

116TH CONGRESS
2D SESSION

S. 3391

To direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to build safe and connected options for bicycles and walkers within and between communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2020

Mr. MARKEY (for himself, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Ms. HARRIS, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to build safe and connected options for bicycles and walkers within and between communities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Connecting America’s
5 Active Transportation System Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nearly half of the trips taken in the United
2 States are within a 20-minute bicycle ride, and near-
3 ly a quarter of such trips are within a 20-minute
4 walk.

5 (2) Approximately 90 percent of public trans-
6 portation trips are accessible by walking or bicycling.

7 (3) Communities that invest in active transpor-
8 tation infrastructure experience significant increases
9 in bicycling and walking rates over time, and such
10 investments are in strong demand because they lead
11 to a higher quality of life, better health, a stronger
12 economy, and increased mobility in communities
13 where investments are made.

14 (4) The communities that perform best in en-
15 couraging active transportation create interconnect-
16 ed systems that make it convenient and safe to trav-
17 el on foot or by bicycle to destinations on a routine
18 basis.

19 (5) Achieving a mode shift to active transpor-
20 tation within a community requires intensive, con-
21 centrated funding of active transportation systems
22 rather than discrete, piecemeal projects.

23 (6) Increased use of active transportation re-
24 duces traffic congestion, greenhouse gas emissions,

1 vehicle miles traveled, and rates of obesity and
2 chronic disease associated with physical inactivity.

3 (7) Given the contribution that active transpor-
4 tation makes to national policy goals, and the oppor-
5 tunity active transportation provides to accommo-
6 date short trips at the least cost to the public and
7 individuals, funding of active transportation is one
8 of the most strategic and cost effective Federal
9 transportation investments available.

10 (8) The Federal Government is uniquely quali-
11 fied to facilitate interstate connections necessary to
12 build long distance active transportation spines and
13 regional connections in communities that span State
14 boundaries.

15 **SEC. 3. ACTIVE TRANSPORTATION INFRASTRUCTURE IN-**
16 **VESTMENT PROGRAM.**

17 (a) IN GENERAL.—The Secretary shall carry out an
18 active transportation infrastructure investment program
19 to make grants, on a competitive basis, to eligible organi-
20 zations to construct eligible projects to provide safe and
21 connected active transportation facilities in an active
22 transportation network or active transportation spine.

23 (b) APPLICATION.—

24 (1) IN GENERAL.—To be eligible to receive a
25 grant under this section, an eligible organization

1 shall submit to the Secretary an application in such
2 manner and containing such information as the Sec-
3 retary may require.

4 (2) ELIGIBLE PROJECTS PARTIALLY ON FED-
5 ERAL LAND.—With respect to an application for an
6 eligible project that is located in part on Federal
7 lands, an eligible organization shall enter into a co-
8 operative agreement with the appropriate Federal
9 agency with jurisdiction over such land to submit an
10 application described in paragraph (1).

11 (c) APPLICATION CONSIDERATIONS.—In making a
12 grant for construction of an active transportation network
13 or active transportation spine under this section, the Sec-
14 retary shall consider the following:

15 (1) Whether the eligible organization submitted
16 a plan for an eligible project for the development of
17 walking and bicycling infrastructure that is likely to
18 provide substantial additional opportunities for walk-
19 ing and bicycling, including effective plans to—

20 (A) create an active transportation net-
21 work connecting destinations within or between
22 communities, including schools, workplaces,
23 residences, businesses, recreation areas, and
24 other community areas, or create an active
25 transportation spine connecting two or more

1 communities, metropolitan regions, or States;
2 and

3 (B) integrate active transportation facili-
4 ties with transit services, where available, to im-
5 prove access to public transportation.

6 (2) Whether the eligible organization dem-
7 onstrates broad community support through—

8 (A) the use of public input in the develop-
9 ment of transportation plans; and

10 (B) the commitment of community leaders
11 to the success and timely implementation of an
12 eligible project.

13 (3) Whether the eligible organization provides
14 evidence of commitment to traffic safety, regula-
15 tions, financial incentives, or community design poli-
16 cies that facilitate significant increases in walking
17 and bicycling.

18 (4) The extent to which the eligible organiza-
19 tion demonstrates commitment of State, local, or eli-
20 gible Federal matching funds, and land or in-kind
21 contributions, in addition to the local match required
22 under subsection (f)(1), unless the applicant quali-
23 fies for an exception under subsection (f)(2).

24 (5) The extent to which the eligible organiza-
25 tion demonstrates that the grant will address exist-

ing disparities in bicyclist and pedestrian fatality rates based on race or income level or provide access to jobs and services for low-income communities and communities of color.

(6) Whether the eligible organization demonstrates how investment in active transportation will advance safety for pedestrians and cyclists, accessibility to jobs and key destinations, economic competitiveness, environmental protection, and quality of life.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section and except as provided in paragraph (2), the Secretary shall obligate—

(A) not less than 30 percent to eligible projects that construct active transportation networks that connect people with public transportation, businesses, workplaces, schools, residences, recreation areas, and other community activity centers; and

(B) not less than 30 percent to eligible projects that construct active transportation spines.

(2) PLANNING AND DESIGN GRANTS.—Each fiscal year, the Secretary shall set aside not less than

1 \$3,000,000 from the funds made available to carry
2 out this section to provide planning grants for eligi-
3 ble organizations to develop plans for active trans-
4 portation networks and active transportation spines.

5 (3) ADMINISTRATIVE COSTS.—Each fiscal year,
6 the Secretary shall set aside not more than
7 \$2,000,000 of the funds made available to carry out
8 this section to cover the costs of administration, re-
9 search, technical assistance, communications, and
10 training activities under the program.

11 (4) LIMITATION ON STATUTORY CONSTRU-
12 TION.—Nothing in this subsection shall be construed
13 to prohibit an eligible organization from receiving re-
14 search or other funds under titles 23 or 49, United
15 States Code.

16 (e) GRANT TIMING.—

17 (1) REQUEST FOR APPLICATION.—Not later
18 than 30 days after funds are made available to carry
19 out this section, the Secretary shall publish in the
20 Federal Register a request for applications for
21 grants under this section.

22 (2) SELECTION OF GRANT RECIPIENTS.—Not
23 later than 150 days after funds are made available
24 to carry out this section, the Secretary shall select
25 grant recipients for grants under this section.

1 (f) FEDERAL SHARE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Federal share of a grant under this
4 section shall not exceed 80 percent of the total
5 project cost.

6 (2) EXCEPTION FOR DISADVANTAGED COMMU-
7 NITIES.—For projects serving communities with a
8 poverty rate of over 40 percent based on the major-
9 ity of census tracts served by such project, the Sec-
10 retary may increase the Federal share of a grant
11 under this section up to 100 percent of the total
12 project cost.

13 (g) CONTRACT AUTHORITY.—Funds made available
14 to carry out this section shall be available for obligation
15 and administered in the same manner as if such funds
16 were apportioned under chapter 1 of title 23, United
17 States Code, except that the funds shall remain available
18 until expended and shall not be transferrable.

19 (h) ASSISTANCE TO INDIAN TRIBES.—In carrying
20 out this section, the Secretary may enter into grant agree-
21 ments, self determination contracts and self-governance
22 compacts under the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 5301 et seq.) with eligi-
24 ble Indian tribes and such agreements, contracts, and

1 compacts shall be administered in accordance with such
2 Act.

3 (i) REPORTS.—

4 (1) INTERIM REPORT.—Not later than Sep-
5 tember 30, 2023, the Secretary shall submit to Con-
6 gress a report containing the information described
7 in paragraph (3).

8 (2) FINAL REPORT.—Not later than September
9 30, 2025, the Secretary shall submit to Congress a
10 report containing the information described in para-
11 graph (3).

12 (3) REPORT INFORMATION.—A report sub-
13 mitted under this subsection shall contain the fol-
14 lowing:

15 (A) A list of grants made under this sec-
16 tion.

17 (B) Best practices of recipients in imple-
18 menting active transportation projects.

19 (C) Impediments experienced by recipients
20 of grants under this section in developing and
21 shifting to active transportation.

22 (j) RULE REQUIRED.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary shall issue
24 a final rule that encourages the use of the programmatic
25 categorical exclusion, expedited procurement techniques,

1 and other best practices to facilitate productive and timely
 2 expenditures for projects that are small, low impact, and
 3 constructed within an existing built environment.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated out of the Highway Trust
 6 Fund (other than the Mass Transit Account)
 7 \$500,000,000 for each of fiscal years 2020 through 2024
 8 to carry out this section.

9 (l) DEFINITIONS.—In this Act:

10 (1) ACTIVE TRANSPORTATION.—The term “ac-
 11 tive transportation” means mobility options powered
 12 primarily by human energy, including bicycling and
 13 walking.

14 (2) ACTIVE TRANSPORTATION NETWORK.—The
 15 term “active transportation network” means facili-
 16 ties built for active transportation, including side-
 17 walks, bikeways, and pedestrian and bicycle trails,
 18 that connect between destinations within a commu-
 19 nity or metropolitan region.

20 (3) ACTIVE TRANSPORTATION SPINE.—The
 21 term “active transportation spine” means facilities
 22 built for active transportation, including sidewalks,
 23 bikeways, and pedestrian and bicycle trails that con-
 24 nect between communities, metropolitan regions, or
 25 States.

1 (4) COMMUNITY.—The term “community”
2 means a geographic area that is socioeconomically
3 interdependent and may include rural, suburban,
4 and urban jurisdictions.

5 (5) ELIGIBLE ORGANIZATION.—The term “eligi-
6 ble organization” means—

7 (A) a local or regional governmental orga-
8 nization, including a metropolitan planning or-
9 ganization or regional planning organization or
10 council;

11 (B) a multi-county special district;

12 (C) a State;

13 (D) a multi-State group of governments; or

14 (E) an Indian tribe.

15 (6) ELIGIBLE PROJECT.—The term “eligible
16 project” means an active transportation project or
17 group of projects—

18 (A) within or between a community or
19 group of communities, at least one of which
20 falls within the jurisdiction of an eligible orga-
21 nization, which has submitted an application
22 under this section; and

23 (B) that has—

24 (i) a total cost of not less than
25 \$15,000,000; or

1 (ii) with respect to planning and de-
 2 sign grants, planning and design costs of
 3 not less than \$100,000.

4 (7) INDIAN TRIBE.—The term “Indian tribe”
 5 has the meaning given the term in section 4(e) of
 6 the Indian Self-Determination and Education Assist-
 7 ance Act (25 U.S.C. 5304(e)).

8 (8) SECRETARY.—The term “Secretary” means
 9 the Secretary of Transportation.

10 (9) TOTAL PROJECT COST.—The term “total
 11 project cost” means the sum total of all costs in-
 12 curred in the development of a project that are ap-
 13 proved by the Secretary as reasonable and nec-
 14 essary, including—

15 (A) the cost of acquiring real property;

16 (B) the cost of site preparation, demoli-
 17 tion, and development;

18 (C) expenses related to the issuance of
 19 bonds or notes;

20 (D) fees in connection with the planning,
 21 execution, and financing of the project;

22 (E) the cost of studies, surveys, plans, per-
 23 mits, insurance, interest, financing, tax, and as-
 24 sessment costs;

- 1 (F) the cost of construction, rehabilitation,
2 reconstruction, and equipping the project;
3 (G) the cost of land improvements;
4 (H) contractor fees;
5 (I) the cost of training and education re-
6 lated to the safety of users of any bicycle or pe-
7 destrian network or spine constructed as part of
8 an eligible project; and
9 (J) any other cost that the Secretary de-
10 termines is necessary and reasonable.

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