13 ture;

14 “(ii) survey current practices of the
15 Department of Transportation and State
16 departments of transportation to reduce
17 wildlife-vehicle collisions; and

18 “(iii) consult with—

19 “(I) appropriate experts in the
20 field of wildlife-vehicle collisions; and

21 “(II) appropriate experts on the
22 effects of roads and traffic on habitat
23 connectivity for terrestrial and aquatic
24 species.

25 “(3) REPORT.—

1 “(A) IN GENERAL.—Not later than 18
2 months after the date of enactment of the
3 America’s Transportation Infrastructure Act of
4 2019, the Secretary shall submit to Congress a
5 report on the results of the study.

6 “(B) CONTENTS.—The report under sub-
7 paragraph (A) shall include—

8 “(i) a description of—

9 “(I) the causes of wildlife-vehicle
10 collisions;

11 “(II) the impacts of wildlife-vehi-
12 cle collisions; and

13 “(III) the impacts of roads and
14 traffic on—

15 “(aa) species listed as
16 threatened species or endangered
17 species under the Endangered
18 Species Act of 1973 (16 U.S.C.
19 1531 et seq.);

20 “(bb) species identified by
21 States as species of greatest con-
22 servation need;

23 “(cc) species identified in
24 State wildlife plans; and

1 “(dd) medium and small ter-
2 restrial and aquatic species;

3 “(ii) an economic evaluation of the
4 costs and benefits of installing highway in-
5 frastructure and other measures to miti-
6 gate damage to terrestrial and aquatic spe-
7 cies, including the effect on jobs, property
8 values, and economic growth to society, ad-
9 jacent communities, and landowners;

10 “(iii) recommendations for preventing
11 wildlife-vehicle collisions, including rec-
12 ommended best practices, funding re-
13 sources, or other recommendations for ad-
14 dressing wildlife-vehicle collisions; and

15 “(iv) guidance, developed in consulta-
16 tion with Federal land management agen-
17 cies and State departments of transpor-
18 tation, State fish and wildlife agencies, and
19 Tribal governments that agree to partici-
20 pate, for developing, for each State that
21 agrees to participate, a voluntary joint
22 statewide transportation and wildlife action
23 plan—

24 “(I) to address wildlife-vehicle
25 collisions; and

1 “(II) to improve habitat
2 connectivity for terrestrial and aquatic
3 species.

4 “(b) WORKFORCE DEVELOPMENT AND TECHNICAL
5 TRAINING.—

6 “(1) IN GENERAL.—Not later than 3 years
7 after the date of enactment of the America’s Trans-
8 portation Infrastructure Act of 2019, the Secretary
9 shall, based on the study conducted under subsection
10 (a), develop a series of in-person and online work-
11 force development and technical training courses—

12 “(A) to reduce wildlife-vehicle collisions;
13 and

14 “(B) to improve habitat connectivity for
15 terrestrial and aquatic species.

16 “(2) AVAILABILITY.—The Secretary shall—

17 “(A) make the series of courses developed
18 under paragraph (1) available for transpor-
19 tation and fish and wildlife professionals; and

20 “(B) update the series of courses not less
21 frequently than once every 2 years.

22 “(c) STANDARDIZATION OF WILDLIFE COLLISION
23 AND CARCASS DATA.—

24 “(1) STANDARDIZED METHODOLOGY.—

1 “(A) IN GENERAL.—The Secretary, acting
2 through the Administrator of the Federal High-
3 way Administration (referred to in this sub-
4 section as the ‘Secretary’), shall develop a qual-
5 ity standardized methodology for collecting and
6 reporting spatially accurate wildlife collision
7 and carcass data for the National Highway Sys-
8 tem, considering the practicability of the meth-
9 odology with respect to technology and cost.

10 “(B) METHODOLOGY.—In developing the
11 standardized methodology under subparagraph
12 (A), the Secretary shall—

13 “(i) survey existing methodologies and
14 sources of data collection, including the
15 Fatality Analysis Reporting System, the
16 General Estimates System of the National
17 Automotive Sampling System, and the
18 Highway Safety Information System; and

19 “(ii) to the extent practicable, identify
20 and correct limitations of those existing
21 methodologies and sources of data collec-
22 tion.

23 “(C) CONSULTATION.—In developing the
24 standardized methodology under subparagraph
25 (A), the Secretary shall consult with—

1 “(i) the Secretary of the Interior;

2 “(ii) the Secretary of Agriculture, act-
3 ing through the Chief of the Forest Serv-
4 ice;

5 “(iii) Tribal, State, and local trans-
6 portation and wildlife authorities;

7 “(iv) metropolitan planning organiza-
8 tions (as defined in section 134(b));

9 “(v) members of the American Asso-
10 ciation of State Highway Transportation
11 Officials;

12 “(vi) members of the Association of
13 Fish and Wildlife Agencies;

14 “(vii) experts in the field of wildlife-
15 vehicle collisions;

16 “(viii) nongovernmental organizations;
17 and

18 “(ix) other interested stakeholders, as
19 appropriate.

20 “(2) STANDARDIZED NATIONAL DATA SYSTEM
21 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

22 The Secretary shall—

23 “(A) develop a template for State imple-
24 mentation of a standardized national wildlife
25 collision and carcass data system for the Na-

1 tional Highway System that is based on the
2 standardized methodology developed under
3 paragraph (1); and

4 “(B) encourage the voluntary implementa-
5 tion of the template developed under subpara-
6 graph (A).

7 “(3) REPORTS.—

8 “(A) METHODOLOGY.—The Secretary shall
9 submit to Congress a report describing the
10 standardized methodology developed under
11 paragraph (1) not later than the later of—

12 “(i) the date that is 18 months after
13 the date of enactment of the America’s
14 Transportation Infrastructure Act of 2019;
15 and

16 “(ii) the date that is 180 days after
17 the date on which the Secretary completes
18 the development of the standardized meth-
19 odology.

20 “(B) IMPLEMENTATION.—Not later than 4
21 years after the date of enactment of the Amer-
22 ica’s Transportation Infrastructure Act of
23 2019, the Secretary shall submit to Congress a
24 report describing—

1 “(i) the status of the voluntary imple-
2 mentation of the standardized methodology
3 developed under paragraph (1) and the
4 template developed under paragraph
5 (2)(A);

6 “(ii) whether the implementation of
7 the standardized methodology developed
8 under paragraph (1) and the template de-
9 veloped under paragraph (2)(A) has im-
10 pacted efforts by States, units of local gov-
11 ernment, and other entities—

12 “(I) to reduce the number of
13 wildlife-vehicle collisions; and

14 “(II) to improve habitat
15 connectivity;

16 “(iii) the degree of the impact de-
17 scribed in clause (ii); and

18 “(iv) the recommendations of the Sec-
19 retary, including recommendations for fur-
20 ther study aimed at reducing motorist col-
21 lisions involving wildlife and improving
22 habitat connectivity for terrestrial and
23 aquatic species on the National Highway
24 System, if any.

1 “(d) NATIONAL THRESHOLD GUIDANCE.—The Sec-
2 retary shall—

3 “(1) establish guidance, to be carried out by
4 States on a voluntary basis, that contains a thresh-
5 old for determining whether a highway shall be eval-
6 uated for potential mitigation measures to reduce
7 wildlife-vehicle collisions and increase habitat
8 connectivity for terrestrial and aquatic species, tak-
9 ing into consideration—

10 “(A) the number of wildlife-vehicle colli-
11 sions on the highway that pose a human safety
12 risk;

13 “(B) highway-related mortality and the ef-
14 fects of traffic on the highway on—

15 “(i) species listed as endangered spe-
16 cies or threatened species under the En-
17 dangered Species Act of 1973 (16 U.S.C.
18 1531 et seq.);

19 “(ii) species identified by a State as
20 species of greatest conservation need;

21 “(iii) species identified in State wild-
22 life plans; and

23 “(iv) medium and small terrestrial
24 and aquatic species; and

1 “(C) habitat connectivity values for terres-
2 trial and aquatic species and the barrier effect
3 of the highway on the movements and migra-
4 tions of those species.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
6 chapter 1 of title 23, United States Code (as amend-
7 ed by subsection (b)(2)), is amended by inserting
8 after the item relating to section 174 the following:

 “175. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

9 (d) WILDLIFE CROSSINGS STANDARDS.—Section
10 109(e)(2) of title 23, United States Code, is amended—

11 (1) in subparagraph (E), by striking “and” at
12 the end;

13 (2) by redesignating subparagraph (F) as sub-
14 paragraph (G); and

15 (3) by inserting after subparagraph (E) the fol-
16 lowing:

17 “(F) the publication of the Federal High-
18 way Administration entitled ‘Wildlife Crossing
19 Structure Handbook: Design and Evaluation in
20 North America’ and dated March 2011; and”.

21 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
22 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
23 TION STANDARDS.—Section 144 of title 23, United States
24 Code, is amended—

25 (1) in subsection (a)(2)—

1 (A) in subparagraph (B), by inserting “,
2 resilience,” after “safety”;

3 (B) in subparagraph (D), by striking
4 “and” at the end;

5 (C) in subparagraph (E), by striking the
6 period at the end and inserting “; and”; and

7 (D) by adding at the end the following:

8 “(F) to ensure adequate passage of aquatic
9 and terrestrial species, where appropriate.”;

10 (2) in subsection (b)—

11 (A) in paragraph (4), by striking “and” at
12 the end;

13 (B) in paragraph (5), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(6) determine if the replacement or rehabilita-
17 tion of bridges and tunnels should include measures
18 to enable safe and unimpeded movement for terres-
19 trial and aquatic species.”; and

20 (3) in subsection (i), by adding at the end the
21 following:

22 “(3) REQUIREMENT.—The first revision under
23 paragraph (2) after the date of enactment of the
24 America’s Transportation Infrastructure Act of
25 2019 shall include techniques to assess passage of

1 aquatic and terrestrial species and habitat restora-
2 tion potential.”.

3 **SEC. 1126. CONSOLIDATION OF PROGRAMS.**

4 Section 1519(a) of MAP-21 (Public Law 112-141;
5 126 Stat. 574; 129 Stat. 1423) is amended, in the matter
6 preceding paragraph (1), by striking “fiscal years 2016
7 through 2020” and inserting “fiscal years 2021 through
8 2025”.

9 **SEC. 1127. STATE FREIGHT ADVISORY COMMITTEES.**

10 Section 70201 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a), by striking “representa-
13 tives of ports, freight railroads,” and all that follows
14 through the period at the end and inserting the fol-
15 lowing: “representatives of—

16 “(1) ports;

17 “(2) freight railroads;

18 “(3) shippers;

19 “(4) carriers;

20 “(5) freight-related associations;

21 “(6) third-party logistics providers;

22 “(7) the freight industry workforce;

23 “(8) the transportation department of the
24 State;

25 “(9) metropolitan planning organizations;

1 “(10) local governments;

2 “(11) the environmental protection department
3 of the State, if applicable;

4 “(12) the air resources board of the State, if
5 applicable; and

6 “(13) economic development agencies of the
7 State.”;

8 (2) in subsection (b)(5), by striking “70202.”
9 and inserting “70202, including by providing advice
10 regarding the development of the freight investment
11 plan; and”;

12 (3) by redesignating subsection (b) as sub-
13 section (c); and

14 (4) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) QUALIFICATIONS.—Each member of a freight
17 advisory committee established under subsection (a) shall
18 have qualifications sufficient to serve on a freight advisory
19 committee, including, as applicable—

20 “(1) general business and financial experience;

21 “(2) experience or qualifications in the areas of
22 freight transportation and logistics;

23 “(3) experience in transportation planning;

24 “(4) experience representing employees of the
25 freight industry; or

1 “(5) experience representing a State, local gov-
2 ernment, or metropolitan planning organization.”.

3 **SEC. 1128. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
4 **GRAM.**

5 Section 165 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a), by striking paragraphs
8 (1) and (2) and inserting the following:

9 “(1) for the Puerto Rico highway program
10 under subsection (b)—

11 “(A) \$161,500,000 shall be for fiscal year
12 2021;

13 “(B) \$165,000,000 shall be for fiscal year
14 2022;

15 “(C) \$168,000,000 shall be for fiscal year
16 2023;

17 “(D) \$171,000,000 shall be for fiscal year
18 2024; and

19 “(E) \$175,500,000 shall be for fiscal year
20 2025; and

21 “(2) for the territorial highway program under
22 subsection (c)—

23 “(A) \$43,000,000 shall be for fiscal year
24 2021;

1 “(B) \$43,000,000 shall be for fiscal year
2 2022;

3 “(C) \$44,000,000 shall be for fiscal year
4 2023;

5 “(D) \$45,000,000 shall be for fiscal year
6 2024; and

7 “(E) \$46,000,000 shall be for fiscal year
8 2025.”; and

9 (2) in subsection (c)(7), by striking “para-
10 graphs (1) through (4) of section 133(c) and section
11 133(b)(12)” and inserting “paragraphs (1), (2), (3),
12 and (5) of section 133(c) and section 133(b)(13)”.

13 **Subtitle B—Planning and** 14 **Performance Management**

15 **SEC. 1201. TRANSPORTATION PLANNING.**

16 (a) METROPOLITAN TRANSPORTATION PLANNING.—
17 Section 134 of title 23, United States Code, is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (3), by adding at the end
20 the following:

21 “(D) CONSIDERATIONS.—In designating
22 officials or representatives under paragraph (2)
23 for the first time, subject to the bylaws or ena-
24 bling statute of the metropolitan planning orga-
25 nization, the metropolitan planning organization

1 shall consider the equitable and proportional
2 representation of the population of the metro-
3 politan planning area.”; and

4 (B) in paragraph (7)—

5 (i) by striking “an existing metropoli-
6 tan planning area” and inserting “an ur-
7 banized area (as defined by the Bureau of
8 the Census)”;

9 (ii) by striking “the existing metro-
10 politan planning area” and inserting “the
11 area”;

12 (2) in subsection (g)—

13 (A) in paragraph (1), by striking “a met-
14ropolitan area” and inserting “an urbanized
15 area (as defined by the Bureau of the Census)”;
16 and

17 (B) by adding at the end the following:

18 “(4) COORDINATION BETWEEN MPOS.—If
19 more than 1 metropolitan planning organization is
20 designated within an urbanized area (as defined by
21 the Bureau of the Census) under subsection
22 (d)(7)(A), the metropolitan planning organizations
23 designated within the area shall ensure, to the max-
24 imum extent practicable, the consistency of any data

1 used in the planning process, including information
2 used in forecasting travel demand.

3 “(5) SAVINGS CLAUSE.—Nothing in this sub-
4 section requires metropolitan planning organizations
5 designated within a single urbanized area to jointly
6 develop planning documents, including a unified
7 long-range transportation plan or unified TIP.”; and

8 (3) in subsection (i)(6), by adding at the end
9 the following:

10 “(D) USE OF TECHNOLOGY.—A State may
11 use social media and other web-based tools—

12 “(i) to further encourage public par-
13 ticipation; and

14 “(ii) to solicit public feedback during
15 the transportation planning process.”.

16 (b) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
17 TATION PLANNING.—Section 135(f)(3) of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(C) USE OF TECHNOLOGY.—A State may
21 use social media and other web-based tools—

22 “(i) to further encourage public par-
23 ticipation; and

24 “(ii) to solicit public feedback during
25 the transportation planning process.”.

1 **SEC. 1202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
 2 **PORTATION PLANS.**

3 Not later than 1 year after the date of enactment
 4 of this Act, the Secretary shall amend section
 5 450.324(f)(11)(v) of title 23, Code of Federal Regulations,
 6 to ensure that the outer years of a metropolitan transpor-
 7 tation plan are defined as “beyond the first 4 years”.

8 **SEC. 1203. STATE HUMAN CAPITAL PLANS.**

9 (a) IN GENERAL.—Chapter 1 of title 23, United
 10 States Code (as amended by section 1125(c)(1)), is
 11 amended by adding at the end the following:

12 **“§ 176. State human capital plans**

13 “(a) IN GENERAL.—Not later than 18 months after
 14 the date of enactment of this section, the Secretary shall
 15 encourage each State to develop a voluntary plan, to be
 16 known as a ‘human capital plan’, that provides for the
 17 immediate and long-term personnel and workforce needs
 18 of the State with respect to the capacity of the State to
 19 deliver transportation and public infrastructure eligible
 20 under this title.

21 “(b) PLAN CONTENTS.—

22 “(1) IN GENERAL.—A human capital plan de-
 23 veloped by a State under subsection (a) shall, to the
 24 maximum extent practicable, take into consider-
 25 ation—

1 “(A) significant transportation workforce
2 trends, needs, issues, and challenges with re-
3 spect to the State;

4 “(B) the human capital policies, strategies,
5 and performance measures that will guide the
6 transportation-related workforce investment de-
7 cisions of the State;

8 “(C) coordination with educational institu-
9 tions, industry, organized labor, workforce
10 boards, and other agencies or organizations to
11 address the human capital transportation needs
12 of the State;

13 “(D) a workforce planning strategy that
14 identifies current and future human capital
15 needs, including the knowledge, skills, and abili-
16 ties needed to recruit and retain skilled workers
17 in the transportation industry;

18 “(E) a human capital management strat-
19 egy that is aligned with the transportation mis-
20 sion, goals, and organizational objectives of the
21 State;

22 “(F) an implementation system for work-
23 force goals focused on addressing continuity of
24 leadership and knowledge sharing across the
25 State;

1 “(G) an implementation system that ad-
2 dresses workforce competency gaps, particularly
3 in mission-critical occupations;

4 “(H) in the case of public-private partner-
5 ships or other alternative project delivery meth-
6 ods to carry out the transportation program of
7 the State, a description of workforce needs—

8 “(i) to ensure that the transportation
9 mission, goals, and organizational objec-
10 tives of the State are fully carried out; and

11 “(ii) to ensure that procurement
12 methods provide the best public value;

13 “(I) a system for analyzing and evaluating
14 the performance of the State department of
15 transportation with respect to all aspects of
16 human capital management policies, programs,
17 and activities; and

18 “(J) the manner in which the plan will im-
19 prove the ability of the State to meet the na-
20 tional policy in support of performance manage-
21 ment established under section 150.

22 “(2) PLANNING PERIOD.—If a State develops a
23 human capital plan under subsection (a), the plan
24 shall address a 5-year forecast period.

1 “(c) PLAN UPDATES.—If a State develops a human
2 capital plan under subsection (a), the State shall update
3 the plan not less frequently than once every 5 years.

4 “(d) RELATIONSHIP TO LONG-RANGE PLAN.—

5 “(1) IN GENERAL.—Subject to paragraph (2), a
6 human capital plan developed by a State under sub-
7 section (a) may be developed separately from, or in-
8 corporated into, the long-range statewide transpor-
9 tation plan required under section 135.

10 “(2) EFFECT OF SECTION.—Nothing in this
11 section requires a State, or authorizes the Secretary
12 to require a State, to incorporate a human capital
13 plan into the long-range statewide transportation
14 plan required under section 135.

15 “(e) PUBLIC AVAILABILITY.—Each State that devel-
16 ops a human capital plan under subsection (a) shall make
17 a copy of the plan available to the public in a user-friendly
18 format on the website of the State department of transpor-
19 tation.

20 “(f) SAVINGS PROVISION.—Nothing in this section
21 prevents a State from carrying out transportation work-
22 force planning—

23 “(1) not described in this section; or

24 “(2) not in accordance with this section.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 1 of title 23, United States Code (as amended by sec-
 3 tion 1125(c)(2)), is amended by inserting after the item
 4 relating to section 175 the following:

“176. State human capital plans.”.

5 **SEC. 1204. ACCESSIBILITY DATA PILOT PROGRAM.**

6 (a) IN GENERAL.—Not later than 1 year after the
 7 date of enactment of this Act, the Secretary shall establish
 8 an accessibility data pilot program (referred to in this sec-
 9 tion as the “pilot program”).

10 (b) PURPOSE.—The purpose of the pilot program is
 11 to develop or procure an accessibility data set and make
 12 that data set available to each eligible entity selected to
 13 participate in the pilot program to improve the transpor-
 14 tation planning of those eligible entities by—

15 (1) measuring the level of access by multiple
 16 transportation modes to important destinations,
 17 which may include—

18 (A) jobs, including areas with a concentra-
 19 tion of available jobs;

20 (B) health care facilities;

21 (C) child care services;

22 (D) educational and workforce training fa-
 23 cilities;

24 (E) affordable housing;

25 (F) food sources; and

1 (G) connections between modes, including
2 connections to—

3 (i) high-quality transit or rail service;

4 (ii) safe bicycling corridors; and

5 (iii) safe sidewalks that achieve com-

6 pliance with applicable requirements of the

7 Americans with Disabilities Act of 1990

8 (42 U.S.C. 12101 et seq.);

9 (2) disaggregating the level of access by mul-
10 tiple transportation modes by a variety of population
11 categories, which may include—

12 (A) low-income populations;

13 (B) minority populations;

14 (C) age;

15 (D) disability; and

16 (E) geographical location; and

17 (3) assessing the change in accessibility that
18 would result from new transportation investments.

19 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
20 ticipate in the pilot program is—

21 (1) a State (as defined in section 101(a) of title
22 23, United States Code);

23 (2) a metropolitan planning organization; or

24 (3) a rural transportation planning organiza-
25 tion.

1 (d) APPLICATION.—To be eligible to participate in
2 the pilot program, an eligible entity shall submit to the
3 Secretary an application at such time, in such manner,
4 and containing such information as the Secretary may re-
5 quire, including information relating to—

6 (1) previous experience of the eligible entity
7 measuring transportation access or other perform-
8 ance management experience;

9 (2) the types of important destinations to which
10 the eligible entity intends to measure access;

11 (3) the types of data disaggregation the eligible
12 entity intends to pursue;

13 (4) a general description of the methodology the
14 eligible entity intends to apply; and

15 (5) if the applicant does not intend the pilot
16 program to apply to the full area under the jurisdic-
17 tion of the applicant, a description of the geographic
18 area in which the applicant intends the pilot pro-
19 gram to apply.

20 (e) SELECTION.—

21 (1) IN GENERAL.—The Secretary shall seek to
22 achieve diversity of participants in the pilot program
23 by selecting a range of eligible entities that shall in-
24 clude—

25 (A) States;

1 (B) metropolitan planning organizations
2 that serve an area with a population of 200,000
3 people or fewer;

4 (C) metropolitan planning organizations
5 that serve an area with a population of over
6 200,000 people; and

7 (D) rural transportation planning organi-
8 zations.

9 (2) INCLUSIONS.—The Secretary shall seek to
10 ensure that, among the eligible entities selected
11 under paragraph (1), there is—

12 (A) a range of capacity and previous expe-
13 rience with measuring transportation access;
14 and

15 (B) a variety of proposed methodologies
16 and focus areas for measuring level of access.

17 (f) DUTIES.—For each eligible entity participating in
18 the pilot program, the Secretary shall—

19 (1) develop or acquire an accessibility data set
20 described in subsection (b); and

21 (2) submit the data set to the eligible entity.

22 (g) METHODOLOGY.—In calculating the measures for
23 the data set under the pilot program, the Secretary shall
24 ensure that methodology is open source.

1 (h) AVAILABILITY.—The Secretary shall make an ac-
2 cessibility data set under the pilot program available to—

3 (1) units of local government within the juris-
4 diction of the eligible entity participating in the pilot
5 program; and

6 (2) researchers.

7 (i) REPORT.—Not later than 120 days after the last
8 date on which the Secretary submits data sets to the eligi-
9 ble entity under subsection (f), the Secretary shall submit
10 to Congress a report on the results of the program, includ-
11 ing the feasibility of developing and providing periodic ac-
12 cessibility data sets for all States, regions, and localities.

13 (j) FUNDING.—The Secretary shall carry out the
14 pilot program using amounts made available to the Sec-
15 retary for administrative expenses to carry out programs
16 under the authority of the Secretary.

17 (k) SUNSET.—The pilot program shall terminate on
18 the date that is 8 years after the date on which the pilot
19 program is implemented.

20 **SEC. 1205. PRIORITIZATION PROCESS PILOT PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means—

1 (A) a metropolitan planning organization
2 that serves an area with a population of over
3 200,000; and

4 (B) a State.

5 (2) METROPOLITAN PLANNING ORGANIZA-
6 TION.—The term “metropolitan planning organiza-
7 tion” has the meaning given the term in section
8 134(b) of title 23, United States Code.

9 (3) PRIORITIZATION PROCESS PILOT PRO-
10 GRAM.—The term “prioritization process pilot pro-
11 gram” means the pilot program established under
12 subsection (b)(1).

13 (b) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary shall estab-
15 lish, and solicit applications for a prioritization proc-
16 ess pilot program.

17 (2) PURPOSE.—The purpose of the
18 prioritization process pilot program shall be to sup-
19 port data-driven approaches to planning that, on
20 completion, can be evaluated for public benefit.

21 (c) PILOT PROGRAM ADMINISTRATION.—

22 (1) IN GENERAL.—An eligible entity partici-
23 pating in the prioritization process pilot program
24 shall—

1 (A) use priority objectives that are devel-
2 oped—

3 (i) in the case of an urbanized area
4 with a population of over 200,000, by the
5 metropolitan planning organization that
6 serves the area, in consultation with the
7 State;

8 (ii) in the case of an urbanized area
9 with a population of 200,000 or fewer, by
10 the State in consultation with all metro-
11 politan planning organizations in the
12 State; and

13 (iii) through a public process that pro-
14 vides an opportunity for public input;

15 (B) assess and score projects and strate-
16 gies on the basis of—

17 (i) the contribution and benefits of the
18 project or strategy to each priority objec-
19 tive developed under subparagraph (A);

20 (ii) the cost of the project or strategy
21 relative to the contribution and benefits as-
22 sessed and scored under clause (i); and

23 (iii) public support;

24 (C) use the scores assigned under subpara-
25 graph (B) to guide project selection in the de-

1 velopment of the transportation plan and trans-
2 portation improvement program; and

3 (D) ensure that the public—

4 (i) has opportunities to provide public
5 comment on projects before decisions are
6 made on the transportation plan and the
7 transportation improvement program; and

8 (ii) has access to clear reasons why
9 each project or strategy was selected or not
10 selected.

11 (2) REQUIREMENTS.—An eligible entity that re-
12 ceives a grant under the prioritization process pilot
13 program shall use the funds as described in each of
14 the following, as applicable:

15 (A) METROPOLITAN TRANSPORTATION
16 PLANNING.—In the case of a metropolitan plan-
17 ning organization that serves an area with a
18 population of over 200,000, the entity shall—

19 (i) develop and implement a publicly
20 accessible, transparent prioritization proc-
21 ess for the selection of projects for inclu-
22 sion on the transportation plan for the
23 metropolitan planning area under section
24 134(i) of title 23, United States Code, and

1 section 5303(i) of title 49, United States
2 Code, which shall—

3 (I) include criteria identified by
4 the metropolitan planning organiza-
5 tion, which may be weighted to reflect
6 the priority objectives developed under
7 paragraph (1)(A), that the metropoli-
8 tan planning organization has deter-
9 mined support—

10 (aa) factors described in sec-
11 tion 134(h) of title 23, United
12 States Code, and section 5303(h)
13 of title 49, United States Code;

14 (bb) targets for national
15 performance measures under sec-
16 tion 150(b) of title 23, United
17 States Code;

18 (cc) applicable transpor-
19 tation goals in the metropolitan
20 planning area or State set by the
21 applicable transportation agency;
22 and

23 (dd) priority objectives de-
24 veloped under paragraph (1)(A);

1 (II) evaluate the outcomes for
2 each proposed project on the basis of
3 the benefits of the proposed project
4 with respect to each of the criteria de-
5 scribed in subclause (I) relative to the
6 cost of the proposed project; and

7 (III) use the evaluation under
8 subclause (II) to create a ranked list
9 of proposed projects; and

10 (ii) with respect to the priority list
11 under section 134(j)(2)(A) of title 23 and
12 section 5303(j)(2)(A) of title 49, United
13 States Code, include projects according to
14 the rank of the project under clause
15 (i)(III), except as provided in subpara-
16 graph (D).

17 (B) STATEWIDE TRANSPORTATION PLAN-
18 NING.—In the case of a State, the State shall—

19 (i) develop and implement a publicly
20 accessible, transparent process for the se-
21 lection of projects for inclusion on the
22 long-range statewide transportation plan
23 under section 135(f) of title 23, United
24 States Code, which shall—

1 (I) include criteria identified by
2 the State, which may be weighted to
3 reflect statewide priorities, that the
4 State has determined support—

5 (aa) factors described in sec-
6 tion 135(d) of title 23, United
7 States Code, and section 5304(d)
8 of title 49, United States Code;

9 (bb) national transportation
10 goals under section 150(b) of
11 title 23, United States Code;

12 (cc) applicable transpor-
13 tation goals in the State; and

14 (dd) the priority objectives
15 developed under paragraph
16 (1)(A);

17 (II) evaluate the outcomes for
18 each proposed project on the basis of
19 the benefits of the proposed project
20 with respect to each of the criteria de-
21 scribed in subclause (I) relative to the
22 cost of the proposed project; and

23 (III) use the evaluation under
24 subclause (II) to create a ranked list
25 of proposed projects; and

1 (ii) with respect to the statewide
2 transportation improvement program
3 under section 135(g) of title 23, United
4 States Code, and section 5304(g) of title
5 49, United States Code, include projects
6 according to the rank of the project under
7 clause (i)(III), except as provided in sub-
8 paragraph (D).

9 (C) ADDITIONAL TRANSPORTATION PLAN-
10 NING.—If the eligible entity has implemented,
11 and has in effect, the requirements under sub-
12 paragraph (A) or (B), as applicable, the eligible
13 entity may use any remaining funds from a
14 grant provided under the pilot program for any
15 transportation planning purpose.

16 (D) EXCEPTIONS TO PRIORITY RANKING.—
17 In the case of any project that the eligible enti-
18 ty chooses to include or not include in the
19 transportation improvement program under sec-
20 tion 134(j) of title 23, United States Code, or
21 the statewide transportation improvement pro-
22 gram under section 135(g) of title 23, United
23 States Code, as applicable, in a manner that is
24 contrary to the priority ranking for that project
25 established under subparagraph (A)(i)(III) or

1 (B)(i)(III), the eligible entity shall make pub-
2 licly available an explanation for the decision,
3 including—

4 (i) a review of public comments re-
5 garding the project;

6 (ii) an evaluation of public support for
7 the project;

8 (iii) an assessment of geographic bal-
9 ance of projects of the eligible entity; and

10 (iv) the number of projects of the eli-
11 gible entity in economically distressed
12 areas.

13 (3) MAXIMUM AMOUNT.—The maximum
14 amount of a grant under the prioritization process
15 pilot program is \$2,000,000.

16 (d) APPLICATIONS.—To be eligible to participate in
17 the prioritization process pilot program, an eligible entity
18 shall submit to the Secretary an application at such time,
19 in such manner, and containing such information as the
20 Secretary may require.

21 **SEC. 1206. EXEMPTIONS FOR LOW POPULATION DENSITY**
22 **STATES.**

23 Section 150 of title 23, United States Code, is
24 amended by adding at the end the following:

1 “(f) EXEMPTIONS FOR LOW POPULATION DENSITY
2 STATES.—

3 “(1) IN GENERAL.—The Secretary shall grant,
4 on the election of and in consultation with a State,
5 an exemption from 1 or more of the requirements
6 described in paragraph (2)(A) if the State—

7 “(A) is on the list of eligible States under
8 paragraph (5) for the applicable performance
9 period; and

10 “(B) provides a written notice of the elec-
11 tion that includes an explanation under para-
12 graph (4)(A).

13 “(2) REQUIREMENTS DESCRIBED.—

14 “(A) STATE REQUIREMENTS.—The re-
15 quirements from which a State described in
16 paragraph (1) may elect an exemption are—

17 “(i) requirements established under
18 subclauses (IV) and (V) of subsection
19 (c)(3)(A)(ii);

20 “(ii) requirements established under
21 subsection (c)(5)(A);

22 “(iii) requirements established under
23 subsection (c)(6); and

24 “(iv) targeting, data, reporting, or ad-
25 ministrative requirements established

1 under subsections (d) and (e) that are re-
2 lated to a requirement described in clause
3 (i), (ii), or (iii) from which the State elects
4 to receive an exemption.

5 “(B) METROPOLITAN PLANNING ORGANI-
6 ZATION REQUIREMENTS.—A metropolitan plan-
7 ning organization with a metropolitan planning
8 area that is located entirely within a State that
9 is exempt shall be exempt from the require-
10 ments under section 134(h)(2)(B) that relate to
11 each measure described in subparagraph (A)
12 from which the State of the metropolitan plan-
13 ning organization is exempt.

14 “(3) TERM.—An exemption applied under para-
15 graph (1)—

16 “(A) shall be in effect until the date that
17 is 4 years after the date on which the perform-
18 ance period promulgated by the Secretary under
19 subsection (d) in effect at the time the exemp-
20 tion is applied ends; and

21 “(B) may be renewed by the State for an
22 additional 4-year term at the end of each per-
23 formance period if, in accordance with para-
24 graph (4)—

1 “(i) the State submits another written
2 explanation; and

3 “(ii) the State continues to be in-
4 cluded on the list of eligible States under
5 paragraph (5).

6 “(4) NOTIFICATION OF ELECTION OF EXEMP-
7 TION.—

8 “(A) IN GENERAL.—To be eligible to make
9 an election under paragraph (1), not later than
10 September 1 of the calendar year preceding the
11 calendar year in which the next performance
12 period promulgated by the Secretary under sub-
13 section (d) begins, a State described in that
14 paragraph—

15 “(i) shall submit to the Secretary—

16 “(I) identification of the 1 or
17 more requirements described in para-
18 graph (2)(A) for which an exemption
19 is elected; and

20 “(II) a written notice that in-
21 cludes an explanation advising the
22 Secretary that the State is not experi-
23 encing significant performance issues
24 on the surface transportation system
25 of the State with respect to each re-

1 requirement referred to in subclause (I);
2 and

3 “(ii) may submit to the Secretary any
4 other information or material that the
5 State chooses to include in the notice.

6 “(B) SPECIAL RULE.—Notwithstanding
7 the deadline described in subparagraph (A), a
8 State described in paragraph (1) may submit a
9 notice under subparagraph (A) at any time be-
10 fore September 1, 2021.

11 “(5) ELIGIBLE STATES.—

12 “(A) IN GENERAL.—Not later than 60
13 days after the date of enactment of this sub-
14 section and thereafter, on each September 1 of
15 the calendar year 2 years prior to the calendar
16 year in which the next performance period pro-
17 mulgated by the Secretary under subsection (d)
18 begins, the Secretary shall publish a list of
19 States that may elect to receive an exemption
20 from a requirement described in paragraph
21 (2)(A).

22 “(B) INCLUSIONS.—The Secretary shall
23 include on the list under subparagraph (A)—

24 “(i) any State that—

1 “(I) has a population per square
2 mile of area that is less than the pop-
3 ulation per square mile of area of the
4 United States, based on the latest
5 available Bureau of the Census data
6 at the time the Secretary publishes
7 the list;

8 “(II) does not include an urban-
9 ized area with a population of over
10 200,000 within the State; and

11 “(III) has no repeated delays or
12 other persistent impediments to travel
13 reliability on the portions of the Na-
14 tional Highway System in the State
15 that the Secretary determines to be
16 excessive; and

17 “(ii) based on the latest available Bu-
18 reau of the Census data at the time the
19 Secretary publishes the list, any State
20 that—

21 “(I) has a population density of
22 less than 15 persons per square mile
23 of area; and

1 “(II) does not include an urban-
2 ized area with a population of over
3 200,000.

4 “(6) NATIONAL REPORTING.—

5 “(A) ELIGIBLE STATES.—For each State
6 included on the list of eligible States under
7 paragraph (5), the Secretary shall submit to the
8 Committee on Environment and Public Works
9 of the Senate and the Committee on Transpor-
10 tation and Infrastructure of the House of Rep-
11 resentatives a report on the status of traffic
12 congestion, travel reliability, truck travel reli-
13 ability, and any other relevant performance
14 metrics on the portions of the National High-
15 way System in the State, including any delays
16 or impediments that the Secretary determines
17 to be excessive.

18 “(B) EXEMPT STATES.—For each eligible
19 State under paragraph (5) that elects to receive
20 an exemption under paragraph (1), the Sec-
21 retary shall—

22 “(i) submit to the Committee on Envi-
23 ronment and Public Works of the Senate
24 and the Committee on Transportation and
25 Infrastructure of the House of Representa-

1 tives a report on the results of perform-
 2 ance measures for all exemptions applied
 3 to that State under this subsection; and

4 “(ii) make publicly available as part of
 5 the State performance dashboard on the
 6 Department of Transportation website in-
 7 formation on the performance of the State
 8 with respect to any requirements from
 9 which the State is exempt.”.

10 **SEC. 1207. TRAVEL DEMAND DATA AND MODELING.**

11 (a) DEFINITION OF METROPOLITAN PLANNING OR-
 12 GANIZATION.—In this section, the term “metropolitan
 13 planning organization” has the meaning given the term
 14 in section 134(b) of title 23, United States Code.

15 (b) STUDY.—

16 (1) IN GENERAL.—Not later than 2 years after
 17 the date of enactment of this Act, and not less fre-
 18 quently than once every 5 years thereafter, the Sec-
 19 retary shall carry out a study that—

20 (A) gathers travel data and travel demand
 21 forecasts from a representative sample of States
 22 and metropolitan planning organizations;

23 (B) uses the data and forecasts gathered
 24 under subparagraph (A) to compare travel de-

1 mand forecasts with the observed data, includ-
2 ing—

3 (i) traffic counts;

4 (ii) travel mode share and public tran-
5 sit ridership; and

6 (iii) vehicle occupancy measures; and

7 (C) uses the information described in sub-
8 paragraphs (A) and (B)—

9 (i) to develop best practices or guid-
10 ance for States and metropolitan planning
11 organizations to use in forecasting travel
12 demand for future investments in transpor-
13 tation improvements;

14 (ii) to evaluate the impact of trans-
15 portation investments, including new road-
16 way capacity, on travel behavior and travel
17 demand, including public transportation
18 ridership, induced highway travel, and con-
19 gestion;

20 (iii) to support more accurate travel
21 demand forecasting by States and metro-
22 politan planning organizations; and

23 (iv) to enhance the capacity of States
24 and metropolitan planning organizations—

1 (I) to forecast travel demand;
2 and

3 (II) to track observed travel be-
4 havior responses, including induced
5 travel, to changes in transportation
6 capacity, pricing, and land use pat-
7 terns.

8 (2) SECRETARIAL SUPPORT.—The Secretary
9 shall seek opportunities to support the transpor-
10 tation planning processes under sections 134 and
11 135 of title 23, United States Code, through the
12 provision of data to States and metropolitan plan-
13 ning organizations to improve the quality of plans,
14 models, and forecasts described in this subsection.

15 (3) EVALUATION TOOL.—The Secretary shall
16 develop a publicly available multimodal web-based
17 tool for the purpose of enabling States and metro-
18 politan planning organizations to evaluate the effect
19 of investments in highway and public transportation
20 projects on the use and conditions of all transpor-
21 tation assets within the State or area served by the
22 metropolitan planning organization, as applicable.

1 **SEC. 1208. INCREASING SAFE AND ACCESSIBLE TRANSPOR-**
2 **TATION OPTIONS.**

3 (a) **DEFINITION OF COMPLETE STREETS STAND-**
4 **ARDS OR POLICIES.**—In this section, the term “Complete
5 Streets standards or policies” means standards or policies
6 that ensure the safe and adequate accommodation of all
7 users of the transportation system, including pedestrians,
8 bicyclists, public transportation users, children, older indi-
9 viduals, individuals with disabilities, motorists, and freight
10 vehicles.

11 (b) **FUNDING REQUIREMENT.**—Notwithstanding any
12 other provision of law, each State and metropolitan plan-
13 ning organization shall use to carry out 1 or more activi-
14 ties described in subsection (c)—

15 (1) in the case of a State, not less than 2.5 per-
16 cent of the amounts made available to the State to
17 carry out section 505 of title 23, United States
18 Code; and

19 (2) in the case of a metropolitan planning orga-
20 nization, not less than 2.5 percent of the amounts
21 made available to the metropolitan planning organi-
22 zation under section 104(d) of title 23, United
23 States Code.

24 (c) **ACTIVITIES DESCRIBED.**—An activity referred to
25 in subsection (b) is an activity to increase safe and acces-
26 sible options for multiple travel modes for people of all

1 ages and abilities, which, if permissible under applicable
2 State and local laws, may include—

3 (1) adoption of Complete Streets standards or
4 policies;

5 (2) development of a Complete Streets
6 prioritization plan that identifies a specific list of
7 Complete Streets projects to improve the safety, mo-
8 bility, or accessibility of a street;

9 (3) development of transportation plans—

10 (A) to create a network of active transpor-
11 tation facilities, including sidewalks, bikeways,
12 or pedestrian and bicycle trails, to connect
13 neighborhoods with destinations such as work-
14 places, schools, residences, businesses, recre-
15 ation areas, healthcare and child care services,
16 or other community activity centers;

17 (B) to integrate active transportation fa-
18 cilities with public transportation service or im-
19 prove access to public transportation;

20 (C) to create multiuse active transpor-
21 tation infrastructure facilities, including bike-
22 ways or pedestrian and bicycle trails, that make
23 connections within or between communities;

24 (D) to increase public transportation rider-
25 ship; and

1 (E) to improve the safety of bicyclists and
2 pedestrians;

3 (4) regional and megaregional planning to ad-
4 dress travel demand and capacity constraints
5 through alternatives to new highway capacity, in-
6 cluding through intercity passenger rail; and

7 (5) development of transportation plans and
8 policies that support transit-oriented development.

9 (d) FEDERAL SHARE.—The Federal share of the cost
10 of an activity carried out under this section shall be 100
11 percent.

12 **Subtitle C—Project Delivery and** 13 **Process Improvement**

14 **SEC. 1301. EFFICIENT ENVIRONMENTAL REVIEWS FOR** 15 **PROJECT DECISIONMAKING AND ONE FED-** 16 **ERAL DECISION.**

17 (a) IN GENERAL.—Section 139 of title 23, United
18 States Code, is amended—

19 (1) in the section heading, by striking “**deci-**
20 **sionmaking**” and inserting “**decisionmaking**
21 **and One Federal Decision**”;

22 (2) in subsection (a)—

23 (A) by redesignating paragraphs (2)
24 through (8) as paragraphs (4), (5), (6), (8),
25 (9), (10), and (11), respectively;

1 (B) by inserting after paragraph (1) the
2 following:

3 “(2) AUTHORIZATION.—The term ‘authoriza-
4 tion’ means any license, permit, approval, finding, or
5 other administrative decision related to the environ-
6 mental review process that is required under Federal
7 law to site, construct, or reconstruct a project.

8 “(3) ENVIRONMENTAL DOCUMENT.—The term
9 ‘environmental document’ includes an environmental
10 assessment, finding of no significant impact, notice
11 of intent, environmental impact statement, or record
12 of decision under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.).”;

14 (C) in subparagraph (B) of paragraph (5)
15 (as so redesignated), by striking “process for
16 and completion of any environmental permit”
17 and inserting “process and schedule, including
18 a timetable for completion of any permit”; and

19 (D) by inserting after paragraph (6) (as so
20 redesignated) the following:

21 “(7) MAJOR INFRASTRUCTURE PROJECT.—The
22 term ‘major infrastructure project’ means a project
23 for which—

24 “(A) multiple permits, approvals, reviews,
25 or studies are required under a Federal law

1 other than the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.);

3 “(B) the head of the lead agency has de-
4 termined that an environmental impact state-
5 ment is required; and

6 “(C) the project sponsor has identified the
7 reasonable availability of funds sufficient to
8 complete the project.”;

9 (3) in subsection (b)(1), by inserting “, includ-
10 ing major infrastructure projects,” after “all
11 projects”;

12 (4) in subsection (c)—

13 (A) in paragraph (6)—

14 (i) in subparagraph (B), by striking
15 “and” at the end;

16 (ii) in subparagraph (C), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) to calculate annually the average
22 time taken by the lead agency to complete all
23 environmental documents for each project dur-
24 ing the previous fiscal year”; and

25 (B) by adding at the end the following:

1 “(7) PROCESS IMPROVEMENTS FOR MAJOR IN-
2 FRASTRUCTURE PROJECTS.—

3 “(A) IN GENERAL.—The Secretary shall
4 review—

5 “(i) existing practices, procedures,
6 rules, regulations, and applicable laws to
7 identify impediments to meeting the re-
8 quirements applicable to major infrastruc-
9 ture projects under this section; and

10 “(ii) best practices, programmatic
11 agreements, and potential changes to inter-
12 nal departmental procedures that would fa-
13 cilitate an efficient environmental review
14 process for major infrastructure projects.

15 “(B) CONSULTATION.—In conducting the
16 review under subparagraph (A), the Secretary
17 shall consult, as appropriate, with the heads of
18 other Federal agencies that participate in the
19 environmental review process.

20 “(C) REPORT.—Not later than 2 years
21 after the date of enactment of the America’s
22 Transportation Infrastructure Act of 2019, the
23 Secretary shall submit to the Committee on En-
24 vironment and Public Works of the Senate and
25 the Committee on Transportation and Infra-

1 structure of the House of Representatives a re-
2 port that includes—

3 “(i) the results of the review under
4 subparagraph (A); and

5 “(ii) an analysis of whether additional
6 funding would help the Secretary meet the
7 requirements applicable to major infra-
8 structure projects under this section.”;

9 (5) in subsection (d)—

10 (A) in paragraph (8)—

11 (i) in the paragraph heading, by strik-
12 ing “NEPA” and inserting “ENVIRON-
13 MENTAL”;

14 (ii) in subparagraph (A)—

15 (I) by inserting “and except as
16 provided in subparagraph (D)” after
17 “paragraph (7)”;

18 (II) by striking “permits” and in-
19 serting “authorizations”; and

20 (III) by striking “single environ-
21 ment document” and inserting “single
22 environmental document for each kind
23 of environmental document”;

24 (iii) in subparagraph (B)(i)—

1 (I) by striking “an environmental
2 document” and inserting “environ-
3 mental documents”; and

4 (II) by striking “permits issued”
5 and inserting “authorizations”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(D) EXCEPTIONS.—The lead agency may
9 waive the application of subparagraph (A) with
10 respect to a project if—

11 “(i) the project sponsor requests that
12 agencies issue separate environmental doc-
13 uments;

14 “(ii) the obligations of a cooperating
15 agency or participating agency under the
16 National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) have al-
18 ready been satisfied with respect to the
19 project; or

20 “(iii) the lead agency determines that
21 reliance on a single environmental docu-
22 ment (as described in subparagraph (A))
23 would not facilitate timely completion of
24 the environmental review process for the
25 project.”; and

1 (B) by adding at the end the following:

2 “(10) TIMELY AUTHORIZATIONS FOR MAJOR IN-
3 FRASTRUCTURE PROJECTS.—

4 “(A) DEADLINE.—Except as provided in
5 subparagraph (C), all authorization decisions
6 necessary for the construction of a major infra-
7 structure project shall be completed by not later
8 than 90 days after the date of the issuance of
9 a record of decision for the major infrastructure
10 project.

11 “(B) DETAIL.—The final environmental
12 impact statement for a major infrastructure
13 project shall include an adequate level of detail
14 to inform decisions necessary for the role of the
15 participating agencies in the environmental re-
16 view process.

17 “(C) EXTENSION OF DEADLINE.—The
18 head of the lead agency may extend the dead-
19 line under subparagraph (A) if—

20 “(i) Federal law prohibits the lead
21 agency or another agency from issuing an
22 approval or permit within the period de-
23 scribed in that subparagraph;

1 “(ii) the project sponsor requests that
2 the permit or approval follow a different
3 timeline; or

4 “(iii) an extension would facilitate
5 completion of the environmental review and
6 authorization process of the major infra-
7 structure project.”;

8 (6) in subsection (g)(1)—

9 (A) in subparagraph (B)—

10 (i) in clause (ii)(IV), by striking
11 “schedule for and cost of” and inserting
12 “time required by an agency to conduct an
13 environmental review and make decisions
14 under applicable Federal law relating to a
15 project (including the issuance or denial of
16 a permit or license) and the cost of”; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(iii) MAJOR INFRASTRUCTURE
20 PROJECT SCHEDULE.—To the maximum
21 extent practicable and consistent with ap-
22 plicable Federal law, in the case of a major
23 infrastructure project, the lead agency
24 shall develop a schedule for the major in-
25 frastructure project that is consistent with

1 an agency average of not more than 2
2 years for the completion of the environ-
3 mental review process for major infrastruc-
4 ture projects, as measured from the date
5 of publication of a notice of intent to pre-
6 pare an environmental impact statement to
7 the record of decision.”;

8 (B) by striking subparagraph (D) and in-
9 serting the following:

10 “(D) MODIFICATION.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), the lead agency may
13 lengthen or shorten a schedule established
14 under subparagraph (B) for good cause.

15 “(ii) EXCEPTIONS.—

16 “(I) MAJOR INFRASTRUCTURE
17 PROJECTS.—In the case of a major
18 infrastructure project, the lead agency
19 may lengthen a schedule under clause
20 (i) for a cooperating Federal agency
21 by not more than 1 year after the lat-
22 est deadline established for the major
23 infrastructure project by the lead
24 agency.

1 “(II) SHORTENED SCHED-
2 ULES.—The lead agency may not
3 shorten a schedule under clause (i) if
4 doing so would impair the ability of a
5 cooperating Federal agency to conduct
6 necessary analyses or otherwise carry
7 out relevant obligations of the Federal
8 agency for the project.”;

9 (C) by redesignating subparagraph (E) as
10 subparagraph (F); and

11 (D) by inserting after subparagraph (D)
12 the following:

13 “(E) FAILURE TO MEET DEADLINE.—If a
14 cooperating Federal agency fails to meet a
15 deadline established under subparagraph
16 (D)(ii)(I)—

17 “(i) the cooperating Federal agency
18 shall submit to the Secretary a report that
19 describes the reasons why the deadline was
20 not met; and

21 “(ii) the Secretary shall—

22 “(I) transmit to the Committee
23 on Environment and Public Works of
24 the Senate and the Committee on
25 Transportation and Infrastructure of

1 the House of Representatives a copy
2 of the report under clause (i); and

3 “(II) make the report under
4 clause (i) publicly available on the
5 internet.”; and

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

7 “(p) ACCOUNTABILITY AND REPORTING FOR MAJOR
8 INFRASTRUCTURE PROJECTS.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish a performance accountability system to track
11 each major infrastructure project.

12 “(2) REQUIREMENTS.—The performance ac-
13 countability system under paragraph (1) shall, for
14 each major infrastructure project, track, at a min-
15 imum—

16 “(A) the environmental review process for
17 the major infrastructure project, including the
18 project schedule;

19 “(B) whether the lead agency, cooperating
20 agencies, and participating agencies are meet-
21 ing the schedule established for the environ-
22 mental review process; and

23 “(C) the time taken to complete the envi-
24 ronmental review process.

25 “(q) ADOPTION OF CATEGORICAL EXCLUSIONS.—

1 “(1) IN GENERAL.—Not later than 60 days
2 after the date of enactment of this subsection, the
3 Secretary shall—

4 “(A) in consultation with the entities de-
5 scribed in paragraph (2), identify the categor-
6 ical exclusions described in section 771.117 of
7 title 23, Code of Federal Regulations (or suc-
8 cessor regulations), that would accelerate deliv-
9 ery of a project if those categorical exclusions
10 were available to those entities;

11 “(B) collect existing documentation and
12 substantiating information on the categorical
13 exclusions described in subparagraph (A); and

14 “(C) provide to each entity described in
15 paragraph (2) a list of the categorical exclu-
16 sions identified under subparagraph (A) and
17 the documentation and substantiating informa-
18 tion under subparagraph (B).

19 “(2) ENTITIES DESCRIBED.—The entities re-
20 ferred to in paragraph (1) are—

21 “(A) the Secretary of the Interior;

22 “(B) the Secretary of the Army;

23 “(C) the Secretary of Commerce;

24 “(D) the Secretary of Agriculture;

25 “(E) the Secretary of Energy;

1 “(F) the Secretary of Defense; and

2 “(G) the head of any other Federal agency
3 that has participated in an environmental re-
4 view process, as determined by the Secretary.

5 “(3) ADOPTION OF CATEGORICAL EXCLU-
6 SIONS.—If an entity described in paragraph (2) de-
7 termines that a categorical exclusion identified under
8 paragraph (1)(A) meets the criteria for a categorical
9 exclusion under section 1508.4 of title 40, Code of
10 Federal Regulations (or successor regulations), not
11 later than 2 years after the date on which the Sec-
12 retary provides the list under paragraph (1)(C), the
13 entity shall publish a notice of proposed rulemaking
14 to propose a new categorical exclusion.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 1 of title 23, United States Code, is amended by strik-
17 ing the item relating to section 139 and inserting the fol-
18 lowing:

“139. Efficient environmental reviews for project decisionmaking and One Fed-
eral Decision.”.

19 **SEC. 1302. WORK ZONE PROCESS REVIEWS.**

20 The Secretary shall amend section 630.1008(e) of
21 title 23, Code of Federal Regulations, to ensure that the
22 work zone process review under that subsection is required
23 not more frequently than once every 5 years.

1 **SEC. 1303. TRANSPORTATION MANAGEMENT PLANS.**

2 (a) IN GENERAL.—The Secretary shall amend sec-
3 tion 630.1010(e) of title 23, Code of Federal Regulations,
4 to ensure that only a project described in that subsection
5 with a lane closure for 3 or more consecutive days shall
6 be considered to be a significant project for purposes of
7 that section.

8 (b) NON-INTERSTATE PROJECTS.—Notwithstanding
9 any other provision of law, a State shall not be required
10 to develop or implement a transportation management
11 plan (as described in section 630.1012 of title 23, Code
12 of Federal Regulations (or successor regulations)) for a
13 highway project not on the Interstate System if the project
14 requires not more than 3 consecutive days of lane closures.

15 **SEC. 1304. INTELLIGENT TRANSPORTATION SYSTEMS.**

16 (a) IN GENERAL.—The Secretary shall develop guid-
17 ance for using existing flexibilities with respect to the sys-
18 tems engineering analysis described in part 940 of title
19 23, Code of Federal Regulations (or successor regula-
20 tions).

21 (b) IMPLEMENTATION.—The Secretary shall ensure
22 that any guidance developed under subsection (a)—

23 (1) clearly identifies criteria for low-risk and ex-
24 empt intelligent transportation systems projects,
25 with a goal of minimizing unnecessary delay or pa-
26 perwork burden;

1 (2) is consistently implemented by the Depart-
2 ment nationwide; and

3 (3) is disseminated to Federal-aid recipients.

4 (c) SAVINGS PROVISION.—Nothing in this section
5 prevents the Secretary from amending part 940 of title
6 23, Code of Federal Regulations (or successor regula-
7 tions), to reduce State administrative burdens.

8 **SEC. 1305. ALTERNATIVE CONTRACTING METHODS.**

9 (a) ALTERNATIVE CONTRACTING METHODS FOR
10 FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL
11 GOVERNMENTS.—Section 201 of title 23, United States
12 Code, is amended by adding at the end the following:

13 “(f) ALTERNATIVE CONTRACTING METHODS.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law (including the Federal Acquisition
16 Regulation), a contracting method available to a
17 State under this title may be used by the Secretary,
18 on behalf of—

19 “(A) a Federal land management agency,
20 in using any funds pursuant to sections 203,
21 204, or 308;

22 “(B) a Federal land management agency,
23 in using any funds pursuant to section 1535 of
24 title 31 for any of the eligible uses described in

1 sections 203(a)(1) and 204(a)(1) and para-
2 graphs (1) and (2) of section 308(a); or

3 “(C) a Tribal government, in using funds
4 pursuant to section 202(b)(7)(D).

5 “(2) METHODS DESCRIBED.—The contracting
6 methods referred to in paragraph (1) shall include,
7 at a minimum—

8 “(A) project bundling;

9 “(B) bridge bundling;

10 “(C) design-build contracting;

11 “(D) 2-phase contracting;

12 “(E) long-term concession agreements; and

13 “(F) any method tested, or that could be
14 tested, under an experimental program relating
15 to contracting methods carried out by the Sec-
16 retary.

17 “(3) EFFECT.—Nothing in this subsection—

18 “(A) affects the application of the Federal
19 share for the project carried out with a con-
20 tracting method under this subsection; or

21 “(B) modifies the point of obligation of
22 Federal salaries and expenses.”.

23 (b) COOPERATION WITH FEDERAL AND STATE
24 AGENCIES AND FOREIGN COUNTRIES.—Section 308(a) of

1 title 23, United States Code, is amended by adding at the
2 end the following:

3 “(4) ALTERNATIVE CONTRACTING METHODS.—

4 “(A) IN GENERAL.—Notwithstanding any
5 other provision of law (including the Federal
6 Acquisition Regulation), in performing services
7 under paragraph (1), the Secretary may use
8 any contracting method available to a State
9 under this title.

10 “(B) METHODS DESCRIBED.—The con-
11 tracting methods referred to in subparagraph
12 (A) shall include, at a minimum—

13 “(i) project bundling;

14 “(ii) bridge bundling;

15 “(iii) design-build contracting;

16 “(iv) 2-phase contracting;

17 “(v) long-term concession agreements;

18 and

19 “(vi) any method tested, or that could
20 be tested, under an experimental program
21 relating to contracting methods carried out
22 by the Secretary.”.

23 (c) USE OF ALTERNATIVE CONTRACTING METH-
24 ODS.—In carrying out an alternative contracting method

1 under section 201(f) or 308(a)(4) of title 23, United
2 States Code, the Secretary shall—

3 (1) in consultation with the applicable Federal
4 land management agencies, establish clear proce-
5 dures that are—

6 (A) applicable to the alternative con-
7 tracting method; and

8 (B) to the maximum extent practicable,
9 consistent with the requirements applicable to
10 Federal procurement transactions;

11 (2) solicit input on the use of the alternative
12 contracting method from the affected industry prior
13 to using the method; and

14 (3) analyze and prepare an evaluation of the
15 use of the alternative contracting method.

16 **SEC. 1306. FLEXIBILITY FOR PROJECTS.**

17 Section 1420 of the FAST Act (23 U.S.C. 101 note;
18 Public Law 114–94) is amended—

19 (1) in subsection (a), by striking “and on re-
20 quest by a State, the Secretary may” in the matter
21 preceding paragraph (1) and all that follows through
22 the period at the end of paragraph (2) and inserting
23 the following: “, on request by a State, and if in the
24 public interest (as determined by the Secretary), the

1 Secretary shall exercise all existing flexibilities
2 under—

3 “(1) the requirements of title 23, United States
4 Code; and

5 “(2) other requirements administered by the
6 Secretary, in whole or in part.”; and

7 (2) in subsection (b)(2)(A), by inserting “(in-
8 cluding regulations)” after “environmental law”.

9 **SEC. 1307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**
10 **OVERSIGHT AGREEMENTS.**

11 (a) DEFINITION OF TEMPLATE.—In this section, the
12 term “template” means a template created by the Sec-
13 retary for Federal-State stewardship and oversight agree-
14 ments that—

15 (1) includes all standard terms found in stew-
16 ardship and oversight agreements, including any
17 terms in an attachment to the agreement;

18 (2) is developed in accordance with section 106
19 of title 23, United States Code, or any other applica-
20 ble authority; and

21 (3) may be developed with consideration of rel-
22 evant regulations, guidance, or policies.

23 (b) REQUEST FOR COMMENT.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the date of enactment of this Act, the Secretary

1 shall publish in the Federal Register the template
2 and a notice requesting public comment on ways to
3 improve the template.

4 (2) COMMENT PERIOD.—The Secretary shall
5 provide a period of not less than 60 days for public
6 comment on the notice under paragraph (1).

7 (3) CERTAIN ISSUES.—The notice under para-
8 graph (1) shall allow comment on any aspect of the
9 template and shall specifically request public com-
10 ment on—

11 (A) whether the template should be revised
12 to delete standard terms requiring approval by
13 the Secretary of the policies, procedures, proc-
14 esses, or manuals of the States, or other State
15 actions, if Federal law (including regulations)
16 does not specifically require an approval;

17 (B) opportunities to modify the template to
18 allow adjustments to the review schedules for
19 State practices or actions, including through
20 risk-based approaches, program reviews, process
21 reviews, or other means; and

22 (C) any other matters that the Secretary
23 determines to be appropriate.

24 (c) NOTICE OF ACTION; UPDATES.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, after considering
3 the comments received in response to the Federal
4 Register notice under subsection (b), the Secretary
5 shall publish in the Federal Register a notice that—

6 (A) describes any proposed changes to be
7 made, and any alternatives to such changes, to
8 the template;

9 (B) addresses comments in response to
10 which changes were not made to the template;
11 and

12 (C) prescribes a schedule and a plan to
13 execute a process for implementing the changes
14 referred to in subparagraph (A).

15 (2) APPROVAL REQUIREMENTS.—In addressing
16 comments under paragraph (1)(B), the Secretary
17 shall include an explanation of the basis for retain-
18 ing any requirement for approval of State policies,
19 procedures, processes, or manuals, or other State ac-
20 tions, if Federal law (including regulations) does not
21 specifically require the approval.

22 (3) IMPLEMENTATION.—

23 (A) IN GENERAL.—Not later than 60 days
24 after the date on which the notice under para-

1 graph (1) is published, the Secretary shall make
2 changes to the template in accordance with—

3 (i) the changes described in the notice
4 under paragraph (1)(A); and

5 (ii) the schedule and plan described in
6 the notice under paragraph (1)(C).

7 (B) UPDATES.—Not later than 1 year
8 after the date on which the revised template
9 under subparagraph (A) is published, the Sec-
10 retary shall update existing agreements with
11 States according to the template updated under
12 subparagraph (A).

13 (d) INCLUSION OF NON-STANDARD TERMS.—Noth-
14 ing in this section precludes the inclusion in a Federal-
15 State stewardship and oversight agreement of non-stand-
16 ard terms to address a State-specific matter, including
17 risk-based stewardship and Department oversight involve-
18 ment in individual projects of division interest.

19 (e) COMPLIANCE WITH NON-STATUTORY TERMS.—

20 (1) IN GENERAL.—The Secretary shall not en-
21 force or otherwise require a State to comply with ap-
22 proval requirements that are not required by Federal
23 law (including regulations) in a Federal-State stew-
24 ardship and oversight agreement.

1 (2) APPROVAL AUTHORITY.—Notwithstanding
2 any other provision of law, the Secretary shall not
3 assert approval authority over any matter in a Fed-
4 eral-State stewardship and oversight agreement re-
5 served to States.

6 (f) FREQUENCY OF REVIEWS.—Section 106(g)(3) of
7 title 23, United States Code, is amended—

8 (1) by striking “annual”;

9 (2) by striking “The Secretary” and inserting
10 the following:

11 “(A) IN GENERAL.—The Secretary”; and

12 (3) by adding at the end the following:

13 “(B) FREQUENCY.—

14 “(i) IN GENERAL.—Except as pro-
15 vided in clauses (ii) and (iii), the Secretary
16 shall carry out a review under subpara-
17 graph (A) not less frequently than once
18 every 2 years.

19 “(ii) CONSULTATION WITH STATE.—

20 The Secretary, after consultation with a
21 State, may make a determination to carry
22 out a review under subparagraph (A) for
23 that State less frequently than provided
24 under clause (i).

1 “(iii) CAUSE.—If the Secretary deter-
2 mines that there is a specific reason to re-
3 quire a review more frequently than pro-
4 vided under clause (i) with respect to a
5 State, the Secretary may carry out a re-
6 view more frequently than provided under
7 that clause.”.

8 **SEC. 1308. GEOMATIC DATA.**

9 (a) IN GENERAL.—The Secretary shall develop guid-
10 ance for the acceptance and use of information obtained
11 from a non-Federal entity through geomatic techniques,
12 including remote sensing and land surveying, cartography,
13 geographic information systems, global navigation satellite
14 systems, photogrammetry, or other remote means.

15 (b) CONSIDERATIONS.—In carrying out this section,
16 the Secretary shall ensure that acceptance or use of infor-
17 mation described in subsection (a) meets the data quality
18 and operational requirements of the Secretary.

19 (c) PUBLIC COMMENT.—Before issuing any final
20 guidance under subsection (a), the Secretary shall provide
21 to the public—

22 (1) notice of the proposed guidance; and

23 (2) an opportunity to comment on the proposed
24 guidance.

25 (d) SAVINGS CLAUSE.—Nothing in this section—

- 1 (1) requires the Secretary to accept or use in-
 2 formation that the Secretary determines does not
 3 meet the guidance developed under this section; or
 4 (2) changes the current statutory or regulatory
 5 requirements of the Department.

6 **SEC. 1309. EVALUATION OF PROJECTS WITHIN AN OPER-**
 7 **ATIONAL RIGHT-OF-WAY.**

8 (a) IN GENERAL.—Chapter 3 of title 23, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 331. Evaluation of projects within an operational**
 12 **right-of-way**

13 “(a) DEFINITIONS.—

14 “(1) ELIGIBLE PROJECT OR ACTIVITY.—

15 “(A) IN GENERAL.—In this section, the
 16 term ‘eligible project or activity’ means a
 17 project or activity within an existing operational
 18 right-of-way (as defined in section
 19 771.117(c)(22) of title 23, Code of Federal
 20 Regulations (or successor regulations))—

21 “(i)(I) eligible for assistance under
 22 this title; or

23 “(II) administered as if made avail-
 24 able under this title;

25 “(ii) that is—

1 “(I) a preventive maintenance,
2 preservation, or highway safety im-
3 provement project (as defined in sec-
4 tion 148(a)); or

5 “(II) a new turn lane that the
6 State advises in writing to the Sec-
7 retary would assist public safety; and
8 “(iii) that—

9 “(I) is classified as a categorical
10 exclusion under section 771.117 of
11 title 23, Code of Federal Regulations
12 (or successor regulations); or

13 “(II) if the project or activity
14 does not receive assistance described
15 in clause (i) would be considered a
16 categorical exclusion if the project or
17 activity received assistance described
18 in clause (i).

19 “(B) EXCLUSION.—The term ‘eligible
20 project or activity’ does not include a project to
21 create a new travel lane.

22 “(2) PRELIMINARY EVALUATION.—The term
23 ‘preliminary evaluation’, with respect to an applica-
24 tion described in subsection (b)(1), means an evalua-
25 tion that is customary or practicable for the relevant

1 agency to complete within a 45-day period for simi-
2 lar applications.

3 “(3) RELEVANT AGENCY.—The term ‘relevant
4 agency’ means a Federal agency, other than the
5 Federal Highway Administration, with responsibility
6 for review of an application from a State for a per-
7 mit, approval, or jurisdictional determination for an
8 eligible project or activity.

9 “(b) ACTION REQUIRED.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 not later than 45 days after the date of receipt of
12 an application by a State for a permit, approval, or
13 jurisdictional determination for an eligible project or
14 activity, the head of the relevant agency shall—

15 “(A) make at least a preliminary evalua-
16 tion of the application; and

17 “(B) notify the State of the results of the
18 preliminary evaluation under subparagraph (A).

19 “(2) EXTENSION.—The head of the relevant
20 agency may extend the review period under para-
21 graph (1) by not more than 30 days if the head of
22 the relevant agency provides to the State written no-
23 tice that includes an explanation of the need for the
24 extension.

1 “(3) FAILURE TO ACT.—If the head of the rel-
 2 evant agency fails to meet a deadline under para-
 3 graph (1) or (2), as applicable, the head of the rel-
 4 evant agency shall—

5 “(A) not later than 30 days after the date
 6 of the missed deadline, submit to the State, the
 7 Committee on Environment and Public Works
 8 of the Senate, and the Committee on Transpor-
 9 tation and Infrastructure of the House of Rep-
 10 resentatives a report that describes why the
 11 deadline was missed; and

12 “(B) not later than 14 days after the date
 13 on which a report is submitted under subpara-
 14 graph (A), make publicly available, including on
 15 the internet, a copy of that report.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
 17 ter 3 of title 23, United States Code, is amended by add-
 18 ing at the end the following:

“331. Evaluation of projects within an operational right-of-way.”.

19 **SEC. 1310. DEPARTMENT OF TRANSPORTATION REPORTS.**

20 (a) IN GENERAL.—Chapter 3 of title 23, United
 21 States Code (as amended by section 1309(a)), is amended
 22 by adding at the end the following:

1 **“§ 332. Department of Transportation reports**

2 “(a) DEFINITION OF DASHBOARD.—In this section,
3 the term ‘Dashboard’ has the meaning given the term in
4 section 41001 of the FAST Act (42 U.S.C. 4370m).

5 “(b) REPORTS.—Not later than January 31 of each
6 year, the Secretary shall submit to the Committee on En-
7 vironment and Public Works of the Senate and the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives a report with respect to any projects,
10 programs, or authorities under this title (other than chap-
11 ter 4) that includes—

12 “(1) for the preceding fiscal year—

13 “(A) the median time described in sub-
14 section (c)(1) posted on the Dashboard for
15 projects described in subsection (c)(2);

16 “(B) a list of any new categorical exclu-
17 sions adopted by the Department and listed
18 under section 771.117 of title 23, Code of Fed-
19 eral Regulations (or successor regulations); and

20 “(C) a list of all regulatory requirements
21 that have been removed or reduced and, if
22 available, a summary of the cost savings result-
23 ing from the removal or reduction to—

24 “(i) States;

25 “(ii) units of Tribal and local govern-
26 ment; and

1 “(iii) the public; and

2 “(2) for the current fiscal year—

3 “(A) an estimate or documentation of the
4 median time elapsed between—

5 “(i) the date of the publication in the
6 Federal Register of a notice of intent to
7 prepare an environmental impact state-
8 ment; and

9 “(ii) the date of the record of decision
10 with respect to that environmental impact
11 statement by the Department; and

12 “(B) if available, a summary of the cost
13 savings, including cost savings to States, units
14 of Tribal and local government, and the public,
15 resulting from the removal or reduction of regu-
16 latory requirements.

17 “(c) FEDERAL PERMITTING DASHBOARD.—

18 “(1) IN GENERAL.—Not later than January 31
19 of each year, the Secretary shall provide to the Ex-
20 ecutive Director of the Federal Permitting Improve-
21 ment Steering Council established under section
22 41002(a) of the FAST Act (42 U.S.C. 4370m–1(a)),
23 to make available on the Dashboard, with respect to
24 projects described in paragraph (2), the median time
25 elapsed between—

1 “(A) the publication in the Federal Reg-
2 ister of the notice of intent to prepare an envi-
3 ronmental impact statement; and

4 “(B) the date of issuance of the record of
5 decision with respect to that environmental im-
6 pact statement by the Department of Transpor-
7 tation.

8 “(2) PROJECTS DESCRIBED.—A project re-
9 ferred to in paragraph (1) is a project for which—

10 “(A) a record of decision for an environ-
11 mental impact statement was issued during the
12 preceding fiscal year; and

13 “(B) the Department of Transportation is
14 a lead agency (as defined in section 139).”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 3 of title 23, United States Code (as amended by sec-
17 tion 1309(b)), is amended by adding at the end the fol-
18 lowing:

“332. Department of Transportation reports.”.

19 **Subtitle D—Climate Change**

20 **SEC. 1401. GRANTS FOR CHARGING AND FUELING INFRA- 21 STRUCTURE TO MODERNIZE AND RECON- 22 NECT AMERICA FOR THE 21ST CENTURY.**

23 (a) PURPOSE.—The purpose of this section is to es-
24 tablish a grant program to strategically deploy electric ve-
25 hicle charging infrastructure, hydrogen fueling infrastruc-

1 ture, and natural gas fueling infrastructure along des-
2 ignated alternative fuel corridors that will be accessible to
3 all drivers of electric vehicles, hydrogen vehicles, and nat-
4 ural gas vehicles.

5 (b) GRANT PROGRAM.—Section 151 of title 23,
6 United States Code, is amended—

7 (1) in subsection (a), by striking “Not later
8 than 1 year after the date of enactment of the
9 FAST Act, the Secretary shall” and inserting “The
10 Secretary shall periodically”;

11 (2) in subsection (b)(2), by inserting “pre-
12 viously designated by the Federal Highway Adminis-
13 tration or” before “designated by”;

14 (3) in subsection (d)—

15 (A) by striking “5 years after the date of
16 establishment of the corridors under subsection
17 (a), and every 5 years thereafter,” and insert-
18 ing “180 days after the date of enactment of
19 the America’s Transportation Infrastructure
20 Act of 2019,”; and

21 (B) by inserting “establish a recurring
22 process to regularly” before “update”;

23 (4) in subsection (e)—

24 (A) in paragraph (1), by striking “and” at
25 the end;

1 (B) in paragraph (2)—

2 (i) by striking “establishes an aspira-
3 tional goal of achieving” and inserting “de-
4 scribes efforts, including through funds
5 awarded through the grant program under
6 subsection (f), that will aid efforts to
7 achieve”; and

8 (ii) by striking “by the end of fiscal
9 year 2020.” and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(3) summarizes best practices and provides
12 guidance, developed through consultation with the
13 Secretary of Energy, for project development of elec-
14 tric vehicle charging infrastructure, hydrogen fueling
15 infrastructure, and natural gas fueling infrastruc-
16 ture at the State, Tribal, and local level to allow for
17 the predictable deployment of that infrastructure.”;
18 and

19 (5) by adding at the end the following:

20 “(f) GRANT PROGRAM.—

21 “(1) ESTABLISHMENT.—Not later than 1 year
22 after the date of enactment of the America’s Trans-
23 portation Infrastructure Act of 2019, the Secretary
24 shall establish a grant program to award grants to

1 eligible entities to carry out the activities described
2 in paragraph (5).

3 “(2) ELIGIBLE ENTITIES.—An entity eligible to
4 receive a grant under this subsection is—

5 “(A) a State or political subdivision of a
6 State;

7 “(B) a metropolitan planning organization;

8 “(C) a unit of local government;

9 “(D) a special purpose district or public
10 authority with a transportation function, includ-
11 ing a port authority;

12 “(E) an Indian tribe (as defined in section
13 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act (25 U.S.C. 5304));

15 “(F) an authority, agency, or instrumen-
16 tality of, or an entity owned by, 1 or more enti-
17 ties described in subparagraphs (A) through
18 (E); or

19 “(G) a group of entities described in sub-
20 paragraphs (A) through (F).

21 “(3) APPLICATIONS.—To be eligible to receive a
22 grant under this subsection, an eligible entity shall
23 submit to the Secretary an application at such time,
24 in such manner, and containing such information as
25 the Secretary shall require, including—

1 “(A) a description of how the eligible enti-
2 ty has considered—

3 “(i) public accessibility of charging or
4 fueling infrastructure proposed to be fund-
5 ed with a grant under this subsection, in-
6 cluding—

7 “(I) charging or fueling con-
8 nector types and publicly available in-
9 formation on real-time availability;
10 and

11 “(II) payment methods to ensure
12 secure, convenient, fair, and equal ac-
13 cess;

14 “(ii) collaborative engagement with
15 stakeholders (including automobile manu-
16 facturers, utilities, infrastructure pro-
17 viders, technology providers, electric charg-
18 ing, hydrogen, and natural gas fuel pro-
19 viders, metropolitan planning organiza-
20 tions, States, Indian tribes, and units of
21 local governments, fleet owners, fleet man-
22 agers, fuel station owners and operators,
23 labor organizations, infrastructure con-
24 struction and component parts suppliers,
25 and multi-State and regional entities)—

1 “(I) to foster enhanced, coordi-
2 nated, public-private or private invest-
3 ment in electric vehicle charging infra-
4 structure, hydrogen fueling infrastruc-
5 ture, or natural gas fueling infrastruc-
6 ture;

7 “(II) to expand deployment of
8 electric vehicle charging infrastruc-
9 ture, hydrogen fueling infrastructure,
10 or natural gas fueling infrastructure;

11 “(III) to protect personal privacy
12 and ensure cybersecurity; and

13 “(IV) to ensure that a properly
14 trained workforce is available to con-
15 struct and install electric vehicle
16 charging infrastructure, hydrogen
17 fueling infrastructure, or natural gas
18 fueling infrastructure;

19 “(iii) the location of the station or
20 fueling site, such as consideration of—

21 “(I) the availability of onsite
22 amenities for vehicle operators, such
23 as restrooms or food facilities;

1 “(II) access in compliance with
2 the Americans with Disabilities Act of
3 1990 (42 U.S.C. 12101 et seq.);

4 “(III) height and fueling capacity
5 requirements for facilities that charge
6 or refuel large vehicles, such as semi-
7 trailer trucks; and

8 “(IV) appropriate distribution to
9 avoid redundancy and fill charging or
10 fueling gaps;

11 “(iv) infrastructure installation that
12 can be responsive to technology advance-
13 ments, such as accommodating autono-
14 mous vehicles and future charging meth-
15 ods; and

16 “(v) the long-term operation and
17 maintenance of the electric vehicle charg-
18 ing infrastructure, hydrogen fueling infra-
19 structure, or natural gas fueling infra-
20 structure, to avoid stranded assets and
21 protect the investment of public funds in
22 that infrastructure; and

23 “(B) an assessment of the estimated emis-
24 sions that will be reduced through the use of
25 electric vehicle charging infrastructure, hydro-

1 gen fueling infrastructure, or natural gas fuel-
2 ing infrastructure, which shall be conducted
3 using the Alternative Fuel Life-Cycle Environ-
4 mental and Economic Transportation
5 (AFLEET) tool developed by Argonne National
6 Laboratory (or a successor tool).

7 “(4) CONSIDERATIONS.—In selecting eligible
8 entities to receive a grant under this subsection, the
9 Secretary shall—

10 “(A) consider the extent to which the ap-
11 plication of the eligible entity would—

12 “(i) improve alternative fueling cor-
13 ridor networks by—

14 “(I) converting corridor-pending
15 corridors to corridor-ready corridors;

16 or

17 “(II) in the case of corridor-
18 ready corridors, providing redun-
19 dancy—

20 “(aa) to meet excess demand
21 for charging or fueling infra-
22 structure; or

23 “(bb) to reduce congestion
24 at existing charging or fueling in-

1 infrastructure in high-traffic loca-
2 tions;

3 “(ii) meet current or anticipated mar-
4 ket demands for charging or fueling infra-
5 structure;

6 “(iii) enable or accelerate the con-
7 struction of charging or fueling infrastruc-
8 ture that would be unlikely to be completed
9 without Federal assistance; and

10 “(iv) support a long-term competitive
11 market for electric vehicle charging infra-
12 structure, hydrogen fueling infrastructure,
13 or natural gas fueling infrastructure that
14 does not significantly impair existing elec-
15 tric vehicle charging infrastructure, hydro-
16 gen fueling infrastructure, or natural gas
17 fueling infrastructure providers;

18 “(B) ensure, to the maximum extent prac-
19 ticable, geographic diversity among grant recipi-
20 ents to ensure that electric vehicle charging in-
21 frastructure, hydrogen fueling infrastructure, or
22 natural gas fueling infrastructure is available
23 throughout the United States;

1 “(C) consider whether the private entity
2 that the eligible entity contracts with under
3 paragraph (5)—

4 “(i) submits to the Secretary the most
5 recent year of audited financial statements;
6 and

7 “(ii) has experience in installing and
8 operating electric vehicle charging infra-
9 structure, hydrogen fueling infrastructure,
10 or natural gas fueling infrastructure; and

11 “(D) consider whether, to the maximum
12 extent practicable, the eligible entity and the
13 private entity that the eligible entity contracts
14 with under paragraph (5) enter into an agree-
15 ment—

16 “(i) to operate and maintain publicly
17 available electric vehicle charging infra-
18 structure, hydrogen fueling infrastructure,
19 or natural gas infrastructure; and

20 “(ii) that provides a remedy and an
21 opportunity to cure if the requirements de-
22 scribed in clause (i) are not met.

23 “(5) USE OF FUNDS.—

24 “(A) IN GENERAL.—An eligible entity re-
25 ceiving a grant under this subsection shall only

1 use the funds in accordance with this paragraph
2 to contract with a private entity for acquisition
3 and installation of publicly accessible electric
4 vehicle charging infrastructure, hydrogen fuel-
5 ing infrastructure, or natural gas fueling infra-
6 structure that is directly related to the charging
7 or fueling of a vehicle.

8 “(B) LOCATION OF INFRASTRUCTURE.—

9 Any electric vehicle charging infrastructure, hy-
10 drogen fueling infrastructure, or natural gas
11 fueling infrastructure acquired and installed
12 with a grant under this subsection shall be lo-
13 cated along an alternative fuel corridor des-
14 igned—

15 “(i) under this section, on the condi-
16 tion that any affected Indian tribes are
17 consulted before the designation; or

18 “(ii) by a State or group of States,
19 such as the Regional Electric Vehicle West
20 Plan of the States of Arizona, Colorado,
21 Idaho, Montana, Nevada, New Mexico,
22 Utah, and Wyoming, on the condition that
23 any affected Indian tribes are consulted
24 before the designation.

25 “(C) OPERATING ASSISTANCE.—

1 “(i) IN GENERAL.—Subject to clauses
2 (ii) and (iii), an eligible entity that receives
3 a grant under this subsection may use a
4 portion of the funds to provide to a private
5 entity operating assistance for the first 5
6 years of operations after the installation of
7 electric vehicle charging infrastructure, hy-
8 drogen fueling infrastructure, or natural
9 gas fueling infrastructure while the facility
10 transitions to independent system oper-
11 ations.

12 “(ii) INCLUSIONS.—Operating assist-
13 ance under this subparagraph shall be lim-
14 ited to costs allocable to operating and
15 maintaining the electric vehicle charging
16 infrastructure, hydrogen fueling infrastruc-
17 ture, or natural gas fueling infrastructure
18 and service, including costs associated with
19 labor, marketing, and administrative costs.

20 “(iii) LIMITATION.—Operating assist-
21 ance under this subparagraph may not ex-
22 ceed the amount of a contract under sub-
23 paragraph (A) to acquire and install pub-
24 licly accessible electric vehicle charging in-

1 frastructure, hydrogen fueling infrastruc-
2 ture, or natural gas fueling infrastructure.

3 “(D) SIGNS.—

4 “(i) IN GENERAL.—Subject to this
5 paragraph and paragraph (6)(B), an eligi-
6 ble entity that receives a grant under this
7 subsection may use a portion of the funds
8 to acquire and install—

9 “(I) traffic control devices lo-
10 cated in the right-of-way to provide
11 directional information to electric ve-
12 hicle charging infrastructure, hydro-
13 gen fueling infrastructure, or natural
14 gas fueling infrastructure acquired,
15 installed, or operated with the grant;
16 and

17 “(II) on-premises signs to pro-
18 vide information about electric vehicle
19 charging infrastructure, hydrogen
20 fueling infrastructure, or natural gas
21 fueling infrastructure acquired, in-
22 stalled, or operated with a grant
23 under this subsection.

24 “(ii) APPLICABILITY.—Clause (i) shall
25 apply only to an eligible entity that—

1 “(I) receives a grant under this
2 subsection; and

3 “(II) is using that grant for the
4 acquisition and installation of publicly
5 accessible electric vehicle charging in-
6 frastructure, hydrogen fueling infra-
7 structure, or natural gas fueling infra-
8 structure.

9 “(iii) LIMITATION ON AMOUNT.—The
10 amount of funds used to acquire and in-
11 stall traffic control devices and on-premises
12 signs under clause (i) may not exceed the
13 amount of a contract under subparagraph
14 (A) to acquire and install publicly acces-
15 sible charging or fueling infrastructure.

16 “(iv) NO NEW AUTHORITY CRE-
17 ATED.—Nothing in this subparagraph au-
18 thORIZES an eligible entity that receives a
19 grant under this subsection to acquire and
20 install traffic control devices or on-prem-
21 ises signs if the entity is not otherwise au-
22 thorized to do so.

23 “(E) REVENUE.—An eligible entity receiv-
24 ing a grant under this subsection and a private
25 entity referred to in subparagraph (A) may

1 enter into a cost-sharing agreement under
2 which the private entity submits to the eligible
3 entity a portion of the revenue from the electric
4 vehicle charging infrastructure, hydrogen fuel-
5 ing infrastructure, or natural gas fueling infra-
6 structure.

7 “(6) PROJECT REQUIREMENTS.—

8 “(A) IN GENERAL.—Notwithstanding any
9 other provision of law, any project funded by a
10 grant under this subsection shall be treated as
11 a project on a Federal-aid highway under this
12 chapter.

13 “(B) SIGNS.—Any traffic control device or
14 on-premises sign acquired, installed, or operated
15 with a grant under this subsection shall comply
16 with—

17 “(i) the Manual on Uniform Traffic
18 Control Devices, if located in the right-of-
19 way; and

20 “(ii) other provisions of Federal,
21 State, and local law, as applicable.

22 “(7) FEDERAL SHARE.—

23 “(A) IN GENERAL.—The Federal share of
24 the cost of a project carried out with a grant

1 under this subsection shall not exceed 80 per-
2 cent of the total project cost.

3 “(B) RESPONSIBILITY OF PRIVATE ENTI-
4 TY.—As a condition of contracting with an eli-
5 gible entity under paragraph (5), a private enti-
6 ty shall agree to pay the share of the cost of
7 a project carried out with a grant under this
8 subsection that is not paid by the Federal Gov-
9 ernment under subparagraph (A).

10 “(8) REPORT.—Not later than 3 years after the
11 date of enactment of this subsection, the Secretary
12 shall submit to the Committee on Environment and
13 Public Works of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives and make publicly available a report
16 on the progress and implementation of this sub-
17 section.”.

18 **SEC. 1402. REDUCTION OF TRUCK EMISSIONS AT PORT FA-**
19 **CILITIES.**

20 (a) ESTABLISHMENT OF PROGRAM.—

21 (1) IN GENERAL.—The Secretary shall establish
22 a program to reduce idling at port facilities, under
23 which the Secretary shall—

24 (A) study how ports and intermodal port
25 transfer facilities would benefit from increased

1 opportunities to reduce emissions at ports, in-
2 cluding through the electrification of port oper-
3 ations;

4 (B) study emerging technologies and strat-
5 egies that may help reduce port-related emis-
6 sions from idling trucks; and

7 (C) coordinate and provide funding to test,
8 evaluate, and deploy projects that reduce port-
9 related emissions from idling trucks, including
10 through the advancement of port electrification
11 and improvements in efficiency, focusing on
12 port operations, including heavy-duty commer-
13 cial vehicles, and other related projects.

14 (2) CONSULTATION.—In carrying out the pro-
15 gram under this subsection, the Secretary may con-
16 sult with the Secretary of Energy and the Adminis-
17 trator of the Environmental Protection Agency.

18 (b) GRANTS.—

19 (1) IN GENERAL.—In carrying out subsection
20 (a)(1)(C), the Secretary shall award grants to fund
21 projects that reduce emissions at ports, including
22 through the advancement of port electrification.

23 (2) COST SHARE.—A grant awarded under
24 paragraph (1) shall not exceed 80 percent of the
25 total cost of the project funded by the grant.

1 (3) COORDINATION.—In carrying out the grant
2 program under this subsection, the Secretary shall—

3 (A) to the maximum extent practicable, le-
4 verage existing resources and programs of the
5 Department and other relevant Federal agen-
6 cies; and

7 (B) coordinate with other Federal agen-
8 cies, as the Secretary determines to be appro-
9 priate.

10 (4) APPLICATION; SELECTION.—

11 (A) APPLICATION.—The Secretary shall
12 solicit applications for grants under paragraph
13 (1) at such time, in such manner, and con-
14 taining such information as the Secretary deter-
15 mines to be necessary.

16 (B) SELECTION.—The Secretary shall
17 make grants under paragraph (1) by not later
18 than April 1 of each fiscal year for which fund-
19 ing is made available.

20 (c) REPORT.—Not later than 1 year after the date
21 on which all of the projects funded with a grant under
22 subsection (b) are completed, the Secretary shall submit
23 to Congress a report that includes—

24 (1) the findings of the studies described in sub-
25 paragraphs (A) and (B) of subsection (a)(1);

1 (2) the results of the projects that received a
2 grant under subsection (b);

3 (3) any recommendations for workforce develop-
4 ment and training opportunities with respect to port
5 electrification; and

6 (4) any policy recommendations based on the
7 findings and results described in paragraphs (1) and
8 (2).

9 **SEC. 1403. CARBON REDUCTION INCENTIVE PROGRAMS.**

10 (a) IN GENERAL.—Chapter 1 of title 23, United
11 States Code (as amended by section 1203(a)), is amended
12 by adding at the end the following:

13 **“§ 177. Formula carbon reduction incentive program**

14 “(a) DEFINITIONS.—In this section:

15 “(1) METROPOLITAN PLANNING ORGANIZATION;
16 URBANIZED AREA.—The terms ‘metropolitan plan-
17 ning organization’ and ‘urbanized area’ have the
18 meaning given those terms in section 134(b).

19 “(2) TRANSPORTATION EMISSIONS.—The term
20 ‘transportation emissions’ means carbon dioxide
21 emissions from on-road highway sources of those
22 emissions within a State.

23 “(3) TRANSPORTATION MANAGEMENT AREA.—
24 The term ‘transportation management area’ means

1 a transportation management area identified or des-
2 ignated by the Secretary under section 134(k)(1).

3 “(b) FORMULA CARBON REDUCTION AWARDS.—

4 “(1) IN GENERAL.—For each fiscal year, the
5 Secretary shall distribute among the States the
6 amounts made available to carry out this section for
7 that fiscal year in accordance with paragraph (2).

8 “(2) DISTRIBUTION.—The amount for each
9 State shall be determined by multiplying the total
10 amount made available to carry out this section for
11 the applicable fiscal year by the ratio that—

12 “(A) the total base apportionment for the

13 State under section 104(c); bears to

14 “(B) the total base apportionments for all

15 States under section 104(c).

16 “(c) EMISSIONS REDUCTION SUPPLEMENTAL.—

17 “(1) IN GENERAL.—A State shall use 50 per-
18 cent of the amount distributed to the State under
19 subsection (b) for each fiscal year to carry out ac-
20 tivities under paragraph (2).

21 “(2) ELIGIBLE ACTIVITIES.—Subject to para-
22 graph (3), a State and any metropolitan planning
23 organization that is required to obligate funds in ac-
24 cordance with subsection (e) shall use the funds

1 under paragraph (1) for activities designed to reduce
2 transportation emissions, including—

3 “(A) a project described in paragraph (4),
4 (5), (7), or (8) of subsection (b) of section 149
5 or subsection (c)(2) of that section, regardless
6 of whether the project—

7 “(i) is located in an area designated
8 as a nonattainment or maintenance area,
9 as described in section 149(b); or

10 “(ii) is likely to contribute to the at-
11 tainment or maintenance in the area of a
12 national ambient air quality standard;

13 “(B) a project that is eligible for assist-
14 ance under section 142;

15 “(C) a project for the provision of facilities
16 for pedestrians and bicyclists (including the
17 conversion and use of rail corridors for pedes-
18 trian and bike trails);

19 “(D) a project that is described in section
20 503(c)(4)(E);

21 “(E) a project to reduce emissions from
22 port-related equipment and vehicles;

23 “(F) a project to replace street lighting
24 and traffic control devices with energy efficient
25 alternatives; and

1 “(G) the development of a carbon reduc-
2 tion strategy under subsection (d)(1)(A).

3 “(3) LIMITATION.—No funds provided under
4 paragraph (1) may be used for a project that will re-
5 sult in the construction of new capacity available to
6 single-occupant vehicles.

7 “(4) FEDERAL SHARE.—The Federal share of
8 the cost of a project carried out with funds under
9 paragraph (1) shall be determined in accordance
10 with section 120.

11 “(d) CARBON REDUCTION STRATEGY PLANNING IN-
12 CENTIVE.—

13 “(1) CARBON REDUCTION STRATEGY.—

14 “(A) IN GENERAL.—A State may, in con-
15 sultation with a metropolitan planning organi-
16 zation within the State, develop a carbon reduc-
17 tion strategy.

18 “(B) REQUIREMENTS.—If a State develops
19 a carbon reduction strategy under subpara-
20 graph (A), the carbon reduction strategy
21 shall—

22 “(i) identify projects and strategies to
23 reduce transportation emissions, which
24 may include projects and strategies for
25 safe, reliable, and cost-effective options—

1 “(I) to reduce traffic congestion
2 on Federal-aid highways located with-
3 in the State or the area served by the
4 metropolitan planning organization, as
5 applicable;

6 “(II) to facilitate the use of alter-
7 natives to single-occupant vehicle
8 trips, including public transportation
9 facilities, pedestrian facilities, bicycle
10 facilities, and shared or pooled vehicle
11 trips within the State or an area
12 served by the metropolitan planning
13 organization, if any;

14 “(III) to facilitate the use of ve-
15 hicles or modes of travel that result in
16 lower transportation emissions per
17 person-mile traveled; and

18 “(IV) to facilitate approaches to
19 transportation asset construction and
20 maintenance that result in lower
21 transportation emissions;

22 “(ii) set targets for the reduction of
23 transportation emissions and implementa-
24 tion of the projects and strategies identi-
25 fied under clause (i);

1 “(iii) be appropriate to the population
2 density and context of the State, including
3 a metropolitan planning organization with-
4 in the State, if any;

5 “(iv) provide a reasonable opportunity
6 for participation and review by interested
7 parties within the State;

8 “(v) be updated not less frequently
9 than once every 3 years; and

10 “(vi) be reviewed and certified by the
11 Secretary to have met the requirements of
12 this subparagraph.

13 “(2) CARBON REDUCTION STRATEGY PLANNING
14 INCENTIVE.—

15 “(A) IN GENERAL.—A State shall use 50
16 percent of the amounts made available to the
17 State under subsection (b) for each fiscal year
18 for the eligible activities under subparagraph
19 (B).

20 “(B) ELIGIBLE ACTIVITIES.—

21 “(i) IN GENERAL.—A State and any
22 metropolitan planning organization in the
23 State that is required to obligate funds in
24 accordance with subsection (e) may use the
25 funds under subparagraph (A) for a

1 project or strategy described in subsection
2 (c)(2).

3 “(ii) ADDITIONAL ELIGIBILITY INCEN-
4 TIVE.—In addition to the eligible activities
5 under clause (i), a State and any metro-
6 politan planning organization in the State
7 that is required to obligate funds in ac-
8 cordance with subsection (e) may use the
9 funds under subparagraph (A) for a
10 project eligible under section 133(b) if—

11 “(I) the State has, within the fis-
12 cal year prior to the fiscal year in
13 which the Secretary is making the
14 grant or by a deadline established by
15 the Secretary in the fiscal year in
16 which the Secretary is making the
17 grant, developed a carbon reduction
18 strategy under paragraph (1)(A) that
19 has been approved by the Secretary
20 under clause (vi) of that paragraph;
21 or

22 “(II) the State or metropolitan
23 planning organization has, within the
24 4 fiscal years prior to the fiscal year
25 in which the Secretary is making the

1 grant or by a deadline established by
2 the Secretary in the fiscal year in
3 which the Secretary is making the
4 grant, incorporated a carbon reduc-
5 tion strategy under paragraph (1)(A)
6 into—

7 “(aa) a long-range transpor-
8 tation plan developed by the met-
9 ropolitan planning organization
10 under section 134(c), if any; and

11 “(bb) the long-range state-
12 wide transportation plan devel-
13 oped by the State under section
14 135(f)(1).

15 “(C) FEDERAL SHARE.—The Federal
16 share of the cost of a project carried out using
17 funds under subparagraph (A) shall be—

18 “(i) in the case of a State or metro-
19 politan planning organization within a
20 State that meets the requirements under
21 subparagraph (B)(ii), up to 100 percent,
22 at the discretion of the State; and

23 “(ii) in the case of a State or metro-
24 politan planning organization within a

1 State that is not described in clause (i),
2 determined in accordance with section 120.

3 “(e) SUBALLOCATION REQUIREMENTS.—

4 “(1) IN GENERAL.—For each fiscal year, of the
5 funds made available to a State under subsections
6 (c) and (d)—

7 “(A) 65 percent of each amount shall be
8 obligated, in proportion to their relative shares
9 of the population of the State—

10 “(i) in urbanized areas of the State
11 with an urbanized area population of over
12 200,000; and

13 “(ii) in other areas of the State; and

14 “(B) the remainder may be obligated in
15 any area of the State.

16 “(2) METROPOLITAN AREAS.—Funds attributed
17 to an urbanized area under paragraph (1)(A)(i) may
18 be obligated in the metropolitan area established
19 under section 134 that encompasses the urbanized
20 area.

21 “(3) DISTRIBUTION AMONG URBANIZED AREAS
22 OF OVER 200,000 POPULATION.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the amount that a State is
25 required to obligate under paragraph (1)(A)(i)

1 shall be obligated in urbanized areas described
2 in paragraph (1)(A)(i) based on the relative
3 population of the areas.

4 “(B) OTHER FACTORS.—The State may
5 obligate the funds described in subparagraph
6 (A) based on other factors if—

7 “(i) the State and the relevant metro-
8 politan planning organizations jointly apply
9 to the Secretary for the permission to base
10 the obligation on other factors; and

11 “(ii) the Secretary grants the request.

12 “(4) CONSULTATION IN URBANIZED AREAS.—
13 Before obligating funds for an eligible activity under
14 subsection (c) or (d) in an urbanized area that is not
15 a transportation management area, a State shall
16 consult with any metropolitan planning organization
17 that represents the urbanized area prior to deter-
18 mining which activities should be carried out.

19 “(5) CONSULTATION IN RURAL AREAS.—Before
20 obligating funds for an eligible activity under sub-
21 section (c) or (d) in a rural area, a State shall con-
22 sult with any regional transportation planning orga-
23 nization or metropolitan planning organization that
24 represents the rural area prior to determining which
25 activities should be carried out.

1 **“§ 178. Carbon reduction performance program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) METROPOLITAN PLANNING ORGANIZATION;
4 URBANIZED AREA.—The terms ‘metropolitan plan-
5 ning organization’ and ‘urbanized area’ have the
6 meaning given those terms in section 134(b).

7 “(2) QUALIFYING STATE.—The term ‘qualifying
8 State’ means a State in which—

9 “(A) the average annual transportation
10 emissions within the State has grown more
11 slowly or declined during the most recent 2-cal-
12 endar-year period for which data are available
13 for transportation emissions at the time the
14 Secretary is making the grant under this sec-
15 tion, as compared to the 2-calendar-year period
16 that immediately precedes that period; or

17 “(B) the average annual transportation
18 emissions within the State, as estimated on a
19 per capita basis, has grown more slowly or de-
20 clined during the most recent 2-calendar-year
21 period for which data are available for transpor-
22 tation emissions at the time the Secretary is
23 making the grant under this section, as com-
24 pared to the 2-calendar-year period that imme-
25 diately precedes that period.

1 “(3) QUALIFYING UNIT OF LOCAL GOVERN-
2 MENT.—The term ‘qualifying unit of local govern-
3 ment’ means a unit of local government in an urban-
4 ized area served by a metropolitan planning organi-
5 zation, in which—

6 “(A) the average annual transportation
7 emissions within the urbanized area has grown
8 more slowly or declined during the most recent
9 2-calendar-year period for which data are avail-
10 able for transportation emissions at the time
11 the Secretary is making the grant under this
12 section, as compared to the 2-calendar-year pe-
13 riod that immediately precedes that period; or

14 “(B) the average annual transportation
15 emissions within the urbanized area, as esti-
16 mated on a per capita basis, has grown more
17 slowly or declined during the most recent 2-cal-
18 endar-year period for which data are available
19 for transportation emissions at the time the
20 Secretary is making the grant under this sec-
21 tion, as compared to the 2-calendar-year period
22 that immediately precedes that period.

23 “(4) TRANSPORTATION EMISSIONS.—The term
24 ‘transportation emissions’ has the meaning given the
25 term in section 177(a).

1 “(b) CARBON REDUCTION PERFORMANCE AND
2 PLANNING RECOGNITION AWARDS.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish a competitive grant program to award grants to
5 eligible entities in recognition of the achievement of
6 the eligible entity in meeting the performance cat-
7 egories described in paragraph (3)(A).

8 “(2) ELIGIBLE ENTITIES.—The Secretary shall
9 distribute amounts under paragraph (1) to any of
10 the following:

11 “(A) A qualifying State.

12 “(B) A qualifying unit of local government.

13 “(3) PERFORMANCE CATEGORIES.—

14 “(A) IN GENERAL.—The Secretary shall
15 select eligible entities to receive a grant under
16 paragraph (1) to recognize the achievement of
17 the eligible entity in meeting any of the fol-
18 lowing performance categories:

19 “(i) A significant reduction in trans-
20 portation emissions, as estimated on a per
21 unit of economic output basis.

22 “(ii) A significant reduction in trans-
23 portation emissions, as estimated on a per
24 capita basis.

1 “(iii) Transportation emissions, as es-
2 timated on a per unit of economic output
3 basis, that are among the lowest of juris-
4 dictions with comparable population and
5 surface transportation system characteris-
6 tics.

7 “(iv) Transportation emissions, as es-
8 timated on a per capita basis, that are
9 among the lowest of jurisdictions with
10 comparable population and surface trans-
11 portation system characteristics.

12 “(v) Innovative planning efforts and
13 the implementation of a carbon reduction
14 strategy under section 177(d)(1)(A) or
15 plans that lead to a reduction in transpor-
16 tation emissions.

17 “(B) MERIT BASED DISTRIBUTION.—In se-
18 lecting among eligible entities to receive grants
19 under paragraph (1) and the amount of each of
20 those grants, the Secretary shall give priority to
21 eligible entities that have achieved the most sig-
22 nificant levels of reductions of transportation
23 emissions, as estimated on either a per unit of
24 economic basis or on a per capita basis.

1 “(C) MULTIPLE AWARDS.—The Secretary
2 may—

3 “(i) award a grant under paragraph
4 (1) to multiple eligible entities for each
5 performance category described in sub-
6 paragraph (A); and

7 “(ii) recognize achievements in each
8 performance category described in sub-
9 paragraph (A)—

10 “(I) in urban and rural areas;
11 and

12 “(II) on the State and local level.

13 “(D) REPEAT AWARDS.—The Secretary
14 may not award a grant under this subsection to
15 the same eligible entity more than once in a 2-
16 year period.

17 “(4) AWARD AMOUNT.—A grant under para-
18 graph (1) shall be in an amount—

19 “(A) not less than \$5,000,000; and

20 “(B) not more than \$30,000,000.

21 “(5) ELIGIBLE USES.—An eligible entity may
22 use a grant under paragraph (1) for—

23 “(A) an activity eligible under this title;

24 and

25 “(B) a project—

1 “(i) to maintain the condition of a
2 Federal-aid highway, including routine
3 maintenance; or

4 “(ii) that—

5 “(I) responds to a specific condi-
6 tion or event; and

7 “(II) restores a Federal-aid high-
8 way to a functional state of oper-
9 ations.

10 “(6) APPLICATIONS.—To be eligible to receive a
11 grant under paragraph (1), an eligible entity shall
12 submit to the Secretary an application at such time,
13 in such manner, and containing such information as
14 the Secretary may require.

15 “(7) FEDERAL SHARE.—The Federal share of
16 the cost of a project carried out using a grant under
17 paragraph (1) shall be, as determined at the discre-
18 tion of the grant recipient, up to 100 percent.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code (as amended by sec-
21 tion 1203(b)), is amended by inserting after the item re-
22 lating to section 176 the following:

“177. Formula carbon reduction incentive program.

“178. Carbon reduction performance program.”.

1 **SEC. 1404. CONGESTION RELIEF PROGRAM.**

2 (a) IN GENERAL.—Section 129 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(d) CONGESTION RELIEF PROGRAM.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
8 ble entity’ means—

9 “(i) a State, for the purpose of car-
10 rying out a project in an urbanized area
11 with a population of more than 1,000,000;
12 and

13 “(ii) a metropolitan planning organi-
14 zation, city, or municipality, for the pur-
15 pose of carrying out a project in an urban-
16 ized area with a population of more than
17 1,000,000.

18 “(B) INTEGRATED CONGESTION MANAGE-
19 MENT SYSTEM.—The term ‘integrated conges-
20 tion management system’ means a system for
21 the integration of management and operations
22 of a regional transportation system that in-
23 cludes, at a minimum, traffic incident manage-
24 ment, work zone management, traffic signal
25 timing, managed lanes, real-time traveler infor-
26 mation, and active traffic management, in order

1 to maximize the capacity of all facilities and
2 modes across the applicable region.

3 “(C) PROGRAM.—The term ‘program’
4 means the congestion relief program established
5 under paragraph (2).

6 “(2) ESTABLISHMENT.—The Secretary shall es-
7 tablish a congestion relief program to provide discre-
8 tionary grants to eligible entities to advance innova-
9 tive, integrated, and multimodal solutions to conges-
10 tion relief in the most congested metropolitan areas
11 of the United States.

12 “(3) PROGRAM GOALS.—The goals of the pro-
13 gram are to reduce highway congestion, reduce eco-
14 nomic and environmental costs associated with that
15 congestion, including transportation emissions, and
16 optimize existing highway capacity and usage of
17 highway and transit systems through—

18 “(A) improving intermodal integration with
19 highways, highway operations, and highway
20 performance;

21 “(B) reducing or shifting highway users to
22 off-peak travel times or to nonhighway travel
23 modes during peak travel times; and

24 “(C) pricing of, or based on, as applica-
25 ble—

1 “(i) parking;

2 “(ii) use of roadways, including in
3 designated geographic zones; or

4 “(iii) congestion.

5 “(4) ELIGIBLE PROJECTS.—Funds from a
6 grant under the program may be used for a project
7 or an integrated collection of projects, including
8 planning, design, implementation, and construction
9 activities, to achieve the program goals under para-
10 graph (3), including—

11 “(A) deployment and operation of an inte-
12 grated congestion management system;

13 “(B) deployment and operation of a system
14 that implements or enforces high occupancy ve-
15 hicle toll lanes, cordon pricing, parking pricing,
16 or congestion pricing;

17 “(C) deployment and operation of mobility
18 services, including establishing account-based fi-
19 nancial systems, commuter buses, commuter
20 vans, express operations, paratransit, and on-
21 demand microtransit; and

22 “(D) incentive programs that encourage
23 travelers to carpool, use nonhighway travel
24 modes during peak period, or travel during
25 nonpeak periods.

1 “(5) APPLICATION; SELECTION.—

2 “(A) APPLICATION.—To be eligible to re-
3 ceive a grant under the program, an eligible en-
4 tity shall submit to the Secretary an application
5 at such time, in such manner, and containing
6 such information as the Secretary may require.

7 “(B) PRIORITY.—In providing grants
8 under the program, the Secretary shall give pri-
9 ority to projects in urbanized areas that are ex-
10 perencing a high degree of recurrent conges-
11 tion.

12 “(C) FEDERAL SHARE.—The Federal
13 share of the cost of a project carried out with
14 a grant under the program shall not exceed 80
15 percent of the total project cost.

16 “(D) MINIMUM AWARD.—A grant provided
17 under the program shall be not less than
18 \$10,000,000.

19 “(6) USE OF TOLLING.—

20 “(A) IN GENERAL.—Notwithstanding sub-
21 section (a)(1) and section 301 and subject to
22 subparagraphs (B) and (C), the Secretary shall
23 allow the use of tolls on the Interstate System
24 as part of a project carried out with a grant
25 under the program.

1 “(B) REQUIREMENTS.—The Secretary
2 may only approve the use of tolls under sub-
3 paragraph (A) if—

4 “(i) the eligible entity has authority
5 under State, and if applicable, local, law to
6 assess the applicable toll;

7 “(ii) the maximum toll rate for any
8 vehicle class is not greater than the prod-
9 uct obtained by multiplying—

10 “(I) the toll rate for any other
11 vehicle class; and

12 “(II) 5;

13 “(iii) the toll rates are not charged or
14 varied on the basis of State residency;

15 “(iv) the Secretary determines that
16 the use of tolls will enable the eligible enti-
17 ty to achieve the program goals under
18 paragraph (3) without a significant impact
19 to safety or mobility within the urbanized
20 area in which the project is located; and

21 “(v) the use of toll revenues complies
22 with subsection (a)(3).

23 “(C) LIMITATION.—The Secretary may not
24 approve the use of tolls on the Interstate Sys-

1 tem under the program in more than 10 urban-
2 ized areas.

3 “(7) FINANCIAL EFFECTS ON LOW-INCOME
4 DRIVERS.—A project under the program—

5 “(A) shall include, if appropriate, an anal-
6 ysis of the potential effects of the project on
7 low-income drivers; and

8 “(B) may include mitigation measures to
9 deal with any potential adverse financial effects
10 on low-income drivers.”.

11 (b) HIGH OCCUPANCY VEHICLE USE OF CERTAIN
12 TOLL FACILITIES.—Section 129(a) of title 23, United
13 States Code, is amended—

14 (1) by redesignating paragraph (10) as para-
15 graph (11); and

16 (2) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) HIGH OCCUPANCY VEHICLE USE OF CER-
19 TAIN TOLL FACILITIES.—Notwithstanding section
20 102(a), in the case of a toll facility that is on the
21 Interstate System and that is constructed or con-
22 verted after the date of enactment of the America’s
23 Transportation Infrastructure Act of 2019, the pub-
24 lic authority with jurisdiction over the toll facility
25 shall allow high occupancy vehicles, transit, and

1 paratransit vehicles to use the facility at a discount
2 rate or without charge, unless the public authority,
3 in consultation with the Secretary, determines that
4 the number of those vehicles using the facility re-
5 duces the travel time reliability of the facility.”.

6 **SEC. 1405. FREIGHT PLANS.**

7 (a) NATIONAL AND STATE FREIGHT PLANS.—

8 (1) NATIONAL FREIGHT STRATEGIC PLAN.—
9 Section 70102(b) of title 49, United States Code, is
10 amended—

11 (A) in paragraph (10), by striking “and”
12 at the end;

13 (B) in paragraph (11), by striking the pe-
14 riod at the end and inserting a semicolon; and

15 (C) by adding at the end the following:

16 “(12) possible strategies to increase resiliency,
17 including the ability to anticipate, prepare for, or
18 adapt to conditions, or withstand, respond to, or re-
19 cover rapidly from disruptions, including extreme
20 weather and natural disasters;

21 “(13) strategies to promote United States eco-
22 nomic growth and international competitiveness; and

23 “(14) strategies to reduce local air pollution,
24 water runoff, and wildlife habitat loss.”.

1 (2) STATE FREIGHT PLANS.—Section 70202 of
2 title 49, United States Code, is amended—

3 (A) in subsection (b)—

4 (i) in paragraph (9), by striking
5 “and” at the end;

6 (ii) by redesignating paragraph (10)
7 as paragraph (13); and

8 (iii) by inserting after paragraph (9)
9 the following:

10 “(10) the most recent commercial motor vehicle
11 parking facilities assessment conducted under sub-
12 section (f);

13 “(11) strategies and goals to decrease—

14 “(A) the severity of impacts of extreme
15 weather and natural disasters;

16 “(B) local air pollution;

17 “(C) flooding, water runoff, and other ad-
18 verse water impacts; and

19 “(D) wildlife habitat loss;

20 “(12) strategies and goals to decrease the ad-
21 verse impact of freight transportation on commu-
22 nities traversed by freight railroads; and”;

23 (B) by redesignating subsection (e) as sub-
24 section (h); and

1 (C) by inserting after subsection (d) the
2 following:

3 “(e) PRIORITY.—Each State freight plan under this
4 section shall include a requirement that the State, in car-
5 rying out activities under the State freight plan—

6 “(1) enhance reliability or redundancy; or

7 “(2) incorporate the ability to rapidly restore
8 access and reliability.

9 “(f) COMMERCIAL MOTOR VEHICLE PARKING FA-
10 CILITIES ASSESSMENTS.—As part of the development or
11 updating, as applicable, of the State freight plan under
12 this section, each State that receives funding under section
13 167 of title 23, in consultation with relevant State motor
14 carrier safety personnel, shall conduct an assessment of—

15 “(1) the capability of the State, together with
16 the private sector in the State, to provide adequate
17 parking facilities and rest facilities for commercial
18 motor vehicles engaged in interstate transportation;

19 “(2) the volume of commercial motor vehicle
20 traffic in the State; and

21 “(3) whether there are any areas within the
22 State that have a shortage of adequate commercial
23 motor vehicle parking facilities, including an analysis
24 (economic or otherwise, as the State determines to

1 be appropriate) of the underlying causes of any such
2 shortages.

3 “(g) APPROVAL.—

4 “(1) IN GENERAL.—The Secretary of Transpor-
5 tation shall approve a State freight plan described in
6 subsection (a) if the plan achieves compliance with
7 the requirements of this section.

8 “(2) SAVINGS PROVISION.—Nothing in this sub-
9 section establishes new procedural requirements for
10 the approval of a State freight plan described in
11 subsection (a).”.

12 (b) STUDIES.—For the purpose of facilitating the in-
13 tegration of freight transportation into an intelligent
14 transportation system network powered by electricity, the
15 Secretary, acting through the Administrator of the Fed-
16 eral Highway Administration, shall conduct 2 or more ap-
17 propriate studies relating to—

18 (1) preparing to supply power to applicable
19 electrical freight infrastructure; and

20 (2) safely integrating freight into a smart vehi-
21 cle world.

1 **SEC. 1406. UTILIZING SIGNIFICANT EMISSIONS WITH INNO-**
2 **VATIVE TECHNOLOGIES.**

3 (a) RESEARCH, INVESTIGATION, TRAINING, AND
4 OTHER ACTIVITIES.—Section 103 of the Clean Air Act
5 (42 U.S.C. 7403) is amended—

6 (1) in subsection (c)(3), in the first sentence of
7 the matter preceding subparagraph (A), by striking
8 “precursors” and inserting “precursors”; and

9 (2) in subsection (g)—

10 (A) by redesignating paragraphs (1)
11 through (4) as subparagraphs (A) through (D),
12 respectively, and indenting appropriately;

13 (B) in the undesignated matter following
14 subparagraph (D) (as so redesignated)—

15 (i) in the second sentence, by striking
16 “The Administrator” and inserting the fol-
17 lowing:

18 “(5) COORDINATION AND AVOIDANCE OF DU-
19 PPLICATION.—The Administrator”; and

20 (ii) in the first sentence, by striking
21 “Nothing” and inserting the following:

22 “(4) EFFECT OF SUBSECTION.—Nothing”;

23 (C) in the matter preceding subparagraph
24 (A) (as so redesignated)—

1 (i) in the third sentence, by striking
2 “Such program” and inserting the fol-
3 lowing:

4 “(3) PROGRAM INCLUSIONS.—The program
5 under this subsection”;

6 (ii) in the second sentence—

7 (I) by inserting “States, institu-
8 tions of higher education,” after “sci-
9 entists,”; and

10 (II) by striking “Such strategies
11 and technologies shall be developed”
12 and inserting the following:

13 “(2) PARTICIPATION REQUIREMENT.—Such
14 strategies and technologies described in paragraph
15 (1) shall be developed”; and

16 (iii) in the first sentence, by striking
17 “In carrying out” and inserting the fol-
18 lowing:

19 “(1) IN GENERAL.—In carrying out”; and

20 (D) by adding at the end the following:

21 “(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

22 “(A) IN GENERAL.—In carrying out para-
23 graph (3)(A) with respect to carbon dioxide, the
24 Administrator shall carry out the activities de-

1 scribed in each of subparagraphs (B), (C), (D),
2 and (E).

3 “(B) DIRECT AIR CAPTURE RESEARCH.—

4 “(i) DEFINITIONS.—In this subpara-
5 graph:

6 “(I) BOARD.—The term ‘Board’
7 means the Direct Air Capture Tech-
8 nology Advisory Board established by
9 clause (iii)(I).

10 “(II) DILUTE.—The term ‘dilute’
11 means a concentration of less than 1
12 percent by volume.

13 “(III) DIRECT AIR CAPTURE.—

14 “(aa) IN GENERAL.—The
15 term ‘direct air capture’, with re-
16 spect to a facility, technology, or
17 system, means that the facility,
18 technology, or system uses car-
19 bon capture equipment to cap-
20 ture carbon dioxide directly from
21 the air.

22 “(bb) EXCLUSION.—The
23 term ‘direct air capture’ does not
24 include any facility, technology,

1 or system that captures carbon
2 dioxide—

3 “(AA) that is delib-
4 erately released from a natu-
5 rally occurring subsurface
6 spring; or

7 “(BB) using natural
8 photosynthesis.

9 “(IV) INTELLECTUAL PROP-
10 ERTY.—The term ‘intellectual prop-
11 erty’ means—

12 “(aa) an invention that is
13 patentable under title 35, United
14 States Code; and

15 “(bb) any patent on an in-
16 vention described in item (aa).

17 “(ii) TECHNOLOGY PRIZES.—

18 “(I) IN GENERAL.—Not later
19 than 1 year after the date of enact-
20 ment of the America’s Transportation
21 Infrastructure Act of 2019, the Ad-
22 ministrator, in consultation with the
23 Secretary of Energy, shall establish a
24 program to provide, and shall provide,
25 financial awards on a competitive

1 basis for direct air capture from
2 media in which the concentration of
3 carbon dioxide is dilute.

4 “(II) DUTIES.—In carrying out
5 this clause, the Administrator shall—

6 “(aa) subject to subclause
7 (III), develop specific require-
8 ments for—

9 “(AA) the competition
10 process; and

11 “(BB) the demonstra-
12 tion of performance of ap-
13 proved projects;

14 “(bb) offer financial awards
15 for a project designed—

16 “(AA) to the maximum
17 extent practicable, to cap-
18 ture more than 10,000 tons
19 of carbon dioxide per year;
20 and

21 “(BB) to operate in a
22 manner that would be com-
23 mercially viable in the fore-
24 seeable future (as deter-
25 mined by the Board); and

1 “(cc) to the maximum ex-
2 tent practicable, make financial
3 awards to geographically diverse
4 projects, including at least—

5 “(AA) 1 project in a
6 coastal State; and

7 “(BB) 1 project in a
8 rural State.

9 “(III) PUBLIC PARTICIPATION.—

10 In carrying out subclause (II)(aa), the
11 Administrator shall—

12 “(aa) provide notice of and,
13 for a period of not less than 60
14 days, an opportunity for public
15 comment on, any draft or pro-
16 posed version of the requirements
17 described in subclause (II)(aa);
18 and

19 “(bb) take into account pub-
20 lic comments received in devel-
21 oping the final version of those
22 requirements.

23 “(iii) DIRECT AIR CAPTURE TECH-
24 NOLOGY ADVISORY BOARD.—

1 “(I) ESTABLISHMENT.—There is
2 established an advisory board to be
3 known as the ‘Direct Air Capture
4 Technology Advisory Board’.

5 “(II) COMPOSITION.—The Board
6 shall be composed of 9 members ap-
7 pointed by the Administrator, who
8 shall provide expertise in—

9 “(aa) climate science;

10 “(bb) physics;

11 “(cc) chemistry;

12 “(dd) biology;

13 “(ee) engineering;

14 “(ff) economics;

15 “(gg) business management;

16 and

17 “(hh) such other disciplines
18 as the Administrator determines
19 to be necessary to achieve the
20 purposes of this subparagraph.

21 “(III) TERM; VACANCIES.—

22 “(aa) TERM.—A member of
23 the Board shall serve for a term
24 of 6 years.

1 “(bb) VACANCIES.—A va-
2 cancy on the Board—

3 “(AA) shall not affect
4 the powers of the Board;
5 and

6 “(BB) shall be filled in
7 the same manner as the
8 original appointment was
9 made.

10 “(IV) INITIAL MEETING.—Not
11 later than 30 days after the date on
12 which all members of the Board have
13 been appointed, the Board shall hold
14 the initial meeting of the Board.

15 “(V) MEETINGS.—The Board
16 shall meet at the call of the Chair-
17 person or on the request of the Ad-
18 ministrators.

19 “(VI) QUORUM.—A majority of
20 the members of the Board shall con-
21 stitute a quorum, but a lesser number
22 of members may hold hearings.

23 “(VII) CHAIRPERSON AND VICE
24 CHAIRPERSON.—The Board shall se-
25 lect a Chairperson and Vice Chair-

1 person from among the members of
2 the Board.

3 “(VIII) COMPENSATION.—Each
4 member of the Board may be com-
5 pensated at not to exceed the daily
6 equivalent of the annual rate of basic
7 pay in effect for a position at level V
8 of the Executive Schedule under sec-
9 tion 5316 of title 5, United States
10 Code, for each day during which the
11 member is engaged in the actual per-
12 formance of the duties of the Board.

13 “(IX) DUTIES.—The Board shall
14 advise the Administrator on carrying
15 out the duties of the Administrator
16 under this subparagraph.

17 “(X) FACA.—The Federal Advi-
18 sory Committee Act (5 U.S.C. App.)
19 shall apply to the Board.

20 “(iv) INTELLECTUAL PROPERTY.—

21 “(I) IN GENERAL.—As a condi-
22 tion of receiving a financial award
23 under this subparagraph, an applicant
24 shall agree to vest the intellectual
25 property of the applicant derived from

1 the technology in 1 or more entities
2 that are incorporated in the United
3 States.

4 “(II) RESERVATION OF LI-
5 CENSE.—The United States—

6 “(aa) may reserve a non-
7 exclusive, nontransferable, irrev-
8 ocable, paid-up license, to have
9 practiced for or on behalf of the
10 United States, in connection with
11 any intellectual property de-
12 scribed in subclause (I); but

13 “(bb) shall not, in the exer-
14 cise of a license reserved under
15 item (aa), publicly disclose pro-
16 prietary information relating to
17 the license.

18 “(III) TRANSFER OF TITLE.—
19 Title to any intellectual property de-
20 scribed in subclause (I) shall not be
21 transferred or passed, except to an
22 entity that is incorporated in the
23 United States, until the expiration of
24 the first patent obtained in connection
25 with the intellectual property.

1 “(v) AUTHORIZATION OF APPROPRIA-
2 TIONS.—

3 “(I) IN GENERAL.—There is au-
4 thorized to be appropriated to carry
5 out this subparagraph \$35,000,000,
6 to remain available until expended.

7 “(II) REQUIREMENT.—Research
8 carried out using amounts made avail-
9 able under subclause (I) may not du-
10 plicate research funded by the Depart-
11 ment of Energy.

12 “(vi) TERMINATION OF AUTHORITY.—
13 The Board and all authority provided
14 under this subparagraph shall terminate
15 not later than 10 years after the date of
16 enactment of the America’s Transportation
17 Infrastructure Act of 2019.

18 “(C) CARBON DIOXIDE UTILIZATION RE-
19 SEARCH.—

20 “(i) DEFINITION OF CARBON DIOXIDE
21 UTILIZATION.—In this subparagraph, the
22 term ‘carbon dioxide utilization’ refers to
23 technologies or approaches that lead to the
24 use of carbon dioxide—

1 “(I) through the fixation of car-
2 bon dioxide through photosynthesis or
3 chemosynthesis, such as through the
4 growing of algae or bacteria;

5 “(II) through the chemical con-
6 version of carbon dioxide to a material
7 or chemical compound in which the
8 carbon dioxide is securely stored; or

9 “(III) through the use of carbon
10 dioxide for any other purpose for
11 which a commercial market exists, as
12 determined by the Administrator.

13 “(ii) PROGRAM.—The Administrator,
14 in consultation with the Secretary of En-
15 ergy, shall carry out a research and devel-
16 opment program for carbon dioxide utiliza-
17 tion to promote existing and new tech-
18 nologies that transform carbon dioxide
19 generated by industrial processes into a
20 product of commercial value, or as an
21 input to products of commercial value.

22 “(iii) TECHNICAL AND FINANCIAL AS-
23 SISTANCE.—Not later than 2 years after
24 the date of enactment of the America’s
25 Transportation Infrastructure Act of 2019,

1 in carrying out this subsection, the Admin-
2 istrator, in consultation with the Secretary
3 of Energy, shall support research and in-
4 frastructure activities relating to carbon
5 dioxide utilization by providing technical
6 assistance and financial assistance in ac-
7 cordance with clause (iv).

8 “(iv) ELIGIBILITY.—To be eligible to
9 receive technical assistance and financial
10 assistance under clause (iii), a carbon diox-
11 ide utilization project shall—

12 “(I) have access to an emissions
13 stream generated by a stationary
14 source within the United States that
15 is capable of supplying not less than
16 250 metric tons per day of carbon di-
17 oxide for research;

18 “(II) have access to adequate
19 space for a laboratory and equipment
20 for testing small-scale carbon dioxide
21 utilization technologies, with onsite
22 access to larger test bays for scale-up;
23 and

24 “(III) have existing partnerships
25 with institutions of higher education,

1 private companies, States, or other
2 government entities.

3 “(v) COORDINATION.—In supporting
4 carbon dioxide utilization projects under
5 this paragraph, the Administrator shall
6 consult with the Secretary of Energy, and,
7 as appropriate, with the head of any other
8 relevant Federal agency, States, the pri-
9 vate sector, and institutions of higher edu-
10 cation to develop methods and technologies
11 to account for the carbon dioxide emissions
12 avoided by the carbon dioxide utilization
13 projects.

14 “(vi) AUTHORIZATION OF APPROPRIA-
15 TIONS.—

16 “(I) IN GENERAL.—There is au-
17 thORIZED to be appropriated to carry
18 out this subparagraph \$50,000,000,
19 to remain available until expended.

20 “(II) REQUIREMENT.—Research
21 carried out using amounts made avail-
22 able under subclause (I) may not du-
23 plicate research funded by the Depart-
24 ment of Energy.

1 “(D) DEEP SALINE FORMATION RE-
2 PORT.—

3 “(i) DEFINITION OF DEEP SALINE
4 FORMATION.—

5 “(I) IN GENERAL.—In this sub-
6 paragraph, the term ‘deep saline for-
7 mation’ means a formation of sub-
8 surface geographically extensive sedi-
9 mentary rock layers saturated with
10 waters or brines that have a high total
11 dissolved solids content and that are
12 below the depth where carbon dioxide
13 can exist in the formation as a super-
14 critical fluid.

15 “(II) CLARIFICATION.—In this
16 subparagraph, the term ‘deep saline
17 formation’ does not include oil and
18 gas reservoirs.

19 “(ii) REPORT.—In consultation with
20 the Secretary of Energy, and, as appro-
21 priate, with the head of any other relevant
22 Federal agency and relevant stakeholders,
23 not later than 1 year after the date of en-
24 actment of the America’s Transportation
25 Infrastructure Act of 2019, the Adminis-

1 trator shall prepare, submit to Congress,
2 and make publicly available a report that
3 includes—

4 “(I) a comprehensive identifica-
5 tion of potential risks and benefits to
6 project developers associated with in-
7 creased storage of carbon dioxide cap-
8 tured from stationary sources in deep
9 saline formations, using existing re-
10 search;

11 “(II) recommendations, if any,
12 for managing the potential risks iden-
13 tified under subclause (I), including
14 potential risks unique to public land;
15 and

16 “(III) recommendations, if any,
17 for Federal legislation or other policy
18 changes to mitigate any potential
19 risks identified under subclause (I).

20 “(E) REPORT ON CARBON DIOXIDE NON-
21 REGULATORY STRATEGIES AND TECH-
22 NOLOGIES.—

23 “(i) IN GENERAL.—Not less fre-
24 quently than once every 2 years, the Ad-
25 ministrators shall submit to the Committee

1 on Environment and Public Works of the
2 Senate and the Committee on Energy and
3 Commerce of the House of Representatives
4 a report that describes—

5 “(I) the recipients of assistance
6 under subparagraphs (B) and (C);
7 and

8 “(II) a plan for supporting addi-
9 tional nonregulatory strategies and
10 technologies that could significantly
11 prevent carbon dioxide emissions or
12 reduce carbon dioxide levels in the air,
13 in conjunction with other Federal
14 agencies.

15 “(ii) INCLUSIONS.—The plan sub-
16 mitted under clause (i) shall include—

17 “(I) a methodology for evaluating
18 and ranking technologies based on the
19 ability of the technologies to cost ef-
20 fectively reduce carbon dioxide emis-
21 sions or carbon dioxide levels in the
22 air; and

23 “(II) a description of any nonair-
24 related environmental or energy con-
25 siderations regarding the technologies.

1 “(F) GAO REPORT.—The Comptroller
2 General of the United States shall submit to
3 Congress a report that—

4 “(i) identifies all Federal grant pro-
5 grams in which a purpose of a grant under
6 the program is to perform research on car-
7 bon capture and utilization technologies,
8 including direct air capture technologies;
9 and

10 “(ii) examines the extent to which the
11 Federal grant programs identified pursu-
12 ant to clause (i) overlap or are duplica-
13 tive.”.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator of the Envi-
16 ronmental Protection Agency (referred to in this sub-
17 section as the “Administrator”) shall submit to Congress
18 a report describing how funds appropriated to the Admin-
19 istrator during the 5 most recent fiscal years have been
20 used to carry out section 103 of the Clean Air Act (42
21 U.S.C. 7403), including a description of—

22 (1) the amount of funds used to carry out spe-
23 cific provisions of that section; and

24 (2) the practices used by the Administrator to
25 differentiate funding used to carry out that section,

1 as compared to funding used to carry out other pro-
2 visions of law.

3 (c) INCLUSION OF CARBON CAPTURE INFRASTRUC-
4 TURE PROJECTS.—Section 41001(6) of the FAST Act (42
5 U.S.C. 4370m(6)) is amended—

6 (1) in subparagraph (A)—

7 (A) in the matter preceding clause (i), by
8 inserting “carbon capture,” after “manufac-
9 turing,”;

10 (B) in clause (i)(III), by striking “or” at
11 the end;

12 (C) by redesignating clause (ii) as clause
13 (iii); and

14 (D) by inserting after clause (i) the fol-
15 lowing:

16 “(ii) is covered by a programmatic
17 plan or environmental review developed for
18 the primary purpose of facilitating develop-
19 ment of carbon dioxide pipelines; or”; and

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

21 “(C) INCLUSION.—For purposes of sub-
22 paragraph (A), construction of infrastructure
23 for carbon capture includes construction of—

24 “(i) any facility, technology, or system
25 that captures, utilizes, or sequesters car-

1 bon dioxide emissions, including projects
2 for direct air capture (as defined in para-
3 graph (6)(B)(i) of section 103(g) of the
4 Clean Air Act (42 U.S.C. 7403(g)); and
5 “(ii) carbon dioxide pipelines.”.

6 (d) DEVELOPMENT OF CARBON CAPTURE, UTILIZA-
7 TION, AND SEQUESTRATION REPORT, PERMITTING GUID-
8 ANCE, AND REGIONAL PERMITTING TASK FORCE.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) CARBON CAPTURE, UTILIZATION, AND
11 SEQUESTRATION PROJECTS.—The term “carbon
12 capture, utilization, and sequestration projects”
13 includes projects for direct air capture (as de-
14 fined in paragraph (6)(B)(i) of section 103(g)
15 of the Clean Air Act (42 U.S.C. 7403(g))).

16 (B) EFFICIENT, ORDERLY, AND RESPON-
17 SIBLE.—The term “efficient, orderly, and re-
18 sponsible” means, with respect to development
19 or the permitting process for carbon capture,
20 utilization, and sequestration projects and car-
21 bon dioxide pipelines, a process that is com-
22 pleted in an expeditious manner while maintain-
23 ing environmental, health, and safety protec-
24 tions.

25 (2) REPORT.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Chair of the Council on Environmental
4 Quality (referred to in this subsection as the
5 “Chair”), in consultation with the Adminis-
6 trator of the Environmental Protection Agency,
7 the Secretary of Energy, the Secretary of the
8 Interior, the Executive Director of the Federal
9 Permitting Improvement Council, and the head
10 of any other relevant Federal agency (as deter-
11 mined by the President), shall prepare a report
12 that—

13 (i) compiles all existing relevant Fed-
14 eral permitting and review information and
15 resources for project applicants, agencies,
16 and other stakeholders interested in the
17 deployment of carbon capture, utilization,
18 and sequestration projects and carbon di-
19 oxide pipelines, including—

20 (I) the appropriate points of
21 interaction with Federal agencies;

22 (II) clarification of the permit-
23 ting responsibilities and authorities
24 among Federal agencies; and

1 (III) best practices and templates
2 for permitting;

3 (ii) inventories current or emerging
4 activities that transform captured carbon
5 dioxide into a product of commercial value,
6 or as an input to products of commercial
7 value;

8 (iii) inventories existing initiatives and
9 recent publications that analyze or identify
10 priority carbon dioxide pipelines needed to
11 enable efficient, orderly, and responsible
12 development of carbon capture, utilization,
13 and sequestration projects at increased
14 scale;

15 (iv) identifies gaps in the current Fed-
16 eral regulatory framework for the deploy-
17 ment of carbon capture, utilization, and se-
18 questration projects and carbon dioxide
19 pipelines; and

20 (v) identifies Federal financing mech-
21 anisms available to project developers.

22 (B) SUBMISSION; PUBLICATION.—The
23 Chair shall—

24 (i) submit the report under subpara-
25 graph (A) to the Committee on Environ-

1 ment and Public Works of the Senate and
2 the Committee on Energy and Commerce
3 of the House of Representatives; and

4 (ii) as soon as practicable, make the
5 report publicly available.

6 (3) GUIDANCE.—

7 (A) IN GENERAL.—After submission of the
8 report under paragraph (2)(B), but not later
9 than 1 year after the date of enactment of this
10 Act, the Chair shall submit guidance consistent
11 with that report to all relevant Federal agencies
12 that—

13 (i) facilitates reviews associated with
14 the deployment of carbon capture, utiliza-
15 tion, and sequestration projects and carbon
16 dioxide pipelines; and

17 (ii) supports the efficient, orderly, and
18 responsible development of carbon capture,
19 utilization, and sequestration projects and
20 carbon dioxide pipelines.

21 (B) REQUIREMENTS.—

22 (i) IN GENERAL.—The guidance under
23 subparagraph (A) shall address require-
24 ments under—

- 1 (I) the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321
3 et seq.);
- 4 (II) the Federal Water Pollution
5 Control Act (33 U.S.C. 1251 et seq.);
- 6 (III) the Clean Air Act (42
7 U.S.C. 7401 et seq.);
- 8 (IV) the Safe Drinking Water
9 Act (42 U.S.C. 300f et seq.);
- 10 (V) the Endangered Species Act
11 of 1973 (16 U.S.C. 1531 et seq.);
- 12 (VI) division A of subtitle III of
13 title 54, United States Code (formerly
14 known as the “National Historic
15 Preservation Act”);
- 16 (VII) the Migratory Bird Treaty
17 Act (16 U.S.C. 703 et seq.);
- 18 (VIII) the Act of June 8, 1940
19 (16 U.S.C. 668 et seq.) (commonly
20 known as the “Bald and Golden Eagle
21 Protection Act”); and
- 22 (IX) any other Federal law that
23 the Chair determines to be appro-
24 priate.

1 (ii) ENVIRONMENTAL REVIEWS.—The
2 guidance under subparagraph (A) shall in-
3 clude direction to States and other inter-
4 ested parties for the development of pro-
5 grammatic environmental reviews under
6 the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.) for carbon
8 capture, utilization, and sequestration
9 projects and carbon dioxide pipelines.

10 (iii) PUBLIC INVOLVEMENT.—The
11 guidance under subparagraph (A) shall be
12 subject to the public notice, comment, and
13 solicitation of information procedures
14 under section 1506.6 of title 40, Code of
15 Federal Regulations (or a successor regula-
16 tion).

17 (C) SUBMISSION; PUBLICATION.—The
18 Chair shall—

19 (i) submit the guidance under sub-
20 paragraph (A) to the Committee on Envi-
21 ronment and Public Works of the Senate
22 and the Committee on Energy and Com-
23 merce of the House of Representatives;
24 and

1 (ii) as soon as practicable, make the
2 guidance publicly available.

3 (D) EVALUATION.—The Chair shall—

4 (i) periodically evaluate the reports of
5 the task forces under paragraph (4)(E)
6 and, as necessary, revise the guidance
7 under subparagraph (A); and

8 (ii) each year, submit to the Com-
9 mittee on Environment and Public Works
10 of the Senate, the Committee on Energy
11 and Commerce of the House of Represent-
12 atives, and relevant Federal agencies a re-
13 port that describes any recommendations
14 for legislation, rules, revisions to rules, or
15 other policies that would address the issues
16 identified by the task forces under para-
17 graph (4)(E).

18 (4) TASK FORCE.—

19 (A) ESTABLISHMENT.—Not later than 18
20 months after the date of enactment of this Act,
21 the Chair shall establish not less than 2 task
22 forces, which shall each cover a different geo-
23 graphical area with differing demographic, land
24 use, or geological issues—

1 (i) to identify permitting and other
2 challenges and successes that permitting
3 authorities and project developers and op-
4 erators face; and

5 (ii) to improve the performance of the
6 permitting process and regional coordina-
7 tion for the purpose of promoting the effi-
8 cient, orderly, and responsible development
9 of carbon capture, utilization, and seques-
10 tration projects and carbon dioxide pipe-
11 lines.

12 (B) MEMBERS AND SELECTION.—

13 (i) IN GENERAL.—The Chair shall—

14 (I) develop criteria for the selec-
15 tion of members to each task force;
16 and

17 (II) select members for each task
18 force in accordance with subclause (I)
19 and clause (ii).

20 (ii) MEMBERS.—Each task force—

21 (I) shall include not less than 1
22 representative of each of—

23 (aa) the Environmental Pro-
24 tection Agency;

1 (bb) the Department of En-
2 ergy;

3 (cc) the Department of the
4 Interior;

5 (dd) any other Federal
6 agency the Chair determines to
7 be appropriate;

8 (ee) any State that requests
9 participation in the geographical
10 area covered by the task force;

11 (ff) developers or operators
12 of carbon capture, utilization,
13 and sequestration projects or car-
14 bon dioxide pipelines; and

15 (gg) nongovernmental mem-
16 bership organizations, the pri-
17 mary mission of which concerns
18 protection of the environment;
19 and

20 (II) at the request of a Tribal or
21 local government, may include a rep-
22 resentative of—

23 (aa) not less than 1 local
24 government in the geographical

1 area covered by the task force;
2 and

3 (bb) not less than 1 Tribal
4 government in the geographical
5 area covered by the task force.

6 (C) MEETINGS.—

7 (i) IN GENERAL.—Each task force
8 shall meet not less than twice each year.

9 (ii) JOINT MEETING.—To the max-
10 imum extent practicable, the task forces
11 shall meet collectively not less than once
12 each year.

13 (D) DUTIES.—Each task force shall—

14 (i) inventory existing or potential Fed-
15 eral and State approaches to facilitate re-
16 views associated with the deployment of
17 carbon capture, utilization, and sequestra-
18 tion projects and carbon dioxide pipelines,
19 including best practices that—

20 (I) avoid duplicative reviews;

21 (II) engage stakeholders early in
22 the permitting process; and

23 (III) make the permitting process
24 efficient, orderly, and responsible;

1 (ii) develop common models for State-
2 level carbon dioxide pipeline regulation and
3 oversight guidelines that can be shared
4 with States in the geographical area cov-
5 ered by the task force;

6 (iii) provide technical assistance to
7 States in the geographical area covered by
8 the task force in implementing regulatory
9 requirements and any models developed
10 under clause (ii);

11 (iv) inventory current or emerging ac-
12 tivities that transform captured carbon di-
13 oxide into a product of commercial value,
14 or as an input to products of commercial
15 value;

16 (v) identify any priority carbon diox-
17 ide pipelines needed to enable efficient, or-
18 derly, and responsible development of car-
19 bon capture, utilization, and sequestration
20 projects at increased scale;

21 (vi) identify gaps in the current Fed-
22 eral and State regulatory framework and
23 in existing data for the deployment of car-
24 bon capture, utilization, and sequestration
25 projects and carbon dioxide pipelines;

1 (vii) identify Federal and State fi-
2 nancing mechanisms available to project
3 developers; and

4 (viii) develop recommendations for rel-
5 evant Federal agencies on how to develop
6 and research technologies that—

7 (I) can capture carbon dioxide;
8 and

9 (II) would be able to be deployed
10 within the region covered by the task
11 force, including any projects that have
12 received technical or financial assist-
13 ance for research under paragraph (6)
14 of section 103(g) of the Clean Air Act
15 (42 U.S.C. 7403(g)).

16 (E) REPORT.—Each year, each task force
17 shall prepare and submit to the Chair and to
18 the other task forces a report that includes—

19 (i) any recommendations for improve-
20 ments in efficient, orderly, and responsible
21 issuance or administration of Federal per-
22 mits and other Federal authorizations re-
23 quired under a law described in paragraph
24 (3)(B)(i); and

1 (ii) any other nationally relevant in-
 2 formation that the task force has collected
 3 in carrying out the duties under subpara-
 4 graph (D).

5 (F) EVALUATION.—Not later than 5 years
 6 after the date of enactment of this Act, the
 7 Chair shall—

8 (i) reevaluate the need for the task
 9 forces; and

10 (ii) submit to Congress a rec-
 11 ommendation as to whether the task forces
 12 should continue.

13 **SEC. 1407. PROMOTING RESILIENT OPERATIONS FOR**
 14 **TRANSFORMATIVE, EFFICIENT, AND COST-**
 15 **SAVING TRANSPORTATION (PROTECT) GRANT**
 16 **PROGRAM.**

17 (a) IN GENERAL.—Chapter 1 of title 23, United
 18 States Code (as amended by section 1403(a)), is amended
 19 by adding at the end the following:

20 **“§ 179. Promoting Resilient Operations for Trans-**
 21 **formative, Efficient, and Cost-saving**
 22 **Transportation (PROTECT) grant pro-**
 23 **gram**

24 “(a) DEFINITIONS.—In this section:

1 “(1) EMERGENCY EVENT.—The term ‘emer-
2 gency event’ means a natural disaster or cata-
3 strophic failure resulting in—

4 “(A) an emergency declared by the Gov-
5 ernor of the State in which the disaster or fail-
6 ure occurred; or

7 “(B) an emergency or disaster declared by
8 the President.

9 “(2) EVACUATION ROUTE.—The term ‘evacu-
10 ation route’ means a transportation route or system
11 that—

12 “(A) is owned, operated, or maintained by
13 a Federal, State, Tribal, or local government or
14 a private entity;

15 “(B) is used—

16 “(i) to transport the public away from
17 emergency events; or

18 “(ii) to transport emergency respond-
19 ers and recovery resources; and

20 “(C) is designated by the eligible entity
21 with jurisdiction over the area in which the
22 route is located for the purposes described in
23 subparagraph (B).

1 “(3) PROGRAM.—The term ‘program’ means
2 the grant program established under subsection
3 (b)(1).

4 “(4) RESILIENCE IMPROVEMENT.—The term
5 ‘resilience improvement’ means the use of materials
6 or structural or nonstructural techniques, including
7 natural infrastructure—

8 “(A) that allow a project—

9 “(i) to better anticipate, prepare for,
10 and adapt to changing conditions and to
11 withstand and respond to disruptions; and

12 “(ii) to be better able to continue to
13 serve the primary function of the project
14 during and after weather events and nat-
15 ural disasters for the expected life of the
16 project; or

17 “(B) that—

18 “(i) reduce the magnitude and dura-
19 tion of impacts of current and future
20 weather events and natural disasters to a
21 project; or

22 “(ii) have the absorptive capacity,
23 adaptive capacity, and recoverability to de-
24 crease project vulnerability to current and
25 future weather events or natural disasters.

1 “(b) ESTABLISHMENT.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish a grant program, to be known as the ‘Promoting
4 Resilient Operations for Transformative, Efficient,
5 and Cost-saving Transportation grant program’ or
6 the ‘PROTECT grant program’.

7 “(2) PURPOSE.—The purpose of the program is
8 to provide grants for resilience improvements
9 through—

10 “(A) formula funding distributed to States;

11 “(B) competitive planning grants to enable
12 communities to assess vulnerabilities to current
13 and future weather events and natural disasters
14 and changing conditions, including sea level
15 rise, and plan infrastructure improvements and
16 emergency response strategies to address those
17 vulnerabilities; and

18 “(C) competitive resilience improvement
19 grants to protect—

20 “(i) infrastructure assets by making
21 the assets more resilient to current and fu-
22 ture weather events and natural disasters,
23 such as severe storms, flooding, drought,
24 levee and dam failures, wildfire, rockslides,
25 mudslides, sea level rise, extreme weather,

1 including extreme temperature, and earth-
2 quakes;

3 “(ii) communities through resilience
4 improvements and strategies that allow for
5 the continued operation or rapid recovery
6 of surface transportation systems that—

7 “(I) serve critical local, regional,
8 and national needs, including evacu-
9 ation routes; and

10 “(II) provide access or service to
11 hospitals and other medical or emer-
12 gency service facilities, major employ-
13 ers, critical manufacturing centers,
14 ports and intermodal facilities, utili-
15 ties, and Federal facilities;

16 “(iii) coastal infrastructure, such as a
17 tide gate, that is at long-term risk to sea
18 level rise; and

19 “(iv) natural infrastructure that pro-
20 tects and enhances surface transportation
21 assets while improving ecosystem condi-
22 tions, including culverts that ensure ade-
23 quate flows in rivers and estuarine sys-
24 tems.

25 “(c) FORMULA AWARDS.—

1 “(1) DISTRIBUTION OF FUNDS TO STATES.—

2 “(A) IN GENERAL.—For each fiscal year,
3 the Secretary shall distribute among the States
4 the amounts made available to carry out this
5 subsection for that fiscal year in accordance
6 with subparagraph (B).

7 “(B) DISTRIBUTION.—The amount for
8 each State shall be determined by multiplying
9 the total amount made available to carry out
10 this subsection for the applicable fiscal year by
11 the ratio that—

12 “(i) the total base apportionment for
13 the State under section 104(c); bears to

14 “(ii) the total base apportionments for
15 all States under section 104(c).

16 “(2) ELIGIBLE ACTIVITIES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), a State shall use funds made
19 available under paragraph (1) to carry out ac-
20 tivities eligible under subparagraph (A), (B), or
21 (C) of subsection (d)(4).

22 “(B) PLANNING SET-ASIDE.—Of the
23 amounts made available to each State under
24 paragraph (1) for each fiscal year, not less than

1 2 percent shall be for activities described in
2 subsection (d)(3).

3 “(3) REQUIREMENTS.—

4 “(A) PROJECTS IN CERTAIN AREAS.—If a
5 project under this subsection is carried out, in
6 whole or in part, within a base floodplain, the
7 State shall—

8 “(i) identify the base floodplain in
9 which the project is to be located and dis-
10 close that information to the Secretary;
11 and

12 “(ii) indicate to the Secretary whether
13 the State plans to implement 1 or more
14 components of the risk mitigation plan
15 under section 322 of the Robert T. Staf-
16 ford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5165) with respect to
18 the area.

19 “(B) ELIGIBILITIES.—A State shall use
20 funds made available under paragraph (1) for—

21 “(i) a highway project eligible for as-
22 sistance under this title;

23 “(ii) a public transportation facility or
24 service eligible for assistance under chapter
25 53 of title 49;

1 “(iii) a facility or service for intercity
2 rail passenger transportation (as defined in
3 section 24102 of title 49); or

4 “(iv) a port facility, including a facil-
5 ity that—

6 “(I) connects a port to other
7 modes of transportation;

8 “(II) improves the efficiency of
9 evacuations and disaster relief; or

10 “(III) aids transportation.

11 “(C) SYSTEM RESILIENCE.—A project car-
12 ried out by a State with funds made available
13 under this subsection may include the use of
14 natural infrastructure or the construction or
15 modification of storm surge, flood protection, or
16 aquatic ecosystem restoration elements that are
17 functionally connected to a transportation im-
18 provement, such as—

19 “(i) increasing marsh health and total
20 area adjacent to a highway right-of-way to
21 promote additional flood storage;

22 “(ii) upgrades to and installing of cul-
23 verts designed to withstand 100-year flood
24 events;

1 “(iii) upgrades to and installation of
2 tide gates to protect highways; and

3 “(iv) upgrades to and installation of
4 flood gates to protect tunnel entrances.

5 “(D) FEDERAL COST SHARE.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in subsection (f)(1), the Federal
8 share of the cost of a project carried out
9 using funds made available under para-
10 graph (1) shall not exceed 80 percent of
11 the total project cost.

12 “(ii) NON-FEDERAL SHARE.—A State
13 may use Federal funds other than Federal
14 funds made available under this subsection
15 to meet the non-Federal cost share re-
16 quirement for a project under this sub-
17 section.

18 “(E) ELIGIBLE PROJECT COSTS.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), eligible project costs
21 for activities carried out by a State with
22 funds made available under paragraph (1)
23 may include the costs of—

24 “(I) development phase activities,
25 including planning, feasibility anal-

1 ysis, revenue forecasting, environ-
2 mental review, preliminary engineer-
3 ing and design work, and other
4 preconstruction activities; and

5 “(II) construction, reconstruc-
6 tion, rehabilitation, and acquisition of
7 real property (including land related
8 to the project and improvements to
9 land), environmental mitigation, con-
10 struction contingencies, acquisition of
11 equipment directly related to improv-
12 ing system performance, and oper-
13 ational improvements.

14 “(ii) ELIGIBLE PLANNING COSTS.—In
15 the case of a planning activity described in
16 subsection (d)(3) that is carried out by a
17 State with funds made available under
18 paragraph (1), eligible costs may include
19 development phase activities, including
20 planning, feasibility analysis, revenue fore-
21 casting, environmental review, preliminary
22 engineering and design work, other
23 preconstruction activities, and other activi-
24 ties consistent with carrying out the pur-
25 poses of subsection (d)(3).

1 “(F) LIMITATIONS.—In carrying out this
2 subsection, a State—

3 “(i) may use not more than 25 per-
4 cent of the amounts made available under
5 this subsection for the construction of new
6 capacity; and

7 “(ii) may use not more than 10 per-
8 cent of the amounts made available under
9 this subsection for activities described in
10 subparagraph (E)(i)(I).

11 “(d) COMPETITIVE AWARDS.—

12 “(1) IN GENERAL.—In addition to funds dis-
13 tributed to States under subsection (c)(1), the Sec-
14 retary shall provide grants on a competitive basis
15 under this subsection to eligible entities described in
16 paragraph (2).

17 “(2) ELIGIBLE ENTITIES.—The Secretary may
18 make a grant under this subsection to any of the fol-
19 lowing:

20 “(A) A State or political subdivision of a
21 State.

22 “(B) A metropolitan planning organiza-
23 tion.

24 “(C) A unit of local government.

1 “(D) A special purpose district or public
2 authority with a transportation function, includ-
3 ing a port authority.

4 “(E) An Indian tribe (as defined in section
5 207(m)(1)).

6 “(F) A Federal land management agency
7 that applies jointly with a State or group of
8 States.

9 “(G) A multi-State or multijurisdictional
10 group of entities described in subparagraphs
11 (A) through (F).

12 “(3) PLANNING GRANTS.—Using funds made
13 available under this subsection, the Secretary shall
14 provide planning grants to eligible entities for the
15 purpose of—

16 “(A) in the case of a State or metropolitan
17 planning organization, developing a resilience
18 improvement plan under subsection (f)(2);

19 “(B) resilience planning, predesign, design,
20 or the development of data tools to simulate
21 transportation disruption scenarios, including
22 vulnerability assessments;

23 “(C) technical capacity building by the eli-
24 gible entity to facilitate the ability of the eligi-
25 ble entity to assess the vulnerabilities of the in-

1 frastructure assets and community response
2 strategies of the eligible entity under current
3 conditions and a range of potential future con-
4 ditions; or

5 “(D) evacuation planning and preparation.

6 “(4) RESILIENCE GRANTS.—

7 “(A) RESILIENCE IMPROVEMENT
8 GRANTS.—

9 “(i) IN GENERAL.—Using funds made
10 available under this subsection, the Sec-
11 retary shall provide resilience improvement
12 grants to eligible entities to carry out 1 or
13 more eligible activities under clause (ii).

14 “(ii) ELIGIBLE ACTIVITIES.—

15 “(I) IN GENERAL.—An eligible
16 entity may use a resilience improve-
17 ment grant under this subparagraph
18 for 1 or more construction activities
19 to enable an existing surface transpor-
20 tation infrastructure asset to with-
21 stand 1 or more elements of a weather
22 event or natural disaster, or to in-
23 crease the resilience of surface trans-
24 portation infrastructure from the im-
25 pacts of changing conditions, such as

1 sea level rise, flooding, extreme weath-
2 er events, and other natural disasters.

3 “(II) INCLUSIONS.—An activity
4 eligible to be carried out under this
5 subparagraph includes—

6 “(aa) resurfacing, restora-
7 tion, rehabilitation, reconstruc-
8 tion, replacement, improvement,
9 or realignment of an existing sur-
10 face transportation facility eligi-
11 ble for assistance under this title;

12 “(bb) the incorporation of
13 natural infrastructure;

14 “(cc) the upgrade of an ex-
15 isting surface transportation fa-
16 cility to meet or exceed Federal
17 Highway Administration ap-
18 proved design standards;

19 “(dd) the installation of
20 mitigation measures that prevent
21 the intrusion of floodwaters into
22 surface transportation systems;

23 “(ee) strengthening systems
24 that remove rainwater from sur-
25 face transportation facilities;

1 “(ff) a resilience project that
2 addresses identified vulnerabili-
3 ties described in the resilience
4 improvement plan of the eligible
5 entity, if applicable;

6 “(gg) relocating roadways in
7 a base floodplain to higher
8 ground above projected flood ele-
9 vation levels, or away from slide
10 prone areas;

11 “(hh) stabilizing slide areas
12 or slopes;

13 “(ii) installing riprap;

14 “(jj) lengthening or raising
15 bridges to increase waterway
16 openings, including to respond to
17 extreme weather;

18 “(kk) deepening channels to
19 prevent flooding;

20 “(ll) increasing the size or
21 number of drainage structures;

22 “(mm) installing seismic ret-
23 rofits on bridges;

24 “(nn) adding scour protec-
25 tion at bridges;

1 “(oo) adding scour, stream
2 stability, coastal, and other hy-
3 draulic countermeasures, includ-
4 ing spur dikes; and

5 “(pp) any other protective
6 features, including natural infra-
7 structure, as determined by the
8 Secretary.

9 “(iii) PRIORITY.—The Secretary shall
10 prioritize a resilience improvement grant to
11 an eligible entity if—

12 “(I) the Secretary determines—

13 “(aa) the benefits of the eli-
14 gible activity proposed to be car-
15 ried out by the eligible entity ex-
16 ceed the costs of the activity; and

17 “(bb) there is a need to ad-
18 dress the vulnerabilities of infra-
19 structure assets of the eligible
20 entity with a high risk of, and
21 impacts associated with, failure
22 due to the impacts of weather
23 events, natural disasters, or
24 changing conditions, such as sea

1 level rise and increased flood
2 risk; or

3 “(II) the eligible activity pro-
4 posed to be carried out by the eligible
5 entity is included in the applicable re-
6 silience improvement plan under sub-
7 section (f)(2).

8 “(B) COMMUNITY RESILIENCE AND EVAC-
9 UATION ROUTE GRANTS.—

10 “(i) IN GENERAL.—Using funds made
11 available under this subsection, the Sec-
12 retary shall provide community resilience
13 and evacuation route grants to eligible en-
14 tities to carry out 1 or more eligible activi-
15 ties under clause (ii).

16 “(ii) ELIGIBLE ACTIVITIES.—An eligi-
17 ble entity may use a community resilience
18 and evacuation route grant under this sub-
19 paragraph for 1 or more projects that
20 strengthen and protect evacuation routes
21 that are essential for providing and sup-
22 porting evacuations caused by emergency
23 events, including a project that—

24 “(I) is an eligible activity under
25 subparagraph (A)(ii), if that eligible

1 activity will improve an evacuation
2 route;

3 “(II) ensures the ability of the
4 evacuation route to provide safe pas-
5 sage during an evacuation and re-
6 duces the risk of damage to evacu-
7 ation routes as a result of future
8 emergency events, including restoring
9 or replacing existing evacuation routes
10 that are in poor condition or not de-
11 signed to meet the anticipated de-
12 mand during an emergency event, and
13 including steps to protect routes from
14 mud, rock, or other debris slides;

15 “(III) if the Secretary determines
16 that existing evacuation routes are not
17 sufficient to adequately facilitate evac-
18 uations, including the transportation
19 of emergency responders and recovery
20 resources, expands the capacity of
21 evacuation routes to swiftly and safely
22 accommodate evacuations, including
23 installation of—

1 “(aa) communications and
2 intelligent transportation system
3 equipment and infrastructure;

4 “(bb) counterflow measures;
5 or

6 “(cc) shoulders;

7 “(IV) is for the construction of—

8 “(aa) new or redundant
9 evacuation routes, if the Sec-
10 retary determines that existing
11 evacuation routes are not suffi-
12 cient to adequately facilitate
13 evacuations, including the trans-
14 portation of emergency respond-
15 ers and recovery resources; or

16 “(bb) sheltering facilities
17 that are functionally connected to
18 an eligible project;

19 “(V) is for the acquisition of
20 evacuation route or traffic incident
21 management equipment, vehicles, or
22 signage; or

23 “(VI) will ensure access or serv-
24 ice to critical destinations, including
25 hospitals and other medical or emer-

1 agency service facilities, major employ-
2 ers, critical manufacturing centers,
3 ports and intermodal facilities, utili-
4 ties, and Federal facilities.

5 “(iii) PRIORITY.—The Secretary shall
6 prioritize community resilience and evacu-
7 ation route grants under this subpara-
8 graph for eligible activities that are cost-ef-
9 fective, as determined by the Secretary,
10 taking into account—

11 “(I) current and future
12 vulnerabilities to an evacuation route
13 due to future occurrence or recurrence
14 of emergency events that are likely to
15 occur in the geographic area in which
16 the evacuation route is located; and

17 “(II) projected changes in devel-
18 opment patterns, demographics, and
19 extreme weather events based on the
20 best available evidence and analysis.

21 “(iv) CONSULTATION.—In providing
22 grants for community resilience and evacu-
23 ation routes under this subparagraph, the
24 Secretary shall consult with the Adminis-
25 trator of the Federal Emergency Manage-

1 ment Agency, who shall provide technical
2 assistance to the Secretary and to eligible
3 entities.

4 “(C) AT-RISK COASTAL INFRASTRUCTURE
5 GRANTS.—

6 “(i) DEFINITION OF COASTAL
7 STATE.—In this subparagraph, the term
8 ‘coastal State’ means—

9 “(I) a State in, or bordering on,
10 the Atlantic, Pacific, or Arctic Ocean,
11 the Gulf of Mexico, Long Island
12 Sound, or 1 or more of the Great
13 Lakes;

14 “(II) the United States Virgin Is-
15 lands;

16 “(III) Guam;

17 “(IV) American Samoa; and

18 “(V) the Commonwealth of the
19 Northern Mariana Islands.

20 “(ii) GRANTS.—Using funds made
21 available under this subsection, the Sec-
22 retary shall provide at-risk coastal infra-
23 structure grants to eligible entities in
24 coastal States to carry out 1 or more eligi-
25 ble activities under clause (iii).

1 “(iii) ELIGIBLE ACTIVITIES.—An eli-
2 gible entity may use an at-risk coastal in-
3 frastructure grant under this subpara-
4 graph for strengthening, stabilizing, hard-
5 ening, elevating, relocating, or otherwise
6 enhancing the resilience of highway and
7 non-rail infrastructure, including bridges,
8 roads, pedestrian walkways, and bicycle
9 lanes, and associated infrastructure, such
10 as culverts and tide gates, that are subject
11 to, or face increased long-term future risks
12 of, a weather event, a natural disaster, or
13 changing conditions, including coastal
14 flooding, coastal erosion, wave action,
15 storm surge, or sea level rise, in order to
16 improve transportation and public safety
17 and to reduce costs by avoiding larger fu-
18 ture maintenance or rebuilding costs.

19 “(iv) CRITERIA.—The Secretary shall
20 provide at-risk coastal infrastructure
21 grants under this subparagraph for a
22 project—

23 “(I) that addresses the risks
24 from a current or future weather
25 event or natural disaster, including

1 coastal flooding, coastal erosion, wave
2 action, storm surge, or sea level
3 change; and

4 “(II) that reduces long-term in-
5 frastructure costs by avoiding larger
6 future maintenance or rebuilding
7 costs.

8 “(v) COASTAL BENEFITS.—In addi-
9 tion to the criteria under clause (iv), for
10 the purpose of providing at-risk coastal in-
11 frastructure grants under this subpara-
12 graph, the Secretary shall evaluate the ex-
13 tent to which a project will provide—

14 “(I) access to coastal homes,
15 businesses, communities, and other
16 critical infrastructure, including ac-
17 cess by first responders and other
18 emergency personnel; or

19 “(II) access to a designated evac-
20 uation route.

21 “(5) GRANT REQUIREMENTS.—

22 “(A) SOLICITATIONS FOR GRANTS.—In
23 providing grants under this subsection, the Sec-
24 retary shall conduct a transparent and competi-
25 tive national solicitation process to select eligi-

1 ble projects to receive grants under paragraph
2 (3) and subparagraphs (A), (B), and (C) of
3 paragraph (4).

4 “(B) APPLICATIONS.—

5 “(i) IN GENERAL.—To be eligible to
6 receive a grant under paragraph (3) or
7 subparagraph (A), (B), or (C) of para-
8 graph (4), an eligible entity shall submit to
9 the Secretary an application in such form,
10 at such time, and containing such informa-
11 tion as the Secretary determines to be nec-
12 essary.

13 “(ii) PROJECTS IN CERTAIN AREAS.—

14 If a project is proposed to be carried out
15 by the eligible entity, in whole or in part,
16 within a base floodplain, the eligible entity
17 shall—

18 “(I) as part of the application,
19 identify the floodplain in which the
20 project is to be located and disclose
21 that information to the Secretary; and

22 “(II) indicate in the application
23 whether, if selected, the eligible entity
24 will implement 1 or more components
25 of the risk mitigation plan under sec-

1 tion 322 of the Robert T. Stafford
2 Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5165) with re-
4 spect to the area.

5 “(C) ELIGIBILITIES.—The Secretary may
6 make a grant under paragraph (3) or subpara-
7 graph (A), (B), or (C) of paragraph (4) only
8 for—

9 “(i) a highway project eligible for as-
10 sistance under this title;

11 “(ii) a public transportation facility or
12 service eligible for assistance under chapter
13 53 of title 49;

14 “(iii) a facility or service for intercity
15 rail passenger transportation (as defined in
16 section 24102 of title 49); or

17 “(iv) a port facility, including a facil-
18 ity that—

19 “(I) connects a port to other
20 modes of transportation;

21 “(II) improves the efficiency of
22 evacuations and disaster relief; or

23 “(III) aids transportation.

24 “(D) SYSTEM RESILIENCE.—A project for
25 which a grant is provided under paragraph (3)

1 or subparagraph (A), (B), or (C) of paragraph
2 (4) may include the use of natural infrastruc-
3 ture or the construction or modification of
4 storm surge, flood protection, or aquatic eco-
5 system restoration elements that the Secretary
6 determines are functionally connected to a
7 transportation improvement, such as—

8 “(i) increasing marsh health and total
9 area adjacent to a highway right-of-way to
10 promote additional flood storage;

11 “(ii) upgrades to and installing of cul-
12 verts designed to withstand 100-year flood
13 events;

14 “(iii) upgrades to and installation of
15 tide gates to protect highways; and

16 “(iv) upgrades to and installation of
17 flood gates to protect tunnel entrances.

18 “(E) FEDERAL COST SHARE.—

19 “(i) PLANNING GRANT.—The Federal
20 share of the cost of a planning activity car-
21 ried out using a planning grant under
22 paragraph (3) shall be 100 percent.

23 “(ii) RESILIENCE GRANTS.—

24 “(I) IN GENERAL.—Except as
25 provided in subclause (II) and sub-

1 section (f)(1), the Federal share of
2 the cost of a project carried out using
3 a grant under subparagraph (A), (B),
4 or (C) of paragraph (4) shall not ex-
5 ceed 80 percent of the total project
6 cost.

7 “(II) TRIBAL PROJECTS.—On
8 the determination of the Secretary,
9 the Federal share of the cost of a
10 project carried out using a grant
11 under subparagraph (A), (B), or (C)
12 of paragraph (4) by an Indian tribe
13 (as defined in section 207(m)(1)) may
14 be up to 100 percent.

15 “(iii) NON-FEDERAL SHARE.—The eli-
16 gible entity may use Federal funds other
17 than Federal funds provided under this
18 subsection to meet the non-Federal cost
19 share requirement for a project carried out
20 with a grant under this subsection.

21 “(F) ELIGIBLE PROJECT COSTS.—

22 “(i) RESILIENCE GRANT PROJECTS.—
23 Eligible project costs for activities funded
24 with a grant under subparagraph (A), (B),

1 or (C) of paragraph (4) may include the
2 costs of—

3 “(I) development phase activities,
4 including planning, feasibility anal-
5 ysis, revenue forecasting, environ-
6 mental review, preliminary engineer-
7 ing and design work, and other
8 preconstruction activities; and

9 “(II) construction, reconstruc-
10 tion, rehabilitation, and acquisition of
11 real property (including land related
12 to the project and improvements to
13 land), environmental mitigation, con-
14 struction contingencies, acquisition of
15 equipment directly related to improv-
16 ing system performance, and oper-
17 ational improvements.

18 “(ii) PLANNING GRANTS.—Eligible
19 project costs for activities funded with a
20 grant under paragraph (3) may include the
21 costs of development phase activities, in-
22 cluding planning, feasibility analysis, rev-
23 enue forecasting, environmental review,
24 preliminary engineering and design work,
25 other preconstruction activities, and other

1 activities consistent with carrying out the
2 purposes of that paragraph.

3 “(G) LIMITATIONS.—An eligible entity
4 that receives a grant under subparagraph (A),
5 (B), or (C) of paragraph (4)—

6 “(i) may use not more than 25 per-
7 cent of the amount of the grant for the
8 construction of new capacity; and

9 “(ii) may use not more than 10 per-
10 cent of the amount of the grant for activi-
11 ties described in subparagraph (F)(i)(I).

12 “(H) DISTRIBUTION OF GRANTS.—

13 “(i) IN GENERAL.—Subject to the
14 availability of funds, an eligible entity may
15 request and the Secretary may distribute
16 funds for a grant under this subsection on
17 a multiyear basis, as the Secretary deter-
18 mines to be necessary.

19 “(ii) RURAL SET-ASIDE.—Of the
20 amounts made available to carry out this
21 subsection for each fiscal year, the Sec-
22 retary shall use not less than 25 percent
23 for grants for projects located in areas
24 that are outside an urbanized area with a
25 population of over 200,000.

1 “(iii) TRIBAL SET-ASIDE.—Of the
2 amounts made available to carry out this
3 subsection for each fiscal year, the Sec-
4 retary shall use not less than 2 percent for
5 grants to Indian tribes (as defined in sec-
6 tion 207(m)(1)).

7 “(iv) REALLOCATION.—For any fiscal
8 year, if the Secretary determines that the
9 amount described in clause (ii) or (iii) will
10 not be fully utilized for the grant described
11 in that clause, the Secretary may reallocate
12 the unutilized funds to provide grants to
13 other eligible entities under this subsection.

14 “(e) CONSULTATION.—In carrying out the program,
15 the Secretary shall—

16 “(1) consult with the Assistant Secretary of the
17 Army for Civil Works, the Administrator of the En-
18 vironmental Protection Agency, the Secretary of the
19 Interior, and the Secretary of Commerce; and

20 “(2) solicit technical support from the Adminis-
21 trator of the Federal Emergency Management Agen-
22 cy.

23 “(f) RESILIENCE IMPROVEMENT PLAN AND LOWER
24 NON-FEDERAL SHARE.—

25 “(1) FEDERAL SHARE REDUCTIONS.—

1 “(A) IN GENERAL.—A State that receives
2 funds under subsection (c) or an eligible entity
3 that receives a grant under subsection (d) shall
4 have the non-Federal share of a project carried
5 out with the funds or grant, as applicable, re-
6 duced by an amount described in subparagraph
7 (B) if the State or eligible entity meets the ap-
8 plicable requirements under that subparagraph.

9 “(B) AMOUNT OF REDUCTIONS.—

10 “(i) RESILIENCE IMPROVEMENT
11 PLAN.—Subject to clause (iii), the amount
12 of the non-Federal share of the costs of a
13 project carried out with funds under sub-
14 section (c) or a grant under subsection (d)
15 shall be reduced by 7 percentage points
16 if—

17 “(I) in the case of a State or an
18 eligible entity that is a State or a
19 metropolitan planning organization,
20 the State or eligible entity has—

21 “(aa) developed a resilience
22 improvement plan in accordance
23 with this subsection; and

1 “(bb) prioritized the project
2 on that resilience improvement
3 plan; and

4 “(II) in the case of an eligible en-
5 tity not described in subclause (I), the
6 eligible entity is located in a State or
7 an area served by a metropolitan
8 planning organization that has—

9 “(aa) developed a resilience
10 improvement plan in accordance
11 with this subsection; and

12 “(bb) prioritized the project
13 on that resilience improvement
14 plan.

15 “(ii) INCORPORATION OF RESILIENCE
16 IMPROVEMENT PLAN IN OTHER PLAN-
17 NING.—Subject to clause (iii), the amount
18 of the non-Federal share of the cost of a
19 project carried out with funds under sub-
20 section (c) or a grant under subsection (d)
21 shall be reduced by 3 percentage points
22 if—

23 “(I) in the case of a State or an
24 eligible entity that is a State or a
25 metropolitan planning organization,

1 the resilience improvement plan devel-
2 oped in accordance with this sub-
3 section has been incorporated into the
4 metropolitan transportation plan
5 under section 134 or the long-range
6 statewide transportation plan under
7 section 135, as applicable; and

8 “(II) in the case of an eligible en-
9 tity not described in subclause (I), the
10 eligible entity is located in a State or
11 an area served by a metropolitan
12 planning organization that incor-
13 porated a resilience improvement plan
14 into the metropolitan transportation
15 plan under section 134 or the long-
16 range statewide transportation plan
17 under section 135, as applicable.

18 “(iii) LIMITATIONS.—

19 “(I) MAXIMUM REDUCTION.—A
20 State or eligible entity may not receive
21 a reduction under this paragraph of
22 more than 10 percentage points for
23 any single project carried out with
24 funds under subsection (c) or a grant
25 under subsection (d).

1 “(II) NO NEGATIVE NON-FED-
2 ERAL SHARE.—A reduction under this
3 paragraph shall not reduce the non-
4 Federal share of the costs of a project
5 carried out with funds under sub-
6 section (c) or a grant under sub-
7 section (d) to an amount that is less
8 than zero.

9 “(2) PLAN CONTENTS.—A resilience improve-
10 ment plan referred to in paragraph (1)—

11 “(A) shall be for the immediate and long-
12 range planning activities and investments of the
13 State or metropolitan planning organization
14 with respect to resilience;

15 “(B) shall demonstrate a systemic ap-
16 proach to transportation system resilience and
17 be consistent with and complementary of the
18 State and local mitigation plans required under
19 section 322 of the Robert T. Stafford Disaster
20 Relief and Emergency Assistance Act (42
21 U.S.C. 5165);

22 “(C) shall—

23 “(i) include a risk-based assessment
24 of vulnerabilities of transportation assets
25 and systems to current and future weather

1 events and natural disasters, such as se-
2 vere storms, flooding, drought, levee and
3 dam failures, wildfire, rockslides,
4 mudslides, sea level rise, extreme weather,
5 including extreme temperatures, and earth-
6 quakes;

7 “(ii) designate evacuation routes and
8 strategies, including multimodal facilities,
9 designated with consideration for individ-
10 uals without access to personal vehicles;

11 “(iii) plan for response to anticipated
12 emergencies, including plans for the mobil-
13 ity of—

14 “(I) emergency response per-
15 sonnel and equipment; and

16 “(II) access to emergency serv-
17 ices, including for vulnerable or dis-
18 advantaged populations;

19 “(iv) describe the resilience improve-
20 ment policies, including strategies, land-use
21 and zoning changes, investments in natural
22 infrastructure, or performance measures
23 that will inform the transportation invest-
24 ment decisions of the State or metropolitan

1 planning organization with the goal of in-
2 creasing resilience;

3 “(v) include an investment plan
4 that—

5 “(I) includes a list of priority
6 projects; and

7 “(II) describes how funds pro-
8 vided by a grant under the program
9 would be invested and matched, which
10 shall not be subject to fiscal con-
11 straint requirements; and

12 “(vi) use science and data and indi-
13 cate the source of data and methodologies;
14 and

15 “(D) shall, as appropriate—

16 “(i) include a description of how the
17 plan will improve the ability of the State or
18 metropolitan planning organization—

19 “(I) to respond promptly to the
20 impacts of weather events and natural
21 disasters; and

22 “(II) to be prepared for changing
23 conditions, such as sea level rise and
24 increased flood risk;

1 “(ii) describe the codes, standards,
2 and regulatory framework, if any, adopted
3 and enforced to ensure resilience improve-
4 ments within the impacted area of pro-
5 posed projects included in the resilience
6 improvement plan;

7 “(iii) consider the benefits of com-
8 bining hard infrastructure assets, and nat-
9 ural infrastructure, through coordinated
10 efforts by the Federal Government and the
11 States;

12 “(iv) assess the resilience of other
13 community assets, including buildings and
14 housing, emergency management assets,
15 and energy, water, and communication in-
16 frastructure;

17 “(v) use a long-term planning period;
18 and

19 “(vi) include such other information
20 as the eligible entity considers appropriate.

21 “(3) NO NEW PLANNING REQUIREMENTS.—
22 Nothing in this section requires a metropolitan plan-
23 ning organization or a State to develop a resilience
24 improvement plan or to include a resilience improve-
25 ment plan under the metropolitan transportation

1 plan under section 134 or the long-range statewide
2 transportation plan under section 135, as applicable,
3 of the metropolitan planning organization or State.

4 “(g) MONITORING.—

5 “(1) IN GENERAL.—Not later than 18 months
6 after the date of enactment of this section, the Sec-
7 retary, in consultation with the officials described in
8 subsection (e), shall—

9 “(A) establish, for the purpose of evalu-
10 ating the effectiveness and impacts of projects
11 carried out under the program—

12 “(i) subject to paragraph (2), trans-
13 portation and any other metrics as the
14 Secretary determines to be necessary; and

15 “(ii) procedures for monitoring and
16 evaluating projects based on those metrics;
17 and

18 “(B) select a representative sample of
19 projects to evaluate based on the metrics and
20 procedures established under subparagraph (A).

21 “(2) NOTICE.—Before adopting any metrics de-
22 scribed in paragraph (1), the Secretary shall—

23 “(A) publish the proposed metrics in the
24 Federal Register; and

1 “(B) provide to the public an opportunity
2 for comment on the proposed metrics.

3 “(h) REPORTS.—

4 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not
5 later than 1 year after the date on which a project
6 carried out under the program is completed, the en-
7 tity that carried out the project shall submit to the
8 Secretary a report on the results of the project and
9 the use of the funds received under the program.

10 “(2) REPORTS TO CONGRESS.—

11 “(A) ANNUAL REPORTS.—The Secretary
12 shall submit to Congress, and publish on the
13 website of the Department of Transportation,
14 an annual report that describes the implemen-
15 tation of the program during the preceding cal-
16 endar year, including—

17 “(i) each project for which a grant
18 was provided under the program;

19 “(ii) information relating to project
20 applications received;

21 “(iii) the manner in which the con-
22 sultation requirements were implemented
23 under this section;

24 “(iv) recommendations to improve the
25 administration of the program, including

1 whether assistance from additional or
2 fewer agencies to carry out the program is
3 appropriate;

4 “(v) the period required to disburse
5 grant funds to recipients based on applica-
6 ble Federal coordination requirements; and

7 “(vi) a list of facilities that repeatedly
8 require repair or reconstruction due to
9 emergency events.

10 “(B) FINAL REPORT.—Not later than 5
11 years after the date of enactment of the Amer-
12 ica’s Transportation Infrastructure Act of
13 2019, the Secretary shall submit to Congress a
14 report that includes the results of the reports
15 submitted under subparagraph (A).

16 “(i) ADMINISTRATIVE EXPENSES.—The Secretary
17 shall use not more than 5 percent of the amounts made
18 available to carry out the program for each fiscal year for
19 the costs of administering the program, including moni-
20 toring and evaluation under subsection (g).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code (as amended by sec-
23 tion 1403(b)), is amended by inserting after the item re-
24 lating to section 178 the following:

“179. Promoting Resilient Operations for Transformative, Efficient, and Cost-
saving Transportation (PROTECT) grant program.”.

1 **SEC. 1408. DIESEL EMISSIONS REDUCTION.**

2 (a) REAUTHORIZATION OF DIESEL EMISSIONS RE-
3 Duction PROGRAM.—Section 797(a) of the Energy Policy
4 Act of 2005 (42 U.S.C. 16137(a)) is amended by striking
5 “2016” and inserting “2024”.

6 (b) RECOGNIZING DIFFERENCES IN DIESEL VEHI-
7 cle, ENGINE, EQUIPMENT, AND FLEET USE.—

8 (1) NATIONAL GRANT, REBATE, AND LOAN PRO-
9 grams.—Section 792(c)(4)(D) of the Energy Policy
10 Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended
11 by inserting “, recognizing differences in typical ve-
12 hicle, engine, equipment, and fleet use throughout
13 the United States” before the semicolon.

14 (2) STATE GRANT, REBATE, AND LOAN PRO-
15 grams.—Section 793(b)(1) of the Energy Policy Act
16 of 2005 (42 U.S.C. 16133(b)(1)) is amended—

17 (A) in subparagraph (B), by striking “;
18 and” and inserting a semicolon; and

19 (B) by adding at the end the following:

20 “(D) the recognition, for purposes of im-
21 plementing this section, of differences in typical
22 vehicle, engine, equipment, and fleet use
23 throughout the United States, including ex-
24 pected useful life; and”.

25 (c) REALLOCATION OF UNUSED STATE FUNDS.—
26 Section 793(e)(2)(C) of the Energy Policy Act of 2005

1 (42 U.S.C. 16133(c)(2)(C)) is amended beginning in the
2 matter preceding clause (i) by striking “to each remain-
3 ing” and all that follows through “this paragraph” in
4 clause (ii) and inserting “to carry out section 792”.

5 **Subtitle E—Miscellaneous**

6 **SEC. 1501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**

7 **FUND.**

8 (a) **IN GENERAL.**—Section 105 of title 23, United
9 States Code, is repealed.

10 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
11 ter 1 of title 23, United States Code, is amended by strik-
12 ing the item relating to section 105.

13 **SEC. 1502. STOPPING THREATS ON PEDESTRIANS.**

14 (a) **DEFINITION OF BOLLARD INSTALLATION**
15 **PROJECT.**—In this section, the term “bollard installation
16 project” means a project to install raised concrete or metal
17 posts on a sidewalk adjacent to a roadway that are de-
18 signed to slow or stop a motor vehicle.

19 (b) **ESTABLISHMENT.**—Not later than 1 year after
20 the date of enactment of this Act and subject to the avail-
21 ability of appropriations, the Secretary shall establish and
22 carry out a competitive grant pilot program to provide as-
23 sistance to local government entities for bollard installa-
24 tion projects designed to prevent pedestrian injuries and

1 acts of terrorism in areas used by large numbers of pedes-
2 trians.

3 (c) APPLICATION.—To be eligible to receive a grant
4 under this section, a local government entity shall submit
5 to the Secretary an application at such time, in such form,
6 and containing such information as the Secretary deter-
7 mines to be appropriate, which shall include, at a min-
8 imum—

9 (1) a description of the proposed bollard instal-
10 lation project to be carried out;

11 (2) a description of the pedestrian injury or ter-
12 rorism risks with respect to the proposed installation
13 area; and

14 (3) an analysis of how the proposed bollard in-
15 stallation project will mitigate those risks.

16 (d) USE OF FUNDS.—A recipient of a grant under
17 this section may only use the grant funds for a bollard
18 installation project.

19 (e) FEDERAL SHARE.—The Federal share of the
20 costs of a bollard installation project carried out with a
21 grant under this section may be up to 100 percent.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$5,000,000 for each of fiscal years 2021
25 through 2025.

1 **SEC. 1503. TRANSFER AND SALE OF TOLL CREDITS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ORIGINATING STATE.—The term “origi-
4 nating State” means a State that—

5 (A) is eligible to use a credit under section
6 120(i) of title 23, United States Code; and

7 (B) has been selected by the Secretary
8 under subsection (d)(2).

9 (2) PILOT PROGRAM.—The term “pilot pro-
10 gram” means the pilot program established under
11 subsection (b).

12 (3) RECIPIENT STATE.—The term “recipient
13 State” means a State that receives a credit by trans-
14 fer or by sale under this section from an originating
15 State.

16 (4) STATE.—The term “State” has the mean-
17 ing given the term in section 101(a) of title 23,
18 United States Code.

19 (b) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
20 retary shall establish and implement a toll credit exchange
21 pilot program in accordance with this section.

22 (c) PURPOSES.—The purposes of the pilot program
23 are—

24 (1) to identify the extent of the demand to pur-
25 chase toll credits;

1 (2) to identify the cash price of toll credits
2 through bilateral transactions between States;

3 (3) to analyze the impact of the purchase or
4 sale of toll credits on transportation expenditures;

5 (4) to test the feasibility of expanding the pilot
6 program to allow all States to participate on a per-
7 manent basis; and

8 (5) to identify any other repercussions of the
9 toll credit exchange.

10 (d) SELECTION OF ORIGINATING STATES.—

11 (1) APPLICATION.—In order to participate in
12 the pilot program as an originating State, a State
13 shall submit to the Secretary an application at such
14 time, in such manner, and containing such informa-
15 tion as the Secretary may require, including, at a
16 minimum, such information as is required for the
17 Secretary to verify—

18 (A) the amount of unused toll credits for
19 which the State has submitted certification to
20 the Secretary that are available to be sold or
21 transferred under the pilot program, includ-
22 ing—

23 (i) toll revenue generated and the
24 sources of that revenue;

1 (ii) toll revenue used by public, quasi-
2 public, and private agencies to build, im-
3 prove, or maintain highways, bridges, or
4 tunnels that serve the public purpose of
5 interstate commerce; and

6 (iii) an accounting of any Federal
7 funds used by the public, quasi-public, or
8 private agency to build, improve, or main-
9 tain the toll facility, to validate that the
10 credit has been reduced by a percentage
11 equal to the percentage of the total cost of
12 building, improving, or maintaining the fa-
13 cility that was derived from Federal funds;

14 (B) the documentation of maintenance of
15 effort for toll credits earned by the originating
16 State; and

17 (C) the accuracy of the accounting system
18 of the State to earn and track toll credits.

19 (2) SELECTION.—Of the States that submit an
20 application under paragraph (1), the Secretary may
21 select not more than 10 States to be designated as
22 an originating State.

23 (3) LIMITATION ON SALES.—At any time, the
24 Secretary may limit the amount of unused toll cred-

1 its that may be offered for sale under the pilot pro-
2 gram.

3 (e) TRANSFER OR SALE OF CREDITS.—

4 (1) IN GENERAL.—In carrying out the pilot
5 program, the Secretary shall provide that an origi-
6 nating State may transfer or sell to a recipient State
7 a credit not previously used by the originating State
8 under section 120(i) of title 23, United States Code.

9 (2) WEBSITE SUPPORT.—The Secretary shall
10 make available a publicly accessible website on which
11 originating States shall post the amount of toll cred-
12 its, verified under subsection (d)(1)(A), that are
13 available for sale or transfer to a recipient State.

14 (3) BILATERAL TRANSACTIONS.—An origi-
15 nating State and a recipient State may enter into a
16 bilateral transaction to sell or transfer verified toll
17 credits.

18 (4) NOTIFICATION.—Not later than 30 days
19 after the date on which a credit is transferred or
20 sold, the originating State and the recipient State
21 shall jointly submit to the Secretary a written notifi-
22 cation of the transfer or sale, including details on—

23 (A) the amount of toll credits that have
24 been sold or transferred;

1 (B) the price paid or other value trans-
2 ferred in exchange for the toll credits;

3 (C) the intended use by the recipient State
4 of the toll credits, if known;

5 (D) the intended use by the originating
6 State of the cash or other value transferred;

7 (E) an update on the toll credit balance of
8 the originating State and the recipient State;
9 and

10 (F) any other information about the trans-
11 action that the Secretary may require.

12 (5) USE OF CREDITS BY TRANSFEREE OR PUR-
13 CHASER.—A recipient State may use a credit re-
14 ceived under paragraph (1) toward the non-Federal
15 share requirement for any funds made available to
16 carry out title 23 or chapter 53 of title 49, United
17 States Code, in accordance with section 120(i) of
18 title 23, United States Code.

19 (6) USE OF PROCEEDS FROM SALE OF CRED-
20 ITS.—An originating State shall use the proceeds
21 from the sale of a credit under paragraph (1) for the
22 construction costs of any project in the originating
23 State that is eligible under title 23, United States
24 Code.

25 (f) REPORTING REQUIREMENTS.—

1 (1) INITIAL REPORT.—Not later than 1 year
2 after the date on which the pilot program is estab-
3 lished, the Secretary shall submit to the Committee
4 on Environment and Public Works of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives a report
7 on the progress of the pilot program.

8 (2) FINAL REPORT.—Not later than 3 years
9 after the date on which the pilot program is estab-
10 lished, the Secretary shall—

11 (A) submit to the Committee on Environ-
12 ment and Public Works of the Senate and the
13 Committee on Transportation and Infrastruc-
14 ture of the House of Representatives a report
15 that—

16 (i) determines whether a toll credit
17 marketplace is viable and cost-effective;

18 (ii) describes the buying and selling
19 activities under the pilot program;

20 (iii) describes the average sale price of
21 toll credits;

22 (iv) determines whether the pilot pro-
23 gram could be expanded to more States or
24 all States or to non-State operators of toll
25 facilities;

1 (v) provides updated information on
2 the toll credit balance accumulated by each
3 State; and

4 (vi) describes the list of projects that
5 were assisted by the pilot program; and

6 (B) make the report under subparagraph
7 (A) publicly available on the website of the De-
8 partment.

9 (g) TERMINATION.—

10 (1) IN GENERAL.—The Secretary may termi-
11 nate the pilot program or the participation of any
12 State in the pilot program if the Secretary deter-
13 mines that—

14 (A) the pilot program is not serving a pub-
15 lic benefit; or

16 (B) it is not cost effective to carry out the
17 pilot program.

18 (2) PROCEDURES.—The termination of the pilot
19 program or the participation of a State in the pilot
20 program shall be carried out consistent with Federal
21 requirements for project closeout, adjustment, and
22 continuing responsibilities.

1 **SEC. 1504. FOREST SERVICE LEGACY ROADS AND TRAILS**
2 **REMEDICATION PROGRAM.**

3 Public Law 88–657 (16 U.S.C. 532 et seq.) (com-
4 monly known as the “Forest Roads and Trails Act”) is
5 amended by adding at the end the following:

6 **“SEC. 8. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**
7 **MEDIATION PROGRAM.**

8 “(a) IN GENERAL.—Not later than 180 days after
9 the date of enactment of this section, the Secretary, acting
10 through the Chief of the Forest Service, shall establish,
11 and develop a national strategy to carry out, a program,
12 to be known as the ‘Forest Service Legacy Roads and
13 Trails Remediation Program’, within the National Forest
14 System, to carry out critical maintenance and urgent re-
15 pairs and improvements on National Forest System roads,
16 trails, and bridges.

17 “(b) PRIORITY.—In implementing the program under
18 this section, the Secretary may give priority to any project
19 that protects or restores—

20 “(1) water quality;

21 “(2) a watershed that feeds a public drinking
22 water system;

23 “(3) important wildlife habitat, as determined
24 by the Secretary, in consultation with each affected
25 State, including habitat of threatened, endangered,
26 or sensitive fish or wildlife species; or

1 “(4) historic public access for authorized mul-
 2 tiple uses of National Forest System land in accord-
 3 ance with the Multiple-Use Sustained-Yield Act of
 4 1960 (16 U.S.C. 528 et seq.), including grazing,
 5 recreation, hunting, fishing, forest management,
 6 wildfire mitigation, and ecosystem restoration.

7 “(c) NATIONAL FOREST SYSTEM.—Except as author-
 8 ized under section 323 of the Department of the Interior
 9 and Related Agencies Appropriations Act, 1999 (16
 10 U.S.C. 1011a), each project carried out under this section
 11 shall be on a National Forest System road or trail.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 13 is authorized to be appropriated to the Secretary to carry
 14 out this section \$50,000,000 for each of fiscal years 2021
 15 through 2025, to remain available until expended.”.

16 **SEC. 1505. DISASTER RELIEF MOBILIZATION PILOT PRO-**
 17 **GRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) LOCAL COMMUNITY.—The term “local com-
 20 munity” means—

21 (A) a unit of local government;

22 (B) a political subdivision of a State or
 23 local government;

1 (C) a metropolitan planning organization
2 (as defined in section 134(b) of title 23, United
3 States Code);

4 (D) a rural planning organization; or

5 (E) a Tribal government.

6 (2) PILOT PROGRAM.—The term “pilot pro-
7 gram” means the pilot program established by the
8 Secretary under subsection (b).

9 (b) ESTABLISHMENT.—The Secretary shall establish
10 and carry out a pilot program under which the Secretary
11 shall provide grants to local communities to develop dis-
12 aster preparedness and disaster response plans that in-
13 clude the use of bicycles.

14 (c) APPLICATION AND SELECTION REQUIRE-
15 MENTS.—

16 (1) PARTNERSHIPS.—To be eligible to receive a
17 grant under the pilot program, a local community
18 shall demonstrate plans to enter into a partnership
19 with—

20 (A) 1 or more nonprofit community organi-
21 zations; or

22 (B) 1 or more bicycle or pedestrian advoca-
23 cacy organizations.

24 (2) APPLICATION.—To be eligible to receive a
25 grant under the pilot program, a local community

1 shall submit to the Secretary an application at such
2 time, in such manner, and containing such informa-
3 tion as the Secretary may require, including an iden-
4 tification of each nonprofit community organization
5 and bicycle or pedestrian advocacy organization with
6 which the local community plans to establish a part-
7 nership under paragraph (1).

8 (3) SELECTION.—For each fiscal year, the Sec-
9 retary shall select not fewer than 4, and not more
10 than 10, local communities that meet the eligibility
11 requirements to receive a grant under the pilot pro-
12 gram.

13 (d) MAXIMUM AMOUNT.—The maximum amount of
14 a grant under the pilot program shall be \$125,000.

15 (e) USE OF FUNDS.—

16 (1) VULNERABILITY ASSESSMENT.—

17 (A) IN GENERAL.—Each recipient of a
18 grant under the pilot program shall carry out a
19 vulnerability assessment of active transportation
20 infrastructure in the applicable community,
21 with a particular focus on areas in the local
22 community that—

23 (i) have low levels of vehicle owner-
24 ship; and

1 (ii) lack sufficient active transpor-
 2 tation infrastructure routes to public
 3 transportation.

4 (B) PUBLIC PARTICIPATION.—In carrying
 5 out the vulnerability assessment under subpara-
 6 graph (A), a grant recipient shall—

7 (i) provide an opportunity for public
 8 participation and feedback; and

9 (ii) consider public feedback in devel-
 10 oping or modifying response plans under
 11 paragraph (2).

12 (2) DISASTER PREPAREDNESS AND DISASTER
 13 RESPONSE PLANS.—

14 (A) IN GENERAL.—Each recipient of a
 15 grant under the pilot program shall develop or
 16 modify, as applicable, disaster preparedness and
 17 disaster response plans to include the use of bi-
 18 cycles by first responders, emergency workers,
 19 and community organization representatives—

20 (i) during an evacuation—

21 (I) to notify residents of the need
 22 to evacuate;

23 (II) to evacuate individuals and
 24 goods; and

1 (III) to reach individuals who are
2 in need of first aid and medical assist-
3 ance; and

4 (ii) after a disaster—

5 (I) to assist in searching for and
6 locating individuals in the disaster
7 area;

8 (II) to carry—

9 (aa) water;

10 (bb) food;

11 (cc) first aid and other med-
12 ical supplies; and

13 (dd) power sources and elec-
14 tric supplies, such as cell phones,
15 radios, lights, and batteries;

16 (III) to reach individuals who are
17 in need of the items described in sub-
18 clause (II); and

19 (IV) to assist with other disaster
20 relief tasks, as appropriate.

21 (B) TRAINING AND PRACTICE.—As part of
22 the plans under subparagraph (A), a grant re-
23 cipient shall—

1 (i) provide training for first respond-
2 ers, emergency workers, and community
3 organization representatives regarding—

4 (I) competent bicycle skills, in-
5 cluding the use of cargo bicycles and
6 electric bicycles, as applicable;

7 (II) basic bicycle maintenance;
8 and

9 (III) methods to use bicycles to
10 carry out the activities described in
11 clauses (i) and (ii) of subparagraph
12 (A); and

13 (ii) include in the plans a plan for—

14 (I) practicing the skills described
15 in clause (i); and

16 (II) maintaining bicycles and re-
17 lated equipment.

18 (C) BIKE SUPPLY.—As part of the plans
19 under subparagraph (A), a grant recipient shall
20 provide bicycles, as necessary and appropriate,
21 to each community organization acting in part-
22 nership with the recipient to allow representa-
23 tives of the organization to assist in disaster
24 preparedness and disaster response efforts.

1 (f) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Secretary shall submit to
3 Congress a report that—

4 (1) describes the activities carried out under the
5 pilot program;

6 (2) analyzes the effectiveness of the pilot pro-
7 gram; and

8 (3) includes recommendations, if any, regarding
9 methods by which to incorporate bicycles into dis-
10 aster preparedness and disaster response plans in
11 other communities.

12 **SEC. 1506. APPALACHIAN REGIONAL DEVELOPMENT.**

13 (a) DEFINITION OF APPALACHIAN REGION, NORTH
14 CAROLINA.—Section 14102(a)(1)(G) of title 40, United
15 States Code, is amended—

16 (1) by inserting “Catawba,” after “Caldwell,”;
17 and

18 (2) by inserting “Cleveland,” after “Clay,”.

19 (b) APPALACHIAN REGIONAL ENERGY HUB INITIA-
20 TIVE.—

21 (1) IN GENERAL.—Subchapter I of chapter 145
22 of subtitle IV of title 40, United States Code, is
23 amended by adding at the end the following:

1 **“§ 14511. Appalachian regional energy hub initiative**

2 “(a) IN GENERAL.—The Appalachian Regional Com-
3 mission may provide technical assistance to, make grants
4 to, enter into contracts with, or otherwise provide amounts
5 to individuals or entities in the Appalachian region for
6 projects and activities—

7 “(1) to conduct research and analysis regarding
8 the economic impact of an ethane storage hub in the
9 Appalachian region that supports a more-effective
10 energy market performance due to the scale of the
11 project, such as a project with the capacity to store
12 and distribute more than 100,000 barrels per day of
13 hydrocarbon feedstock with a minimum gross heat-
14 ing value of 1,700 Btu per standard cubic foot;

15 “(2) with the potential to significantly con-
16 tribute to the economic resilience of the area in
17 which the project is located; and

18 “(3) that will help establish a regional energy
19 hub in the Appalachian region for natural gas and
20 natural gas liquids, including storage and associated
21 pipelines.

22 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
23 cost of any activity eligible for a grant under this sec-
24 tion—

1 “(1) not more than 50 percent may be provided
2 from amounts made available to carry out this sec-
3 tion;

4 “(2) in the case of a project to be carried out
5 in a county for which a distressed county designa-
6 tion is in effect under section 14526, not more than
7 80 percent may be provided from amounts made
8 available to carry out this section; and

9 “(3) in the case of a project to be carried out
10 in a county for which an at-risk county designation
11 is in effect under section 14526, not more than 70
12 percent may be provided from amounts made avail-
13 able to carry out this section.

14 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
15 section (b), a grant provided under this section may be
16 provided from amounts made available to carry out this
17 section, in combination with amounts made available—

18 “(1) under any other Federal program; or

19 “(2) from any other source.

20 “(d) FEDERAL SHARE.—Notwithstanding any provi-
21 sion of law limiting the Federal share under any other
22 Federal program, amounts made available to carry out
23 this section may be used to increase that Federal share,
24 as the Appalachian Regional Commission determines to be
25 appropriate.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 subchapter I of chapter 145 of title 40, United
3 States Code, is amended by inserting after the item
4 relating to section 14510 the following:

“14511. Appalachian regional energy hub initiative.”.

5 (c) AUTHORIZATIONS.—Section 14703 of title 40,
6 United States Code, is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (4), by striking “and” at
9 the end;

10 (B) in paragraph (5), by striking “through
11 2020.” and inserting “through 2020; and”; and

12 (C) by adding at the end the following:

13 “(6) \$180,000,000 for each of fiscal years 2021
14 through 2025.”;

15 (2) in subsection (c)—

16 (A) by striking “\$10,000,000” and insert-
17 ing “\$20,000,000”; and

18 (B) by striking “2020” and inserting
19 “2025”;

20 (3) by redesignating subsections (d) and (e) as
21 subsections (e) and (f), respectively; and

22 (4) by inserting after subsection (c) the fol-
23 lowing:

24 “(d) APPALACHIAN REGIONAL ENERGY HUB INITIA-
25 TIVE.—Of the amounts made available under subsection

1 (a), \$5,000,000 shall be used to carry out section 14511
2 for each of fiscal years 2021 through 2025.”.

3 (d) TERMINATION.—Section 14704 of title 40,
4 United States Code, is amended by striking “2020” and
5 inserting “2025”.

6 **SEC. 1507. REQUIREMENTS FOR TRANSPORTATION**
7 **PROJECTS CARRIED OUT THROUGH PUBLIC-**
8 **PRIVATE PARTNERSHIPS.**

9 (a) DEFINITIONS.—In this section:

10 (1) PROJECT.—The term “project” means a
11 project (as defined in section 101 of title 23, United
12 States Code) that—

13 (A) is carried out, in whole or in part,
14 using Federal financial assistance; and

15 (B) has an estimated total cost of
16 \$100,000,000 or more.

17 (2) PUBLIC-PRIVATE PARTNERSHIP.—The term
18 “public-private partnership” means an agreement
19 between a public agency and a private entity to fi-
20 nance, build, and maintain or operate a project.

21 (b) REQUIREMENTS FOR PROJECTS CARRIED OUT
22 THROUGH PUBLIC-PRIVATE PARTNERSHIPS.—With re-
23 spect to a public-private partnership, as a condition of re-
24 ceiving Federal financial assistance for a project, the Sec-

1 retary shall require the public partner, not later than 3
2 years after the date of opening of the project to traffic—

3 (1) to conduct a review of the project, including
4 a review of the compliance of the private partner
5 with the terms of the public-private partnership
6 agreement;

7 (2)(A) to certify to the Secretary that the pri-
8 vate partner of the public-private partnership is
9 meeting the terms of the public-private partnership
10 agreement for the project; or

11 (B) to notify the Secretary that the private
12 partner of the public-private partnership has not
13 met 1 or more of the terms of the public-private
14 partnership agreement for the project, including a
15 brief description of each violation of the public-pri-
16 vate partnership agreement; and

17 (3) to make publicly available the certification
18 or notification, as applicable, under paragraph (2) in
19 a form that does not disclose any proprietary or con-
20 fidential business information.

21 (c) NOTIFICATION.—If the Secretary provides Fed-
22 eral financial assistance to a project carried out through
23 a public-private partnership, not later than 30 days after
24 the date on which the Federal financial assistance is first
25 obligated, the Secretary shall submit to the Committee on

1 Environment and Public Works of the Senate and the
2 Committee on Transportation and Infrastructure of the
3 House of Representatives a notification of the Federal fi-
4 nancial assistance made available for the project.

5 (d) VALUE FOR MONEY ANALYSIS.—

6 (1) PROJECT APPROVAL AND OVERSIGHT.—Sec-
7 tion 106(h)(3) of title 23, United States Code, is
8 amended—

9 (A) in subparagraph (C), by striking
10 “and” at the end;

11 (B) by redesignating subparagraph (D) as
12 subparagraph (E); and

13 (C) by inserting after subparagraph (C)
14 the following:

15 “(D) for a project in which the project
16 sponsor intends to carry out the project
17 through a public-private partnership agreement,
18 shall include a detailed value for money analysis
19 or similar comparative analysis for the project;
20 and”.

21 (2) SURFACE TRANSPORTATION BLOCK GRANT
22 PROGRAM.—Paragraph (16) of section 133(b) of
23 title 23, United States Code (as redesignated by sec-
24 tion 1109(a)(1)(C)), is amended by inserting “, in-

1 including conducting value for money analyses or simi-
2 lar comparative analyses,” after “oversight”.

3 (3) TIFIA.—Section 602(a) of title 23, United
4 States Code, is amended by adding at the end the
5 following:

6 “(11) PUBLIC-PRIVATE PARTNERSHIPS.—In the
7 case of a project to be carried out through a public-
8 private partnership, the public partner shall have—

9 “(A) conducted a value for money analysis
10 or similar comparative analysis; and

11 “(B) determined the appropriateness of the
12 public-private partnership agreement.”.

13 (e) APPLICABILITY.—This section and the amend-
14 ments made by this section shall only apply to a public-
15 private partnership agreement entered into on or after the
16 date of enactment of this Act.

17 **SEC. 1508. COMMUNITY CONNECTIVITY PILOT PROGRAM.**

18 (a) DEFINITION OF ELIGIBLE FACILITY.—

19 (1) IN GENERAL.—In this section, the term “el-
20 igible facility” means a highway or other transpor-
21 tation facility that creates a barrier to community
22 connectivity, including barriers to mobility, access,
23 or economic development, due to high speeds, grade
24 separations, or other design factors.

1 (2) INCLUSIONS.—In this section, the term “eli-
2 gible facility” may include—

3 (A) a limited access highway;

4 (B) a viaduct; and

5 (C) any other principal arterial facility.

6 (b) ESTABLISHMENT.—The Secretary shall establish
7 a pilot program through which an eligible entity may apply
8 for funding—

9 (1) to study the feasibility and impacts of re-
10 removing an existing eligible facility;

11 (2) to conduct planning activities necessary to
12 design a project to remove an existing eligible facil-
13 ity; and

14 (3) to conduct construction activities necessary
15 to carry out a project to remove an existing eligible
16 facility.

17 (c) PLANNING GRANTS.—

18 (1) ELIGIBLE ENTITIES.—The Secretary may
19 award a grant (referred to in this section as a “plan-
20 ning grant”) to carry out planning activities de-
21 scribed in paragraph (2) to—

22 (A) a State;

23 (B) a unit of local government;

24 (C) a Tribal government;

1 (D) a metropolitan planning organization;

2 and

3 (E) a nonprofit organization.

4 (2) ELIGIBLE ACTIVITIES DESCRIBED.—The
5 planning activities referred to in paragraph (1)
6 are—

7 (A) planning studies to evaluate the feasi-
8 bility of removing an eligible facility, including
9 evaluations of—

10 (i) current traffic patterns on the eli-
11 gible facility proposed for removal and the
12 surrounding street network;

13 (ii) the capacity of existing transpor-
14 tation networks to maintain mobility
15 needs;

16 (iii) an analysis of alternative roadway
17 designs or other uses for the right-of-way
18 of the eligible facility, including an analysis
19 of whether the available right-of-way would
20 suffice to create an alternative roadway de-
21 sign;

22 (iv) the effect of the removal of the eli-
23 gible facility on the mobility of freight and
24 people;

1 (v) the effect of the removal of the eli-
2 gible facility on the safety of the traveling
3 public;

4 (vi) the cost to remove the eligible fa-
5 cility and to convert the eligible facility to
6 a different roadway design or use, com-
7 pared to any expected costs for necessary
8 maintenance or reconstruction of the eligi-
9 ble facility;

10 (vii) the anticipated economic impact
11 of removing and converting the eligible fa-
12 cility and any economic development op-
13 portunities that would be created by re-
14 moving and converting the eligible facility;
15 and

16 (viii) the environmental impacts of re-
17 taining or reconstructing the eligible facil-
18 ity and the anticipated effect of the pro-
19 posed alternative use or roadway design;

20 (B) public engagement activities to provide
21 opportunities for public input into a plan to re-
22 move and convert an eligible facility; and

23 (C) other transportation planning activities
24 required in advance of a project to remove an

1 existing eligible facility, as determined by the
2 Secretary.

3 (3) TECHNICAL ASSISTANCE PROGRAM.—

4 (A) IN GENERAL.—The Secretary may
5 provide technical assistance described in sub-
6 paragraph (B) to an eligible entity.

7 (B) TECHNICAL ASSISTANCE DE-
8 SCRIBED.—The technical assistance referred to
9 in subparagraph (A) is technical assistance in
10 building organizational or community capac-
11 ity—

12 (i) to engage in transportation plan-
13 ning; and

14 (ii) to identify innovative solutions to
15 infrastructure challenges, including recon-
16 necting communities that—

17 (I) are bifurcated by eligible fa-
18 cilities; or

19 (II) lack safe, reliable, and af-
20 fordable transportation choices.

21 (C) PRIORITIES.—In selecting recipients of
22 technical assistance under subparagraph (A),
23 the Secretary shall give priority to an applica-
24 tion from a community that is economically dis-
25 advantaged.

1 (4) SELECTION.—The Secretary shall—

2 (A) solicit applications for—

3 (i) planning grants; and

4 (ii) technical assistance under para-
5 graph (3); and

6 (B) evaluate applications for a planning
7 grant on the basis of the demonstration by the
8 applicant that—

9 (i) the eligible facility is aged and is
10 likely to need replacement or significant re-
11 construction within the 20-year period be-
12 ginning on the date of the submission of
13 the application;

14 (ii) the eligible facility—

15 (I) creates barriers to mobility,
16 access, or economic development; or

17 (II) is not justified by current
18 and forecast future travel demand;
19 and

20 (iii) on the basis of preliminary inves-
21 tigation into the feasibility of removing
22 the eligible facility, further investigation is
23 necessary and likely to be productive.

24 (5) AWARD AMOUNTS.—A planning grant may
25 not exceed \$2,000,000 per recipient.

1 (6) FEDERAL SHARE.—The total Federal share
2 of the cost of a planning activity for which a plan-
3 ning grant is used shall not exceed 80 percent.

4 (d) CAPITAL CONSTRUCTION GRANTS.—

5 (1) ELIGIBLE ENTITIES.—The Secretary may
6 award a grant (referred to in this section as a “cap-
7 ital construction grant”) to the owner of an eligible
8 facility to carry out an eligible project described in
9 paragraph (3) for which all necessary feasibility
10 studies and other planning activities have been com-
11 pleted.

12 (2) PARTNERSHIPS.—An owner of an eligible
13 facility may, for the purposes of submitting an appli-
14 cation for a capital construction grant, if applicable,
15 partner with—

16 (A) a State;

17 (B) a unit of local government;

18 (C) a Tribal government;

19 (D) a metropolitan planning organization;

20 or

21 (E) a nonprofit organization.

22 (3) ELIGIBLE PROJECTS.—A project eligible to
23 be carried out with a capital construction grant in-
24 cludes—

25 (A) the removal of an eligible facility; and

1 (B) the replacement of an eligible facility
2 with a new facility that is—

3 (i) sensitive to the context of the sur-
4 rounding community; and

5 (ii) otherwise eligible for funding
6 under title 23, United States Code.

7 (4) SELECTION.—The Secretary shall—

8 (A) solicit applications for capital construc-
9 tion grants; and

10 (B) evaluate applications on the basis of—

11 (i) the degree to which the project will
12 improve mobility and access through the
13 removal of barriers;

14 (ii) the appropriateness of removing
15 the eligible facility, based on current traffic
16 patterns and the ability of the replacement
17 facility and the regional transportation
18 network to absorb transportation demand
19 and provide safe mobility and access;

20 (iii) the impact of the project on
21 freight movement;

22 (iv) the results of a cost-benefit anal-
23 ysis of the project;

24 (v) the opportunities for inclusive eco-
25 nomic development;

1 (vi) the degree to which the eligible
2 facility is out of context with the current
3 or planned land use;

4 (vii) the results of any feasibility
5 study completed for the project; and

6 (viii) the plan of the applicant for—

7 (I) employing residents in the
8 area impacted by the project through
9 targeted hiring programs, in partner-
10 ship with registered apprenticeship
11 programs, if applicable; and

12 (II) contracting and subcon-
13 tracting with disadvantaged business
14 enterprises.

15 (5) MINIMUM AWARD AMOUNTS.—A capital
16 construction grant shall be in an amount not less
17 than \$5,000,000 per recipient.

18 (6) FEDERAL SHARE.—

19 (A) IN GENERAL.—Subject to subpara-
20 graph (B), a capital construction grant may not
21 exceed 50 percent of the total cost of the
22 project for which the grant is awarded.

23 (B) MAXIMUM FEDERAL INVOLVEMENT.—
24 Federal assistance other than a capital con-
25 struction grant may be used to satisfy the non-

1 Federal share of the cost of a project for which
2 the grant is awarded, except that the total Fed-
3 eral assistance provided for a project for which
4 the grant is awarded may not exceed 80 percent
5 of the total cost of the project.

6 (7) COMMUNITY ADVISORY BOARD.—

7 (A) IN GENERAL.—To help achieve inclu-
8 sive economic development benefits with respect
9 to the project for which a grant is awarded, a
10 grant recipient may form a community advisory
11 board, which shall—

12 (i) facilitate community engagement
13 with respect to the project; and

14 (ii) track progress with respect to
15 commitments of the grant recipient to in-
16 clusive employment, contracting, and eco-
17 nomic development under the project.

18 (B) MEMBERSHIP.—If a grant recipient
19 forms a community advisory board under sub-
20 paragraph (A), the community advisory board
21 shall be composed of representatives of—

22 (i) the community;

23 (ii) owners of businesses that serve
24 the community;

- 1 (iii) labor organizations that represent
2 workers that serve the community; and
3 (iv) State and local government.

4 (e) REPORTS.—

5 (1) USDOT REPORT ON PILOT PROGRAM.—Not
6 later than January 1, 2025, the Secretary shall sub-
7 mit to the Committee on Environment and Public
8 Works of the Senate and the Committee on Trans-
9 portation and Infrastructure of the House of Rep-
10 resentatives a report that evaluates the pilot pro-
11 gram under this section, including—

12 (A) information about the level of appli-
13 cant interest in planning grants, technical as-
14 sistance under subsection (c)(3), and capital
15 construction grants, including the extent to
16 which overall demand exceeded available funds;
17 and

18 (B) for recipients of capital construction
19 grants, the outcomes and impacts of the high-
20 way removal project, including—

21 (i) any changes in the overall level of
22 mobility, congestion, access, and safety in
23 the project area; and

1 (ii) environmental impacts and eco-
2 nomic development opportunities in the
3 project area.

4 (2) GAO REPORT ON HIGHWAY REMOVALS.—
5 Not later than 2 years after the date of enactment
6 of this Act, the Comptroller General of the United
7 States shall issue a report that—

8 (A) identifies examples of projects to re-
9 move highways using Federal highway funds;

10 (B) evaluates the effect of highway re-
11 moval projects on the surrounding area, includ-
12 ing impacts to the local economy, congestion ef-
13 fects, safety outcomes, and impacts on the
14 movement of freight and people;

15 (C) evaluates the existing Federal-aid pro-
16 gram eligibility under title 23, United States
17 Code, for highway removal projects;

18 (D) analyzes the costs and benefits of and
19 barriers to removing underutilized highways
20 that are nearing the end of their useful life
21 compared to replacing or reconstructing the
22 highway; and

23 (E) provides recommendations for inte-
24 grating those assessments into transportation
25 planning and decision-making processes.

1 (f) TECHNICAL ASSISTANCE.—Of the funds made
2 available to carry out this section for planning grants, the
3 Secretary may use not more than \$15,000,000 during the
4 period of fiscal years 2021 through 2025 to provide tech-
5 nical assistance under subsection (c)(3).

6 **SEC. 1509. REPEAL OF RESCISSION.**

7 (a) IN GENERAL.—Section 1438 of the FAST Act
8 (Public Law 114–94; 129 Stat. 1432) is repealed.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the FAST Act (Public Law 114–94; 129
11 Stat. 1312) is amended by striking the item relating to
12 section 1438.

13 **SEC. 1510. FEDERAL INTERAGENCY WORKING GROUP FOR**
14 **CONVERSION OF FEDERAL FLEET TO HY-**
15 **BRID-ELECTRIC VEHICLES, ELECTRIC VEHI-**
16 **CLES, AND ALTERNATIVE FUELED VEHICLES.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Chair of the Council
19 on Environmental Quality shall coordinate and chair a
20 Federal interagency working group to develop a strategy
21 to transition the vehicle fleets of the respective Federal
22 agencies to hybrid-electric vehicles, plug-in electric drive
23 vehicles, and alternative fueled vehicles (as defined in sec-
24 tion 301 of the Energy Policy Act of 1992 (42 U.S.C.
25 13211)), to the maximum extent practicable.

1 (b) GOALS.—The goals of the interagency working
2 group established under subsection (a) are—

3 (1) to ensure that the Federal vehicle fleet is at
4 the leading edge of transitioning to clean energy
5 sources; and

6 (2) to develop targets for each year such that
7 the total number of vehicles purchased for the Fed-
8 eral fleet in the applicable year includes a percentage
9 of hybrid-electric vehicles, plug-in electric drive vehi-
10 cles, and alternative fueled vehicles that is not less
11 than the percentage of hybrid-electric vehicles, plug-
12 in electric drive vehicles, and alternative fueled vehi-
13 cles purchased in the United States in the previous
14 year.

15 (c) REQUIREMENT.—In developing the strategy
16 under subsection (a), the interagency working group es-
17 tablished under that subsection shall consider—

18 (1) cost-effectiveness; and

19 (2) the types of vehicles that are appropriate to
20 the mission of each Federal agency.

21 (d) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, and annually thereafter, the Fed-
23 eral interagency working group shall submit to the Com-
24 mittee on Environment and Public Works of the Senate
25 and the Committee on Transportation and Infrastructure

1 of the House of Representatives a report that describes
2 the progress made toward implementing the strategy de-
3 veloped under subsection (a).

4 **SEC. 1511. CYBERSECURITY TOOL; CYBER COORDINATOR.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Highway Administration.

9 (2) CYBER INCIDENT.—The term “cyber inci-
10 dent” has the meaning given the term “significant
11 cyber incident” in Presidential Policy Directive–41
12 (July 26, 2016, relating to cyber incident coordina-
13 tion).

14 (3) TRANSPORTATION AUTHORITY.—The term
15 “transportation authority” means—

16 (A) a public authority (as defined in sec-
17 tion 101(a) of title 23, United States Code);

18 (B) an owner or operator of a highway (as
19 defined in section 101(a) of title 23, United
20 States Code);

21 (C) a manufacturer that manufactures a
22 product related to transportation; and

23 (D) a division office of the Federal High-
24 way Administration.

25 (b) CYBERSECURITY TOOL.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall develop a tool to assist transportation authori-
4 ties in identifying, detecting, protecting against, re-
5 sponding to, and recovering from cyber incidents.

6 (2) REQUIREMENTS.—In developing the tool
7 under paragraph (1), the Administrator shall—

8 (A) use the cybersecurity framework estab-
9 lished by the National Institute of Standards
10 and Technology and required by Executive
11 Order 13636 of February 12, 2013 (78 Fed.
12 Reg. 11739; relating to improving critical infra-
13 structure cybersecurity);

14 (B) establish a structured cybersecurity as-
15 sessment and development program;

16 (C) consult with appropriate transportation
17 authorities, operating agencies, industry stake-
18 holders, and cybersecurity experts; and

19 (D) provide for a period of public comment
20 and review on the tool.

21 (c) DESIGNATION OF CYBER COORDINATOR.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Administrator
24 shall designate an office as a “cyber coordinator”,
25 which shall be responsible for monitoring, alerting,

1 and advising transportation authorities of cyber inci-
2 dents.

3 (2) REQUIREMENTS.—The office designated
4 under paragraph (1) shall—

5 (A) provide to transportation authorities a
6 secure method of notifying a single Federal en-
7 tity of cyber incidents;

8 (B) monitor cyber incidents that affect
9 transportation authorities;

10 (C) alert transportation authorities to
11 cyber incidents that affect those transportation
12 authorities;

13 (D) investigate unaddressed cyber inci-
14 dents that affect transportation authorities; and

15 (E) provide to transportation authorities
16 educational resources, outreach, and awareness
17 on fundamental principles and best practices in
18 cybersecurity for transportation systems.

19 **SEC. 1512. STUDY ON MOST EFFECTIVE UPGRADES TO**
20 **ROADWAY INFRASTRUCTURE.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary shall offer
23 to enter into an agreement with the Transportation Re-
24 search Board of the National Academies of Sciences, En-
25 gineering, and Medicine to conduct a study—

1 (1) to identify specific immediate and specific
2 long-term types of improvements to roadway infra-
3 structure that would benefit the largest segment of
4 road users, autonomous vehicles, and automated
5 driving systems; and

6 (2) to examine how best to achieve uniformity
7 in roadway infrastructure to facilitate the safe de-
8 ployment of autonomous vehicles and automated
9 driving systems.

10 (b) RECOMMENDATIONS.—The study conducted
11 under subsection (a) shall include recommendations to
12 Congress relating to the matters studied under paragraphs
13 (1) and (2) of that subsection.

14 (c) PUBLIC COMMENT.—Before entering into an
15 agreement under subsection (a), the Secretary shall pro-
16 vide an opportunity for public comment on the study pro-
17 posal.

18 (d) REPORT.—If the Transportation Research Board
19 enters into the agreement under subsection (a), to the
20 maximum extent practicable, not later than 2 years after
21 the date of enactment of this Act, the Secretary shall sub-
22 mit to Congress the study conducted under that sub-
23 section.

1 **SEC. 1513. STUDY ON VEHICLE-TO-INFRASTRUCTURE COM-**
2 **MUNICATION TECHNOLOGY.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall offer
5 to enter into an agreement with the Transportation Re-
6 search Board of the National Academy of Sciences, Engi-
7 neering, and Medicine to conduct a study to identify im-
8 mediate and long-term safety benefits of—

9 (1) vehicle-to-infrastructure connectivity tech-
10 nologies; and

11 (2) technologies that would allow motor vehicles
12 and roadway infrastructure to communicate using
13 dedicated short-range communications and related
14 safety applications.

15 (b) CONTENTS.—The study conducted under sub-
16 section (a) shall include—

17 (1) recommendations to Congress on specific
18 improvements to roadway infrastructure that would
19 be needed to facilitate the implementation of—

20 (A) technologies that would allow motor
21 vehicles and roadway infrastructure to commu-
22 nicate using dedicated short-range communica-
23 tions; and

24 (B) other vehicle-to-infrastructure
25 connectivity technologies; and

1 (2) an evaluation of the safety, mobility, and
2 environmental impacts resulting from a delay of the
3 adoption of proven dedicated short-range commu-
4 nication technologies for vehicle-to-infrastructure
5 communication.

6 (c) PUBLIC COMMENT.—Before entering into an
7 agreement under subsection (a), the Secretary shall pro-
8 vide an opportunity for public comment on the study pro-
9 posal.

10 (d) REPORT.—If the Transportation Research Board
11 enters into the agreement under subsection (a), to the
12 maximum extent practicable, not later than 2 years after
13 the date of enactment of this Act, the Secretary shall sub-
14 mit to Congress the study conducted under this section.

15 **SEC. 1514. NONHIGHWAY RECREATIONAL FUEL STUDY.**

16 (a) DEFINITIONS.—In this section:

17 (1) HIGHWAY TRUST FUND.—The term “High-
18 way Trust Fund” means the Highway Trust Fund
19 established by section 9503(a) of the Internal Rev-
20 enue Code of 1986.

21 (2) NONHIGHWAY RECREATIONAL FUEL
22 TAXES.—The term “nonhighway recreational fuel
23 taxes” means taxes under section 4041 and 4081 of
24 the Internal Revenue Code of 1986 with respect to
25 fuel used in vehicles on recreational trails or back

1 country terrain (including vehicles registered for
2 highway use when used on recreational trails, trail
3 access roads not eligible for funding under title 23,
4 United States Code, or back country terrain).

5 (3) RECREATIONAL TRAILS PROGRAM.—The
6 term “recreational trails program” means the rec-
7 reational trails program under section 206 of title
8 23, United States Code.

9 (b) ASSESSMENT; REPORT.—

10 (1) ASSESSMENT.—Not later than 1 year after
11 the date of enactment of this Act and not less fre-
12 quently than once every 5 years thereafter, as deter-
13 mined by the Secretary, the Secretary shall carry
14 out an assessment of the best available estimate of
15 the total amount of nonhighway recreational fuel
16 taxes received by the Secretary of the Treasury and
17 transferred to the Highway Trust Fund for the pe-
18 riod covered by the assessment.

19 (2) REPORT.—After carrying out each assess-
20 ment under paragraph (1), the Secretary shall sub-
21 mit to the Committees on Finance and Environment
22 and Public Works of the Senate and the Committees
23 on Ways and Means and Transportation and Infra-
24 structure of the House of Representatives a report
25 that includes—

1 (A) to assist Congress in determining an
2 appropriate funding level for the recreational
3 trails program—

4 (i) a description of the results of the
5 assessment; and

6 (ii) an evaluation of whether the cur-
7 rent recreational trails program funding
8 level reflects the amount of nonhighway
9 recreational fuel taxes collected and trans-
10 ferred to the Highway Trust Fund; and

11 (B) in the case of the first report sub-
12 mitted under this paragraph, an estimate of the
13 frequency with which the Secretary anticipates
14 carrying out the assessment under paragraph
15 (1), subject to the condition that such an as-
16 sessment shall be carried out not less frequently
17 than once every 5 years.

18 (c) CONSULTATION.—In carrying out an assessment
19 under subsection (b)(1), the Secretary may consult with,
20 as the Secretary determines to be appropriate—

21 (1) the heads of—

22 (A) State agencies designated by Gov-
23 ernors pursuant to section 206(c)(1) of title 23,
24 United States Code, to administer the rec-
25 reational trails program; and

- 1 (B) division offices of the Department;
- 2 (2) the Secretary of the Treasury;
- 3 (3) the Administrator of the Federal Highway
4 Administration; and
- 5 (4) groups representing recreational activities
6 and interests, including hiking, biking and mountain
7 biking, horseback riding, water trails, snowshoeing,
8 cross-country skiing, snowmobiling, off-highway
9 motorcycling, all-terrain vehicles and other offroad
10 motorized vehicle activities, and recreational trail ad-
11 vocates.

12 **SEC. 1515. BUY AMERICA.**

13 Section 313 of title 23, United States Code, is
14 amended—

15 (1) by redesignating subsection (g) as sub-
16 section (h); and

17 (2) by inserting after subsection (f) the fol-
18 lowing:

19 “(g) WAIVERS.—

20 “(1) IN GENERAL.—Not less than 15 days be-
21 fore issuing a waiver under this section, the Sec-
22 retary shall provide to the public—

23 “(A) notice of the proposed waiver;

24 “(B) an opportunity for comment on the
25 proposed waiver; and

1 “(C) the reasons for the proposed waiver.

2 “(2) REPORT.—Not less frequently than annu-
3 ally, the Secretary shall submit to the Committee on
4 Environment and Public Works of the Senate and
5 the Committee on Transportation and Infrastructure
6 of the House of Representatives a report on the
7 waivers provided under this section.”.

8 **SEC. 1516. REPORT ON DATA-DRIVEN INFRASTRUCTURE**
9 **TRAFFIC SAFETY IMPROVEMENTS.**

10 The Administrator of the Federal Highway Adminis-
11 tration shall—

12 (1) conduct a study to identify data-driven in-
13 frastructure traffic safety improvements for priority
14 focus areas identified by the Administrator, includ-
15 ing improvements that would benefit older drivers,
16 teenage drivers, commercial drivers, and other vul-
17 nerable drivers;

18 (2) on completion of the study under paragraph
19 (1), submit to the Committee on Environment and
20 Public Works of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report that—

23 (A) describes the results of the study; and

1 (B) includes recommendations for data-
 2 driven infrastructure traffic safety improve-
 3 ments that could be implemented; and

4 (3) based on the results of the study, promote
 5 the use of the data-driven infrastructure traffic safe-
 6 ty improvements recommended under paragraph
 7 (2)(B).

8 **SEC. 1517. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
 9 **HIGHWAY SYSTEM.**

10 (a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of
 11 the Intermodal Surface Transportation Efficiency Act of
 12 1991 (Public Law 102–240; 105 Stat. 2032; 131 Stat.
 13 797) is amended by adding at the end the following:

14 “(91) United States Route 421 from the inter-
 15 change with Interstate Route 85 in Greensboro,
 16 North Carolina, to the interchange with Interstate
 17 Route 95 in Dunn, North Carolina.

18 “(92) The Wendell H. Ford (Western Ken-
 19 tucky) Parkway from the interchange with the Wil-
 20 liam H. Natcher Parkway in Ohio County, Ken-
 21 tucky, west to the interchange of the Western Ken-
 22 tucky Parkway with the Edward T. Breathitt
 23 (Pennyrile) Parkway.”.

24 (b) DESIGNATION AS FUTURE INTERSTATE.—Sec-
 25 tion 1105(e)(5)(A) of the Intermodal Surface Transpor-

1 tation Efficiency Act of 1991 (Public Law 102–240; 109
 2 Stat. 597; 131 Stat. 797) is amended in the first sentence
 3 by striking “and subsection (c)(90)” and inserting “sub-
 4 section (c)(90), subsection (c)(91), and subsection
 5 (c)(92)”.

6 (c) NUMBERING OF PARKWAY.—Section
 7 1105(e)(5)(C)(i) of the Intermodal Surface Transpor-
 8 tation Efficiency Act of 1991 (Public Law 102–240; 109
 9 Stat. 598; 126 Stat. 426; 131 Stat. 797) is amended by
 10 adding at the end the following: “The route referred to
 11 in subsection (c)(92) is designated as Interstate Route I–
 12 569.”.

13 (d) GAO REPORT ON DESIGNATION OF SEGMENTS
 14 AS PART OF INTERSTATE SYSTEM.—

15 (1) DEFINITION OF APPLICABLE SEGMENT.—In
 16 this subsection, the term “applicable segment”
 17 means a route described in paragraph (91) or (92)
 18 of section 1105(e) of the Intermodal Surface Trans-
 19 portation Efficiency Act of 1991 (Public Law 102–
 20 240; 105 Stat. 2032).

21 (2) REPORT.—

22 (A) IN GENERAL.—Not later than 2 years
 23 after the date on which the applicable segments
 24 are open for operations as part of the Interstate
 25 System, the Comptroller General of the United

1 States shall submit to Congress a report on the
2 impact, if any, during that 2-year period of al-
3 lowing the continuation of weight limits that
4 applied before the designation of the applicable
5 segment as a route on the Interstate System.

6 (B) REQUIREMENTS.—The report under
7 subparagraph (A) shall—

8 (i) be informed by the views and docu-
9 mentation provided by the State highway
10 agency (or equivalent agency) in each
11 State in which an applicable segment is lo-
12 cated;

13 (ii) describe any impacts on safety
14 and infrastructure on the applicable seg-
15 ments;

16 (iii) describe any view of the State
17 highway agency (or equivalent agency) in
18 each State in which an applicable segment
19 is located on the impact of the applicable
20 segment; and

21 (iv) focus only on the applicable seg-
22 ments.

23 **SEC. 1518. INTERSTATE WEIGHT LIMITS.**

24 Section 127 of title 23, United States Code, is
25 amended—

1 (1) in subsection (l)(3)(A)—

2 (A) in the matter preceding clause (i), in
3 the first sentence, by striking “clause (i) or
4 (ii)” and inserting “clauses (i) through (iv)”;
5 and

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

7 “(iii) The Wendell H. Ford (Western
8 Kentucky) Parkway (to be designated as a
9 spur of Interstate Route 69) from the
10 interchange with the William H. Natcher
11 Parkway in Ohio County, Kentucky, west
12 to the interchange of the Western Ken-
13 tucky Parkway with the Edward T.
14 Breathitt (Pennyrile) Parkway.

15 “(iv) The Edward T. Breathitt Park-
16 way (to be designated as a spur of Inter-
17 state Route 69) from Interstate 24 to
18 Interstate 69.”; and

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

20 “(v) OPERATION OF VEHICLES ON CERTAIN NORTH
21 CAROLINA HIGHWAYS.—If any segment in the State of
22 North Carolina of United States Route 17, United States
23 Route 29, United States Route 52, United States Route
24 64, United States Route 70, United States Route 74,
25 United States Route 117, United States Route 220,

1 United States Route 264, or United States Route 421 is
2 designated as a route on the Interstate System, a vehicle
3 that could operate legally on that segment before the date
4 of such designation may continue to operate on that seg-
5 ment, without regard to any requirement under subsection
6 (a).”.

7 **SEC. 1519. INTERSTATE EXEMPTION.**

8 Notwithstanding section 111 of title 23, United
9 States Code, if the segment of highway described in para-
10 graph (92) of section 1105(c) of the Intermodal Surface
11 Transportation Efficiency Act of 1991 (Public Law 102–
12 240; 105 Stat. 2032) is designated as a route on the Inter-
13 state System, any commercial establishment operating le-
14 gally in a rest area on that segment before the date of
15 that designation may continue to operate in the Interstate
16 right-of-way, subject to the Interstate access standards es-
17 tablished under section 111 of that title.

18 **SEC. 1520. REPORT ON AIR QUALITY IMPROVEMENTS.**

19 (a) IN GENERAL.—Not later than 3 years after the
20 date of enactment of this Act, the Comptroller General
21 of the United States shall submit a report that evaluates
22 the congestion mitigation and air quality improvement
23 program under section 149 of title 23, United States Code
24 (referred to in this section as the “program”), to—

1 (1) the Committee on Environment and Public
2 Works of the Senate; and

3 (2) the Committee on Transportation and In-
4 frastructure of the House of Representatives.

5 (b) CONTENTS.—The evaluation under subsection (a)
6 shall include an evaluation of—

7 (1) the reductions of ozone, carbon monoxide,
8 and particulate matter that result from projects
9 under the program;

10 (2) the cost-effectiveness of the reductions de-
11 scribed in paragraph (1);

12 (3) the result of investments of funding under
13 the program in minority and low-income commu-
14 nities that are disproportionately affected by ozone,
15 carbon monoxide, and particulate matter;

16 (4) the effectiveness, with respect to the attain-
17 ment or maintenance of national ambient air quality
18 standards under section 109 of the Clean Air Act
19 (42 U.S.C. 7409) for ozone, carbon monoxide, and
20 particulate matter, of performance measures estab-
21 lished under section 150(c)(5) of title 23, United
22 States Code, and performance targets established
23 under subsection (d) of that section for traffic con-
24 gestion and on-road mobile source emissions;

1 (5) the extent to which there are any types of
2 projects that are not eligible funding under the pro-
3 gram that would be likely to contribute to the at-
4 tainment or maintenance of the national ambient air
5 quality standards described in paragraph (4); and

6 (6) the extent to which projects under the pro-
7 gram reduce sulfur dioxide, nitrogen dioxide, and
8 lead.

9 **SEC. 1521. ROADSIDE HIGHWAY SAFETY HARDWARE.**

10 (a) IN GENERAL.—Not later than 2 years after the
11 date of enactment of this Act, the Secretary shall imple-
12 ment the following recommendations from the report of
13 the Government Accountability Office entitled “Highway
14 Safety: More Robust DOT Oversight of Guardrails and
15 Other Roadside Hardware Could Further Enhance Safe-
16 ty” published in June 2016 and numbered GAO–16–575:

17 (1) Develop a process for third party
18 verification of full-scale crash testing results from
19 crash test labs to include a process for—

20 (A) formally verifying the testing out-
21 comes; and

22 (B) providing for an independent pass/fail
23 determination.

24 (2) Establish a process to enhance the inde-
25 pendence of crash test labs by ensuring that those

1 labs have a clear separation between device develop-
2 ment and testing in cases in which lab employees
3 test devices that were developed within the parent
4 organization of the employee.

5 (b) CONTINUED ISSUANCE OF ELIGIBILITY LET-
6 TERS.—Until the implementation of the recommendations
7 described in subsection (a) is complete, the Secretary shall
8 ensure that the Administrator of the Federal Highway Ad-
9 ministration continues to issue Federal-aid reimbursement
10 eligibility letters as a service to States.

11 **SEC. 1522. PERMEABLE PAVEMENTS STUDY.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall carry
14 out a study—

15 (1) to gather existing information on the effects
16 of permeable pavements on flood control in different
17 contexts, including in urban areas, and over the life-
18 time of the permeable pavement;

19 (2) to perform research to fill gaps in the exist-
20 ing information gathered under paragraph (1); and

21 (3) to develop—

22 (A) models for the performance of per-
23 meable pavements in flood control; and

24 (B) best practices for designing permeable
25 pavement to meet flood control requirements.

1 (b) DATA SURVEY.—In carrying out the study under
2 subsection (a), the Secretary shall develop—

3 (1) a summary, based on available literature
4 and models, of localized flood control capabilities of
5 permeable pavement that considers long-term per-
6 formance and cost information; and

7 (2) best practices for the design of localized
8 flood control using permeable pavement that con-
9 siders long-term performance and cost information.

10 (c) PUBLICATION.—The Secretary shall make a re-
11 port describing the results of the study under subsection
12 (a) available to States and units of local government.

13 **SEC. 1523. EMERGENCY RELIEF PROJECTS.**

14 (a) DEFINITION OF EMERGENCY RELIEF
15 PROJECT.—In this section, the term “emergency relief
16 project” means a project carried out under the emergency
17 relief program under section 125 of title 23, United States
18 Code.

19 (b) IMPROVING THE EMERGENCY RELIEF PRO-
20 GRAM.—Not later than 90 days after the date of enact-
21 ment of this Act, the Secretary shall—

22 (1) revise the emergency relief manual of the
23 Federal Highway Administration—

1 (A) to include and reflect the definition of
2 the term “resilience” (as defined in section
3 101(a) of title 23, United States Code);

4 (B) to identify procedures that States may
5 use to incorporate resilience into emergency re-
6 lief projects; and

7 (C) to encourage the use of Complete
8 Streets design principles and consideration of
9 access for moderate- and low-income families
10 impacted by a declared disaster;

11 (2) develop best practices for improving the use
12 of resilience in—

13 (A) the emergency relief program under
14 section 125 of title 23, United States Code; and

15 (B) emergency relief efforts;

16 (3) provide to division offices of the Federal
17 Highway Administration and State departments of
18 transportation information on the best practices de-
19 veloped under paragraph (2); and

20 (4) develop and implement a process to track—

21 (A) the consideration of resilience as part
22 of the emergency relief program under section
23 125 of title 23, United States Code; and

24 (B) the costs of emergency relief projects.

1 **SEC. 1524. CERTAIN GATHERING LINES LOCATED ON FED-**
2 **ERAL LAND AND INDIAN LAND.**

3 (a) DEFINITIONS.—In this section:

4 (1) FEDERAL LAND.—

5 (A) IN GENERAL.—The term “Federal
6 land” means land the title to which is held by
7 the United States.

8 (B) EXCLUSIONS.—The term “Federal
9 land” does not include—

10 (i) a unit of the National Park Sys-
11 tem;

12 (ii) a unit of the National Wildlife
13 Refuge System;

14 (iii) a component of the National Wil-
15 derness Preservation System;

16 (iv) a wilderness study area within the
17 National Forest System; or

18 (v) Indian land.

19 (2) GATHERING LINE AND ASSOCIATED FIELD
20 COMPRESSION OR PUMPING UNIT.—

21 (A) IN GENERAL.—The term “gathering
22 line and associated field compression or pump-
23 ing unit” means—

24 (i) a pipeline that is installed to trans-
25 port oil, natural gas and related constitu-
26 ents, or produced water from 1 or more

1 wells drilled and completed to produce oil
2 or gas; and

3 (ii) if necessary, 1 or more compres-
4 sors or pumps to raise the pressure of the
5 transported oil, natural gas and related
6 constituents, or produced water to higher
7 pressures necessary to enable the oil, nat-
8 ural gas and related constituents, or pro-
9 duced water to flow into pipelines and
10 other facilities.

11 (B) INCLUSIONS.—The term “gathering
12 line and associated field compression or pump-
13 ing unit” includes a pipeline or associated com-
14 pression or pumping unit that is installed to
15 transport oil or natural gas from a processing
16 plant to a common carrier pipeline or facility.

17 (C) EXCLUSIONS.—The term “gathering
18 line and associated field compression or pump-
19 ing unit” does not include a common carrier
20 pipeline.

21 (3) INDIAN LAND.—The term “Indian land”
22 means land the title to which is held by—

23 (A) the United States in trust for an In-
24 dian Tribe or an individual Indian; or

1 (B) an Indian Tribe or an individual In-
2 dian subject to a restriction by the United
3 States against alienation.

4 (4) PRODUCED WATER.—The term “produced
5 water” means water produced from an oil or gas
6 well bore that is not a fluid prepared at, or trans-
7 ported to, the well site to resolve a specific oil or gas
8 well bore or reservoir condition.

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (b) CERTAIN GATHERING LINES.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the issuance of a sundry notice or right-of-way for
14 a gathering line and associated field compression or
15 pumping unit that is located on Federal land or In-
16 dian land and that services any oil or gas well may
17 be considered by the Secretary to be an action that
18 is categorically excluded (as defined in section
19 1508.4 of title 40, Code of Federal Regulations (as
20 in effect on the date of enactment of this Act)) for
21 purposes of the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4321 et seq.) if the gathering
23 line and associated field compression or pumping
24 unit—

1 (A) are within a field or unit for which an
2 approved land use plan or an environmental
3 document prepared pursuant to the National
4 Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.) analyzed transportation of oil,
6 natural gas, or produced water from 1 or more
7 oil or gas wells in the field or unit as a reason-
8 ably foreseeable activity;

9 (B) are located adjacent to or within—

10 (i) any existing disturbed area; or

11 (ii) an existing corridor for a right-of-
12 way; and

13 (C) would reduce—

14 (i) in the case of a gathering line and
15 associated field compression or pumping
16 unit transporting methane, the total quan-
17 tity of methane that would otherwise be
18 vented, flared, or unintentionally emitted
19 from the field or unit; or

20 (ii) in the case of a gathering line and
21 associated field compression or pumping
22 unit not transporting methane, the vehic-
23 ular traffic that would otherwise service
24 the field or unit.

1 (2) APPLICABILITY.—Paragraph (1) shall apply
2 to Indian land, or a portion of Indian land—

3 (A) to which the National Environmental
4 Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-
5 plies; and

6 (B) for which the Indian Tribe with juris-
7 diction over the Indian land submits to the Sec-
8 retary a written request that paragraph (1)
9 apply to that Indian land (or portion of Indian
10 land).

11 (c) EFFECT ON OTHER LAW.—Nothing in this sec-
12 tion—

13 (1) affects or alters any requirement—

14 (A) relating to prior consent under—

15 (i) section 2 of the Act of February 5,
16 1948 (62 Stat. 18, chapter 45; 25 U.S.C.
17 324); or

18 (ii) section 16(e) of the Act of June
19 18, 1934 (48 Stat. 987, chapter 576; 102
20 Stat. 2939; 114 Stat. 47; 25 U.S.C.
21 5123(e)) (commonly known as the “Indian
22 Reorganization Act”);

23 (B) under section 306108 of title 54,
24 United States Code; or

1 (C) under any other Federal law (including
2 regulations) relating to Tribal consent for
3 rights-of-way across Indian land; or

4 (2) makes the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.) applicable to
6 land to which that Act otherwise would not apply.

7 **SEC. 1525. TECHNICAL CORRECTIONS.**

8 (a) Section 101(b)(1) of title 23, United States Code,
9 is amended by inserting “Highways” after “and Defense”.

10 (b) Section 108(c)(3)(F) of title 23, United States
11 Code, is amended—

12 (1) by inserting “of 1969 (42 U.S.C. 4321 et
13 seq.)” after “Policy Act”; and

14 (2) by striking “this Act” and inserting “this
15 title”.

16 (c) Section 112(b)(2) of title 23, United States Code,
17 is amended by striking “(F) (F) Subparagraphs” and in-
18 serting the following:

19 “(F) EXCLUSION.—Subparagraphs”.

20 (d) Section 130(g) of title 23, United States Code,
21 is amended—

22 (1) in the third sentence—

23 (A) by striking “and Transportation,” and
24 inserting “and Transportation”; and

1 (B) by striking “thereafter,,” and inserting
2 “thereafter,”; and

3 (2) in the fifth sentence, by striking “railroad
4 highway” and inserting “railway-highway”.

5 (e) Section 135(g) of title 23, United States Code,
6 is amended—

7 (1) in paragraph (3), by striking “operators),,”
8 and inserting “operators,”; and

9 (2) in paragraph (6)(B), by striking “5310,
10 5311, 5316, and 5317” and inserting “5310 and
11 5311”.

12 (f) Section 140(a) of title 23, United States Code,
13 is amended, in the third sentence, by inserting a comma
14 after “Secretary”.

15 (g) Section 142 of title 23, United States Code, is
16 amended by striking subsection (i).

17 (h) Section 148(i)(2)(D) of title 23, United States
18 Code, is amended by striking “safety safety” and inserting
19 “safety”.

20 (i) Section 166(a)(1) of title 23, United States Code,
21 is amended by striking the paragraph designation and
22 heading and all that follows through “A public authority”
23 and inserting the following:

24 “(1) AUTHORITY OF PUBLIC AUTHORITIES.—A
25 public authority”.

1 (j) Section 202 of title 23, United States Code, is
2 amended—

3 (1) by striking “(25 U.S.C. 450 et seq.)” each
4 place it appears and inserting “(25 U.S.C. 5301 et
5 seq.)”;

6 (2) in subsection (a)(10)(B), by striking “(25
7 U.S.C. 450e(b))” and inserting “(25 U.S.C.
8 5307(b))”; and

9 (3) in subsection (b)(5), in the matter pre-
10 ceding subparagraph (A), by inserting “the” after
11 “agreement under”.

12 (k) Section 207 of title 23, United States Code, is
13 amended—

14 (1) in subsection (g), by striking “25 U.S.C.
15 450j-1” each place it appears and inserting “25
16 U.S.C. 5325”;

17 (2) in subsection (l)—

18 (A) in paragraph (1), by striking “(25
19 U.S.C. 458aaa-5)” and inserting “(25 U.S.C.
20 5386)”;

21 (B) in paragraph (2), by striking “(25
22 U.S.C. 458aaa-6)” and inserting “(25 U.S.C.
23 5387)”;

1 (C) in paragraph (3), by striking “(25
2 U.S.C. 458aaa-7)” and inserting “(25 U.S.C.
3 5388)”;

4 (D) in paragraph (4), by striking “(25
5 U.S.C. 458aaa-9)” and inserting “(25 U.S.C.
6 5390)”;

7 (E) in paragraph (5), by striking “(25
8 U.S.C. 458aaa-10)” and inserting “(25 U.S.C.
9 5391)”;

10 (F) in paragraph (6), by striking “(25
11 U.S.C. 458aaa-11)” and inserting “(25 U.S.C.
12 5392)”;

13 (G) in paragraph (7), by striking “(25
14 U.S.C. 458aaa-14)” and inserting “(25 U.S.C.
15 5395)”;

16 (H) in paragraph (8), by striking “(25
17 U.S.C. 458aaa-15)” and inserting “(25 U.S.C.
18 5396)”;

19 (I) in paragraph (9), by striking “(25
20 U.S.C. 458aaa-17)” and inserting “(25 U.S.C.
21 5398)”;

22 (3) in subsection (m)(2)—

23 (A) by striking “505” and inserting
24 “501”; and

1 (B) by striking “(25 U.S.C. 450b;
 2 458aaa)” and inserting “(25 U.S.C. 5304;
 3 5381)”.

4 (l) Section 325(a)(2) of title 23, United States Code,
 5 is amended by striking subparagraphs (A) and (B) and
 6 inserting the following:

7 “(A) Projects described in section 104(h)
 8 (as in effect on the day before the date of en-
 9 actment of MAP-21).

10 “(B) Projects or activities described in sec-
 11 tion 101(a)(29) or 213 (as those provisions
 12 were in effect on the day before the date of en-
 13 actment of the FAST Act).”.

14 (m) Section 504(g)(6) of title 23, United States
 15 Code, is amended by striking “make grants or to” and
 16 inserting “make grants to”.

17 **TITLE II—TRANSPORTATION IN-**
 18 **FRASTRUCTURE FINANCE**
 19 **AND INNOVATION**

20 **SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE**
 21 **AND INNOVATION ACT OF 1998 AMENDMENTS.**

22 (a) DEFINITIONS.—Section 601(a) of title 23, United
 23 States Code, is amended—

24 (1) by redesignating paragraphs (1) through
 25 (22) as paragraphs (2) through (23), respectively;

1 (2) by inserting before paragraph (2) (as so re-
2 designated) the following:

3 “(1) ADMINISTRATIVELY ALLOCATED.—The
4 term ‘administratively allocated’ means the alloca-
5 tion by the Secretary of budget authority for a
6 project under the TIFIA program that occurs
7 when—

8 “(A) a potential applicant has been invited
9 into the creditworthiness phase for a project
10 under the TIFIA program; or

11 “(B) the project is subject to a master
12 credit agreement, in accordance with section
13 602(b)(2).”;

14 (3) in subparagraph (E) of paragraph (11) (as
15 so redesignated), by striking “3 years” and inserting
16 “5 years”; and

17 (4) in paragraph (13) (as so redesignated)—

18 (A) by striking subparagraph (E) and in-
19 serting the following:

20 “(E) a project to improve or construct
21 public infrastructure—

22 “(i) that—

23 “(I) is located within walking dis-
24 tance of, and accessible to, a fixed
25 guideway transit facility, passenger

1 rail station, intercity bus station, or
2 intermodal facility, including a trans-
3 portation, public utility, or capital
4 project described in section
5 5302(3)(G)(v) of title 49, and related
6 infrastructure; or

7 “(II) is a project for economic
8 development, including commercial
9 and residential development, and re-
10 lated infrastructure and activities—

11 “(aa) that incorporates pri-
12 vate investment;

13 “(bb) that is physically or
14 functionally related to a pas-
15 senger rail station or multimodal
16 station that includes rail service;

17 “(cc) for which the project
18 sponsor has a high probability of
19 commencing the contracting
20 process for construction by not
21 later than 90 days after the date
22 on which credit assistance under
23 the TIFIA program is provided
24 for the project; and

1 “(dd) that has a high prob-
2 ability of reducing the need for
3 financial assistance under any
4 other Federal program for the
5 relevant passenger rail station or
6 service by increasing ridership,
7 tenant lease payments, or other
8 activities that generate revenue
9 exceeding costs; and
10 “(ii) for which, by not later than Sep-
11 tember 30, 2025, the Secretary has—
12 “(I) received a letter of interest;
13 and
14 “(II) determined that the project
15 is eligible for assistance;”;
16 (B) in subparagraph (F), by striking the
17 period at the end and inserting a semicolon;
18 and
19 (C) by adding at the end the following:
20 “(G) an eligible airport-related project (as
21 defined in section 40117(a) of title 49) for
22 which, not later than September 30, 2024, the
23 Secretary has—
24 “(i) received a letter of interest; and

1 “(ii) determined that the project is eli-
2 gible for assistance; and

3 “(H) a project for the acquisition of plant
4 and wildlife habitat pursuant to a conservation
5 plan that—

6 “(i) has been approved by the Sec-
7 retary of the Interior pursuant to section
8 10 of the Endangered Species Act of 1973
9 (16 U.S.C. 1539); and

10 “(ii) in the judgment of the Secretary,
11 would mitigate the environmental impacts
12 of transportation infrastructure projects
13 otherwise eligible for assistance under this
14 title.”.

15 (b) ELIGIBILITY.—Section 602(a) of title 23, United
16 States Code, is amended—

17 (1) in paragraph (2)—

18 (A) in subparagraph (A)(iv)—

19 (i) by striking “a rating” and insert-
20 ing “an investment-grade rating”; and

21 (ii) by striking “\$75,000,000” and in-
22 serting “\$150,000,000”; and

23 (B) in subparagraph (B)—

24 (i) by striking “the senior debt” and
25 inserting “senior debt”; and

1 (ii) by striking “credit instrument is
2 for an amount less than \$75,000,000” and
3 inserting “total amount of other senior
4 debt and the Federal credit instrument is
5 less than \$150,000,000”; and

6 (2) in paragraph (5)(B)(ii), by striking “section
7 601(a)(12)(E)” and inserting “section
8 601(a)(13)(E)”.

9 (c) PROCESSING TIMELINES.—Section 602(d) of title
10 23, United States Code, is amended—

11 (1) by redesignating paragraphs (1) and (2) as
12 paragraphs (2) and (3), respectively;

13 (2) in paragraph (3) (as so redesignated), by
14 striking “paragraph (1)” and inserting “paragraph
15 (2)”; and

16 (3) by inserting before paragraph (2) (as so re-
17 designated) the following:

18 “(1) PROCESSING TIMELINES.—Except in the
19 case of an application described in subsection (a)(8)
20 and to the maximum extent practicable, the Sec-
21 retary shall provide an applicant with a specific esti-
22 mate of the timeline for the approval or disapproval
23 of the application of the applicant, which, to the
24 maximum extent practicable, the Secretary shall en-
25 deavor to complete by not later than 150 days after

1 the date on which the applicant submits a letter of
2 interest to the Secretary.”.

3 (d) SECURED LOANS.—Section 603(c)(4)(A) of title
4 23, United States Code, is amended—

5 (1) by striking “Any excess” and inserting the
6 following:

7 “(i) IN GENERAL.—Except as pro-
8 vided in clause (ii), any excess”; and

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

10 “(ii) CERTAIN APPLICANTS.—In the
11 case of a secured loan or other secured
12 Federal credit instrument provided after
13 the date of enactment of the America’s
14 Transportation Infrastructure Act of 2019,
15 if the obligor is a governmental entity,
16 agency, or instrumentality, the obligor
17 shall not be required to prepay the secured
18 loan or other secured Federal credit instru-
19 ment with any excess revenues described in
20 clause (i) if the obligor enters into an
21 agreement to use those excess revenues
22 only for purposes authorized under this
23 title or title 49.”.

1 (e) STREAMLINED APPLICATION PROCESS.—Section
2 603(f) of title 23, United States Code, is amended by add-
3 ing at the end the following:

4 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
5 CISIONS.—

6 “(A) IN GENERAL.—Not later than 120
7 days after the date of enactment of this para-
8 graph, the Secretary shall implement an expe-
9 dited decision timeline for public agency bor-
10 rowers seeking secured loans that meet—

11 “(i) the terms under paragraph (2);

12 and

13 “(ii) the additional criteria described
14 in subparagraph (B).

15 “(B) ADDITIONAL CRITERIA.—The addi-
16 tional criteria referred to in subparagraph
17 (A)(ii) are the following:

18 “(i) The secured loan is made on
19 terms and conditions that substantially
20 conform to the conventional terms and
21 conditions established by the National Sur-
22 face Transportation Innovative Finance
23 Bureau.

24 “(ii) The secured loan is rated in the
25 A category or higher.

1 “(iii) The TIFIA program share of el-
2 igible project costs is 33 percent or less.

3 “(iv) The applicant demonstrates a
4 reasonable expectation that the contracting
5 process for the project can commence by
6 not later than 90 days after the date on
7 which a Federal credit instrument is obli-
8 gated for the project under the TIFIA pro-
9 gram.

10 “(v) The project has received a cat-
11 egorical exclusion, a finding of no signifi-
12 cant impact, or a record of decision under
13 the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321 et seq.).

15 “(C) WRITTEN NOTICE.—The Secretary
16 shall provide to an applicant seeking a secured
17 loan under the expedited decision process under
18 this paragraph a written notice informing the
19 applicant whether the Secretary has approved
20 or disapproved the application by not later than
21 180 days after the date on which the Secretary
22 submits to the applicant a letter indicating that
23 the National Surface Transportation Innovative
24 Finance Bureau has commenced the credit-
25 worthiness review of the project.”.

1 (f) FUNDING.—

2 (1) IN GENERAL.—Section 608(a) of title 23,
3 United States Code, is amended—

4 (A) by redesignating paragraphs (4) and
5 (5) as paragraphs (5) and (6), respectively;

6 (B) by inserting after paragraph (3) the
7 following:

8 “(4) LIMITATION FOR CERTAIN PROJECTS.—

9 “(A) TRANSIT-ORIENTED DEVELOPMENT
10 PROJECTS.—For each fiscal year, the Secretary
11 may use to carry out projects described in sec-
12 tion 601(a)(13)(E) not more than 15 percent of
13 the amounts made available to carry out the
14 TIFIA program for that fiscal year.

15 “(B) AIRPORT-RELATED PROJECTS.—The
16 Secretary may use to carry out projects de-
17 scribed in section 601(a)(13)(G)—

18 “(i) for each fiscal year, not more
19 than 15 percent of the amounts made
20 available to carry out the TIFIA program
21 under the America’s Transportation Infra-
22 structure Act of 2019 for that fiscal year;
23 and

24 “(ii) for the period of fiscal years
25 2021 through 2025, not more than 15 per-

1 cent of the unobligated carryover balances
2 (as of October 1, 2020) made available to
3 carry out the TIFIA program, less the
4 total amount administratively allocated by
5 the Secretary as of that date.”; and

6 (C) by striking paragraph (6) (as so reded-
7 igned) and inserting the following:

8 “(6) ADMINISTRATIVE COSTS.—Of the amounts
9 made available to carry out the TIFIA program, the
10 Secretary may use not more than \$10,000,000 for
11 each of fiscal years 2021 through 2025 for the ad-
12 ministration of the TIFIA program.”.

13 (2) CONFORMING AMENDMENT.—Section
14 605(f)(1) of title 23, United States Code, is amend-
15 ed by striking “section 608(a)(5)” and inserting
16 “section 608(a)(6)”.

17 (g) STATUS REPORTS.—Section 609 of title 23,
18 United States Code, is amended by adding at the end the
19 following:

20 “(c) STATUS REPORTS.—

21 “(1) IN GENERAL.—The Secretary shall publish
22 on the website for the TIFIA program—

23 “(A) on a monthly basis, a current status
24 report on all submitted letters of interest and

1 applications received for assistance under the
2 TIFIA program; and

3 “(B) on a quarterly basis, a current status
4 report on all approved applications for assist-
5 ance under the TIFIA program.

6 “(2) INCLUSIONS.—Each monthly and quar-
7 terly status report under paragraph (1) shall in-
8 clude, at a minimum, with respect to each project in-
9 cluded in the status report—

10 “(A) the name of the party submitting the
11 letter of interest or application;

12 “(B) the name of the project;

13 “(C) the date on which the letter of inter-
14 est or application was received;

15 “(D) the estimated project eligible costs;

16 “(E) the type of credit assistance sought;

17 and

18 “(F) the anticipated fiscal year and quar-
19 ter for closing of the credit assistance.”.

20 (h) STATE INFRASTRUCTURE BANK PROGRAM.—Sec-
21 tion 610 of title 23, United States Code, is amended—

22 (1) in subsection (d)—

23 (A) in paragraph (1)(A), by striking “fis-
24 cal years 2016 through 2020” and inserting

25 “fiscal years 2021 through 2025”;

1 (B) in paragraph (2), by striking “fiscal
2 years 2016 through 2020” and inserting “fiscal
3 years 2021 through 2025”; and

4 (C) in paragraph (3), by striking “fiscal
5 years 2016 through 2020” and inserting “fiscal
6 years 2021 through 2025”; and

7 (2) in subsection (k), by striking “fiscal years
8 2016 through 2020” and inserting “fiscal years
9 2021 through 2025”.

10 (i) REPORT.—Not later than September 30, 2024,
11 the Secretary shall submit to the Committee on Environ-
12 ment and Public Works of the Senate and the Committee
13 on Transportation and Infrastructure of the House of
14 Representatives a report on the impact of the amendment
15 relating to airport-related projects under subsection
16 (a)(4)(C) and subsection (f)(1)(B), including—

17 (1) information on the use of TIFIA program
18 (as defined in section 601(a) of title 23, United
19 States Code) funds for eligible airport-related
20 projects (as defined in section 40117(a) of title 49,
21 United States Code); and

22 (2) recommendations for modifications to the
23 TIFIA program.

1 **TITLE III—RESEARCH,**
2 **TECHNOLOGY, AND EDUCATION**

3 **SEC. 3001. SURFACE TRANSPORTATION SYSTEM FUNDING**
4 **ALTERNATIVES.**

5 (a) **IN GENERAL.**—The Secretary shall establish a
6 program to test the feasibility of a road usage fee and
7 other user-based alternative revenue mechanisms to main-
8 tain the long-term solvency of the Highway Trust Fund,
9 through pilot projects at the State and regional level.

10 (b) **GRANTS.**—The Secretary shall provide grants to
11 States and groups of States to carry out pilot projects
12 under this section.

13 (c) **APPLICATIONS.**—To be eligible for a grant under
14 this section, a State or group of States shall submit to
15 the Secretary an application at such time, in such manner,
16 and containing such information as the Secretary may re-
17 quire.

18 (d) **OBJECTIVES.**—The Secretary shall ensure that
19 the activities carried out using funds provided under this
20 section meet the following objectives:

21 (1) To test the design, acceptance, equity, and
22 implementation of user-based alternative revenue
23 mechanisms, including among differing income
24 groups and among rural and urban drivers.

1 (2) To provide recommendations regarding
2 adoption and implementation of user-based alter-
3 native revenue mechanisms.

4 (3) To quantify and minimize the administra-
5 tive costs of any potential user-based alternative rev-
6 enue mechanisms.

7 (4) To test a variety of solutions, including the
8 use of third-party vendors, for the collection of data
9 and road usage fees, including the reliability and se-
10 curity of those solutions and vendors.

11 (5) To test solutions to ensure the privacy and
12 security of data collected for the purpose of imple-
13 menting a user-based alternative revenue mecha-
14 nism.

15 (6) To conduct public education and outreach
16 to increase public awareness regarding the need for
17 road usage fees or other user-based alternative rev-
18 enue mechanisms for surface transportation pro-
19 grams.

20 (7) To evaluate the ease of compliance and en-
21 forcement of a variety of implementation approaches
22 for different users of the transportation system.

23 (e) USE OF FUNDS.—A State or group of States that
24 receives a grant under this section shall use the grant to

1 carry out activities to address the objectives described in
2 subsection (d).

3 (f) CONSIDERATION.—The Secretary shall consider
4 geographic diversity in awarding grants under this section.

5 (g) LIMITATIONS ON REVENUE COLLECTED.—Any
6 revenue collected through a user-based alternative revenue
7 mechanism established using funds provided under this
8 section shall not be considered a toll under section 301
9 of title 23, United States Code.

10 (h) FEDERAL SHARE.—The Federal share of the cost
11 of an activity carried out under this section may not ex-
12 ceed 70 percent of the total cost of the activity.

13 (i) FUNDING.—Of the funds made available to carry
14 out section 503(b) of title 23, United States Code, for each
15 of fiscal years 2021 through 2025, \$12,500,000 shall be
16 used for State pilot projects under this section.

17 (j) REPEAL.—

18 (1) IN GENERAL.—Section 6020 of the FAST
19 Act (23 U.S.C. 503 note; Public Law 114–94) is re-
20 pealed.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents in section 1(b) of the FAST Act (Public Law
23 114–94; 129 Stat. 1312) is amended by striking the
24 item relating to section 6020.

1 **SEC. 3002. PERFORMANCE MANAGEMENT DATA SUPPORT**
2 **PROGRAM.**

3 Section 6028(c) of the FAST Act (23 U.S.C. 150
4 note; Public Law 114–94) is amended by striking “fiscal
5 years 2016 through 2020” and inserting “fiscal years
6 2021 through 2025”.

7 **SEC. 3003. DATA INTEGRATION PILOT PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a pilot program—

10 (1) to provide research and develop models that
11 integrate, in near-real-time, data from multiple
12 sources, including geolocated—

13 (A) weather conditions;

14 (B) roadway conditions;

15 (C) incidents, work zones, and other non-
16 recurring events related to emergency planning;
17 and

18 (D) information from emergency respond-
19 ers; and

20 (2) to facilitate data integration between the
21 Department, the National Weather Service, and
22 other sources of data that provide real-time data
23 with respect to roadway conditions during or as a re-
24 sult of severe weather events, including, at a min-
25 imum—

26 (A) winter weather;

1 (B) heavy rainfall; and

2 (C) tropical weather events.

3 (b) REQUIREMENTS.—In carrying out subsection
4 (a)(1), the Secretary shall—

5 (1) address the safety, resiliency, and vulner-
6 ability of the transportation system to disasters; and

7 (2) develop tools for decisionmakers and other
8 end-users who could use or benefit from the inte-
9 grated data described in that subsection to improve
10 public safety and mobility.

11 (c) TREATMENT.—Except as otherwise provided in
12 this section, the Secretary shall carry out activities under
13 the pilot program under this section as if—

14 (1) those activities were authorized under chap-
15 ter 5 of title 23, United States Code; and

16 (2) the funds made available to carry out the
17 pilot program were made available under that chap-
18 ter.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$2,500,000 for each of fiscal years 2021 through 2025,
22 to remain available until expended.

1 **SEC. 3004. EMERGING TECHNOLOGY RESEARCH PILOT**
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—The Secretary shall establish
4 a pilot program to conduct emerging technology research
5 in accordance with this section.

6 (b) ACTIVITIES.—The pilot program under this sec-
7 tion shall include—

8 (1) research and development activities relating
9 to leveraging advanced and additive manufacturing
10 technologies to increase the structural integrity and
11 cost-effectiveness of surface transportation infra-
12 structure; and

13 (2) research and development activities (includ-
14 ing laboratory and test track supported accelerated
15 pavement testing research regarding the impacts of
16 connected, autonomous, and platooned vehicles on
17 pavement and infrastructure performance)—

18 (A) to reduce the impact of automated and
19 connected driving systems and advanced driver-
20 assistance systems on pavement and infrastruc-
21 ture performance; and

22 (B) to improve transportation infrastruc-
23 ture design in anticipation of increased usage of
24 automated driving systems and advanced driv-
25 er-assistance systems.

1 (c) TREATMENT.—Except as otherwise provided in
2 this section, the Secretary shall carry out activities under
3 the pilot program under this section as if—

4 (1) those activities were authorized under chap-
5 ter 5 of title 23, United States Code; and

6 (2) the funds made available to carry out the
7 pilot program were made available under that chap-
8 ter.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000 for each of fiscal years 2021 through 2025,
12 to remain available until expended.

13 **SEC. 3005. RESEARCH AND TECHNOLOGY DEVELOPMENT**
14 **AND DEPLOYMENT.**

15 (a) IN GENERAL.—Section 503 of title 23, United
16 States Code, is amended—

17 (1) in subsection (a)(2), by striking “section
18 508” and inserting “section 6503 of title 49”;

19 (2) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (C), by striking
22 “and” at the end;

23 (ii) in subparagraph (D), by striking
24 the period at the end and inserting a semi-
25 colon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(E) engage with public and private enti-
4 ties to spur advancement of emerging trans-
5 formative innovations through accelerated mar-
6 ket readiness; and

7 “(F) consult frequently with public and
8 private entities on new transportation tech-
9 nologies.”;

10 (B) in paragraph (2)(C)—

11 (i) by redesignating clauses (x)
12 through (xv) as clauses (xi) through (xvi),
13 respectively; and

14 (ii) by inserting after clause (ix) the
15 following:

16 “(x) safety measures to reduce the
17 number of wildlife-vehicle collisions;”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (B)(viii), by in-
20 sserting “, extreme weather events,” after
21 “seismic activities”; and

22 (ii) in subparagraph (C)—

23 (I) in clause (xv), by inserting
24 “extreme weather events and” after
25 “withstand”;

1 (II) in clause (xviii), by striking
2 “and” at the end;

3 (III) in clause (xix), by striking
4 the period at the end and inserting “;
5 and”; and

6 (IV) by adding at the end the fol-
7 lowing:

8 “(xx) studies on the deployment and
9 revenue potential of the deployment of en-
10 ergy and broadband infrastructure in high-
11 way rights-of-way, including potential ad-
12 verse impacts of the use or nonuse of those
13 rights-of-way.”;

14 (D) in paragraph (6)—

15 (i) in subparagraph (A), by striking
16 “and” at the end;

17 (ii) in subparagraph (B), by striking
18 the period at the end and inserting “;
19 and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(C) to support research on non-market-
23 ready technologies in consultation with public
24 and private entities.”;

25 (E) in paragraph (7)(B)—

1 (i) in the matter preceding clause (i),
2 by inserting “innovations by leading” after
3 “support”;

4 (ii) in clause (iii), by striking “and”
5 at the end;

6 (iii) in clause (iv), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (iv) by adding at the end the fol-
9 lowing:

10 “(v) the dissemination and evaluation
11 of information from accelerated market
12 readiness efforts, including non-market-
13 ready technologies, to public and private
14 entities in consultation with other offices of
15 the Federal Highway Administration and
16 key partners.”;

17 (F) in paragraph (8)(A), by striking “fu-
18 ture highway” and all that follows through
19 “needs.” and inserting the following: “current
20 conditions and future needs of highways,
21 bridges, and tunnels of the United States, in-
22 cluding—

23 “(i) the conditions and performance of
24 the highway network for freight movement;

1 “(ii) intelligent transportation sys-
2 tems;

3 “(iii) resilience needs; and

4 “(iv) the backlog of current highway,
5 bridge, and tunnel needs.”; and

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

7 “(9) ANALYSIS TOOLS.—The Secretary may de-
8 velop interactive modeling tools and databases
9 that—

10 “(A) track the full condition of highway
11 assets, including interchanges, and the recon-
12 struction history of those assets;

13 “(B) can be used to assess transportation
14 options;

15 “(C) allow for the monitoring and mod-
16 eling of network-level traffic flows on highways;
17 and

18 “(D) further Federal and State under-
19 standing of the importance of national and re-
20 gional connectivity and the need for long-dis-
21 tance and interregional passenger and freight
22 travel by highway and other surface transpor-
23 tation modes.”; and

24 (3) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “use of rights-of-
3 way permissible under applicable law,”
4 after “structures,”;

5 (ii) in subparagraph (D), by striking
6 “and” at the end;

7 (iii) in subparagraph (E), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(F) disseminating and evaluating infor-
13 mation from accelerated market readiness ef-
14 forts, including non-market-ready technologies,
15 to public and private entities.”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (B)(iii), by insert-
18 ing “and early stage” before “innovative”;
19 and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(D) REPORT.—Not later than 2 years
23 after the date of enactment of this subpara-
24 graph and every 2 years thereafter, the Sec-
25 retary shall submit to the Committee on Envi-

1 ronment and Public Works of the Senate and
2 the Committee on Transportation and Infra-
3 structure of the House of Representatives and
4 make publicly available on an internet website
5 a report that describes—

6 “(i) the activities the Secretary has
7 undertaken to carry out the program es-
8 tablished under paragraph (1); and

9 “(ii) how and to what extent the Sec-
10 retary has worked to disseminate non-mar-
11 ket-ready technologies to public and pri-
12 vate entities.”;

13 (C) in paragraph (3)—

14 (i) in subparagraph (C), by striking
15 “fiscal years 2016 through 2020” and in-
16 serting “fiscal years 2021 through 2025”;
17 and

18 (ii) in subparagraph (D)—

19 (I) in clause (i), by striking “an-
20 nually” and inserting “once every 3
21 years”; and

22 (II) in clause (ii)—

23 (aa) in subclause (III), by
24 striking “and” at the end;

1 (bb) in subclause (IV), by
2 striking the period at the end
3 and inserting a semicolon; and

4 (cc) by adding at the end
5 the following:

6 “(V) pavement monitoring and
7 data collection;

8 “(VI) pavement durability and
9 resilience;

10 “(VII) stormwater management;

11 “(VIII) vehicle efficiency;

12 “(IX) the energy efficiency of the
13 production of paving materials and
14 the ability of paving materials to en-
15 hance the environment and promote
16 sustainability; and

17 “(X) integration of renewable en-
18 ergy in pavement designs.”; and

19 (D) by adding at the end the following:

20 “(5) ACCELERATED IMPLEMENTATION AND DE-
21 PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION
22 MANAGEMENT SYSTEMS.—

23 “(A) IN GENERAL.—The Secretary shall
24 establish and implement a program under the
25 technology and innovation deployment program

1 established under paragraph (1) to promote,
2 implement, deploy, demonstrate, showcase, sup-
3 port, and document the application of advanced
4 digital construction management systems, prac-
5 tices, performance, and benefits.

6 “(B) GOALS.—The goals of the accelerated
7 implementation and deployment of advanced
8 digital construction management systems pro-
9 gram established under subparagraph (A) shall
10 include—

11 “(i) accelerated State adoption of ad-
12 vanced digital construction management
13 systems applied throughout the construc-
14 tion lifecycle (including through the design
15 and engineering, construction, and oper-
16 ations phases) that—

17 “(I) maximize interoperability
18 with other systems, products, tools, or
19 applications;

20 “(II) boost productivity;

21 “(III) manage complexity;

22 “(IV) reduce project delays and
23 cost overruns; and

24 “(V) enhance safety and quality;

1 “(ii) more timely and productive infor-
2 mation-sharing among stakeholders
3 through reduced reliance on paper to man-
4 age construction processes and deliverables
5 such as blueprints, design drawings, pro-
6 curement and supply-chain orders, equip-
7 ment logs, daily progress reports, and
8 punch lists;

9 “(iii) deployment of digital manage-
10 ment systems that enable and leverage the
11 use of digital technologies on construction
12 sites by contractors, such as state-of-the-
13 art automated and connected machinery
14 and optimized routing software that allows
15 construction workers to perform tasks fast-
16 er, safer, more accurately, and with mini-
17 mal supervision;

18 “(iv) the development and deployment
19 of best practices for use in digital con-
20 struction management;

21 “(v) increased technology adoption
22 and deployment by States and units of
23 local government that enables project spon-
24 sors—

1 “(I) to integrate the adoption of
2 digital management systems and tech-
3 nologies in contracts; and

4 “(II) to weigh the cost of
5 digitization and technology in setting
6 project budgets;

7 “(vi) technology training and work-
8 force development to build the capabilities
9 of project managers and sponsors that en-
10 ables States and units of local govern-
11 ment—

12 “(I) to better manage projects
13 using advanced construction manage-
14 ment technologies; and

15 “(II) to properly measure and re-
16 ward technology adoption across
17 projects of the State or unit of local
18 government;

19 “(vii) development of guidance to as-
20 sist States in updating regulations of the
21 State to allow project sponsors and con-
22 tractors—

23 “(I) to report data relating to the
24 project in digital formats; and

1 “(II) to fully capture the effi-
2 ciencies and benefits of advanced dig-
3 ital construction management systems
4 and related technologies;

5 “(viii) reduction in the environmental
6 footprint of construction projects using ad-
7 vanced digital construction management
8 systems resulting from elimination of con-
9 gestion through more efficient projects;
10 and

11 “(ix) enhanced worker and pedestrian
12 safety resulting from increased trans-
13 parency.

14 “(C) FUNDING.—For each of fiscal years
15 2021 through 2025, the Secretary shall obligate
16 from funds made available to carry out this
17 subsection \$20,000,000 to accelerate the de-
18 ployment and implementation of advanced dig-
19 ital construction management systems.

20 “(D) PUBLICATION.—

21 “(i) IN GENERAL.—Not less fre-
22 quently than annually, the Secretary shall
23 issue and make available to the public on
24 a website a report on—

1 “(I) progress made in the imple-
2 mentation of advanced digital man-
3 agement systems by States; and

4 “(II) the costs and benefits of
5 the deployment of new technology and
6 innovations that substantially and di-
7 rectly resulted from the program es-
8 tablished under this paragraph.

9 “(ii) INCLUSIONS.—The report under
10 clause (i) may include an analysis of—

11 “(I) Federal, State, and local
12 cost savings;

13 “(II) project delivery time im-
14 provements;

15 “(III) congestion impacts; and

16 “(IV) safety improvements for
17 roadway users and construction work-
18 ers.”.

19 (b) ADVANCED TRANSPORTATION TECHNOLOGIES
20 AND INNOVATIVE MOBILITY DEPLOYMENT.—Section
21 503(c)(4) of title 23, United States Code, is amended—

22 (1) in the heading, by inserting “AND INNOVA-
23 TIVE MOBILITY” before “DEPLOYMENT”;

24 (2) by striking subparagraph (A) and inserting
25 the following:

1 “(A) IN GENERAL.—The Secretary shall
2 provide grants to eligible entities to deploy, in-
3 stall, and operate advanced transportation tech-
4 nologies to improve safety, mobility, efficiency,
5 system performance, intermodal connectivity,
6 and infrastructure return on investment.”;

7 (3) in subparagraph (B)—

8 (A) in clause (i), by striking “the enhanced
9 use” and inserting “optimization”;

10 (B) in clause (v)—

11 (i) by striking “transit,” and inserting
12 “work zone, weather, transit, para-
13 transit,”; and

14 (ii) by striking “and accessible trans-
15 portation” and inserting “, accessible, and
16 integrated transportation and transpor-
17 tation services”;

18 (C) by redesignating clauses (vi) through
19 (viii) as clauses (vii), (viii), and (x), respec-
20 tively;

21 (D) by inserting after clause (v) the fol-
22 lowing:

23 “(vi) facilitate account-based pay-
24 ments for transportation access and serv-

1 ices and integrate payment systems across
2 modes;”;

3 (E) in clause (viii) (as so redesignated), by
4 striking “or” at the end; and

5 (F) by inserting after clause (viii) (as so
6 redesignated) the following:

7 “(ix) incentivize travelers—

8 “(I) to share trips during periods
9 in which travel demand exceeds sys-
10 tem capacity; or

11 “(II) to shift trips to periods in
12 which travel demand does not exceed
13 system capacity; or”;

14 (4) in subparagraph (C)—

15 (A) in clause (i), by striking “Not later”
16 and all that follows through “thereafter” and
17 inserting “Each fiscal year for which funding is
18 made available for activities under this para-
19 graph”; and

20 (B) in clause (ii)—

21 (i) in subclause (I), by inserting “mo-
22 bility,” after “safety;” and

23 (ii) in subclause (II)—

24 (I) in item (bb), by striking
25 “and” at the end;

1 (II) in item (cc), by striking the
2 period at the end and inserting “;
3 and”; and

4 (III) by adding at the end the
5 following:

6 “(dd) facilitating payment
7 for transportation services.”;

8 (5) in subparagraph (D)—

9 (A) in clause (i), by striking “Not later”
10 and all that follows through “thereafter” and
11 inserting “Each fiscal year for which funding is
12 made available for activities under this para-
13 graph”; and

14 (B) in clause (ii)—

15 (i) by striking “In awarding” and in-
16 serting the following:

17 “(I) IN GENERAL.—Subject to
18 subclause (II), in awarding”; and

19 (ii) by adding at the end the fol-
20 lowing:

21 “(II) RURAL SET-ASIDE.—Not
22 less than 20 percent of the amounts
23 made available to carry out this para-
24 graph shall be reserved for projects
25 serving rural areas.”;

1 (6) in subparagraph (E)—

2 (A) by redesignating clauses (iii) through
3 (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),
4 and (xiv), respectively;

5 (B) by inserting after clause (ii) the fol-
6 lowing:

7 “(iii) advanced transportation tech-
8 nologies to improve emergency evacuation
9 and response by Federal, State, and local
10 authorities;”;

11 (C) by inserting after clause (viii) (as so
12 redesignated) the following:

13 “(ix) integrated corridor management
14 systems;

15 “(x) advanced parking reservation or
16 variable pricing systems;”;

17 (D) in clause (xi) (as so redesignated)—

18 (i) by inserting “, toll collection,”
19 after “pricing”; and

20 (ii) by striking “or” at the end;

21 (E) by inserting after clause (xi) (as so re-
22 designated) the following:

23 “(xii) technology that enhances high
24 occupancy vehicle toll lanes, cordon pric-
25 ing, or congestion pricing;

- 1 “(xiii) integration of transportation
2 service payment systems; or”; and
3 (F) in clause (xiv) (as so redesignated)—
4 (i) by striking “and access” and in-
5 serting “, access, and on-demand transpor-
6 tation service”; and
7 (ii) by inserting “and other shared-use
8 mobility applications” after “ridesharing”;
9 (7) in subparagraph (F)(ii)(IV), by striking “ef-
10 ficiency and multimodal system performance” and
11 inserting “mobility, efficiency, multimodal system
12 performance, and payment system performance”;
13 (8) in subparagraph (G)—
14 (A) by redesignating clauses (vi) through
15 (viii) as clauses (vii) through (ix), respectively;
16 and
17 (B) by inserting after clause (v) the fol-
18 lowing:
19 “(vi) improved integration of payment
20 systems;”;
21 (9) in subparagraph (I)(i), by striking “fiscal
22 years 2016 through 2020” and inserting “fiscal
23 years 2021 through 2025”; and
24 (10) in subparagraph (N)—

1 (A) in clause (i), by striking “representing
2 a population of over 200,000”; and

3 (B) in clause (iii), in the matter preceding
4 subclause (I), by striking “a any” and inserting
5 “any”.

6 (c) CENTER OF EXCELLENCE ON NEW MOBILITY
7 AND AUTOMATED VEHICLES.—Section 503(c) of title 23,
8 United States Code (as amended by subsection (a)(3)(D)),
9 is amended by adding at the end the following:

10 “(6) CENTER OF EXCELLENCE.—

11 “(A) DEFINITIONS.—In this paragraph:

12 “(i) AUTOMATED VEHICLE.—The
13 term ‘automated vehicle’ means a motor
14 vehicle that—

15 “(I) has a taxable gross weight
16 (as defined in section 41.4482(b)–1 of
17 title 26, Code of Federal Regulations
18 (or successor regulations)) of 10,000
19 pounds or less; and

20 “(II) is capable of performing the
21 entire task of driving (including steer-
22 ing, accelerating and decelerating, and
23 reacting to external stimulus) without
24 human intervention.

1 “(ii) NEW MOBILITY.—The term ‘new
2 mobility’ includes shared services such
3 as—

4 “(I) docked and dockless bicycles;

5 “(II) docked and dockless electric
6 scooters; and

7 “(III) transportation network
8 companies.

9 “(B) ESTABLISHMENT.—Not later than 1
10 year after the date of enactment of the Amer-
11 ica’s Transportation Infrastructure Act of
12 2019, the Secretary shall establish a Center of
13 Excellence to collect, conduct, and fund re-
14 search on the impacts of new mobility and auto-
15 mated vehicles on land use, urban design,
16 transportation, real estate, equity, and munic-
17 ipal budgets.

18 “(C) PARTNERSHIPS.—In establishing the
19 Center of Excellence under subparagraph (B),
20 the Secretary shall enter into appropriate part-
21 nerships with any institution of higher edu-
22 cation (as defined in section 101 of the Higher
23 Education Act of 1965 (20 U.S.C. 1001)) or
24 public or private research entity.”.

1 (d) ACCELERATED IMPLEMENTATION AND DEPLOY-
2 MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-
3 MENT SYSTEMS.—Not later than 1 year after the date of
4 enactment of this Act, the Secretary shall submit to the
5 Committee on Environment and Public Works of the Sen-
6 ate and the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives a report that in-
8 cludes—

9 (1) a description of—

10 (A) the current status of the use of ad-
11 vanced digital construction management sys-
12 tems in each State; and

13 (B) the progress of each State toward ac-
14 celerating the adoption of advanced digital con-
15 struction management systems; and

16 (2) an analysis of the savings in project delivery
17 time and project costs that can be achieved through
18 the use of advanced digital construction manage-
19 ment systems.

20 (e) OPEN CHALLENGE AND RESEARCH INITIATIVE
21 PILOT PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall establish
23 an open challenge and research proposal pilot pro-
24 gram under which eligible entities may propose open

1 highway challenges and research proposals that are
2 linked to identified or potential research needs.

3 (2) REQUIREMENTS.—A research proposal sub-
4 mitted to the Secretary by an eligible entity shall ad-
5 dress—

6 (A) a research need identified by the Sec-
7 retary or the Administrator of the Federal
8 Highway Administration; or

9 (B) an issue or challenge that the Sec-
10 retary determines to be important.

11 (3) ELIGIBLE ENTITIES.—An entity eligible to
12 submit a research proposal under the pilot program
13 under paragraph (1) is—

14 (A) a State;

15 (B) a unit of local government;

16 (C) a university transportation center
17 under section 5505 of title 49, United States
18 Code;

19 (D) a private nonprofit organization;

20 (E) a private sector organization working
21 in collaboration with an entity described in sub-
22 paragraphs (A) through (D); and

23 (F) any other individual or entity that the
24 Secretary determines to be appropriate.

25 (4) PROJECT REVIEW.—The Secretary shall—

1 (A) review each research proposal sub-
2 mitted under the pilot program under para-
3 graph (1); and

4 (B) provide to the eligible entity a written
5 notice that—

6 (i) if the research proposal is not se-
7 lected—

8 (I) notifies the eligible entity that
9 the research proposal has not been se-
10 lected for funding;

11 (II) provides an explanation as to
12 why the research proposal was not se-
13 lected, including if the research pro-
14 posal does not cover an area of need;
15 and

16 (III) if applicable, recommend
17 that the research proposal be sub-
18 mitted to another research program
19 and provide guidance and direction to
20 the eligible entity and the proposed
21 research program office; and

22 (ii) if the research proposal is se-
23 lected, notifies the eligible entity that the
24 research proposal has been selected for
25 funding.

1 (5) FEDERAL SHARE.—

2 (A) IN GENERAL.—The Federal share of
3 the cost of an activity carried out under this
4 subsection shall not exceed 80 percent.

5 (B) NON-FEDERAL SHARE.—All costs di-
6 rectly incurred by the non-Federal partners, in-
7 cluding personnel, travel, facility, and hardware
8 development costs, shall be credited toward the
9 non-Federal share of the cost of an activity car-
10 ried out under this subsection.

11 (f) CONFORMING AMENDMENT.—Section 167 of title
12 23, United States Code, is amended—

13 (1) by striking subsection (h); and

14 (2) by redesignating subsections (i) through (l)
15 as subsections (h) through (k), respectively.

16 **SEC. 3006. WORKFORCE DEVELOPMENT, TRAINING, AND**
17 **EDUCATION.**

18 (a) SURFACE TRANSPORTATION WORKFORCE DE-
19 VELOPMENT, TRAINING, AND EDUCATION.—Section
20 504(e) of title 23, United States Code, is amended—

21 (1) in paragraph (1)—

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

1 (B) by inserting after subparagraph (C)
2 the following:

3 “(D) pre-apprenticeships, apprenticeships,
4 and career opportunities for on-the-job train-
5 ing;”;

6 (C) in subparagraph (E) (as so redesign-
7 dated), by striking “or community college” and
8 inserting “, college, community college, or voca-
9 tional school”; and

10 (D) by inserting after subparagraph (F)
11 (as so redesignated) the following:

12 “(G) activities associated with workforce
13 training and employment services, such as tar-
14 geted outreach and partnerships with industry,
15 economic development organizations, workforce
16 development boards, and labor organizations;”;

17 (2) in paragraph (2), by striking “paragraph
18 (1)(G)” and inserting “paragraph (1)(I)”; and

19 (3) in paragraph (3)—

20 (A) by striking the period at the end and
21 inserting a semicolon;

22 (B) by striking “including activities” and
23 inserting the following: “including—

24 “(A) activities”; and

25 (C) by adding at the end the following:

1 “(B) activities that address current work-
2 force gaps, such as work on construction
3 projects, of State and local transportation agen-
4 cies;

5 “(C) activities to develop a robust surface
6 transportation workforce with new skills result-
7 ing from emerging transportation technologies;
8 and

9 “(D) activities to attract new sources of
10 job-creating investment.”.

11 (b) TRANSPORTATION EDUCATION AND TRAINING
12 DEVELOPMENT AND DEPLOYMENT PROGRAM.—Section
13 504(f) of title 23, United States Code, is amended—

14 (1) in the subsection heading, by striking “DE-
15 VELOPMENT” and inserting “AND TRAINING DEVEL-
16 OPMENT AND DEPLOYMENT”;

17 (2) by striking paragraph (1) and inserting the
18 following:

19 “(1) ESTABLISHMENT.—The Secretary shall es-
20 tablish a program to make grants to educational in-
21 stitutions or State departments of transportation, in
22 partnership with industry and relevant Federal de-
23 partments and agencies—

24 “(A) to develop, test, and review new cur-
25 ricula and education programs to train individ-

1 uals at all levels of the transportation work-
2 force; or

3 “(B) to implement the new curricula and
4 education programs to provide for hands-on ca-
5 reer opportunities to meet current and future
6 needs.”;

7 (3) in paragraph (2)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “shall” and inserting “may”;

10 (B) in subparagraph (A), by inserting
11 “current or future” after “specific”; and

12 (C) in subparagraph (E)—

13 (i) by striking “in nontraditional de-
14 partments”;

15 (ii) by inserting “construction,” after
16 “such as”; and

17 (iii) by inserting “or emerging” after
18 “industrial”;

19 (4) by redesignating paragraph (3) as para-
20 graph (4); and

21 (5) by inserting after paragraph (2) the fol-
22 lowing:

23 “(3) REPORTING.—The Secretary shall estab-
24 lish minimum reporting requirements for grant re-
25 cipients under this subsection, which may include,

1 with respect to a program carried out with a grant
2 under this subsection—

3 “(A) the percentage or number of program
4 participants that are employed during the sec-
5 ond quarter after exiting the program;

6 “(B) the percentage or number of program
7 participants that are employed during the
8 fourth quarter after exiting the program;

9 “(C) the median earnings of program par-
10 ticipants that are employed during the second
11 quarter after exiting the program;

12 “(D) the percentage or number of program
13 participants that obtain a recognized postsec-
14 ondary credential or a secondary school diploma
15 (or a recognized equivalent) during participa-
16 tion in the program or by not later than 1 year
17 after exiting the program; and

18 “(E) the percentage or number of program
19 participants that, during a program year—

20 “(i) are in an education or training
21 program that leads to a recognized post-
22 secondary credential or employment; and

23 “(ii) are achieving measurable skill
24 gains toward such a credential or employ-
25 ment.”.

1 (c) USE OF FUNDS.—Section 504 of title 23, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 “(i) USE OF FUNDS.—The Secretary may use funds
5 made available to carry out this section to carry out activi-
6 ties related to workforce development and technical assist-
7 ance and training if—

8 “(1) the activities are authorized by another
9 provision of this title; and

10 “(2) the activities are for entities other than
11 employees of the Secretary, such as States, units of
12 local government, Federal land management agen-
13 cies, and Tribal governments.”.

14 **SEC. 3007. WILDLIFE-VEHICLE COLLISION RESEARCH.**

15 (a) GENERAL AUTHORITIES AND REQUIREMENTS
16 REGARDING WILDLIFE AND HABITAT.—Section
17 515(h)(2) of title 23, United States Code, is amended—

18 (1) in subparagraph (K), by striking “and” at
19 the end;

20 (2) by redesignating subparagraphs (D), (E),
21 (F), (G), (H), (I), (J), (K), and (L) as subpara-
22 graphs (E), (F), (G), (H), (I), (K), (L), (M), and
23 (O), respectively;

24 (3) by inserting after subparagraph (C) the fol-
25 lowing:

1 “(D) a representative from a State, local,
2 or regional wildlife, land use, or resource man-
3 agement agency;”;

4 (4) by inserting after subparagraph (I) (as so
5 redesignated) the following:

6 “(J) an academic researcher who is a bio-
7 logical or ecological scientist with expertise in
8 transportation issues;”; and

9 (5) by inserting after subparagraph (M) (as so
10 redesignated) the following:

11 “(N) a representative from a public inter-
12 est group concerned with the impact of the
13 transportation system on terrestrial and aquatic
14 species and the habitat of those species; and”.

15 (b) ANIMAL DETECTION SYSTEMS RESEARCH AND
16 DEVELOPMENT.—Section 516(b)(6) of title 23, United
17 States Code, is amended by inserting “, including animal
18 detection systems to reduce the number of wildlife-vehicle
19 collisions” after “systems”.

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