

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. ____ . SHORT TITLE.**

2 This subtitle may be cited as the “Enhancing the
3 Strength and Capacity of America’s Primary Evacuation
4 routes Act” or the “ESCAPE Act”.

5 **SEC. ____ . EVACUATION ROUTE PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) EVACUATION ROUTE.—The term “evacu-
8 ation route” means a route that—

9 (A) is owned, operated, or maintained by a
10 Federal, State, Tribal, or local government or a
11 private entity;

12 (B) is used—

13 (i) to transport the public away from
14 an emergency event (as defined in section
15 667.3 of title 23, Code of Federal Regula-
16 tions (or successor regulations)) that is an-
17 ticipated, reasonably likely, ongoing, or
18 past; or

1 (ii) to transport emergency responders
2 and recovery resources;

3 (C) is designated by the State in which the
4 route is located (or in the case of a federally
5 owned route, the head of the Federal agency
6 with jurisdiction over the route) for the pur-
7 poses described in subparagraph (B); and

8 (D) meets the criteria for a mass evacu-
9 ation route pursuant to subsection (b)(1).

10 (2) PROGRAM.—The term “program” means
11 the competitive grant program established under
12 subsection (c)(1).

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

15 (A) with the ability to anticipate, prepare
16 for, and adapt to changing conditions and with-
17 stand, respond to, and recover rapidly from dis-
18 ruptions; and

19 (B) designed and built to address current
20 and future vulnerabilities to an evacuation
21 route due to—

22 (i) future occurrence or recurrence of
23 emergency events (as defined in section
24 667.3 of title 23, Code of Federal Regula-
25 tions (or successor regulations)) that are

1 likely to occur in the geographic area in
2 which the evacuation route is located; or

3 (ii) projected changes in development
4 patterns, demographics, or extreme events
5 based on the best available evidence and
6 analysis.

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

9 (b) ESTABLISHMENT OF MASS EVACUATION ROUTE
10 CRITERIA.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary, in consultation with the Administrator of the
14 Federal Emergency Management Agency, State de-
15 partments of transportation, metropolitan planning
16 organizations, and other stakeholders, shall establish
17 criteria for eligible entities described in subsection
18 (f) to identify mass evacuation routes.

19 (2) REQUIREMENTS.—In carrying out para-
20 graph (1), the Secretary shall—

21 (A) provide a period of not less than 90
22 days for State departments of transportation,
23 metropolitan planning organizations, other
24 stakeholders, and the public to comment on the

1 criteria proposed by the Secretary under that
2 paragraph; and

3 (B) take into consideration any comments
4 received pursuant to subparagraph (A).

5 (c) ESTABLISHMENT OF PROGRAM.—

6 (1) IN GENERAL.—The Secretary (in consulta-
7 tion with the Administrator of the Federal Emer-
8 gency Management Agency for the purposes de-
9 scribed in paragraph (2)) shall establish a competi-
10 tive grant program to provide grants for resilience
11 projects that strengthen and protect evacuation
12 routes that are essential for providing and sup-
13 porting mass evacuations caused by emergency
14 events (as defined in section 667.3 of title 23, Code
15 of Federal Regulations (or successor regulations)).

16 (2) CONSULTATION.—In carrying out the pro-
17 gram, the Secretary shall consult with the Adminis-
18 trator of the Federal Emergency Management Agen-
19 cy for the purpose of providing technical assistance
20 to the Secretary and to applicants.

21 (d) ELIGIBLE RESILIENCE PROJECTS.—The Sec-
22 retary shall provide grants under this section to resilience
23 projects—

24 (1) described in subsection (e); and

25 (2) that—

1 (A) ensure the ability of the evacuation
2 route to provide safe passage during a mass
3 evacuation and reduce the risk of damage to
4 evacuation routes as a result of future emer-
5 gency events (as defined in section 667.3 of
6 title 23, Code of Federal Regulations (or suc-
7 cessor regulations)), including—

8 (i) restoring or replacing existing
9 mass evacuation routes that are classified
10 as being in poor condition or do not meet
11 current geometric standards;

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

14 (iii) protecting assets vulnerable to
15 high winds;

16 (iv) installing mitigation measures
17 that prevent the intrusion of floodwaters
18 into transportation systems;

19 (v) strengthening systems that remove
20 rainwater from transportation facilities or
21 services; or

22 (vi) other resilience projects that ad-
23 dress identified vulnerabilities;

24 (B) if the Secretary determines that exist-
25 ing evacuation routes are not sufficient to ade-

1 quately facilitate mass evacuations, expand the
2 capacity of evacuation routes to swiftly and
3 safely accommodate mass evacuations and pro-
4 vide mobility for emergency responders and re-
5 covery resources, including installation of—

6 (i) communications and intelligent
7 transportation system equipment and in-
8 frastructure;

9 (ii) counterflow measures; or

10 (iii) shoulders;

11 (C) are for the construction of—

12 (i) new or redundant evacuation
13 routes, if the Secretary determines that ex-
14 isting evacuation routes are not sufficient
15 to adequately facilitate mass evacuations,
16 emergency response, or recovery efforts; or

17 (ii) sheltering facilities; or

18 (D) involve planning and acquisition, in-
19 cluding—

20 (i) mass evacuation planning and
21 preparation, such as—

22 (I) coordination with Federal
23 agencies and departments, agencies
24 and departments within the State,
25 first responders, and other States;

1 (II) identification of evacuation
2 routes;

3 (III) evacuation route education
4 and awareness campaigns;

5 (IV) traffic analysis and moni-
6 toring; or

7 (V) data sharing;

8 (ii) acquisition of evacuation route
9 and traffic incident management equip-
10 ment and vehicles;

11 (iii) evacuation route risk assessment;

12 (iv) development of enhanced mass
13 evacuation response capabilities;

14 (v) evacuation route signage; or

15 (vi) equipment for pedestrian move-
16 ment.

17 (e) ELIGIBLE PROJECTS.—The Secretary may make
18 a grant under this section only for a project that is—

19 (1) an evacuation route;

20 (2) a project eligible for assistance under title
21 23, United States Code;

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

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

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

5 (A) connects a port to other modes of
6 transportation;

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

9 (C) aids transportation;

10 (6) a public-use airport (as defined in section
11 47102 of title 49, United States Code) that is in-
12 cluded in the national plan of integrated airport sys-
13 tems developed by the Federal Aviation Administra-
14 tion under section 47103 of title 49, United States
15 Code; or

16 (7) a route owned, operated, or maintained by
17 the Corps of Engineers.

18 (f) **ELIGIBLE ENTITIES.**—The Secretary may award
19 a grant under this section to any of the following:

20 (1) A State.

21 (2) A metropolitan planning organization that
22 serves an urbanized area (as defined by the Bureau
23 of the Census) with a population of more than
24 200,000 individuals.

25 (3) A unit of local government.

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

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

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

8 (7) A Tribal government or a consortium of
9 Tribal governments.

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

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

17 (h) CRITERIA.—In selecting resilience projects to re-
18 ceive grants under the program, the Secretary shall con-
19 sider—

20 (1) the cost of the project compared to the risk
21 of recurring damage and the cost of future repairs,
22 taking into account current and future emergency
23 events (as defined in section 667.3 of title 23, Code
24 of Federal Regulations (or successor regulations))

1 and extreme events, to the maximum extent prac-
2 ticable;

3 (2) the extent to which the project reduces the
4 financial risk to the Federal Government; and

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

7 (i) ADMINISTRATION OF PROJECTS.—A project that
8 receives a grant under this section—

9 (1) may be transferred within the Department
10 of Transportation; and

11 (2) shall be administered in accordance with—

12 (A) title 23 and title 49, United States
13 Code, as applicable;

14 (B) title VI of the Civil Rights Act of 1964
15 (42 U.S.C. 2000d et seq.);

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

18 (D) the Uniform Relocation Assistance and
19 Real Property Acquisition Policies Act of 1970
20 (42 U.S.C. 4601 et seq.).

21 (j) FEDERAL COST SHARE.—

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

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

5 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section for
7 each fiscal year \$1,000,000,000, to remain available until
8 expended.

