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117TH CONGRESS
1ST SESSION

H. R. 3684

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. DEFAZIO (for himself, Ms. NORTON, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Investing in a New Vision for the Environment and Surface Transportation in America Act'' or the ''INVEST in America Act''.

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DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2022

SEC. 101. DEFINITIONS.

In this division, the following definitions apply:

(1) HIGHWAY ACCOUNT.—The term ''Highway Account'' means the portion of the Highway Trust Fund that is not the Mass Transit Account.

(2) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the portion of the Highway

Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

(3) MEMBER DESIGNATED PROJECT.—The term ''member designated project'' means a project listed in the table in section 107.

(4) MEMBER DESIGNATED PROJECT FUNDS.—The term ''member designated project funds'' means funds reserved under subsections (d)(1)(B)(i), (f)(1)(A), and (g)(1)(A) to carry out member designated projects listed in the table in section 107(c).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(6) STATE.—The term ''State'' means the 50 States and the District of Columbia.

(7) TERRITORY.—The term ''territory'' means any of the following territories of the United States:

(A) American Samoa.

(B) The Commonwealth of the Northern Mariana Islands.

(C) Guam.

(D) The United States Virgin Islands.

SEC. 102. EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.

(a) EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.—

(1) IN GENERAL.—Unless otherwise provided in this division, the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under the covered laws, which would otherwise expire on or cease to apply after September 30, 2021, are incorporated by reference and shall continue in effect through September 30, 2022.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) HIGHWAY TRUST FUND.—

(i) HIGHWAY ACCOUNT.—

(I) IN GENERAL.—Except as provided in subclause (II), there is authorized to be appropriated from the Highway Account for fiscal year 2022, for each program under the covered laws with respect to which amounts are authorized to be appropriated from such account for fiscal year 2021, an amount equal to the amount authorized for appropriation with respect to the program from such account for fiscal year 2021.

(II) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, there is au-

thorized to be appropriated from the Highway Account for fiscal year 2022—

(aa) $516,000,000 for administrative expenses of the Federal Highway Administration, as described in section 104(a) of title 23, United States Code; and

(bb) $30,086,000 for grant administrative expenses of the National Highway Traffic Safety Administration, as described in section 4001(a)(6) of the FAST Act (Public Law 114–94).

(ii) MASS TRANSIT ACCOUNT.—

(I) IN GENERAL.—There is authorized to be appropriated from the Mass Transit Account for fiscal year 2022, for each program under the covered laws with respect to which amounts are authorized to be appropriated from such account for fiscal year 2021, an amount equal to the amount authorized for appropriation

with respect to the program from such account for fiscal year 2021.

(II) CONDITION FOR APPORTIONMENT.—No funds authorized in this division or any other Act may be used to adjust Mass Transit Account apportionments or withhold funds from Mass Transit Account apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 in fiscal year 2022.

(B) GENERAL FUND.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), there is authorized to be appropriated for fiscal year 2022, for each program under covered laws with respect to which amounts are authorized to be appropriated for fiscal year 2021 from an account other than the Highway Account or the Mass Transit Account, an amount not less than the amount authorized for appropriation with respect to the program under the covered laws for fiscal year 2021.

(ii) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, there is authorized to be appropriated from the general fund of the Treasury for fiscal year 2022 $131,500,000 for necessary administrative expenses of the Federal Transit Administration.

(iii) CAPITAL INVESTMENT GRANTS.—Notwithstanding any other provision of this division, there is authorized to be appropriated from the general fund of the Treasury for fiscal year 2022 $3,250,000,000 to carry out section 5309 of title 49, United States Code.

(3) USE OF FUNDS.—Except as otherwise provided in this division, amounts authorized to be appropriated for fiscal year 2022 with respect to a program under paragraph (2) shall be distributed, administered, limited, and made available for obligation in the same manner as amounts authorized to be appropriated with respect to the program for fiscal year 2021 under the covered laws.

(4) OBLIGATION LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a program for which amounts are authorized to be appropriated under paragraph (2)(A) shall be subject to a limitation on obligations for fiscal year 2022 in the same amount and in the same manner as the limitation applicable with respect to the program for fiscal year 2021 under the title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (Public Law 116–260).

(B) FEDERAL-AID HIGHWAY AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS.—

(i) IN GENERAL.—Notwithstanding any other provision of this section, section 1102 of the FAST Act (Public Law 114–94), section 1101 of title I of division B of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159), or title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2021 (Public Law 116–260), for fiscal year 2022, the obligations for Federal-aid high-

way and highway safety construction programs shall not exceed $46,400,294,311.

(ii) LIMITATION ON FEDERAL HIGHWAY ADMINISTRATION ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this section, of the amount described in clause (i), for fiscal year 2022 an amount not to exceed $492,000,000 together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration or transferred to the Appalachian Regional Commission for administrative activities associated with the Appalachian Development Highway System.

(b) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—Section 117(d)(2)(A) of title 23, United States Code, is amended in the matter preceding clause (i)—

(1) by striking ''$600,000,000'' and inserting ''$700,000,000''; and

(2) by striking ''2021'' and inserting ''2022''.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—Section 1101(b) of the FAST Act (Public Law 114–94) (except for the requirements related to gross receipts under paragraph (2)(A)(ii) of such section) shall apply to amounts made available under sections 102, 103, 104 of this division.

(d) DEFINITIONS.—In this section, the term ''covered laws'' means the following:

(1) Section 1101 of title I of division B of the Continuing Appropriations Act, 2021 and Other Extensions Act (Public Law 116–159).

(2) Titles I, III, IV, V, and VI of division A of the FAST Act (Public Law 114–94).

(3) Division A, division B, subtitle A of title I and title II of division C, and division E of MAP–21 (Public Law 112–141).

(4) Titles I, II, and III of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244).

(5) Titles I, II, III, IV, V, and VI of SAFETEA–LU (Public Law 109–59).

(6) Titles I, II, III, IV, and V of the Transportation Equity Act for the 21st Century (Public Law 105–178).

(7) Titles II, III, and IV of the National Highway System Designation Act of 1995 (Public Law 104–59).

(8) Title I, part A of title II, title III, title IV, title V, and title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(9) Title 23, United States Code.

(10) Sections 116, 117, 330, and 5505 and chapters 53, 139, 303, 311, 313, 701, and 702 of title 49, United States Code.

SEC. 103. ADDITIONAL AMOUNTS FOR THE FEDERAL-AID HIGHWAY PROGRAM AND MEMBER DESIGNATED PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts authorized under section 102, there is authorized to be appropriated from the Highway Account for fiscal year 2022, for activities under this section, $14,742,808,640.

(2) CONTRACT AUTHORITY.—Amounts authorized to be appropriated under paragraph (1) shall be available for obligation as if apportioned under chapter 1 of title 23, United States Code.

(b) OBLIGATION AUTHORITY.—

(1) IN GENERAL.—

(A) AMOUNT.—Notwithstanding any other provision of law, for fiscal year 2022, obligations for activities authorized under subsection (a) shall not exceed $14,742,808,640.

(B) PERIOD OF AVAILABILITY.—

(i) IN GENERAL.—Except as provided in clause (ii), obligation authority made available under this paragraph shall—

(I) remain available until September 30, 2025; and

(II) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for fiscal year 2022 under section 102 or future fiscal years under any other provision of law.

(ii) EXCEPTION.—Except as provided in subsection (i)(2)(E), obligation authority associated with a member designated project shall remain available until expended.

(2) DISTRIBUTION OF OBLIGATION AUTHORITY.—

(A) IN GENERAL.—Of the obligation authority provided under paragraph (1), the Secretary shall make available to States, Tribes, Puerto Rico, the territories, and Federal land management agencies, during the period of fiscal year 2022, amounts of obligation authority equal to the amounts described in paragraphs (1) through (5) of subsection (c), respectively.

(B) FURTHER DISTRIBUTION.—Each State, each Tribe, Puerto Rico, each territory, and each Federal land management agency receiving funds under paragraphs (1) through (5) of subsection (c), respectively, shall receive an amount of obligation authority equal to the funds received under any of such paragraphs.

(c) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2022 under subsection (a) shall be distributed as follows:

(1) $14,343,545,973 to the States.

(2) $167,481,814 to Tribes.

(3) $52,400,251 to Puerto Rico.

(4) $55,012,918 to the territories.

(5) $124,367,684 to Federal land management agencies.

(d) SUPPLEMENTAL STATE FUNDS.—

(1) DISTRIBUTION.—

(A) AMONG STATES.—Amounts distributed to States under subsection (c)(1) shall be distributed among the States in the same ratio as total State apportionments under section 104(c)(1) of title 23, United States Code, in fiscal year 2022.

(B) WITHIN A STATE.—Of the amount distributed to a State under subparagraph (A)—

(i) the amount specified in section 107 for each member designated project in the State shall be reserved to carry out such project; and

(ii) any remaining amount shall be available to the State under paragraph (2).

(2) TREATMENT.—Funds made available under paragraph (1)(B)(ii) shall be—

(A) available for activities eligible under section 133(b) of title 23, United States Code, subject to subsection (c) of such section; and

(B) administered as if apportioned under chapter 1 of title 23, United States Code.

(e) TRIBAL FUNDS.—Amounts distributed to Tribes under subsection (c)(2) shall be—

(1) available for activities eligible under the tribal transportation program under section 202 of title 23, United States Code; and

(2) administered as if allocated under section 202 of title 23, United States Code, except that the set-aside described in subparagraph (C) of section 202(b)(3) of such title and subsections (a)(6), (c), (d), and (e) of section 202 of such title shall not apply to such funds.

(f) PUERTO RICO FUNDS.—

(1) DISTRIBUTION.—Of the amount distributed to Puerto Rico under subsection (c)(3)—

(A) the amount specified in section 107 for each member designated project in Puerto Rico shall be reserved to carry out such project; and

(B) any remaining amount shall be available to Puerto Rico under paragraph (2).

(2) TREATMENT.—Funds made available under paragraph (1)(B) shall be—

(A) administered as if allocated under section 165(b) of title 23, United States Code;

(B) available for activities described under paragraph (2)(C)(iii) of such section; and

(C) not subsection to subparagraph (A) or (B) of paragraph (2) of such section.

(g) TERRITORIAL FUNDS.—

(1) DISTRIBUTION.—Of the amount distributed to a territory under subsection (c)(4)—

(A) the amount specified in section 107 for each member designated project in the territory shall be reserved to carry out such project;

(B) of amounts remaining after the distribution under subparagraph (A), not more than $1,392,918 shall be made available to American Samoa; and

(C) any remaining amount shall be available to the territories as described under paragraph (2).

(2) TREATMENT.—Funds made available under subparagraphs (B) and (C) of paragraph (1) shall be administered as if allocated under, and available for activities described under, section 165(c) of title 23, United States Code.

(h) FEDERAL LAND MANAGEMENT AGENCY FUNDS.—

(1) DISTRIBUTION.—Amounts distributed under subsection (c)(5) shall be distributed among the Federal land management agencies as follows:

(A) $99,494,147 for the National Park Service.

(B) $9,949,415 for the United States Fish and Wildlife Service.

(C) $6,301,296 for the United States Forest Service.

(D) $8,622,826 to be allocated to the remaining Federal land management agencies described in section 203(b) of title 23, United States Code.

(2) TREATMENT.—Funds made available under paragraph (1) shall be—

(A) available for activities eligible under the Federal lands transportation program under section 203 of title 23, United States Code; and

(B) administered as if allocated under section 203 of title 23, United States Code.

(i) MEMBER DESIGNATED PROJECTS.—

(1) TREATMENT.—

(A) IN GENERAL.—Member designated project funds shall be available until expended, except as specified in paragraph (2)(C)(iv).

(B) REQUIREMENTS.—

(i) IN GENERAL.—Except as specified in paragraph (2)(C)(iv) or clauses (ii) or (iii), member designated project funds shall be administered as if apportioned—

(I) for a project eligible under chapter 1 of title 23, United States Code, under such chapter;

(II) for a project eligible under chapter 2 of title 23, United States Code, under such chapter; or

(III) for a project eligible under chapter 53 of title 49, United States Code, under such chapter.

(ii) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the cost of a project assisted with member designated project funds shall be determined in accordance with section 120 of title 23, United States Code, or, in the case of a transit capital project, may be determined in accordance with section 5323(i)(1) of title 49, United States Code, if applicable.

(iii) TRANSIT PROJECTS.—

(I) TRANSFERS.—Member designated project funds made available for transit capital and planning projects may be transferred to, and administered by, the Secretary in ac-

cordance with section 104(f) of title 23, United States Code.

(II) DESIGNATED RECIPIENTS.—Member designated project authorizations specified in section 107 distributed to a State for transit capital and planning projects shall be made available for obligation to a designated or direct recipient or subrecipient under chapter 53 of title 49, United States Code, as specified in section 107 or, if no such eligible recipient is identified, to the designated recipient in the location specified in such section.

(2) REPURPOSING OF FUNDS.—

(A) IN GENERAL.—

(i) REQUEST.—Beginning on October 1, 2025, except as described in clause (ii), if less than 10 percent of the amount reserved for a member designated project for a State, Puerto Rico, or territory has been obligated, the State, Puerto Rico, or a territory, respectively, may submit to the Secretary, a request to use, under subparagraph (B)—

(I) the unobligated amount reserved for the member designated project; and

(II) the obligation authority that is associated with such amount.

(ii) COMPLETED PROJECTS.—If the project has been completed and an unobligated amount remains reserved for a member designated project, a State, Puerto Rico, or territory may submit to the Secretary certification that such project has been completed (and the Secretary shall verify such completion). Upon verification, the State, Puerto Rico, or territory, respectively, may use, under subparagraph (B)—

(I) the unobligated amount reserved for the member designated project; and

(II) the obligation authority that is associated with such amount.

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(i), the Secretary shall—

(i) consider whether the member designated project can be completed with the

amount reserved for the member designated project and other committed funds;

(ii) determine whether the public entity serving as the project sponsor listed in the Committee Report, or any subsequent report superceding such Committee Report, accompanying this Act supports the proposed repurposing; and

(iii) ensure that the proposed repurposing would be used for a project with the same eligible project type.

(C) TREATMENT.—Funds for which the Secretary approves a request or verifies a completed project under subparagraph (A)—

(i) may be used and shall be treated—

(I) for a request by a State, as if such amount was made available under subsection (d)(1)(B)(ii);

(II) for a request by Puerto Rico, as if such amount was made available under subsection (f)(1)(B); and

(III) for a request by a territory, as if such amount was made available under subsection (g)(1)(C);

(ii) shall be used within the location described in subparagraph (D)(ii);

(iii) shall be subject to the Federal share specified in section 120 of title 23, United States Code, or, in the case of a transit capital project, may be determined in accordance with section 5323(i)(1) of title 49, United States Code, as applicable; and

(iv) notwithstanding paragraph (1)(A)(ii), shall remain available for obligation for a period of 3 fiscal years after the last day of the fiscal year in which the Secretary approves the request.

(D) LOCATION OF PROJECTS.—Funds for which the Secretary approves a request under subparagraph (A) shall—

(i) for funds specified in section 107 to be used within a metropolitan planning area (as such term is defined in section 134(b) of title 23, United States Code), applied to an activity within or predominantly serving such metropolitan area;

(ii) for funds specified in section 107 to be used within a political subdivision of

a State, applied to an activity within or predominantly serving such political subdivision;

(iii) for funds specified in section 107 to be used within Puerto Rico, applied to an activity within Puerto Rico; and

(iv) for funds specified in section 107 to be used within a territory, applied to an activity within such territory.

(E) OBLIGATION AUTHORITY.—Notwithstanding subsection (b)(1)(B)(ii), obligation authority that is repurposed under this paragraph shall remain available for obligation for a period of 3 fiscal years after the last day of the fiscal year in which the Secretary approves the request or verifies the completed project under subparagraph (A).

SEC. 104. FEDERAL TRANSIT ADMINISTRATION.

(a) ALL STATIONS ACCESSIBILITY PROGRAM.—

(1) IN GENERAL.—The Secretary may make grants under this subsection to assist eligible entities in financing capital projects to upgrade accessibility for persons with disabilities by increasing the number of covered stations that meet (including exceeding) the new construction standards of title II of the

Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.).

(2) ELIGIBLE COSTS.—A grant awarded under this section shall be used on a covered system for the purpose described in paragraph (1) only—

(A) for a project to repair, improve, or relocate station infrastructure at a covered station;

(B) to develop or modify a plan for pursuing public transportation accessibility projects; or

(C) to carry out other projects at covered stations that meet (including exceeding) the new construction standards of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.).

(3) ELIGIBLE FACILITIES.—The Secretary—

(A) may not provide a grant awarded under this subsection to upgrade a station that is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, consistent with current new construction standards under title II the Americans with Disabilities Act of 1990 (42 U.S.C. 1231 et seq.); and

(B) may provide a grant to upgrade a station that is not accessible and usable as described in paragraph (1), even if related services, programs, or activities, when viewed in entirety, are readily accessible and usable as so described.

(4) APPLICATION.—To apply for a grant under this subsection, an applicant shall provide to the Secretary such information as the Secretary may require, including, at a minimum, information on—

(A) the extent to which the proposed project will increase the accessibility of a covered system;

(B) projected improvements in access to jobs, community activities, and essential destinations provided by such project;

(C) the applicant's plans to—

(i) enhance the customer experience and maximize accessibility of rolling stock and stations for individuals with disabilities;

(ii) improve the operations of, provide efficiencies of service to, and enhance the public transportation system for individuals with disabilities; and

(iii) address equity of service to all riders regardless of ability, including for riders of differing abilities that are low-income, seniors, or riders from communities of color; and

(D) coordination between the applicant and disability advocacy entities.

(5) FEDERAL SHARE.—The Federal share of the net project cost of a grant provided under this subsection shall be 90 percent. The recipient may provide additional local matching amounts.

(6) GRANT REQUIREMENTS.—Except as otherwise provided under this subsection, a grant provided under this subsection shall be subject to the requirements of section 5307 of title 49, United States Code.

(7) GRANT SOLICITATION.—The Secretary may provide funds authorized under this subsection through 1 or more notices of funding opportunity.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Mass Transit Account $1,000,000,000 for fiscal year 2022 to provide grants under this subsection.

(9) AVAILABILITY OF AMOUNTS.—Amounts made available under this subsection shall be avail-

able for a period of 4 fiscal years after the fiscal year in which the amount is made available.

(10) DEFINITIONS.—In this section:

(A) COVERED STATION.—The term ''covered station'' means a rail fixed guideway public transportation station for passenger use constructed prior to the date of enactment of this Act.

(B) COVERED SYSTEM.—The term ''covered system'' means a rail fixed guideway public transportation system that was in operation before July 26, 1990.

(C) DISABILITY.—The term ''disability'' has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(D) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or local governmental authority that operates a rail fixed guideway public transportation system that was in operation before July 26, 1990.

(b) REDUCING TRANSIT DESERTS.—

(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients for

eligible projects to establish new bus service or increase the frequency of bus service.

(2) ELIGIBLE PROJECTS.—Eligible projects under this subsection are projects in eligible areas—

(A) to establish or enhance bus service with headways equal to or shorter than 20 minutes for at least 18 hours per day in neighborhoods lacking such service; or

(B) to establish or increase express lane transit service that connects communities to jobs and essential destinations, as long as such service will improve mobility or expand affordable transportation options in underserved communities.

(3) ELIGIBLE COSTS.—Eligible costs under this section include—

(A) acquisition of vehicles;

(B) acquisition, installation, and construction of bus stops, stations, and related infrastructure;

(C) construction or expansion of maintenance facilities to support the new or enhanced service;

(D) maintenance activities to support the expanded service; and

(E) operating expenses for up to 2 years beginning on the first day of revenue service.

(4) APPLICATION.—To apply for a grant under this subsection, an applicant shall provide to the Secretary such information as the Secretary may require, including information on the extent to which the project will—

(A) provide reliable and frequent connections to jobs and essential destinations;

(B) reduce air pollution and greenhouse gas emissions; and

(C) support unserved and underserved populations and communities.

(5) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the net project cost of a capital project carried out using a grant under this subsection shall be 80 percent. The recipient may provide additional local matching amounts.

(B) OPERATING COSTS.—The Federal share of net operating costs for a project carried out using a grant under this subsection shall be not more than 50 percent.

(6) GRANT REQUIREMENTS.—

(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307 of title 49, United States Code, for eligible recipients, except operating expenses shall be eligible for funding under this subsection for 2 years beginning on the first day of revenue service in urbanized areas with populations greater than 200,000.

(B) NEW OR ENHANCED SERVICE.—The new or enhanced service funded under this subsection shall be operated for a period of at least 5 years.

(7) GRANT SOLICITATION.—The Secretary may provide funds authorized under this subsection through 1 or more notices of funding opportunity.

(8) JUSTICE40 INITIATIVE.—In making competitive grants under this subsection, the Secretary shall, to the extent practicable, have a goal that 40 percent of the overall benefits of the Federal investment flow to disadvantaged communities, consistent with sections 219 and 223 of Executive Order 14008 and related regulations, Executive Orders, and administrative guidance.

(9) AVAILABILITY OF AMOUNTS.—Any amounts made available under this subsection—

(A) shall remain available for 2 fiscal years after the fiscal year for which the amount is made available; and

(B) that remain unobligated at the end of the period described in subparagraph (A) shall be made available to other eligible projects.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Mass Transit Account $1,000,000,000 for fiscal year 2022 to provide grants under this subsection.

(11) DEFINITIONS.—In this subsection:

(A) ELIGIBLE AREA.—The term ''eligible area'' means a neighborhood or service area, as defined by the Secretary, within an urbanized area that has a population of more than 100,000 where fewer than 45,000 annual fixed route bus vehicle revenue miles per square mile are operated.

(B) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means—

(i) designated recipients that allocate funds to fixed route bus operators or express lane transit operators; or

(ii) State or local governmental entities that operate or propose to operate

fixed route bus service or express lane transit.

(C) EXPRESS LANE TRANSIT.—The term ''express lane transit'' means an integrated combination of bus rapid transit and tolled managed lanes that allows for limited access entry of toll paying vehicles to restricted lanes, while prioritizing transit's need and use of available capacity in order to improve transit performance.

(c) FEDERAL SHARE ADJUSTMENTS.—

(1) IN GENERAL.—In addition to amounts made available under section 5338(b) of title 49, United States Code, and section 102(a)(2)(B)(iii) of this division, there are authorized to be appropriated for fiscal year 2022 such sums as may be necessary to increase the Federal share, at the request of the project sponsor, of a new fixed guideway, a core capacity improvement, or a small starts project that is not open to revenue service and that has received an allocation of funding in fiscal years 2019, 2020, or 2021.

(2) CONSIDERATIONS.—In making allocations under subparagraph (1), the Secretary shall take into consideration the extent to which the project

sponsor demonstrates a need for a higher Federal share, including the extent to which—

(A) a project sponsor made a local financial commitment that exceeded the required non-Federal share of the cost of the project;

(B) a project sponsor has experienced, as a result of the coronavirus public health emergency, a loss of non-Federal revenues that were intended to support the project.

(3) ADJUSTMENT.—Notwithstanding any other provision of law, the Secretary may increase the Federal share of a project under this section by up to 30 percent, up to a maximum of an 80 percent Federal share.

(4) AMOUNT.—Amounts distributed under this subsection shall be provided notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project for a new fixed guideway, a core capacity improvement, or a small start project.

SEC. 105. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

(1) IN GENERAL.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 102, there is authorized to be appropriated from the Highway Account for fiscal year 2022, for activities under this subsection, $244,514,000.

(B) CONTRACT AUTHORITY.—Amounts authorized under subparagraph (A) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(C) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2022, obligations for activities authorized under this paragraph and obligations for activities authorized under section 102(a)(2)(A)(i)(II)(bb) that exceed amounts authorized under section 4001(a)(6) of the FAST Act (Public Law 114–94) shall not exceed $247,783,000.

(2) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2022 under paragraph (1) shall be distributed as follows:

(A) $105,000,000 for carrying out section 402 of title 23, United States Code.

(B) $15,312,000 for carrying out section 403 of title 23, United States Code.

(C) $19,202,000 for carrying out section 404 of title 23, United States Code.

(D) $105,000,000 for carrying out section 405 of title 23, United States Code.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Notwithstanding the apportionment formula set forth in section 402(c)(2) of title 23, United States Code, and section 403(f)(1) of title 23, United States Code, $2,500,000 of the total amount available for apportionment to the States for highway safety programs under section 402(c)(2) of title 23, United States Code, fiscal year 2022, shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

SEC. 106. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2022.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts authorized under section 102, there is authorized to be appropriated from the Highway Ac-

count for fiscal year 2022, for activities under this subsection, $209,900,000.

(B) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2022, obligations for activities authorized under this paragraph shall not exceed $209,900,000.

(2) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2022 under paragraph (1) shall be distributed as follows:

(A) Subject to section 31104(c) of title 49, United States Code—

(i) $80,512,000 for carrying out section 31102 (except subsection (l)) of title 49, United States Code);

(ii) $14,208,000 for carrying out section 31102(l) of title 49, United States Code; and

(iii) $23,680,000 for carrying out section 31313 of title 49, United States Code.

(B) $91,500,000 for carrying out section 31110 of title 49, United States Code.

(3) TREATMENT OF FUNDS.—Amounts made available under this section shall be made available

for obligation and administered as if made available under chapter 311 of title 49, United States Code.

(b) ADMINISTRATIVE EXPENSES.—The Administrator of the Federal Motor Carrier Safety Administration shall ensure that funds made available under subsection (a)(2)(B) are used, to the maximum extent practicable, to support—

(1) the acceleration of planned investments to modernize the Administration's information technology and information management systems;

(2) the completion of outstanding statutory mandates required by MAP–21 (112–141) and the FAST Act (114–94); and

(3) a Large Truck Crash Causal Factors Study of the Administration.

SEC. 107. MEMBER DESIGNATED PROJECT AUTHORIZATIONS.

(a) MEMBER DESIGNATED PROJECTS.—The amount listed for each member designated project in the table in subsection (c) shall be available (from amounts made available by paragraphs (1), (3), and (4) of section 103(c)) for fiscal year 2022 to carry out each such project.

(b) SAVINGS CLAUSE.—

(1) ADDITIONAL INFORMATION.—In administering member designated projects, the Secretary

shall consider the additional information provided in the Committee Report, or any subsequent report superceding such Committee Report, accompanying this Act.

(2) SUBSEQUENT PHASES.—

(A) IN GENERAL.—Subject to subparagraph (B), nothing in the table in subsection (c), or in the Committee Report, or any subsequent report superceding such Committee Report, accompanying this Act, shall prevent the Secretary, at the discretion of the Secretary, from allowing a subsequent phase of a member designated project to be carried out with funds reserved for such project under subsection (c).

(B) PROJECT SPONSOR CONCURRENCE.—The Secretary shall only allow under this paragraph a subsequent phase of a member designated project to be carried out with funds reserved for such project under subsection (c) with the concurrence of the project sponsor for such project listed in the Committee Report accompanying this Act,

(3) REPURPOSING.—Nothing in the table in subsection (c), or the Committee Report, or any subsequent report superceding such Committee Report,

accompanying this Act, shall prevent funds reserved for a member designated project from being repurposed as described in section 103(i)(2), provided that all requirements in such section are satisfied.

(c) PROJECT DESIGNATIONS.—[To be supplied.]

DIVISION B—SURFACE TRANSPORTATION

SEC. 1001. APPLICABILITY OF DIVISION.

(a) APPLICABILITY.—This division, including the amendments made by this division, applies beginning on October 1, 2022.

(b) REFERENCE TO DATE OF ENACTMENT.—In this division and the amendments made by this division, any reference to—

(1) the date of enactment of this Act;

(2) the date of enactment of a provision of this division;

(3) the date of enactment of a provision added to law by an amendment made by this division; or

(4) the date of enactment of the INVEST in America Act added to law by an amendment made by this division,

shall be treated as a reference to October 1, 2022.

(c) EXCEPTION FOR IMMEDIATE APPLICATION.—Subsections (a) and (b) shall not apply to the following sections and any amendments made by such sections:

(1) Section 1105.

(2) Section 1107.

(3) Section 1305.

(4) Subsections (c)(1) and (d) of section 2104.

(5) Section 2106.

(6) Section 2112.

(7) Section 2204(1)(A).

(8) Section 2305.

(9) Section 2307.

(10) Section 2902(2).

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the pre-disaster mitigation program under section 124 of

such title, the railway crossings program under section 130 of such title, the surface transportation program under section 133 of such title, the highway safety improvement program under section 148 of such title, the congestion mitigation and air quality improvement program under section 149 of such title, the clean corridors program under section 151 of such title, the national highway freight program under section 167 of such title, the carbon pollution reduction program under section 171 of such title, and metropolitan planning under section 134 of such title—

(A) $56,522,048,429 for fiscal year 2023;

(B) $57,480,646,776 for fiscal year 2024;

(C) $58,595,359,712 for fiscal year 2025; and

(D) $59,618,666,186 for fiscal year 2026.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $250,000,000 for each of fiscal years 2023 through 2026.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of

ferry boats and ferry terminal facilities under section 147 of title 23, United States Code, $120,000,000 for each of fiscal years 2023 through 2026.

(4) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code, $800,000,000 for each of fiscal years 2023 through 2026.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code, $555,000,000 for each of fiscal years 2023 through 2026.

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

(I) the amount for the National Park Service is $400,000,000 for each of fiscal years 2023 through 2026;

(II) the amount for the United States Fish and Wildlife Service is $50,000,000 for each of fiscal years 2023 through 2026;

(III) the amount for the United States Forest Service is $50,000,000 for each of fiscal years 2023 through 2026;

(IV) the amount for the Corps of Engineers is $16,000,000 for each of fiscal years 2023 through 2026;

(V) the amount for the Bureau of Land Management is $16,000,000 for each of fiscal years 2023 through 2026;

(VI) the amount for the Bureau of Reclamation is $16,000,000 for each of fiscal years 2023 through 2026; and

(VII) the amount for independent Federal agencies with natural resource and land management responsibilities is $7,000,000 for each of fiscal years 2023 through 2026.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $345,000,000 for each of fiscal years 2023 through 2026.

(D) FEDERAL LANDS AND TRIBAL MAJOR PROJECTS GRANTS.—To carry out section 208 of title 23, United States Code, $400,000,000 for each of fiscal years 2023 through 2026.

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, the amounts specified in paragraphs (1) and (2) of section 165(a) for each of fiscal years 2023 through 2026.

(6) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—For projects of national and regional significance under section 117 of title 23, United States Code, $3,000,000,000 for each of fiscal years 2023 through 2026.

(7) COMMUNITY TRANSPORTATION INVESTMENT GRANTS.—To carry out section 173 of title 23, United States Code, $600,000,000 for each of fiscal years 2023 through 2026.

(8) COMMUNITY CLIMATE INNOVATION GRANTS.—To carry out section 172 of title 23, United States Code, $250,000,000 for each of fiscal years 2023 through 2026.

(9) NATIONAL SCENIC BYWAYS PROGRAM.—To carry out section 162 of title 23, United States Code, $16,000,000 for each of fiscal year 2023 through 2026.

(10) REBUILD RURAL BRIDGES PROGRAM.— To carry out section 1307 of this Act, $250,000,000 for each of fiscal years 2023 through 2026.

(11) PARKING FOR COMMERCIAL MOTOR VEHICLES.—To carry out section 1308 of this Act, $250,000,000 for each of fiscal years 2023 through 2026.

(12) ACTIVE CONNECTED TRANSPORTATION GRANT PROGRAM.—To carry out section 1309 of this Act, $250,000,000 for each of fiscal years 2023 through 2026.

(13) WILDLIFE CROSSINGS PROGRAM.—To carry out section 1310 of this Act, $100,000,000 for each of fiscal years 2023 through 2026.

(14) RECONNECTING NEIGHBORHOODS PROGRAM.—To carry out section 1311 of this Act,

$750,000,000 for each of fiscal years 2023 through 2026.

(15) METRO PERFORMANCE PROGRAM.—To carry out section 1305 of this Act, $250,000,000 for each of fiscal years 2023 through 2026.

(16) GRIDLOCK REDUCTION GRANT PROGRAM.—To carry out section 1306 of this Act, $500,000,000 for fiscal year 2023.

(b) TREATMENT OF FUNDS.—Amounts made available under paragraphs (10) through (14) of subsection (a) shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) despite the real improvements caused by the disadvantaged business enterprise program, minority- and women-owned businesses across the country continue to confront serious and significant obstacles to success caused by race and gender discrimination in the federally assisted surface transportation market and related markets across the United States;

(B) the continuing race and gender discrimination described in subparagraph (A) mer-

its the continuation of the disadvantaged business enterprise program;

(C) recently, the disparities cause by discrimination against African American, Hispanic American, Asian American, Native American, and women business owners have been further exacerbated by the coronavirus pandemic and its disproportionate effects on minority- and women-owned businesses across the nation;

(D) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and other investigative activities, scientific reports, reports issued by public and private agencies at every level of government, news reports, academic publications, reports of discrimination by organizations and individuals, and discrimination lawsuits, which continue to demonstrate that race- and gender-neutral efforts alone are insufficient to address the problem;

(E) the testimony and documentation described in subparagraph (D) demonstrate that discrimination across the United States poses an injurious and enduring barrier to full and

fair participation in surface transportation-related businesses of women business owners and minority business owners and has negatively affected firm formation, development and success in many aspects of surface transportation-related business in the public and private markets; and

(F) the testimony and documentation described in subparagraph (D) provide a clear picture of the inequality caused by discrimination that continues to plague our nation and a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individ-

uals'' has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary of Transportation determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, II, V, and VII of this division and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (3) in the State, including the location of the small business concerns in the State; and

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary of Transportation shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

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

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary of Transportation shall establish minimum requirements for use by State governments in reporting to the Secretary—

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

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, V, and VII of this division and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds

that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUBCONTRACTORS.—It is the sense of Congress that—

(A) the Secretary of Transportation should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the Department of Transportation's ability to track and keep records of complaints and to make that information publicly available.

(d) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Funds provided under this section may not be used in awarding or exercising an option on a previously awarded contract, a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is

otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term ''otherwise related legally or financially'' does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

SEC. 1102. OBLIGATION LIMITATION.

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

(1) [To be supplied.] for fiscal year 2023;

(2) [To be supplied.] for fiscal year 2024;

(3) [To be supplied.] for fiscal year 2025; and

(4) [To be supplied.] for fiscal year 2026.

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

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

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

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

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

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

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

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

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

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

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

(12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but

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

(13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2022, only in an amount equal to $639,000,000 for each of those fiscal years);

(14) section 203 of title 23, United States Code (but, for fiscal years 2023 through 2026, only in an amount equal to $550,000,000 for each of those fiscal years); and

(15) section 133(d)(1)(B) of title 23, United States Code (but, for fiscal years 2023 through 2026, only in an amount equal to $89,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (1)(B), for each of fiscal years 2023 through 2026, the Secretary of Transportation—

(1)(A) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

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

(ii) amounts authorized for the Bureau of Transportation Statistics;

(iii) amounts authorized for the tribal transportation program under section 202 of title 23, United States Code; and

(iv) amounts authorized for the territorial and Puerto Rico highway program under section 165(a) of title 23, United States Code; and

(B) for each of fiscal years 2023 through 2026, in addition to the amounts described in subparagraph (A), shall not distribute obligation authority provided by subsection (a) for the fiscal year for amounts authorized for the metro performance program under section 1305 of this Act;

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

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years, the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of—

(i) the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs, other than sums authorized to be appropriated for—

(I) provisions of law described in paragraphs (1) through (13) of subsection (b);

(II) section 203 of title 23, United States Code, equal to the amount referred to in subsection (b)(14) for the fiscal year; and

(III) section 133(d)(1)(B) of title 23, United States Code, equal to the amount referred to in subsection (b)(15) for the fiscal year; less

(ii) the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of such title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the surface transportation program in section 133(d)(1)(B) of title 23, United States Code, that are exempt from the limitation under subsection (b)(15) and the amounts appor-

tioned under sections 202 and 204 of such title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary of Transportation shall, after August 1 of each of fiscal years 2023 through 2026—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code.

(e) SPECIAL LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for—

(A) transportation research programs carried out under chapter 5 of title 23, United States Code, and title V of this Act; and

(B) the metro performance program under section 1305 of this Act.

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

(A) remain available for a period of 4 fiscal years; and

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

(f) LOP-OFF.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2023 through 2026, the Secretary of Transportation shall distribute to the States any funds that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

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

SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.

Section 101 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34) as paragraphs (2), (4), (5), (7), (9), (11), (12), (13),

(14), (15), (17), (18), (19), (20), (21), (22), (24), (25), (26), (27), (29), (30), (33), (34), (35), (36), (37), (38), (39), (43), (44), (45), (46), and (47), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) ADAPTATION.—The term 'adaptation' means an adjustment in natural or human systems in anticipation of, or in response to, a changing environment in a way that moderates negative effects of extreme events or climate change.'';

(C) by inserting before paragraph (4), as so redesignated, the following:

''(3) AREAS OF PERSISTENT POVERTY.—The term 'areas of persistent poverty' means—

''(A) any county that has had 20 percent or more of the population of such county living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

''(B) any census tract with a poverty rate of at least 20 percent, as measured by the most recent 5-year data series available from the

American Community Survey of the Bureau of the Census for all States and Puerto Rico; or

"(C) any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses, or equivalent data, of the Bureau of the Census.".

(D) by inserting after paragraph (5), as so redesignated, the following:

"(6) CLIMATE CHANGE.—The term 'climate change' means any significant change in the measures of climate lasting for an extended period of time, and may include major changes in temperature, precipitation, wind patterns, or sea level, among others, that occur over several decades or longer.";

(E) in paragraph (7)(A), as so redesignated, by inserting "assessing resilience," after "surveying,";

(F) by inserting after paragraph (7), as so redesignated, the following:

"(8) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The term 'context sensitive design prin-

ciples' means principles for the design of a public road that—

"(A) provides for the safe and adequate accommodation, in all phases of project planning, design, and development, transportation facilities for users, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles; and

"(B) considers the context in which the facility is planned to be constructed to determine the appropriate facility design.";

(G) by inserting after paragraph (9), as so redesignated, the following:

"(10) EVACUATION ROUTE.—The term 'evacuation route' means a transportation route or system that—

"(A) is used to transport—

"(i) the public away from an emergency event; or

"(ii) first responders and recovery resources in the event of an emergency; and

"(B) is identified, consistent with sections 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the eligible entity with jurisdiction over the area in

which the route is located for the purposes described in subparagraph (A).'';

(H) by inserting after paragraph (15), as so redesignated, the following:

''(16) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)).'';

(I) by inserting after paragraph (21), as so redesignated, the following:

''(23) NATURAL INFRASTRUCTURE.—

''(A) IN GENERAL.—The term 'natural infrastructure' means infrastructure that uses, restores, or emulates natural ecological processes that—

''(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

''(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

''(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials

appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.

"(B) INCLUSION.—The term 'natural infrastructure' includes green infrastructure and nature-based solutions.";

(J) by inserting after paragraph (27), as so redesignated, the following:

"(28) PROTECTIVE FEATURE.—

"(A) IN GENERAL.—The term 'protective feature' means an improvement to a highway, bridge, or other transportation facility designed to increase resilience or mitigate the risk of recurring damage or the cost of future repairs from climate change effects (including sea level rise), flooding, and extreme events or other natural disasters (including wildfires, seismic activity, and landslides).

"(B) INCLUSIONS.—The term 'protective feature' includes—

"(i) raising roadway grades;

"(ii) relocating roadways to higher ground above projected flood elevation levels or away from slide prone areas;

"(iii) stabilizing slide areas;

"(iv) stabilizing slopes;

"(v) lengthening or raising bridges to increase waterway openings;

"(vi) increasing the size or number of drainage structures;

"(vii) replacing culverts with bridges or upsizing culverts;

"(viii) installing seismic retrofits on bridges;

"(ix) scour, stream stability, coastal, and other hydraulic countermeasures;

"(x) the use of natural infrastructure;

"(xi) integration of the use of traditional and natural infrastructure features;

"(xii) undergrounding public utilities in the course of other infrastructure improvements eligible under this title; and

"(xiii) permeable pavements for stormwater management.";

(K) by inserting after paragraph (30), as so redesignated, the following:

"(31) REPEATEDLY DAMAGED FACILITY.—The term 'repeatedly damaged facility' means a road, highway, or bridge that has required repair and re-

construction activities on 2 or more occasions due to natural disasters or catastrophic failures resulting in emergencies declared by the Governor of the State in which the road, highway, or bridge is located or emergencies or major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(32) RESILIENCE.—

"(A) IN GENERAL.—The term 'resilience' means, with respect to a facility, the ability to—

"(i) anticipate, prepare for, or adapt to conditions; or

"(ii) withstand, respond to, or recover rapidly from disruptions.

"(B) INCLUSIONS.—Such term includes, with respect to a facility, the ability to—

"(i) resist hazards or withstand impacts from disruptions;

"(ii) reduce the magnitude, duration, or impact of a disruption; or

"(iii) have the absorptive capacity, adaptive capacity, and recoverability to decrease vulnerability to a disruption."; and

(L) by inserting after paragraph (36), as so redesignated, the following:

"(40) TRANSPORTATION DEMAND MANAGEMENT; TDM.—The terms 'transportation demand management' and 'TDM' mean the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system leading to improved mobility, reduced congestion, and lower vehicle emissions.

"(41) TRANSPORTATION DEMAND MANAGEMENT STRATEGIES.—The term 'transportation demand management strategies' means the use of planning, programs, policy, marketing, communications, incentives, pricing, data, and technology to shift travel mode, routes used, departure times, number of trips, and location and design work space or public attractions.

"(42) TRANSPORTATION SYSTEM ACCESS.—The term 'transportation system access' means the ability to travel by automobile, public transportation, pedestrian, and bicycle networks, measured by travel time, taking into consideration—

"(A) the impacts of the level of travel stress for non-motorized users;

"(B) costs for low-income travelers; and

"(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that effect the affordability, elasticity, and diversity of the housing supply."; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "Defense," and inserting "Defense Highways,";

(B) in paragraph (3)—

(i) in subparagraph (A) by striking "Century" and inserting "century";

(ii) in subparagraph (G) by striking "; and" and inserting a semicolon;

(iii) in subparagraph (H) by striking "Century." and inserting "century;"; and

(iv) by adding at the end the following:

"(I) safety is the highest priority of the Department of Transportation, and the Secretary and States should take all actions necessary to meet the transportation needs of the 21st century for all road users;

"(J) climate change presents a significant risk to safety, the economy, and national security, and reducing the contributions of the

transportation system to the Nation's total carbon pollution is critical; and

"(K) the Secretary and States should take appropriate measures and ensure investments to increase the resilience of the Nation's transportation system."; and

(C) in paragraph (4)(A) by inserting "while ensuring that environmental protections are maintained" after "review process".

SEC. 1104. APPORTIONMENT.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by striking subparagraphs (A) through (E) and inserting the following:

"(A) $530,000,000 for fiscal year 2023;

"(B) $543,000,000 for fiscal year 2024;

"(C) $557,000,000 for fiscal year 2025; and

"(D) $572,000,000 for fiscal year 2026.";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment appor-

tioned to a State for a fiscal year under subsection (c) among the covered programs as follows:

"(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 55.09 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

"(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, 28.43 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

"(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 6.19 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

"(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

"(i) $2,913,925,833 for fiscal year 2023;

"(ii) $2,964,919,535 for fiscal year 2024;

"(iii) $3,024,217,926 for fiscal year 2025; and

"(iv) $3,078,653,849 for fiscal year 2026.

"(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

"(i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to

"(ii) the total amount of funds apportioned to all States for such program for fiscal year 2020.

"(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—For the national highway freight program, 3.38 percent of the amount remaining after distrib-

uting amounts under paragraphs (4), (6), (7), and (10).

"(6) METROPOLITAN PLANNING.—

"(A) IN GENERAL.—For metropolitan planning, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States shall be—

"(i) $507,500,000 for fiscal year 2023;

"(ii) $516,381,250 for fiscal year 2024;

"(iii) $526,708,875 for fiscal year 2025; and

"(iv) $536,189,635 for fiscal year 2026.

"(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for metropolitan planning under subparagraph (B) so that each State receives an amount equal to the proportion that—

"(i) the amount apportioned to the State for metropolitan planning for fiscal year 2020; bears to

"(ii) the total amount of funds apportioned to all States for metropolitan planning for fiscal year 2020.

"(7) RAILWAY CROSSINGS.—

"(A) IN GENERAL.—For the railway crossings program, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for the railway crossings program for all States shall be $245,000,000 for each of fiscal years 2023 through 2026.

"(C) STATE SHARE.—

"(i) IN GENERAL.—For each fiscal year, the Secretary shall distribute among the States the amount for the railway crossings program under subparagraph (B) as follows:

"(I) 50 percent of the amount for a fiscal year shall be apportioned to States by the formula set forth in section 104(b)(3)(A) (as in effect on the day before the date of enactment of MAP–21).

"(II) 50 percent of the amount for a fiscal year shall be apportioned

to States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

"(ii) MINIMUM APPORTIONMENT.—Notwithstanding clause (i), for each fiscal year, each State shall receive a minimum of one-half of 1 percent of the total amount for the railway crossings program for such fiscal year under subparagraph (B).

"(8) PREDISASTER MITIGATION PROGRAM.—For the predisaster mitigation program, 2.96 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

"(9) CARBON POLLUTION REDUCTION PROGRAM.—For the carbon pollution reduction program, 3.95 percent of the amount remaining after distributing amounts under paragraphs (4), (6), (7), and (10).

"(10) CLEAN CORRIDORS.—

"(A) IN GENERAL.—For the clean corridors program, an amount determined for the State under subparagraphs (B) and (C).

"(B) TOTAL AMOUNT.—The total amount for the clean corridors program for all States shall be $1,000,000,000 for each of fiscal years 2023 through 2026.

"(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total amount for the clean corridors program under subparagraph (B) so that each State receives the amount equal to the proportion that—

"(i) the total base apportionment determined for the State under subsection (c); bears to

"(ii) the total base apportionments for all States under subsection (c).

"(c) CALCULATION OF AMOUNTS.—

"(1) STATE SHARE.—For each of fiscal years 2023 through 2026, the amount for each State shall be determined as follows:

"(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

"(i) each of—

"(I) the base apportionment; and

"(II) supplemental funds reserved under subsection (h)(1) for the highway safety improvement program; by

"(ii) the share for each State, which shall be equal to the proportion that—

"(I) the amount of apportionments that the State received for fiscal year 2020; bears to

"(II) the amount of those apportionments received by all States for fiscal year 2020.

"(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

"(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2023 through 2026, the Secretary shall apportion the sums authorized to be appro-

priated for expenditure on the covered programs in accordance with paragraph (1).";

(3) in subsection (d)(1)(A)—

(A) in clause (i) by striking "paragraphs (5)(D) and (6) of subsection (b)" and inserting "subsection (b)(6)"; and

(B) in clause (ii) by striking "paragraphs (5)(D) and (6) of subsection (b)" and inserting "subsection (b)(6)"; and

(4) by striking subsections (h) and (i) and inserting the following:

"(h) SUPPLEMENTAL FUNDS.—

"(1) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the highway safety improvement program under section 148 $500,000,000 for each of fiscal years 2023 through 2026 for the purpose of the safe streets set-aside under section 148(m).

"(2) TREATMENT OF FUNDS.—Funds reserved under paragraph (1) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(3), and shall be in addition to amounts apportioned under such subsection.

"(i) DEFINITIONS.—In this section:

"(1) BASE APPORTIONMENT.—The term 'base apportionment' means—

"(A) the combined amount authorized for the covered programs; minus

"(B) the supplemental funds reserved under subsection (h) for the highway safety improvement program.

"(2) COVERED PROGRAMS.—The term 'covered programs' means—

"(A) the national highway performance program under section 119;

"(B) the surface transportation program under section 133;

"(C) the highway safety improvement program under section 148;

"(D) the congestion mitigation and air quality improvement program under section 149;

"(E) the national highway freight program under section 167;

"(F) metropolitan planning under section 134;

"(G) the railway crossings program under section 130;

"(H) the predisaster mitigation program under section 124;

"(I) the carbon pollution reduction program under section 171; and

"(J) the clean corridors program under section 151.".

(b) FEDERAL SHARE PAYABLE.—Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking "(5)(D),"; and

(2) in subparagraph (C)(i) by striking "(5)(D),".

(c) METROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 134(p) of title 23, United States Code, is amended by striking "paragraphs (5)(D) and (6) of section 104(b)" and inserting "section 104(b)(6)".

(d) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 135(i) of title 23, United States Code, is amended by striking "paragraphs (5)(D) and (6) of section 104(b)" and inserting "section 104(b)(6)".

(e) METROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5303(p) of title 49, United States Code, is amended by striking "section 104(b)(5)" and inserting "section 104(b)(6)".

SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

Section 105 of title 23, United States Code, is amended—

(1) in subsection (a) by striking ''FAST Act'' and inserting ''INVEST in America Act'';

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking ''to be appropriated'' each place it appears; and

(B) by adding at the end the following:

''(4) SPECIAL RULE.—

''(A) ADJUSTMENT.—In making an adjustment under paragraph (1) for an allocation, reservation, or set-aside from an amount authorized from the Highway Account or Mass Transit Account described in subparagraph (B), the Secretary shall—

''(i) determine the ratio that—

''(I) the amount authorized to be appropriated for the allocation, reservation, or set-aside from the account for the fiscal year; bears to

''(II) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

"(ii) multiply the ratio determined under clause (i) by the amount of the adjustment determined under subsection (b)(1)(B); and

"(iii) adjust the amount that the Secretary would have allocated for the allocation, reservation, or set-aside for such fiscal year but for this section by the amount calculated under clause (ii).

"(B) ALLOCATIONS, RESERVATIONS, AND SET-ASIDES.—The allocations, reservations, and set-asides described in this subparagraph are—

"(i) from the amount made available for a fiscal year for the Federal lands transportation program under section 203, the amounts allocated for a fiscal year for the National Park Service, the United States Fish and Wildlife Service, the United States Forest Service, the Corps of Engineers, the Bureau of Land Management, the Bureau of Reclamation, and independent Federal agencies with natural resource and land management responsibilities;

"(ii) the amount made available for the Puerto Rico highway program under section 165(a)(1);

"(iii) the amount made available for the territorial highway program under section 165(a)(2);

"(iv) from the amounts made available for a fiscal year for the urbanized areas formula grants under section 5307 of title 49, the amounts allocated for a fiscal year for the passenger ferry grant program under section 5307(h) of such title;

"(v) from the amounts made available for a fiscal year for the formula grants for rural areas under section 5311 of such title, the amounts allocated for a fiscal year for public transportation on Indian reservations;

"(vi) from the amounts made available for a fiscal year for the public transportation innovation program under section 5312 of such title—

"(I) the amounts allocated for the zero emission vehicle component

assessment under section 5312(h) of such title; and

"(II) the amounts allocated for the transit cooperative research program under section 5312(i) of such title;

"(vii) from the amounts made available for a fiscal year for the technical assistance and workforce development program of section 5314 of such title, the amounts allocated for the national transit institute under section 5314(c) of such title;

"(viii) from the amounts made available for a fiscal year for the bus and bus facilities program under section 5339 of such title, the amounts allocated for a fiscal year for the zero emission grants under section 5339(c) of such title;

"(ix) the amounts made available for growing States under section 5340(c) of such title; and

"(x) the amounts made available for high density states under section 5340(d) of such title.";

(3) in subsection (d) by inserting ''and section 5324 of title 49'' after ''section 125'';

(4) in subsection (e)—

(A) by striking ''There is authorized'' and inserting ''For fiscal year 2023 and each fiscal year thereafter, there is authorized''; and

(B) by striking ''for any of fiscal years 2017 through 2020''; and

(5) in subsection (f)(1) by striking ''section 1102 or 3018 of the FAST Act'' and inserting ''any other provision of law''.

SEC. 1106. TRANSPARENCY.

(a) APPORTIONMENT.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—The Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

''(B) USER FRIENDLY DATA.—The data compiled under subparagraph (A) shall be in a user friendly format that can be searched,

1 downloaded, disaggregated, and filtered by data
2 category.
3 ''(2) PROJECT DATA.—
4 ''(A) IN GENERAL.—Not later than 120
5 days after the end of each fiscal year, the Sec-
6 retary shall make available on the website of
7 the Department of Transportation a report that
8 describes—
9 ''(i) the location of each active project
10 within each State during such fiscal year,
11 including in which congressional district or
12 districts such project is located;
13 ''(ii) the total cost of such project;
14 ''(iii) the amount of Federal funding
15 obligated for such project;
16 ''(iv) the program or programs from
17 which Federal funds have been obligated
18 for such project;
19 ''(v) whether such project is located in
20 an area of the State with a population of—
21 ''(I) less than 5,000 individuals;
22 ''(II) 5,000 or more individuals
23 but less than 50,000 individuals;
24 ''(III) 50,000 or more individuals
25 but less than 200,001 individuals; or

"(IV) greater than 200,000 individuals;

"(vi) whether such project is located in an area of persistent poverty;

"(vii) the type of improvement being made by such project, including categorizing such project as—

"(I) a road reconstruction project;

"(II) a new road construction project;

"(III) a new bridge construction project;

"(IV) a bridge rehabilitation project; or

"(V) a bridge replacement project; and

"(viii) the functional classification of the roadway on which such project is located.

"(B) INTERACTIVE MAP.—In addition to the data made available under subparagraph (A), the Secretary shall make available on the website of the Department of Transportation an interactive map that displays, for each active

project, the information described in clauses (i) through (v) of subparagraph (A).

"(3) STATE DATA.—

"(A) APPORTIONED AND ALLOCATED PROGRAMS.—The website described in paragraph (2)(A) shall be updated annually to display the Federal-aid highway funds apportioned and allocated to each State under this title, including—

"(i) the amount of funding available for obligation by the State, including prior unobligated balances, at the start of the fiscal year;

"(ii) the amount of funding obligated by the State during such fiscal year;

"(iii) the amount of funding remaining available for obligation by the State at the end of such fiscal year; and

"(iv) changes in the obligated, unexpended balance for the State.

"(B) PROGRAMMATIC DATA.—The data described in subparagraph (A) shall include—

"(i) the amount of funding by each apportioned and allocated program for

which the State received funding under this title;

"(ii) the amount of funding transferred between programs by the State during the fiscal year using the authority provided under section 126; and

"(iii) the amount and program category of Federal funds exchanged as described in section 106(g)(6).

"(4) DEFINITIONS.—In this subsection:

"(A) ACTIVE PROJECT.—

"(i) IN GENERAL.—The term 'active project' means a Federal-aid highway project using funds made available under this title on which those funds were obligated or expended during the fiscal year for which the estimated total cost as of the start of construction is greater than $5,000,000.

"(ii) EXCLUSION.—The term 'active project' does not include any project for which funds are transferred to agencies other than the Federal Highway Administration.

"(B) INTERACTIVE MAP.—The term 'interactive map' means a map displayed on the public website of the Department of Transportation that allows a user to select and view information for each active project, State, and congressional district.

"(C) STATE.—The term 'State' means any of the 50 States or the District of Columbia.".

(b) PROJECT APPROVAL AND OVERSIGHT.—Section 106 of title 23, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (4) by striking subparagraph (B) and inserting the following:

"(B) ASSISTANCE TO STATES.—The Secretary shall—

"(i) develop criteria for States to use to make the determination required under subparagraph (A); and

"(ii) provide training, guidance, and other assistance to States and subrecipients as needed to ensure that projects administered by subrecipients comply with the requirements of this title.

"(C) PERIODIC REVIEW.—The Secretary shall review, not less frequently than every 2

years, the monitoring of subrecipients by the States.''; and

(B) by adding at the end the following:

''(6) FEDERAL FUNDING EXCHANGE PROGRAMS.—

''(A) IN GENERAL.—If a State allows a subrecipient to exchange Federal funds provided under this title that are allocated to such subrecipient for State or local funds, the State must certify to the Secretary that the State—

''(i) has prevailing wage requirements that are comparable to the requirements under section 113 that apply to the use of such State or local funds; and

''(ii) shall ensure that the prevailing wage requirements described in clause (i) apply to the use of such State or local funds.

''(B) APPLICABILITY.—The requirements of this paragraph shall apply only if the requirements of section 113 would be applicable to a covered project if such project was carried out using Federal funds.

''(C) COVERED PROJECT DEFINED.—In this paragraph, the term 'covered project'

means a project carried out with exchanged State or local funds as described in subparagraph (A).'';

(2) in subsection (h)(3)—

(A) in subparagraph (B) by striking '', as determined by the Secretary,''; and

(B) in subparagraph (D) by striking ''shall assess'' and inserting ''in the case of a project proposed to be advanced as a public-private partnership, shall include a detailed value for money analysis or comparable analysis to determine''; and

(3) by adding at the end the following:

''(k) MEGAPROJECTS.—

''(1) COMPREHENSIVE RISK MANAGEMENT PLAN.—To be authorized for the construction of a megaproject, the recipient of Federal financial assistance under this title for such megaproject shall submit to the Secretary a comprehensive risk management plan that contains—

''(A) a description of the process by which the recipient will identify, quantify, and monitor the risks, including natural hazards, that might result in cost overruns, project delays, reduced

construction quality, or reductions in benefits with respect to the megaproject;

"(B) examples of mechanisms the recipient will use to track risks identified pursuant to subparagraph (A);

"(C) a plan to control such risks; and

"(D) such assurances as the Secretary determines appropriate that the recipient shall, with respect to the megaproject—

"(i) regularly submit to the Secretary updated cost estimates; and

"(ii) maintain and regularly reassess financial reserves for addressing known and unknown risks.

"(2) PEER REVIEW GROUP.—

"(A) IN GENERAL.—Not later than 90 days after the date on which a megaproject is authorized for construction, the recipient of Federal financial assistance under this title for such megaproject shall establish a peer review group for such megaproject that consists of at least 5 individuals (including at least 1 individual with project management experience) to give expert advice on the scientific, technical,

and project management aspects of the megaproject.

"(B) MEMBERSHIP.—

"(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish guidelines describing how a recipient described in subparagraph (A) shall—

"(I) recruit and select members for a peer review group established under such subparagraph; and

"(II) make publicly available the criteria for such selection and identify the members so selected.

"(ii) CONFLICT OF INTEREST.—No member of a peer review group for a megaproject may have a direct or indirect financial interest in such megaproject.

"(C) TASKS.—A peer review group established under subparagraph (A) by a recipient of Federal financial assistance for a megaproject shall—

"(i) meet annually until completion of the megaproject;

"(ii) not later than 90 days after the date of the establishment of the peer review group and not later than 90 days after the date of any significant change, as determined by the Secretary, to the scope, schedule, or budget of the megaproject, review the scope, schedule, and budget of the megaproject, including planning, engineering, financing, and any other elements determined appropriate by the Secretary; and

"(iii) submit to the Secretary, Congress, and such recipient a report on the findings of each review under clause (ii).

"(3) TRANSPARENCY.—Not later than 90 days after the submission of a report under paragraph (2)(C)(iii), the Secretary shall publish on the website of the Department of Transportation such report.

"(4) MEGAPROJECT DEFINED.—In this subsection, the term 'megaproject' means a project under this title that has an estimated total cost of $2,000,000,000 or more, and such other projects as may be identified by the Secretary.

"(l) SPECIAL EXPERIMENTAL PROJECTS.—

"(1) PUBLIC AVAILABILITY.—The Secretary shall publish on the website of the Department of

Transportation a copy of all letters of interest, proposals, workplans, and reports related to the special experimental project authority pursuant to section 502(b). The Secretary shall redact confidential business information, as necessary, from any such information published.

"(2) NOTIFICATION.—Not later than 3 days before making a determination to proceed with an experiment under a letter of interest described in paragraph (1), the Secretary shall provide notification and a description of the proposed experiment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

"(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—

"(A) a summary of each experiment described in this subsection carried out over the previous 5 years; and

"(B) legislative recommendations, if any, based on the findings of such experiments.

"(m) COMPETITIVE GRANT PROGRAM OVERSIGHT AND ACCOUNTABILITY.—

"(1) IN GENERAL.—To ensure the accountability and oversight of the discretionary grant selection process administered by the Secretary, a covered program shall be subject to the requirements of this section, in addition to the requirements applicable to each covered program.

"(2) APPLICATION PROCESS.—The Secretary shall—

"(A) develop a template for applicants to use to summarize—

"(i) project needs and benefits; and

"(ii) any factors, requirements, or considerations established for the applicable covered program;

"(B) create a data driven process to evaluate, as set forth in the covered program, each eligible project for which an application is received; and

"(C) make a determination, based on the evaluation made pursuant to subparagraph (B), on any ratings, rankings, scores, or similar

metrics for applications made to the covered program.

"(3) NOTIFICATION OF CONGRESS.—Not less than 15 days before making a grant for a covered program, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate of—

"(A) the amount for each project proposed to be selected;

"(B) a description of the review process;

"(C) for each application, the determination made under paragraph (2)(C); and

"(D) a detailed explanation of the basis for each award proposed to be selected.

"(4) NOTIFICATION OF APPLICANTS.—Not later than 30 days after making a grant for a project under a covered program, the Secretary shall send to all applicants under such covered program, and publish on the website of the Department of Transportation—

"(A) a summary of each application made to the covered program for the given round of funding; and

"(B) the evaluation and justification for the project selection, including all ratings, rankings, scores, or similar metrics for applications made to the covered program for the given round of funding during each phase of the grant selection process.

"(5) BRIEFING.—The Secretary shall provide, at the request of a grant applicant of a covered program, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

"(6) TEMPLATE.—The Secretary shall, to the extent practicable, develop a template as described in paragraph (2)(A) for any discretionary program administered by the Secretary that is not a covered program.

"(7) COVERED PROGRAM DEFINED.—The term 'covered program' means each of the following discretionary grant programs:

"(A) Community climate innovation grants under section 172.

"(B) Federal lands and tribal major projects grants under section 208.

"(C) Mobility through advanced technologies grants under section 503(c)(4).

"(D) Rebuild rural bridges program under section 1307 of the INVEST in America Act.

"(E) Parking for commercial motor vehicle grants under section 1308 of the INVEST in America Act.

"(F) Active connected transportation grants under section 1309 of the INVEST in America Act.

"(G) Wildlife crossings grants under section 1310 of the INVEST in America Act.

"(H) Reconnecting neighborhoods capital construction grants under section 1311(d) of the INVEST in America Act.".

(c) DIVISION OFFICE CONSISTENCY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) analyzes the consistency of determinations among division offices of the Federal Highway Administration; and

(2) makes recommendations to improve the consistency of such determinations.

(d) IMPROVING RISK BASED STEWARDSHIP AND OVERSIGHT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal

Highway Administration shall reference U.S. DOT Office of Inspector General Report No. ST2020035 and take the following actions, as necessary, to improve the risk based stewardship and oversight of the Federal Highway Administration:

(1) Update and implement Federal Highway Administration guidance for risk-based project involvement to clarify the requirements for its project risk-assessment process, including expectations for conducting and documenting the risk assessment and criteria to guide the reevaluation of project risks.

(2) Identify and notify division offices of the Federal Highway Administration about sources of information that can inform the project risk-assessment process.

(3) Update and implement Federal Highway Administration guidance for risk-based project involvement to clarify how the link between elevated risks and associated oversight activities, changes to oversight actions, and the results of its risk-based involvement should be documented in project oversight plans.

(4) Develop and implement a process to routinely monitor the implementation and evaluate the

effectiveness of Federal Highway Administration risk-based project involvement.

SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET DESIGN.

(a) STANDARDS.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''planned future traffic of the highway in a manner that is conducive to'' and inserting ''future operational performance of the facility in a manner that enhances''; and

(B) in paragraph (2) by inserting '', taking into consideration context sensitive design principles'' after ''each locality'';

(2) in subsection (b)—

(A) by striking ''The geometric'' and inserting ''DESIGN CRITERIA FOR THE INTERSTATE SYSTEM.—The geometric''; and

(B) by striking ''the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project''

and inserting "the existing and future operational performance of the facility";

(3) in subsection (c)(1)—

(A) in subparagraph (C) by striking "; and" and inserting a semicolon;

(B) in subparagraph (D) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) context sensitive design principles.";

(4) by striking subsection (o) and inserting the following:

"(o) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—

"(1) IN GENERAL.—Projects (other than highway projects on the National Highway System) shall—

"(A) be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards; and

"(B) take into consideration context sensitive design principles.

"(2) DESIGN FLEXIBILITY.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—A local jurisdiction may select the most appropriate design publication for the roadway context in which the local jurisdiction is located for the design of a project on a roadway (other than a highway on the National Highway System) if—

"(I) the local jurisdiction provides notification and justification of the use of such design publication to any State in which the project is located; and

"(II) the design complies with all other applicable Federal and State laws.

"(ii) REVIEW.—If a State rejects a local jurisdiction's selection of a design publication under this subparagraph, the local jurisdiction may submit notification and justification of such use to the Secretary. The Secretary shall make a determination to approve or deny such submission not later than 90 days after receiving such submission.

"(B) STATE-OWNED ROADS.—In the case of a roadway under the ownership of the State, the local jurisdiction may select the most appropriate design publication only with the concurrence of the State.

"(C) PROGRAMMATIC BASIS.—The Secretary may consider the use of a design publication under this paragraph on a programmatic basis."; and

(5) by adding at the end the following:

"(s) CONTEXT SENSITIVE DESIGN.—

"(1) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The Secretary shall consult with State and local officials prior to approving any roadway design publications under this section to ensure that the design publications provide adequate flexibility for a project sponsor to select the appropriate design of a roadway, consistent with context sensitive design principles.

"(2) POLICIES OR PROCEDURES.—

"(A) IN GENERAL.—Not later than 1 year after the Secretary publishes the final guidance described in paragraph (3), each State shall adopt policies or procedures to evaluate the context of a proposed roadway and select the ap-

propriate design, consistent with context sensitive design principles.

"(B) LOCAL GOVERNMENTS.—The Secretary and States shall encourage local governments to adopt policies or procedures described under subparagraph (A).

"(C) CONSIDERATIONS.—The policies or procedures developed under this paragraph shall take into consideration the guidance developed by the Secretary under paragraph (3).

"(3) GUIDANCE.—

"(A) IN GENERAL.—

"(i) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish guidance on the official website of the Department of Transportation on context sensitive design.

"(ii) PUBLIC REVIEW AND COMMENT.—The guidance described in this paragraph shall be finalized following an opportunity for public review and comment.

"(iii) UPDATE.—The Secretary shall periodically update the guidance described

in this paragraph, including the model policies or procedures described under subparagraph (B)(v).

"(B) CONTENTS.—The guidance described in this paragraph shall—

"(i) provide best practices for States, metropolitan planning organizations, regional transportation planning organizations, local governments, or other project sponsors to implement context sensitive design principles;

"(ii) identify opportunities to modify planning, scoping, design, and development procedures to more effectively combine modes of transportation into integrated facilities that meet the needs of each of such modes of transportation in an appropriate balance;

"(iii) identify metrics to assess the context of the facility, including surrounding land use or roadside characteristics;

"(iv) assess the expected operational and safety performance of facility design; and

"(v) establish model policies or procedures, consistent with the findings of such guidance, for a State or other project sponsor to evaluate the context of a proposed facility and select the appropriate facility design for the context.

"(C) TOPICS OF EMPHASIS.—In addition to the contents in subparagraph (B), the guidance shall emphasize—

"(i) procedures for identifying the needs of users of all ages and abilities of a particular roadway;

"(ii) procedures for identifying the types and designs of facilities needed to serve various modes of transportation;

"(iii) safety and other benefits provided by carrying out context sensitive design principles;

"(iv) common barriers to carrying out context sensitive design principles;

"(v) procedures for overcoming the most common barriers to carrying out context sensitive design principles;

"(vi) procedures for identifying the costs associated with carrying out context sensitive design principles;

"(vii) procedures for maximizing local cooperation in the introduction of context sensitive design principles and carrying out those principles; and

"(viii) procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with context sensitive design principles.

"(4) FUNDING.—Amounts made available under sections 104(b)(6) and 505 of this title may be used for States, local governments, metropolitan planning organizations, or regional transportation planning organizations to adopt policies or procedures to evaluate the context of a proposed roadway and select the appropriate design, consistent with context sensitive design principles.".

(b) CONFORMING AMENDMENT.—Section 1404(b) of the FAST Act (23 U.S.C. 109 note) is repealed.

SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL SHARE.

(a) IN GENERAL.—Section 120(c)(3)(B) of title 23, United States Code, is amended—

(1) by striking clauses (i) and (ii) and inserting the following:

"(i) prefabricated bridge elements and systems, innovative materials, and other technologies to reduce bridge construction time, extend service life, and reduce preservation costs, as compared to conventionally designed and constructed bridges;

"(ii) innovative construction equipment, materials, techniques, or practices, including the use of in-place recycling technology, digital 3-dimensional modeling technologies, and advanced digital construction management systems;";

(2) by redesignating clause (vi) as clause (ix);

(3) in clause (v) by striking "or" at the end; and

(4) by inserting after clause (v) the following:

"(vi) innovative pavement materials that demonstrate reductions in—

"(I) greenhouse gas emissions through sequestration or innovative manufacturing processes; or

"(II) local air pollution, stormwater runoff, or noise pollution;

"(vii) innovative culvert materials that are made with recycled content and demonstrate reductions in greenhouse gas emissions;

"(viii) contractual provisions that provide safety contingency funds to incorporate safety enhancements to work zones prior to or during roadway construction and maintenance activities; or".

(b) TECHNICAL AMENDMENT.—Section 107(a)(2) of title 23, United States Code, is amended by striking "subsection (c) of".

SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

Section 126(b) of title 23, United States Code, is amended—

(1) in the heading by inserting "AND PROGRAMS" after "SET-ASIDES";

(2) in paragraph (1) by striking ''and 133(d)(1)(A)'' and inserting '', 130, 133(d)(1)(A), 133(h), 148(m), 149, 151(f), and 171''; and

(3) by striking paragraph (2) and inserting the following:

''(2) ENVIRONMENTAL PROGRAMS.—With respect to an apportionment under either paragraph (4) or paragraph (9) of section 104(b), and notwithstanding paragraph (1), a State may only transfer not more than 50 percent from the amount of the apportionment of either such paragraph to the apportionment under the other such paragraph in a fiscal year.''.

SEC. 1110. TOLLING.

(a) TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.—Section 129 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the

same manner as construction of toll-free highways is permitted under this chapter in the—

"(i) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

"(ii) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;

"(iii) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, exclud-

ing auxiliary lanes, before such construction;

"(iv) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

"(v) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

"(vi) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;

"(vii) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;

"(viii) conversion of a high occupancy vehicle lane on a highway, bridge, or tun-

nel to a toll facility, subject to the requirements of section 166; and

"(ix) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.

"(B) AGREEMENT TO TOLL.—

"(i) IN GENERAL.—Before the Secretary may authorize tolling under this subsection, the public authority with jurisdiction over a highway, bridge, or tunnel shall enter into an agreement with the Secretary to ensure compliance with the requirements of this subsection.

"(ii) APPLICABILITY.—

"(I) IN GENERAL.—The requirements of this subparagraph shall apply to—

"(aa) Federal participation under subparagraph (A);

"(bb) any prior Federal participation in the facility proposed to be tolled; and

"(cc) conversion, with or without Federal participation, of

a non-tolled lane on the National Highway System to a toll facility under subparagraph (E).

"(II) HOV FACILITY.—Except as otherwise provided in this subsection or section 166, the provisions of this paragraph shall not apply to a high occupancy vehicle facility.

"(iii) MAJOR FEDERAL ACTION.—Approval by the Secretary of an agreement to toll under this paragraph shall be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) AGREEMENT CONDITIONS.—Prior to entering into an agreement to toll under subparagraph (B), the public authority shall certify to the Secretary that—

"(i) the public authority has established procedures to ensure the toll meets the purposes and requirements of this subsection;

"(ii) the facility shall provide for access at no cost to public transportation ve-

hicles and over-the-road buses serving the public; and

"(iii) the facility shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

"(D) CONSIDERATION OF IMPACTS.—

"(i) IN GENERAL.—Prior to entering into an agreement to toll under subparagraph (B), the Secretary shall ensure the public authority has adequately considered, including by providing an opportunity for public comment, the following factors within the corridor:

"(I) Congestion impacts on both the toll facility and in the corridor or cordon (including adjacent toll-free facilities).

"(II) In the case of a non-attainment or maintenance area, air quality impacts.

"(III) Planned investments to improve public transportation or other non-tolled alternatives in the corridor.

"(IV) Environmental justice and equity impacts.

"(V) Impacts on freight movement.

"(VI) Economic impacts on businesses.

"(ii) CONSIDERATION IN ENVIRONMENTAL REVIEW.—Nothing in this subparagraph shall limit a public authority from meeting the requirements of this subparagraph through the environmental review process, as applicable.

"(E) CONGESTION PRICING.—

"(i) IN GENERAL.—The Secretary may authorize conversion of a non-tolled lane on the National Highway System to a toll facility to utilize pricing to manage the demand to use the facility by varying the toll amount that is charged.

"(ii) REQUIREMENT.—Prior to entering into an agreement to convert a non-tolled lane on the National Highway System to a toll facility, the Secretary shall ensure (in addition to the requirements under subparagraphs (B), (C), and (D))

that such toll facility and the planned investments to improve public transportation or other non-tolled alternatives in the corridor are reasonably expected to improve the operation of the cordon or corridor, as described in clauses (iii) and (iv).

"(iii) PERFORMANCE MONITORING.—A public authority that enters into an agreement to convert a non-tolled lane to a toll facility under this subparagraph shall—

"(I) establish, monitor, and support a performance monitoring, evaluation, and reporting program—

"(aa) for the toll facility that provides for continuous monitoring, assessment, and reporting on the impacts that the pricing structure may have on the operation of the facility; and

"(bb) for the corridor or cordon that provides for continuous monitoring, assessment, and reporting on the impacts of conges-

tion pricing on the operation of the corridor or cordon;

"(II) submit to the Secretary annual reports of the impacts described in subclause (I); and

"(III) if the facility or the corridor or cordon becomes degraded, as described in clause (iv), submit to the Secretary an annual update that describes the actions proposed to bring the toll facility into compliance and the progress made on such actions.

"(iv) DETERMINATION.—

"(I) DEGRADED OPERATION.—For purposes of clause (iii)(III), the operation of a toll facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during peak hour periods.

"(II) DEGRADED CORRIDOR OR CORDON.—For the purposes of clause (iii)(III), a corridor or cordon shall be

1 considered to be degraded if conges-
2 tion pricing or investments to improve
3 public transportation or other non-
4 tolled alternatives have not resulted
5 in—
6 ''(aa) an increase in person
7 or freight throughput in the cor-
8 ridor or cordon; or
9 ''(bb) a reduction in person
10 hours of delay in the corridor or
11 cordon, as determined by the
12 Secretary.
13 ''(III) DEFINITION OF MINIMUM
14 AVERAGE OPERATING SPEED.—In this
15 subparagraph, the term 'minimum av-
16 erage operating speed' means—
17 ''(aa) 35 miles per hour, in
18 the case of a toll facility with a
19 speed limit of 45 miles per hour
20 or greater; and
21 ''(bb) not more than 10
22 miles per hour below the speed
23 limit, in the case of a toll facility
24 with a speed limit of less than 50
25 miles per hour.

"(v) MAINTENANCE OF OPERATING PERFORMANCE.—

"(I) IN GENERAL.—Not later than 180 days after the date on which a facility or a corridor or cordon becomes degraded under clause (iv), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility or corridor or cordon into compliance with this subparagraph.

"(II) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under subclause (I), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the

1 facility or corridor or cordon into
2 compliance with this subparagraph.
3 "(III) UPDATE.—Until the date
4 on which the Secretary determines
5 that the public authority has brought
6 the facility or corridor or cordon into
7 compliance with this subparagraph,
8 the public authority shall submit an-
9 nual updates that describe—
10 "(aa) the actions taken to
11 bring the facility into compliance;
12 "(bb) the actions taken to
13 bring the corridor or cordon into
14 compliance; and
15 "(cc) the progress made by
16 those actions.
17 "(IV) COMPLIANCE.—If a public
18 authority fails to bring a facility into
19 compliance under this subparagraph,
20 the Secretary may subject the public
21 authority to appropriate program
22 sanctions under section 1.36 of title
23 23, Code of Federal Regulations (or
24 successor regulations), until the per-
25 formance is no longer degraded.

"(vi) CONSULTATION OF MPO.—If a toll facility authorized under this subparagraph is located on the National Highway System and in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area.

"(vii) INCLUSION.—For the purposes of this paragraph, the corridor or cordon shall include toll-free facilities that are adjacent to the toll facility.";

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iv) by striking "and" at the end; and

(II) by striking clause (v) and inserting the following:

"(v) any project eligible under this title or chapter 53 of title 49 that improves the operation of the corridor or cordon by increasing person or freight throughput and reducing person hours of delay;

"(vi) toll discounts or rebates for users of the toll facility that have no rea-

sonable alternative transportation method to the toll facility; and

"(vii) if the public authority certifies annually that the tolled facility is being adequately maintained and the cordon or corridor is not degraded under paragraph (1)(E), any revenues remaining after funding the activities described in clauses (i) through (vi) shall be considered surplus revenue and may be used for any other purpose for which Federal funds may be obligated by a State under this title or chapter 53 of title 49.";

(ii) by striking subparagraph (B) and inserting the following:

"(B) TRANSPARENCY.—

"(i) ANNUAL AUDIT.—

"(I) IN GENERAL.—A public authority with jurisdiction over a toll facility shall conduct or have an independent auditor conduct an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A), and report the results of the audits to the Secretary.

"(II) RECORDS.—On reasonable notice, the public authority shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

"(ii) USE OF REVENUES.—A State or public authority that obligates amounts under clauses (v), (vi), or (vii) of subparagraph (A) shall annually report to the Secretary a list of activities funded with such amounts and the amount of funding provided for each such activity.";

(C) in paragraph (8) by striking "as of the date of enactment of the MAP–21, before commencing any activity authorized" and inserting ", before commencing any activity authorized";

(D) in paragraph (9)—

(i) by striking "bus" and inserting "vehicle"; and

(ii) by striking "buses" and inserting "vehicles"; and

(E) by striking paragraph (10) and inserting the following:

"(10) INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION.—

"(A) IN GENERAL.—All toll facilities on Federal-aid highways shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

"(B) PROHIBITION ON RESTRICTION.—No State, or any political subdivision thereof, shall restrict the information that is shared across public and private toll facility operators or their agents or contractors for purposes of facilitating, operating, or maintaining electronic toll collection programs.

"(11) NONCOMPLIANCE.—If the Secretary concludes that a public authority has not complied with the requirements of this subsection, the Secretary may require the public authority to discontinue collecting tolls until the public authority and the Secretary enter into an agreement for the public authority to achieve compliance with such requirements.

"(12) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) FEDERAL PARTICIPATION.—The term 'Federal participation' means the use of funds made available under this title.

"(B) HIGH OCCUPANCY VEHICLE; HOV.—The term 'high occupancy vehicle' or 'HOV' means a vehicle with not fewer than 2 occupants.

"(C) INITIAL CONSTRUCTION.—

"(i) IN GENERAL.—The term 'initial construction' means the construction of a highway, bridge, tunnel, or other facility at any time before it is open to traffic.

"(ii) EXCLUSIONS.—The term 'initial construction' does not include any improvement to a highway, bridge, tunnel, or other facility after it is open to traffic.

"(D) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

"(E) PUBLIC AUTHORITY.—The term 'public authority' means a State, interstate compact of States, or public entity designated by a State.

"(F) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' has the meaning given that term in section 166.

"(G) TOLL FACILITY.—The term 'toll facility' means a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel constructed or authorized to be tolled under this subsection.".

(b) REPEAL OF INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216 of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

(c) VALUE PRICING PILOT PROGRAM.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note) is amended by adding at the end the following:

"(9) SUNSET.—The Secretary may not consider an expression of interest submitted under this section after the date of enactment of this paragraph.".

(d) SAVINGS CLAUSE.—

(1) APPLICATION OF LIMITATIONS.—Any toll facility described in paragraph (2) shall be subject to the requirements of section 129(a)(3) of title 23, United States Code, as in effect on the day before the date of enactment of this Act.

(2) TOLL FACILITIES.—A toll facility described in this paragraph is a facility that, on the day prior to the date of enactment of this Act, was—

(A) operating;

(B) in the planning and design phase; or

(C) in the construction phase.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the implementation of the interoperability of toll collection as required under section 1512(b) of MAP–21, including an assessment of the progress in, and barriers on, such implementation.

SEC. 1111. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)(C)(iii) by striking ''transportation buses'' and inserting ''transportation vehicles'';

(B) in paragraph (5)(B) by striking ''2019'' and inserting ''2025''; and

(C) by adding at the end the following:

''(6) EMERGENCY VEHICLES.—The public authority may allow the following vehicles to use the

HOV facility if the authority establishes requirements for clearly identifying the vehicles:

"(A) An emergency vehicle that is responding to an existing emergency.

"(B) A blood transport vehicle that is transporting blood between collection points and hospitals or storage centers.".

(2) in subsection (d)(2)(A)(i) by striking "45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater" and inserting "35 miles per hour, in the case of a HOV facility with a speed limit of 45 miles per hour or greater";

(3) in subsection (d)(2)(B) by striking "morning or evening weekday peak hour periods (or both)" and inserting "peak hour periods";

(4) in subsection (e)—

(A) by striking "Not later than 180 days after the date of enactment of this section, the Administrator" and inserting "The Administrator";

(B) in paragraph (1) by striking "and" at the end;

(C) in paragraph (2) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) not later than 180 days after the date of enactment of the INVEST in America Act, update the requirements established under paragraph (1)."; and

(5) in subsection (f)—

(A) in paragraph (1)—

(i) by striking subparagraphs (C), (D), and (F); and

(ii) by redesignating subparagraphs (E), (G), (H), and (I) as subparagraphs (C), (D), (E), and (F), respectively; and

(B) in paragraph (6)(B)(i) by striking "public entity" and inserting "public transportation service that is a recipient or subrecipient of funds under chapter 53 of title 49".

SEC. 1112. BUY AMERICA.

(a) IN GENERAL.—Section 313 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Notwithstanding" and inserting "IN GENERAL.—Notwithstanding";

(B) by striking "Secretary of Transportation" and inserting "Secretary";

(C) by striking ''the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or''; and

(D) by striking ''and manufactured products'' and inserting ''manufactured products, and construction materials'';

(2) in subsection (b) by inserting ''DETERMINATION.—'' before ''The provisions'';

(3) in subsection (c) by striking ''For purposes'' and inserting ''CALCULATION.—For purposes'';

(4) in subsection (d)—

(A) by striking ''The Secretary of Transportation'' and inserting ''REQUIREMENTS.—The Secretary''; and

(B) by striking ''the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or''; and

(5) by adding at the end the following:

''(h) WAIVER PROCEDURE.—

''(1) IN GENERAL.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under paragraph (1) or (2) of subsection (b) as to whether subsection (a) shall apply.

''(2) PUBLIC NOTIFICATION AND COMMENT.—

"(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the request for such waiver.

"(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

"(i) describe whether the application is being made for a determination described in subsection (b)(1); and

"(ii) be provided to the public by electronic means, including on the public website of the Department of Transportation.

"(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

"(A) on the public website of the Department of Transportation; and

"(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

"(i) REVIEW OF NATIONWIDE WAIVERS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and at least every 5 years thereafter, the Secretary shall review any standing nationwide waiver issued by the Secretary under this section to ensure such waiver remains justified.

"(2) PUBLIC NOTIFICATION AND OPPORTUNITY FOR COMMENT.—

"(A) IN GENERAL.—Not later than 30 days before the completion of a review under paragraph (1), the Secretary shall provide notification and an opportunity for public comment on such review.

"(B) MEANS OF NOTIFICATION.—Notification provided under this subparagraph shall be provided by electronic means, including on the public website of the Department of Transportation.

"(3) DETAILED JUSTIFICATION IN FEDERAL REGISTER.—After the completion of a review under paragraph (1), the Secretary shall publish in the

Federal Register a detailed justification for the determination made under paragraph (1) that addresses all public comments received under paragraph (2).

"(4) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider the research on supply chains carried out under section 1112(c) of the INVEST in America Act.

"(j) REPORT.—Not later than 120 days after the last day of each fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Appropriations of the Senate a report on the waivers provided under subsection (h) during the previous fiscal year and the justifications for such waivers.

"(k) CONSTRUCTION MATERIALS DEFINED.—In this section, the term 'construction materials' means primary materials that are commonly used in highway construction, as determined by the Secretary.".

(b) CONSTRUCTION MATERIALS.—

(1) ESTABLISHMENT OF REQUIREMENTS.—The Secretary shall issue such regulations as are nec-

essary to implement the amendment made subsection (a)(1)(D). Such regulations shall ensure the continued availability of construction materials to carry out projects under title 23, United States Code.

(2) CONSIDERATIONS.—The requirements of this section, and the amendments made by this section—

(A) shall seek to maximize jobs located in the United States;

(B) may establish domestic content requirements that increase over time, based on the current and expected future domestic availability of construction materials; and

(C) shall take into consideration the research conducted under subsection (c).

(3) APPLICABILITY.—The amendment made by subsection (a)(1)(D) shall take effect beginning on the date that the Secretary establishes the requirements described under paragraph (1).

(c) RESEARCH ON SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary shall conduct research on covered items that are commonly used or acquired under title 23, United States Code, including—

(A) construction materials;

(B) manufactured products;

(C) vehicles; and

(D) alternative fuel infrastructure and electric vehicle supply equipment.

(2) CONSIDERATIONS.—The research under paragraph (1) shall consider—

(A) the domestic availability of covered items;

(B) the supply chain for covered items.

(C) the estimated market share of covered items from—

(i) procurement under the Federal-aid highway program;

(ii) procurement under other programs administered by the Secretary of Transportation; and

(iii) other Federal procurement; and

(D) the cost differential, if any, of domestically produced covered items as compared to non-domestically produced covered items.

(3) DOMESTIC SUPPLIERS.—As part of the review under this paragraph, the Secretary may establish and maintain a list of known domestic suppliers of covered items.

(4) DEFINITION OF COVERED ITEM.—For the purposes of this section, the term ''covered item'' means any material or product subject to the requirements of section 313(a) of title 23, United States Code, that is commonly used in highway construction or procured under the Federal-aid highway program.

(d) SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008.—Section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIREMENTS.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors and subcontractors on construction work performed on projects financed or otherwise assisted in whole or in part by a loan, loan guarantee, grant, credit enhancement, or any other form of Federal assistance administered by the Secretary or the Department, including programs to capitalize revolving loan funds and subsequent financing cycles under such

funds, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) and section 3145 of title 40.'';

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b), as so redesignated, by inserting ''APPRENTICESHIP AND SKILL TRAINING PROGRAMS.—'' before ''The provisions''.

(b) CONFORMING AMENDMENTS.—

(1) Section 133 of title 23, United States Code, is amended by striking subsection (i).

(2) Section 167 of title 23, United States Code, is amended by striking subsection (l).

(3) Section 1401 of the MAP–21 (23 U.S.C. 137 note) is amended by striking subsection (e).

SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) except as provided under subparagraph (C), have a term of not more than 3 years;";

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.".

SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (a)(2)(G) by inserting ", including the payment of fees awarded under section 2412 of title 28" after "with the project".

(2) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

"(5) except as provided under paragraph (7), have a term of not more than 5 years;";

(B) in paragraph (6) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.";

(3) in subsection (g)(1)—

(A) in subparagraph (C) by striking "annual";

(B) in subparagraph (B) by striking "and" at the end;

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

"(C) in the case of an agreement period of greater than 5 years under subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and"; and

(4) by adding at the end the following:

"(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be an

agency of the United States for the purposes of section 2412 of title 28.''.

SEC. 1116. CORROSION PREVENTION FOR BRIDGES.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE BRIDGE PROJECTS.—The term ''applicable bridge projects'' means a project for construction, replacement, rehabilitation, preservation, or protection, other than de minimis work, as determined by the applicable State department of transportation, on a bridge project that receives financial assistance under title 23, United States Code.

(2) CERTIFIED CONTRACTOR.—The term ''certified contractor'' means a contracting or subcontracting firm that has been certified by an industry-wide recognized third party organization that evaluates the capability of the contractor or subcontractor to properly perform 1 or more specified aspects of applicable bridge projects described in subsection (b)(2).

(3) QUALIFIED TRAINING PROGRAM.—The term ''qualified training program'' means a training program in corrosion control, mitigation, and prevention that is either—

(A) offered or accredited by an organization that sets industry corrosion standards; or

(B) an industrial coatings applicator training program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the ''National Apprenticeship Act'') that meets the standards of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

(b) APPLICABLE BRIDGE PROJECTS.—

(1) QUALITY CONTROL.—A certified contractor shall carry out aspects of an applicable bridge project described in paragraph (2).

(2) ASPECTS OF APPLICABLE BRIDGE PROJECTS.—Aspects of an applicable bridge project referred to in paragraph (1) shall include—

(A) surface preparation or coating application on steel or rebar of an applicable bridge project;

(B) removal of a lead-based or other hazardous coating from steel of an existing applicable bridge project; and

(C) shop painting of structural steel or rebar fabricated for installation on an applicable bridge project.

(3) CORROSION MANAGEMENT SYSTEM.—In carrying out an applicable bridge project, a State department of transportation shall—

(A) implement a corrosion management system that utilizes industry-recognized standards and corrosion mitigation and prevention methods to address—

(i) surface preparation;

(ii) protective coatings;

(iii) materials selection;

(iv) cathodic protection;

(v) corrosion engineering;

(vi) personnel training; and

(vii) best practices in environmental protection to prevent environmental degradation and uphold public health.

(B) require certified contractors, for the purpose of carrying out aspects of applicable bridge projects described in paragraph (2), to employ a substantial number of individuals that are trained and certified by a qualified training program as meeting the ANSI/NACE Number 13/SSPC–ACS–1 standard or future versions of this standard.

(4) CERTIFICATION.—The applicable State department of transportation shall only accept bids for projects that include aspects of applicable bridge projects described in paragraph (2) from a certified contractor that presents written proof that the certification of such contractor meets the standards of SSPC QP1, QP2, and QP3 or future versions of these standards.

(c) TRAINING PROGRAM.—As a condition of entering into a contract for an applicable bridge project, each certified contractor shall provide training, through a qualified training program, for each individual who is not a certified coating applicator but that the certified contractor employs to carry out aspects of applicable bridge projects as described in subsection (b)(2).

SEC. 1117. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its expected lifetime; and

(2) data indicating that future repair costs associated with a transportation project frequently total more than half of the initial cost of the project, and that conducting life-cycle cost analysis prior to construction will help States identify the most cost-

effective option, improve their economic performance, and lower the total cost of building and maintaining the project.

SEC. 1118. ACCOMMODATION OF CERTAIN FACILITIES IN RIGHT-OF-WAY.

(a) IN GENERAL.—Notwithstanding chapter 1 of title 23, United States Code, electric vehicle charging infrastructure, renewable energy generation facilities, electrical transmission and distribution infrastructure, and broadband infrastructure and conduit shall be treated as a facility covered under part 645 of title 23, Code of Federal Regulations (or successor regulations), for purposes of being accommodated under section 109(l) of title 23, United States Code.

(b) STATE APPROVAL.—A State, on behalf of the Secretary of Transportation, may approve the accommodation of the infrastructure and facilities described in subsection (a) within any right-of-way on a Federal-aid highway pursuant to section 109(l) of title 23, United States Code.

SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE SAFETY IMPROVEMENTS.

(a) IN GENERAL.—Notwithstanding any provision of title 23, United States Code, or any regulation issued by the Secretary of Transportation, section 129(a)(3) of such

1 title shall not apply to a covered public authority that re-
2 ceives funding under such title for pedestrian and bike
3 safety improvements.

4 (b) NO TOLL.—A covered public authority may not
5 charge a toll, fee, or other levy for use of such improve-
6 ments.

7 (c) EFFECTIVE DATE.—A covered public authority
8 shall be eligible for the exemption under subsection (a)
9 for 10 years after the date of enactment of this Act. Any
10 such exemption granted shall remain in effect after the
11 effective date described in this section.

12 (d) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) COVERED PUBLIC AUTHORITY.—The term
15 ''covered public authority'' means a public authority
16 with jurisdiction over a toll facility located within
17 both—

18 (A) a National Scenic Area; and

19 (B) the National Trail System.

20 (2) NATIONAL SCENIC AREA.—The term ''Na-
21 tional Scenic Area'' means an area of the National
22 Forest System federally designated as a National
23 Scenic Area in recognition of the outstanding nat-
24 ural, scenic, and recreational values of the area.

(3) NATIONAL TRAIL SYSTEM.—The term ''National Trail System'' means an area described in section 3 of the National Trails System Act (16 U.S.C. 1242).

(4) PUBLIC AUTHORITY; TOLL FACILITY.—The terms ''public authority'' and ''toll facility'' have the meanings such terms would have if such terms were included in chapter 1 of title 23, United States Code.

Subtitle B—Programmatic Infrastructure Investment

SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

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

(1) by striking subsection (b) and inserting the following:

''(b) PURPOSES.—The purposes of the national highway performance program shall be—

''(1) to provide support for the condition and performance of the National Highway System, consistent with the asset management plans of States;

''(2) to support progress toward the achievement of performance targets of States established under section 150;

"(3) to increase the resilience of Federal-aid highways and bridges; and

"(4) to provide support for the construction of new facilities on the National Highway System, consistent with subsection (d)(3).";

(2) in subsection (d)—

(A) in paragraph (1)(A) by striking "or freight movement on the National Highway System" and inserting "freight movement, environmental sustainability, transportation system access, or combating climate change";

(B) in paragraph (1)(B) by striking "and" at the end;

(C) in paragraph (2)—

(i) in subparagraph (G)—

(I) in clause (i) by inserting "and" at the end;

(II) in clause (ii) by striking "; and" and inserting a period; and

(III) by striking clause (iii);

(ii) in subparagraph (I) by inserting ", including the installation of safety barriers and nets on bridges on the National Highway System" after "National Highway System"; and

(iii) by adding at the end the following:

"(Q) Projects on or off the National Highway System to reduce greenhouse gas emissions that are eligible under section 171, including the installation of electric vehicle charging infrastructure.

"(R) Projects on or off the National Highway System to enhance resilience of a transportation facility eligible under section 124, including protective features and natural infrastructure.

"(S) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility eligible for assistance under this section.

"(T) Projects on or off the National Highway System to improve an evacuation route eligible under section 124(b)(1)(C).

"(U) The removal, retrofit, repurposing, remediation, or replacement of a highway on the National Highway System that creates a barrier to community connectivity to improve

access for multiple modes of transportation.''; and

(D) by adding at the end the following:

''(3) a project that is otherwise eligible under this subsection to construct new capacity for single occupancy passenger vehicles only if the State—

''(A) has demonstrated progress in achieving a state of good repair, as defined in the State's asset management plan, on the National Highway System;

''(B) demonstrates that the project—

''(i) supports the achievement of performance targets of the State established under section 150; and

''(ii) is more cost effective, as determined by benefit-cost analysis, than—

''(I) an operational improvement to the facility or corridor;

''(II) the construction of a public transportation project eligible for assistance under chapter 53 of title 49; or

''(III) the construction of a non-single occupancy passenger vehicle

project that improves freight movement; and

"(C) has a public plan for maintaining and operating the new asset while continuing its progress in achieving a state of good repair under subparagraph (A).";

(3) in subsection (e)—

(A) in the heading by inserting "ASSET AND" after "STATE";

(B) in paragraph (4)(D) by striking "analysis" and inserting "analyses, both of which shall take into consideration climate change adaptation and resilience;"; and

(C) in paragraph (8) by striking "Not later than 18 months after the date of enactment of the MAP–21, the Secretary" and inserting "The Secretary"; and

(4) by adding at the end the following:

"(k) BENEFIT-COST ANALYSIS.—In carrying out subsection (d)(3)(B)(ii), the Secretary shall establish a process for analyzing the cost and benefits of projects under such subsection, ensuring that—

"(1) the benefit-cost analysis includes a calculation of all the benefits addressed in the performance measures established under section 150;

"(2) the benefit-cost analysis includes a consideration of the total maintenance cost of an asset over the lifecycle of the asset; and

"(3) the State demonstrates that any transportation demand modeling used to calculate the benefit-cost analysis has a documented record of accuracy.".

SEC. 1202. INCREASING THE RESILIENCE OF TRANSPORTATION ASSETS.

(a) PREDISASTER MITIGATION PROGRAM.—

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

"§ 124. Predisaster mitigation program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a predisaster mitigation program to enhance the resilience of the transportation system of the United States, mitigate the impacts of covered events, and ensure the efficient use of Federal resources.

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to the State under section 104(b)(8) may be obligated for—

"(A) construction activities, including construction of natural infrastructure or protective features—

"(i) to increase the resilience of a surface transportation infrastructure asset to withstand a covered event;

"(ii) to relocate or provide a reasonable alternative to a repeatedly damaged facility; and

"(iii) for an evacuation route identified in the vulnerability assessment required under section 134(i)(2)(I)(iii) or section 135(f)(10)(C) to—

"(I) improve the capacity or operation of such evacuation route through communications and intelligent transportation system equipment and infrastructure, counterflow measures, and shoulders; and

"(II) relocate such evacuation route or provide a reasonable alternative to such evacuation route to address the risk of a covered event;

"(B) resilience planning activities, including activities described in sections 134(i)(2)(I)

and 135(f)(10) of this title and sections 5303(i)(2)(I) and 5304(f)(10) of title 49; and

"(C) the development of projects and programs that help States, territories, and regions recover from covered events that significantly disrupt the transportation system, including—

"(i) predisaster training programs that help agencies and regional stakeholders plan for and prepare multimodal recovery efforts; and

"(ii) the establishment of region-wide telework training and programs.

"(2) INFRASTRUCTURE RESILIENCE AND ADAPTATION.—No funds shall be obligated to a project under this section unless the project meets each of the following criteria:

"(A) The project is designed to ensure resilience over the anticipated service life of the surface transportation infrastructure asset.

"(B) The project is identified in the metropolitan or statewide transportation improvement program as a project to address resilience vulnerabilities, consistent with section 134(j)(3)(E) or 135(g)(5)(B)(iii).

"(3) PRIORITIZATION OF PROJECTS.—A State shall develop a process to prioritize projects under this section based on the degree to which the proposed project would—

"(A) be cost effective in the long-term;

"(B) reduce the risk of disruption to a surface transportation infrastructure asset considered critical to support population centers, freight movement, economic activity, evacuation, recovery, national security functions, or critical infrastructure; and

"(C) ease disruptions to vulnerable, at-risk, or transit-dependant populations.

"(c) GUIDANCE.—The Secretary shall provide guidance to States to assist with the implementation of paragraphs (2) and (3) of subsection (b).

"(d) DEFINITIONS.—In this section:

"(1) COVERED EVENT.—The term 'covered event' means a climate change effect (including sea level rise), flooding, and an extreme event or other natural disaster (including wildfires, seismic activity, and landslides).

"(2) SURFACE TRANSPORTATION INFRASTRUCTURE ASSET.—The term 'surface transportation in-

frastructure asset' means a facility eligible for assistance under this title or chapter 53 of title 49.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 123 the following:

''124. Predisaster mitigation program.''.

(b) PROJECTS IN FLOOD-PRONE AREAS.—Section 109 of title 23, United States Code, is further amended by adding at the end the following:

''(t) PROJECTS IN FLOOD-PRONE AREAS.—For projects and actions that, in whole or in part, encroach within the limits of a flood-prone area, the Secretary shall ensure that such projects and actions are—

''(1) designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk by using hydrologic, hydraulic, and hydrodynamic data, methods, and analysis that integrate current and projected changes in flooding based on climate science over the anticipated service life of the asset and future forecasted land use changes; and

''(2) designed using analysis that considers the capital costs, risks, and other economic, engineering, social and environmental concerns of constructing a project in a flood-prone area.''.

(c) METROPOLITAN TRANSPORTATION PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 134(i)(2) of title 23, United States Code, is amended by adding at the end the following:

"(I) CLIMATE CHANGE AND RESILIENCE.—

"(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(II) identify investments and strategies to manage transportation

demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

"(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(III) at the discretion of the metropolitan planning organization,

identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

"(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials

responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 134(j)(3) of title 23, United States Code, is amended by adding at the end the following:

''(E) RESILIENCE PROJECTS.—The TIP shall—

''(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

''(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.''.

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5303(i)(2) of title 49, United States Code, is amended by adding at the end the following:

''(I) CLIMATE CHANGE AND RESILIENCE.—

''(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to iden-

tify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(I) includes a risk-based assessment of vulnerabilities of critical

1 transportation assets and systems to
2 covered events (as such term is de-
3 fined in section 124 of title 23);
4 ''(II) considers, as applicable, the
5 risk management analysis in the
6 State's asset management plan devel-
7 oped pursuant to section 119 of title
8 23, and the State's evaluation of rea-
9 sonable alternatives to repeatedly
10 damaged facilities conducted under
11 part 667 of title 23, Code of Federal
12 Regulations;
13 ''(III) at the discretion of the
14 metropolitan planning organization,
15 identifies evacuation routes, assesses
16 the ability of any such routes to pro-
17 vide safe passage for evacuation, ac-
18 cess to health care and public health
19 facilities, and emergency response
20 during an emergency event, and iden-
21 tifies any improvements or redundant
22 facilities necessary to adequately fa-
23 cilitate safe passage;
24 ''(IV) describes the metropolitan
25 planning organization's adaptation

and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

"(V) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation, as appropriate, with State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 5303(j)(3) of title 49, United States Code, is amended by adding at the end the following:

"(E) RESILIENCE PROJECTS.—The TIP shall—

"(i) identify any projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

"(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.".

(d) STATEWIDE AND NONMETROPOLITAN PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 135(f) of title 23, United States Code, is amended by adding at the end the following:

"(10) CLIMATE CHANGE AND RESILIENCE.—

"(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

"(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

"(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

"(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

"(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

"(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

"(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

"(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(iii) identifies evacuation routes, assesses the ability of any such routes to pro-

vide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

''(iv) describes the States's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

''(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

''(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 135(g)(5)(B) of title 23, United States Code, is amended by adding at the end the following:

"(iii) RESILIENCE PROJECTS.—The STIP shall—

"(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

"(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.".

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5304(f) of title 49, United States Code, is amended by adding at the end the following:

"(10) CLIMATE CHANGE AND RESILIENCE.—

"(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transpor-

1 tation system and ensure the efficient use of
2 Federal resources.
3 "(B) CLIMATE CHANGE MITIGATION AND
4 IMPACTS.—A long-range transportation plan
5 shall—
6 "(i) identify investments and strate-
7 gies to reduce transportation-related
8 sources of greenhouse gas emissions per
9 capita;
10 "(ii) identify investments and strate-
11 gies to manage transportation demand and
12 increase the rates of public transportation
13 ridership, walking, bicycling, and carpools;
14 and
15 "(iii) recommend zoning and other
16 land use policies that would support infill,
17 transit-oriented development, and mixed
18 use development.
19 "(C) VULNERABILITY ASSESSMENT.—A
20 long-range transportation plan shall incorporate
21 a vulnerability assessment that—
22 "(i) includes a risk-based assessment
23 of vulnerabilities of critical transportation
24 assets and systems to covered events (as

such term is defined in section 124 of title 23);

"(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

"(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation, access to health care and public health facilities, and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

"(iv) describes the State's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

"(v) is consistent with and complementary of the State, Tribal, and local mitigation plans required under section

322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

"(D) CONSULTATION.—The assessment described in this paragraph shall be developed in consultation with, as appropriate, metropolitan planning organizations and State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.".

(B) RESILIENCE PROJECTS.—Section 5304(g)(5)(B) of title 49, United States Code, is amended by adding at the end the following:

"(iii) RESILIENCE PROJECTS.—The STIP shall—

"(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

"(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.".

SEC. 1203. EMERGENCY RELIEF.

(a) IN GENERAL.—Section 125 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by inserting ''wildfire,'' after ''severe storm,'';

(2) by striking subsection (b);

(3) in subsection (c)(2)(A) by striking ''in any 1 fiscal year commencing after September 30, 1980,'' and inserting ''in any fiscal year'';

(4) in subsection (d)—

(A) in paragraph (3)(C) by striking ''(as defined in subsection (e)(1))'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter.

''(2) RESTRICTIONS.—

''(A) IN GENERAL.—No funds shall be expended from the emergency fund authorized by this section unless—

"(i) an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

"(ii) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

"(B) COST LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility unless the Secretary determines that the project incorporates economically justified betterments, including protective features to increase the resilience of the facility.

"(C) REPEATEDLY DAMAGED FACILITIES.—An application submitted under this section for the permanent repair or reconstruction

of a repeatedly damaged facility shall include consideration and, if feasible, incorporation of economically justifiable betterments, including protective features, to increase the resilience of such facility.

"(3) SPECIAL RULE FOR BRIDGE PROJECTS.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

"(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

"(B) if a construction phase of a replacement structure is included in the approved statewide transportation improvement program at the time of an event described in subsection (a).";

(5) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2) by striking "subsection (d)(1)" and inserting "subsection (c)(1)"; and

(C) by redesignating paragraphs (2) and (3), as amended, as paragraphs (1) and (2), respectively;

(6) by redesignating subsections (c) through (g), as amended, as subsections (b) through (f), respectively; and

(7) by adding at the end the following:

''(g) IMPOSITION OF DEADLINE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

''(A) the date on which the Governor declared the emergency, as described in subsection (c)(2)(A)(i); or

''(B) the date on which the President declared the emergency to be a major disaster, as described in such subsection.

''(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more

than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.

''(h) HAZARD MITIGATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a hazard mitigation pilot program for the purpose of mitigating future hazards posed to Federal-aid highways, Federal lands transportation facilities, and Tribal transportation facilities.

''(2) ALLOCATION OF FUNDS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the pilot program established under this subsection.

''(B) CALCULATION.—Annually, the Secretary shall calculate the total amount of outstanding eligible repair costs under the emergency relief program under this section, including the emergency relief backlog, for each State, territory, and Indian Tribe.

''(C) ALLOCATION.—Any amounts made available under this subsection shall be distrib-

uted to each State, territory, or Indian Tribe based on—

"(i) the ratio that the total amount of outstanding eligible repair costs for such State, territory, or Indian Tribe, as described under subparagraph (B); bears to

"(ii) the total amount of outstanding eligible repair costs for all States, territories, and Indian Tribes, as described under subparagraph (B).

"(D) LIMITATION.—The allocation to a State, territory, or Indian Tribe described under subparagraph (C) shall not exceed 5 percent of the total amount of outstanding eligible repair costs under the emergency relief program for such State, territory, or Indian Tribe, as described in subparagraph (B).

"(3) ELIGIBLE ACTIVITIES.—Amounts made available under this subsection shall be used for protective features or other hazard mitigation activities that—

"(A) the Secretary determines are cost effective and that reduce the risk of, or increase the resilience to, future damage to existing assets as a result of natural disasters; and

"(B) are eligible under section 124.

"(4) REPORT.—For each fiscal year in which funding is made available for the program under this subsection, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

"(A) a description of the activities carried out under the pilot program;

"(B) an evaluation of the effectiveness of the pilot program in meeting purposes described in paragraph (1); and

"(C) policy recommendations to improve the effectiveness of the pilot program.

"(5) SUNSET.—The authority provided under this subsection shall terminate on October 1, 2025.

"(i) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall—

"(1) revise the emergency relief manual of the Federal Highway Administration—

"(A) to include and reflect the definition of the term 'resilience' (as defined in section 101(a));

"(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

"(C) to consider economically justified betterments in emergency relief projects, such as—

"(i) protective features that increase the resilience of the facility; and

"(ii) incorporation of context sensitive design principles and other planned betterments that improve the safety of the facility;

"(2) consider transportation system access for moderate and low-income families impacted by a major disaster or emergency declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(3) develop best practices for improving the use of resilience in—

"(A) the emergency relief program under this section; and

"(B) emergency relief efforts;

"(4) provide to division offices of the Federal Highway Administration and State departments of

transportation information on the best practices developed under paragraph (2); and

"(5) develop and implement a process to track—

"(A) the consideration of resilience as part of the emergency relief program under this section; and

"(B) the costs of emergency relief projects.

"(j) DEFINITIONS.—In this section:

"(1) COMPARABLE FACILITY.—The term 'comparable facility' means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

"(2) CONSTRUCTION PHASE.—The term 'construction phase' means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

"(3) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

"(A) is maintained;

"(B) is open to the general public; and

"(C) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

"(4) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.".

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title 23, United States Code, is amended by striking "section 125(e)" and inserting "section 125(j)".

(2) TRIBAL TRANSPORTATION PROGRAM.—Section 202(b)(6)(A) of title 23, United States Code, is amended by striking "section 125(e)" and inserting "section 125(d)".

(c) REPEAL.—Section 668.105(h) of title 23, Code of Federal Regulations, is repealed.

SEC. 1204. RAILWAY CROSSINGS.

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

(1) in the section heading by striking "**Railway-highway crossings**" and inserting "**Railway crossings**";

(2) in subsection (a)—

(A) by striking "Subject to section 120 and subsection (b) of this section, the entire" and inserting "IN GENERAL.—The";

(B) by striking "then the entire" and inserting "the"; and

(C) by striking ", subject to section 120 and subsection (b) of this section,";

(3) by amending subsection (b) to read as follows:

"(b) CLASSIFICATION.—

"(1) IN GENERAL.—The construction of projects for the elimination of hazards at railway crossings represents a benefit to the railroad. The Secretary shall classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and shall set for each such classification a percentage of the total project cost that represent the benefit to the railroad or railroads for the purpose of determining the railroad's share of the total project cost. The Secretary shall determine the appropriate classification of each project.

"(2) NONCASH CONTRIBUTIONS.—

"(A) IN GENERAL.—Not more than 5 percent of the cost share described in paragraph (1) may be attributable to noncash contributions of materials and labor furnished by the railroad in connection with the construction of such project.

"(B) REQUIREMENT.—The requirements under section 200.306 and 200.403(g) of title 2, Code of Federal Regulations (or successor regulations), shall apply to any noncash contributions under this subsection.

"(3) TOTAL PROJECT COST.—For the purposes of this subsection, the determination of the railroad's share of the total project cost shall include environment, design, right-of-way, utility accommodation, and construction phases of the project.";

(4) in subsection (c)—

(A) by striking "Any railroad involved" and inserting "BENEFIT.—Any railroad involved";

(B) by striking "the net benefit" and inserting "the cost associated with the benefit"; and

(C) by striking "Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.";

(5) by striking subsection (e) and inserting the following:

"(e) RAILWAY CROSSINGS.—

"(1) ELIGIBLE ACTIVITIES.—Funds apportioned to a State under section 104(b)(7) may be obligated for the following:

"(A) The elimination of hazards at railway-highway crossings, including technology or protective upgrades.

"(B) Construction or installation of protective devices (including replacement of functionally obsolete protective devices) at railway-highway crossings.

"(C) Infrastructure and noninfrastructure projects and strategies to prevent or reduce suicide or trespasser fatalities and injuries along railroad rights-of-way and at or near railway-highway crossings.

"(D) Projects to mitigate any degradation in the level of access from a highway-grade crossing closure.

"(E) Bicycle and pedestrian railway grade crossing improvements, including underpasses and overpasses.

"(F) Projects eligible under section 22907(c)(5) of title 49, provided that amounts obligated under this subparagraph—

"(i) shall be administered by the Secretary in accordance with such section as if such amounts were made available to carry out such section; and

"(ii) may be used to pay up to 90 percent of the non-Federal share of the cost of a project carried out under such section.

"(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other highway safety improvement program purposes.";

(6) by striking subsection (f) and inserting the following:

"(f) FEDERAL SHARE.—Notwithstanding section 120, the Federal share payable on account of any project financed with funds made available to carry out subsection (e) shall be up to 90 percent of the cost thereof.";

(7) by striking subsection (g) and inserting the following:

"(g) REPORT.—

"(1) STATE REPORT.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the INVEST in America Act, and at least biennially thereafter, each State shall submit to the Secretary a report on the progress being made to implement the railway crossings program authorized by this section and the effectiveness of projects to improve railway crossing safety.

"(B) CONTENTS.—Each State report under subparagraph (A) shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

"(2) DEPARTMENTAL REPORT.—

"(A) IN GENERAL.—Not later than 180 days after the deadline for the submission of a report under paragraph (1)(A), the Secretary shall publish on the website of the Department of Transportation a report on the progress being made by the State in implementing projects to improve railway crossings.

"(B) CONTENTS.—The report under subparagraph (A) shall include—

"(i) the number of projects undertaken;

"(ii) distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

"(iii) an analysis and evaluation of each State program;

"(iv) the identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

"(v) recommendations for future implementation of the railway crossings program.";

(8) in subsection (j)—

(A) in the heading by inserting "AND PEDESTRIAN" after "BICYCLE"; and

(B) by inserting "and pedestrian" after "bicycle"; and

(9) in subsection (l)—

(A) in paragraph (1) by striking "Not later than" and all that follows through "each

State'' and inserting ''Not later than 6 months after a new railway crossing becomes operational, each State''; and

(B) in paragraph (2) by striking ''On a periodic'' and all that follows through ''every year thereafter'' and inserting ''On or before September 30 of each year''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by amending the item relating to section 130 to read as follows:

''130. Railway crossings.''.

(c) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway crossing program under section 130 of title 23, United States Code.

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

SEC. 1205. SURFACE TRANSPORTATION PROGRAM.

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

(1) in the heading by striking "**block grant**";

(2) in subsection (a) by striking "block grant";

(3) in subsection (b)—

(A) by striking "block grant";

(B) in paragraph (4) by striking "railway-highway grade crossings" and inserting "projects eligible under section 130 and installation of safety barriers and nets on bridges";

(C) in paragraph (6)—

(i) by striking "Recreational" and inserting "Transportation alternatives projects eligible under subsection (h), recreational"; and

(ii) by striking "1404 of SAFETEA–LU (23 U.S.C. 402 note)" and inserting "211";

(D) in paragraph (12) by striking "travel" and inserting "transportation"; and

(E) by adding at the end the following:

"(16) Protective features (including natural infrastructure and vegetation control and clearance) to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

"(17) Projects to reduce greenhouse gas emissions eligible under section 171, including the installation of electric vehicle charging infrastructure.

"(18) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this section.

"(19) A surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

"(20) roads in rural areas that primarily serve to transport agricultural products from a farm or ranch to a marketplace.

"(21) The removal, retrofit, repurposing, remediation, or replacement of a highway or other transportation facility that creates a barrier to community connectivity to improve access for multiple modes of transportation.";

(4) in subsection (c)—

(A) by striking "block grant" and inserting "program";

(B) by striking paragraph (3) and inserting the following:

"(3) for a project described in—

"(A) subsection (h); or

"(B) section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;";

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

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

"(4) for a project described in section 5308 of title 49; and";

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "each fiscal year" after "apportioned to a State";

(ii) by striking "the reservation of" and inserting "setting aside"; and

(iii) in subparagraph (A)—

(I) by striking "the percentage specified in paragraph (6) for a fiscal year" and inserting "57 percent for fiscal year 2023, 58 percent for fiscal year 2024, 59 percent for fiscal year 2025, and 60 percent for fiscal year 2026";

(II) in clause (i) by striking ''of over'' and inserting ''greater than''; and

(III) by striking clauses (ii) and (iii) and inserting the following:

''(ii) in urbanized areas of the State with an urbanized area population greater than 49,999 and less than 200,001;

''(iii) in urban areas of the State with a population greater than 4,999 and less than 50,000; and

''(iv) in other areas of the State with a population less than 5,000; and'';

(B) by striking paragraph (3) and inserting the following:

''(3) LOCAL COORDINATION AND CONSULTATION.—

''(A) COORDINATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(ii), a State shall—

''(i) establish a process to coordinate with all metropolitan planning organizations in the State that represent an urbanized area described in such paragraph; and

"(ii) describe how funds described under paragraph (1)(A)(ii) will be allocated equitably among such urbanized areas during the period of fiscal years 2023 through 2026.

"(B) JOINT RESPONSIBILITY.—Each State and the Secretary shall jointly ensure compliance with subparagraph (A).

"(C) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.";

(C) in the heading for paragraph (4) by striking "OVER 200,000" and inserting "GREATER THAN 200,000";

(D) by striking paragraph (6) and inserting the following:

"(6) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The State and all metropolitan planning organizations in the State that represent an urbanized area with a

population of greater than 200,000 may jointly establish a program to improve the ability of applicants to deliver projects under this subsection in an efficient and expeditious manner and reduce the period of time between the selection of the project and the obligation of funds for the project by providing—

"(i) technical assistance and training to applicants for projects under this subsection; and

"(ii) funding for one or more full-time State, regional, or local government employee positions to administer this subsection.

"(B) ELIGIBLE FUNDS.—To carry out this paragraph, a State or metropolitan planning organization may use funds made available under paragraphs (2) or (6) of section 104(b)

"(C) USE OF FUNDS.—Amounts used under this paragraph may be expended—

"(i) directly by the State or metropolitan planning organization; or

"(ii) through contracts with State agencies, private entities, or nonprofit organizations.";

(6) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''over 200,000'' and inserting ''greater than 200,000''; and

(ii) by striking ''2016 through 2020'' and inserting ''2023 through 2026''; and

(B) by adding at the end the following:

''(3) ANNUAL AMOUNTS.—To the extent practicable, each State shall annually notify each affected metropolitan planning organization as to the amount of obligation authority that will be made available under paragraph (1) to each affected metropolitan planning organization for the fiscal year.'';

(7) by striking subsection (f) and inserting the following:

''(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

''(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In this subsection, the term 'off-system bridge' means a bridge located on a public road, other than a bridge on a Federal-aid highway.

''(2) SPECIAL RULE.—

''(A) SET ASIDE.—Of the amounts apportioned to a State for each fiscal year under this section other than the amounts described in subparagraph (C), the State shall obligate for

activities described in subsection (b)(2) (as in effect on the day before the date of enactment of the FAST Act) for off-system bridges an amount that is not less than 20 percent of the amounts available to such State under this section in fiscal year 2020, not including the amounts described in subparagraph (C).

"(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(C) LIMITATIONS.—The following amounts shall not be used for the purposes of meeting the requirements of subparagraph (A):

"(i) Amounts described in section 133(d)(1)(A).

"(ii) Amounts set aside under section 133(h).

"(iii) Amounts described in section 505(a).

"(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provi-

sion of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

"(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

"(B) that crediting shall be conducted in accordance with procedures established by the Secretary."; and

(8) in subsection (g)—

(A) in the heading by striking "5,000" and inserting "50,000"; and

(B) in paragraph (1) by striking "subsection (d)(1)(A)(ii)" and all that follows

through the period at the end and inserting "clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on roads functionally classified as rural minor collectors or local roads or on critical rural freight corridors designated under section 167(e).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

"133. Surface transportation program.".

(c) CONFORMING AMENDMENTS.—

(1) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108(c) of title 23, United States Code, is amended—

(A) in paragraph (2)(A) by striking "block grant"; and

(B) in paragraph (3) by striking "block grant".

(2) PUBLIC TRANSPORTATION.—Section 142(e)(2) of title 23, United States Code, is amended by striking "block grant".

(3) HIGHWAY USE TAX EVASION PROJECTS.—Section 143(b)(8) of title 23, United States Code, is amended in the heading by striking "BLOCK GRANT".

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B) by striking ''block grant''; and

(B) in paragraph (2)(A) by striking ''block grant''.

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—Section 165 of title 23, United States Code, is amended—

(A) in subsection (b)(2)(A)(ii) by striking ''block grant'' each time such term appears; and

(B) in subsection (c)(6)(A)(i) by striking ''block grant''.

(6) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 322(h)(3) of title 23, United States Code, is amended by striking ''block grant''.

(7) TRAINING AND EDUCATION.—Section 504(a)(4) of title 23, United States Code, is amended by striking ''block grant''.

SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.

Section 133(h) of title 23, United States Code, is amended to read as follows:

"(h) TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE.—

"(1) SET ASIDE.—For each fiscal year, of the total funds apportioned to all States under section 104(b)(2) for a fiscal year, the Secretary shall set aside an amount such that—

"(A) the Secretary sets aside a total amount under this subsection for a fiscal year equal to 10 percent of such total funds; and

"(B) the State's share of the amount set aside under subparagraph (A) is determined by multiplying the amount set aside under subparagraph (A) by the ratio that—

"(i) the amount apportioned to the State for the transportation enhancement program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

"(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

"(2) ALLOCATION WITHIN A STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsections (d) and (e), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

"(i) for each fiscal year, the percentage referred to in paragraph (1)(A) of subsection (d) shall be deemed to be 66 percent; and

"(ii) paragraph (3) of subsection (d) shall not apply.

"(B) LOCAL CONTROL.—

"(i) IN GENERAL.—A State may make available up to 100 percent of the funds set aside under paragraph (1) to the entities described in subclause (I) if the State submits to the Secretary, and the Secretary approves, a plan that describes—

"(I) how such funds shall be made available to metropolitan planning organizations, regional transportation planning organizations, coun-

ties, or other regional transportation authorities;

"(II) how the entities described in subclause (I) shall select projects for funding and how such entities shall report selected projects to the State;

"(III) the legal, financial, and technical capacity of such entities; and

"(IV) the procedures in place to ensure such entities comply with the requirements of this title.

"(ii) REQUIREMENT.—A State that makes funding available under a plan approved under this subparagraph shall make available an equivalent amount of obligation authority to an entity described in clause (i)(I) to whom funds are made available under this subparagraph.

"(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for any of the following projects or activities:

"(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms

of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities to access daily needs.

''(C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

''(D) Construction of turnouts, overlooks, and viewing areas.

''(E) Community improvement activities, including—

''(i) inventory, control, or removal of outdoor advertising;

''(ii) historic preservation and rehabilitation of historic transportation facilities;

"(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

"(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

"(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 328(a) and 329.

"(G) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this subsection.

"(H) The recreational trails program under section 206.

"(I) The safe routes to school program under section 211.

"(J) Activities in furtherance of a vulnerable road user assessment described in section 148.

"(K) Any other projects or activities described in section 101(a)(29) or section 213, as such sections were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94).

"(4) ACCESS TO FUNDS.—

"(A) IN GENERAL.—A State, metropolitan planning organization required to obligate funds in accordance with paragraph (2)(A), or an entity required to obligate funds in accordance with paragraph (2)(B) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

"(B) PRIORITY.—The processes described in subparagraph (A) shall prioritize project lo-

cation and impact in low-income, transit-dependent, or other high-need areas.

"(C) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term 'eligible entity' means—

"(i) a local government, including a county or multi-county special district;

"(ii) a regional transportation authority;

"(iii) a transit agency;

"(iv) a natural resource or public land agency;

"(v) a school district, local education agency, or school;

"(vi) a tribal government;

"(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer;

"(viii) a nonprofit organization carrying out activities related to transportation;

"(ix) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization that serves an urbanized area

with a population of over 200,000 or a State agency) that the State determines to be eligible, consistent with the goals of this subsection; and

"(x) a State, at the request of any entity listed in clauses (i) through (ix).

"(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—

"(A) IN GENERAL.—For each fiscal year, a State shall—

"(i) obligate an amount of funds set aside under this subsection equal to 175 percent of the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

"(ii) return 1 percent of the funds described in clause (i) to the Secretary for the administration of such program; and

"(iii) comply with the provisions of the administration of the recreational trails program under section 206, including the

use of apportioned funds described in subsection (d)(3)(A) of such section.

"(B) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under this paragraph if the Governor of the State notifies the Secretary not later than 30 days prior to the date on which an apportionment is made under section 104 for any fiscal year.

"(6) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

"(A) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

"(i) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

"(ii) funding for one or more full-time State employee positions to administer this subsection.

"(B) USE OF FUNDS.—Amounts used under subparagraph (A) may be expended—

"(i) directly by the State; or

"(ii) through contracts with State agencies, private entities, or nonprofit entities.

"(C) IMPROVING PROJECT DELIVERY.—

"(i) IN GENERAL.—The Secretary shall take such action as may be necessary, consistent with Federal requirements, to facilitate efficient and timely delivery of projects under this subsection that are small, low impact, and constructed within an existing built environment.

"(ii) CONSIDERATIONS.—The Secretary shall consider the use of programmatic agreements, expedited or alternative procurement processes (including project bundling), and other effective practices to facilitate the goals of this paragraph.

"(7) FEDERAL SHARE.—

"(A) FLEXIBLE MATCH.—

"(i) IN GENERAL.—Notwithstanding section 120—

"(I) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

"(II) the Federal share of the cost of an individual project in this subsection may be up to 100 percent.

"(ii) AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120.

"(iii) REQUIREMENT.—This subparagraph shall only apply to a State if such State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this subparagraph.

"(B) SAFETY PROJECTS.—Notwithstanding section 120, funds made available to

carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

"(i) is a project described in section 148(e)(1); and

"(ii) is consistent with the State strategic highway safety plan (as defined in section 148(a)).

"(8) FLEXIBILITY.—

"(A) STATE AUTHORITY.—

"(i) IN GENERAL.—A State may use not more than 50 percent of the funds set aside under this subsection that are available for obligation in any area of the State (suballocated consistent with the requirements of subsection (d)(1)(B)) for any purpose eligible under subsection (b).

"(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the State demonstrates to the Secretary—

"(I) that the State held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate;

"(II) that the State offered technical assistance to all eligible entities and provided such assistance upon request by an eligible entity; and

"(III) that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

"(B) MPO AUTHORITY.—

"(i) IN GENERAL.—A metropolitan planning organization that represents an urbanized area with a population of greater than 200,000 may use not more than 50 percent of the funds set aside under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

"(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the Secretary certifies that the metropolitan planning organization—

"(I) held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate; and

"(II) demonstrates that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

"(9) ANNUAL REPORTS.—

"(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

"(i) the number of project applications received for each fiscal year, including—

"(I) the aggregate cost of the projects for which applications are received; and

"(II) the types of projects by eligibility category to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

"(ii) the list of each project selected for funding for each fiscal year, including specifying the fiscal year for which the project was selected, the fiscal year in

which the project is anticipated to be funded, the recipient, the funding sources (including non-Federal match), the project status, the specific location, the congressional district, the type by eligibility category, and a brief description.

"(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).".

SEC. 1207. BRIDGE INVESTMENT.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading by striking "**National bridge and tunnel inventory and inspection standards**" and inserting "**Bridges and tunnels**";

(2) in subsection (a)(1)(B) by striking "deficient";

(3) in subsection (b)(5) by striking "structurally deficient bridge" and inserting "bridge classified as in poor condition";

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of the MAP–21, each'' and inserting ''Each''; and

(B) by striking paragraph (4);

(5) in subsection (j)—

(A) in paragraph (2) by inserting '', 124,'' after ''section 119'';

(B) in paragraph (3)(A) by inserting '', 124,'' after ''section 119''; and

(C) in paragraph (5) by striking ''financial characteristics'' and all that follows through the end and inserting ''Federal share.''; and

(6) by adding at the end the following:

''(l) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.—

''(1) GOALS.—The goals of this subsection shall be to—

''(A) support the achievement of a state of good repair for the Nation's bridges;

''(B) improve the safety, efficiency, and reliability of the movement of people and freight over bridges; and

''(C) improve the condition of bridges in the United States by reducing—

1 "(i) the number of bridges—
2 "(I) in poor condition; or
3 "(II) in fair condition and at risk
4 of falling into poor condition;
5 "(ii) the total person miles traveled
6 over bridges—
7 "(I) in poor condition; or
8 "(II) in fair condition and at risk
9 of falling into poor condition;
10 "(iii) the number of bridges that—
11 "(I) do not meet current geo-
12 metric design standards; or
13 "(II) cannot meet the load and
14 traffic requirements typical of the re-
15 gional transportation network; and
16 "(iv) the total person miles traveled
17 over bridges that—
18 "(I) do not meet current geo-
19 metric design standards; or
20 "(II) cannot meet the load and
21 traffic requirements typical of the re-
22 gional transportation network.
23 "(2) BRIDGES ON PUBLIC ROADS.—
24 "(A) MINIMUM BRIDGE INVESTMENT.—
25 Excluding the amounts described in subpara-

graph (C), of the total funds apportioned to a State under paragraphs (1) and (2) of section 104(b) for fiscal years 2023 to 2026, a State shall obligate not less than 20 percent for projects described in subparagraph (E).

"(B) PROGRAM FLEXIBILITY.—A State required to obligate funds under subparagraph (A) may use any combination of funds apportioned to a State under paragraphs (1) and (2) of section 104(b).

"(C) LIMITATION.—Amounts described below may not be used for the purposes of calculating or meeting the minimum bridge investment requirement under subparagraph (A)—

"(i) amounts described in section 133(d)(1)(A);

"(ii) amounts set aside under section 133(h); and

"(iii) amounts described in section 505(a).

"(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the expenditure of funds described in subparagraph (C) for bridge projects eligible under such section.

"(E) ELIGIBLE PROJECTS.—Funds required to be obligated in accordance with paragraph (2)(A) may be obligated for projects or activities that—

"(i) are otherwise eligible under either section 119 or section 133, as applicable;

"(ii) support the achievement of performance targets of the State established under section 150, are consistent with the transportation asset management plan of the State, or provide support for the condition and performance of bridges on public roads within the State; and

"(iii) remove, replace, reconstruct, rehabilitate, preserve, or protect a bridge included on the national bridge inventory authorized by subsection (b), including through—

"(I) seismic retrofits;

"(II) systematic preventive maintenance;

"(III) installation of scour countermeasures;

"(IV) the use of innovative materials that extend the service life of the

bridge and reduce preservation costs, as compared to conventionally designed and constructed bridges;

"(V) the use of nontraditional production techniques, including factory prefabrication;

"(VI) painting for purposes of bridge protection;

"(VII) application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions;

"(VIII) corrosion control;

"(IX) construction of protective features (including natural infrastructure) alone or in combination with other activities eligible under this paragraph to enhance resilience of a bridge;

"(X) bridge security countermeasures;

"(XI) impact protection measures for bridges;

"(XII) inspection and evaluation of bridges;

"(XIII) training for bridge inspectors consistent with subsection (i); and

"(XIV) removal of a bridge classified as in poor condition in order to improve community connectivity.

"(F) BUNDLES OF PROJECTS.—A State may use a bundle of projects as described in subsection (j) to satisfy the requirements of subparagraph (A), if each project in the bundle is otherwise eligible under subparagraph (E).

"(G) FLEXIBILITY.—The Secretary may, at the request of a State, reduce the required obligation under subparagraph (A) if—

"(i) the reduction is consistent with a State's asset management plan for the National Highway System;

"(ii) the reduction will not limit a State's ability to meet its performance targets under section 150 or to improve the condition and performance of bridges on public roads within the State; and

"(iii) the State demonstrates that it has inadequate needs to justify the expenditure.

"(H) BRIDGE INVESTMENT REPORT.—The Secretary shall annually publish on the website of the Department of Transportation a bridge investment report that includes—

"(i) the total Federal funding obligated for bridge projects in the most recent fiscal year, on a State-by-State basis and broken out by Federal program;

"(ii) the total Federal funding obligated, on a State-by-State basis and broken out by Federal program, for bridge projects carried out pursuant to the minimum bridge investment requirements under subparagraph (A);

"(iii) the progress made by each State toward meeting the minimum bridge investment requirement under subparagraph (A) for such State, both cumulatively and for the most recent fiscal year;

"(iv) a summary of—

"(I) each request made under subparagraph (G) by a State for a re-

duction in the minimum bridge investment requirement under subparagraph (A); and

"(II) for each request described in subclause (I) that is granted by the Secretary—

"(aa) the percentage and dollar amount of the reduction; and

"(bb) an explanation of how the State met each of the criteria described in subparagraph (G); and

"(v) a summary of—

"(I) each request made by a State for a reduction in the obligation requirements under section 133(f); and

"(II) for each request that is granted by the Secretary—

"(aa) the percentage and dollar amount of the reduction; and

"(bb) an explanation of how the Secretary made the deter-

mination under section 133(f)(2)(B).

"(I) OFF-SYSTEM BRIDGES.—A State may apply amounts obligated under this subsection or section 133(f)(2)(A) to the obligation requirements of both this subsection and section 133(f).

"(J) NHS PENALTY.—A State may apply amounts obligated under this subsection or section 119(f)(2) to the obligation requirements of both this subsection and section 119(f)(2).

"(K) COMPLIANCE.—If a State fails to satisfy the requirements of subparagraph (A) by the end of fiscal year 2025, the Secretary may subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Bridges and tunnels.".

SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) by striking ''only includes a project'' and inserting ''includes a project'';

(ii) in clause (xiii) by inserting '', including the development of a vulnerable road user safety assessment or a vision zero plan under section 1601 of the INVEST in America Act'' after ''safety planning'';

(iii) by amending clause (xviii) to read as follows:

''(xviii) Safe routes to school infrastructure-related projects eligible under section 211.'';

(iv) in clause (xxvi) by inserting ''or leading pedestrian intervals'' after ''hybrid beacons''; and

(v) by striking clause (xxviii) and inserting the following:

''(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

''(xxix) Installation of infrastructure improvements, including sidewalks, crosswalks, signage, and bus stop shelters or protected waiting areas.'';

(B) in paragraph (11)—

(i) in subparagraph (A)—

(I) in clause (ix) by striking ''and'' at the end;

(II) by redesignating clause (x) as clause (xi); and

(III) by inserting after clause (ix) the following:

''(x) State or local representatives of educational agencies to address safe routes to school and schoolbus safety; and'';

(ii) in subparagraph (E) by inserting ''Tribal,'' after ''State,'';

(iii) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and

(iv) by inserting after subparagraph (F) the following:

"(G) includes a vulnerable road user safety assessment described under paragraph (16);";

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

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

"(10) SAFE SYSTEM APPROACH.—The term 'safe system approach' means a roadway design that emphasizes minimizing the risk of injury or fatality to road users and that—

"(A) takes into consideration the possibility and likelihood of human error;

"(B) accommodates human injury tolerance by taking into consideration likely crash types, resulting impact forces, and the human body's ability to withstand such forces; and

"(C) takes into consideration vulnerable road users.

"(11) SPECIFIED SAFETY PROJECT.—

"(A) IN GENERAL.—The term 'specified safety project' means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.

"(B) INCLUSION.—The term 'specified safety project' includes a project that—

"(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);

"(ii) facilitates enforcement of traffic safety laws;

"(iii) provides infrastructure and infrastructure-related equipment to support emergency services;

"(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or

"(v) supports safe routes to school noninfrastructure-related activities described under section 211(e)(2)."; and

(E) by adding at the end the following:

"(15) TRANSPORTATION MANAGEMENT AREA.—The term 'transportation management area' means an area designated under section 134(k).

"(16) VULNERABLE ROAD USER.—The term 'vulnerable road user' means a nonmotorist—

"(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term 'number of non-motorized fatalities' in section 490.205 of title 23, Code of Federal Regulations (or successor regulation); or

"(B) described in the term 'number of non-motorized serious injuries' in such section.

"(17) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term 'vulnerable road user safety assessment' means an assessment of the safety performance of the State or a metropolitan planning organization within the State with respect to vulnerable road users and the plan of the State or metropolitan planning organization to improve the safety of vulnerable road users described in subsection (l).";

(2) in subsection (c)—

(A) in paragraph (1) by striking "(a)(11)" and inserting "(a)(13)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi) by inserting ", consistent with the vulnerable road user safety assessment" after "non-motorized crashes";

(ii) in subparagraph (B)(i)—

(I) by inserting ", consistent with a safe system approach," after "identify";

(II) by inserting "excessive design speeds and speed limits," after "crossing needs,"; and

(III) by striking "motorists (including motorcyclists), bicyclists, pedestrians, and other highway users" and inserting "road users"; and

(iii) in subparagraph (D)(iii) by striking "motorists (including motorcyclists), bicyclists, pedestrians, persons with disabilities, and other highway users" and inserting "road users";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking "Not later than 1 year after the date of

enactment of the MAP–21, the'' and inserting ''The''; and

(ii) in subparagraph (B)—

(I) in clause (iv) by inserting ''and serious injury'' after ''fatality'';

(II) in clause (vii) by striking ''; and'' and inserting a semicolon;

(III) by redesignating clause (viii) as clause (ix); and

(IV) by inserting after clause (vii) the following:

''(viii) the findings of a vulnerable road user safety assessment of the State; and''; and

(B) in paragraph (2)(B)(i) by striking ''subsection (a)(11)'' and inserting ''subsection (a)(13)'';

(4) in subsection (e)—

(A) in paragraph (1)(C) by striking '', without regard to whether the project is included in an applicable State strategic highway safety plan''; and

(B) by adding at the end the following:

''(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

"(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

"(B) RULE OF STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to require a State to revise any State process, plan, or program in effect on the date of enactment of this paragraph.

"(C) EFFECT OF PARAGRAPH.—

"(i) REQUIREMENTS.—A project funded under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

"(ii) OTHER APPORTIONED PROGRAMS.—Subparagraph (A) shall not apply to amounts that may be obligated for non-infrastructure projects apportioned under any other paragraph of section 104(b).";

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(1) HIGH-RISK RURAL ROAD SAFETY.—

"(A) IN GENERAL.—If the Secretary determines that the fatality rate on rural roads in a State for the most recent 2-year period for which data are available exceeds the median fatality rate for rural roads among all States, such State shall be required to—

"(i) obligate over the 2 fiscal years following the fiscal year in which such determination is made for projects on high-risk rural roads an amount not less than 7.5 percent of the amounts apportioned to the State under section 104(b)(3) for fiscal year 2020; and

"(ii) include, in the subsequent update to the State strategic highway safety plan, strategies to reduce the fatality rate.

"(B) SOURCE OF FUNDS.—Any amounts obligated under subparagraph (A) shall be from amounts described under section 133(d)(1)(B).

"(C) ANNUAL DETERMINATION.—The determination described under subparagraph (A) shall be made on an annual basis.

"(D) CONSULTATION.—In carrying out a project with an amount obligated under sub-

paragraph (A), a State shall consult with, as applicable, local governments, metropolitan planning organizations, and regional transportation planning organizations.'';

(B) in paragraph (2)—

(i) in the heading by striking ''DRIVERS'' and inserting ''ROAD USERS'';

(ii) by striking ''drivers and pedestrians'' and inserting ''road users''; and

(iii) by striking ''address the increases in'' and inserting ''reduce''; and

(C) by adding at the end the following:

''(3) VULNERABLE ROAD USER SAFETY.—

''(A) HIGH RISK STATES.—

''(i) ANNUAL DETERMINATION.—Beginning on the date of enactment of the INVEST in America Act, the Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

"(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities and serious injuries per capita in a State over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries per capita over such 2-year period among all States, that State shall be required to obligate over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not less than 50 percent of the amount set aside in such State under section 133(h)(1) for fiscal year 2020 (less any amounts obligated for projects in that State as required by subparagraph (B)(ii)) for—

"(I) in the first two fiscal years after the enactment of the INVEST in America Act—

"(aa) performing the vulnerable road user safety assessment as required by subsection (l);

"(bb) providing matching funds for transportation alter-

natives safety projects as identified in section 133(h)(7)(B); or

"(cc) projects eligible under subparagraphs (A), (B), (C), or (I) of section 133(h); and

"(II) in each 2-year period thereafter, projects identified in the program of projects described in subsection (l)(2)(C).

"(B) HIGH RISK AREAS.—

"(i) ANNUAL DETERMINATION.—The Secretary shall determine on an annual basis whether the number of vulnerable road user fatalities per capita in a transportation management area over the most recent 2-year period for which data are available exceeds the median number fatalities in all such areas over such 2-year period.

"(ii) OBLIGATION REQUIREMENT.—If the Secretary determines that the number of vulnerable road user fatalities per capita in the transportation management area over the most recent 2-year period for which data are available exceeds the me-

dian number of such fatalities over such 2-year period among all such areas, then there shall be required to be obligated over the 2 fiscal years following the fiscal year in which such determination is made, for projects identified in the program of projects described in subsection (l)(7)(C), an amount that is not less than 50 percent of the amount set aside for that urbanized area under section 133(h)(2) for fiscal year 2020.

''(iii) APPLICABILITY.—The obligation requirement described in clause (ii) shall not take effect until the subject metropolitan planning organization has developed the vulnerable road user safety assessment described in subsection (l)(7).

''(C) SOURCE OF FUNDS.—

''(i) IN GENERAL.—Any amounts required to be obligated under this paragraph shall be from amounts apportioned under section 104(b) except for—

''(I) amounts described in section 133(d)(1)(A); and

"(II) amounts set aside under section 133(h).

"(ii) AREAS IN A HIGH RISK STATE.—If an area subject to the obligation requirement described in subparagraph (B)(ii) is located in a State required to obligate funds to vulnerable road user safety under subparagraph (A)(ii), any obligations in such State for projects identified in the program of projects described in subsection (l)(7)(C) shall count toward such State's obligation requirement under subparagraph (A)(ii).";

(6) in subsection (h)(1)(A)—

(A) by inserting ", including any efforts to reduce vehicle speed" after "under this section"; and

(B) by inserting "and projects identified under a vulnerable road user safety assessment" after "projects"; and

(7) by adding at the end the following:

"(l) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

"(1) IN GENERAL.—Not later than 1 year after date of enactment of the INVEST in America Act,

each State shall create a vulnerable road user safety assessment.

"(2) CONTENTS.—A vulnerable road user safety assessment required under paragraph (1) shall include—

"(A) a description of the location within the State of each vulnerable road user fatality and serious injury, including, if available, the design speed of the roadway at any such location;

"(B) a description of any corridors identified by a State, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that pose a high risk of a vulnerable road user fatality or serious injury, including, if available, the design speeds of such corridors; and

"(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B), in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent

a high-risk area identified under subparagraph (B).

"(3) ANALYSIS.—In creating a vulnerable road user safety assessment under this subsection, a State shall assess the last 5 years of available data.

"(4) REQUIREMENTS.—In creating a vulnerable road user safety assessment under this subsection, a State shall—

"(A) take into consideration a safe system approach; and

"(B) coordinate with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B).

"(5) UPDATE.—A State shall update a vulnerable road user safety assessment on the same schedule as the State updates the State strategic highway safety plan.

"(6) TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(C) may not degrade transportation system access for vulnerable road users.

"(7) URBANIZED AREA ASSESSMENTS.—

"(A) IN GENERAL.—A metropolitan planning organization representing a transportation management area shall, in consultation with local governments in such area, complete a vulnerable road user safety assessment based on the most recent 5 years of available data at least once every 4 years.

"(B) CONTENTS.—The assessment completed under subparagraph (A) shall include—

"(i) a description of the location within the area of each vulnerable road user fatality and, if available, serious injury;

"(ii) a description of any corridors that represent a high-risk area identified under paragraph (2)(B) or have otherwise been identified by the metropolitan planning organization or local government that pose a high risk of a vulnerable road user fatality or serious injury; and

"(iii) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B).".

(b) TECHNICAL AMENDMENT.—Section 148 of title 23, United States Code, is amended—

(1) in the heading for subsection (a)(8) by striking ''ROAD USERS'' and inserting ''ROAD USER''; and

(2) in subsection (i)(2)(D) by striking ''safety safety'' and inserting ''safety''.

(c) HIGH-RISK RURAL ROADS.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall update the study described in paragraph (1) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation an updated report of the report described in paragraph (2) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(3) BEST PRACTICES MANUAL.—Not later than 180 days after the date of submission of the report described in paragraph (2), the Secretary shall update the best practices manual described in section 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii) by striking ''subsection (h)'' and inserting ''subsection (i)'';

(B) in paragraph (7) by inserting ''shared micromobility (including bikesharing and shared scooter systems), publicly accessible charging stations, docks, and storage for electric bicycles and micromobility devices,'' after ''carsharing'';

(C) in paragraph (8)(B) by striking ''; or'' and inserting a semicolon;

(D) in paragraph (9) by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(10) if the project or program mitigates seasonal or temporary traffic congestion from long-haul travel or tourism.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the heading by inserting '', HYDROGEN VEHICLE,'' after ''ELECTRIC VEHICLE'';

(ii) by inserting ''hydrogen or'' after ''charging stations or''; and

(iii) by inserting '', hydrogen-powered,'' after ''battery powered''; and

(B) in paragraph (3) by inserting '', and is consistent with section 166'' after ''travel times''; and

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

''(m) OPERATING ASSISTANCE.—

''(1) PROJECTS.—A State may obligate funds apportioned under section 104(b)(4) in an area of such State that is otherwise eligible for obligations of such funds for operating costs under chapter 53 of title 49 or on a system for which CMAQ funding was made available, obligated, or expended in fiscal year 2012, or, notwithstanding subsection (b), on a State-supported Amtrak route with a cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 or alternative cost allocation under section 24712(g)(3) of title 49.

''(2) TIME LIMITATION.—In determining the amount of time for which a State may obligate funds under paragraph (1) for operating assistance for an

area of a State or on a system, the Secretary shall allow such obligations to occur, in such area or on such system—

"(A) with a time limitation of not less than 3 years; and

"(B) in the case of projects that demonstrate continued net air quality benefits beyond 3 years, as determined annually by the Secretary in consultation with the Administrator of the Environmental Protection Agency, with no imposed time limitation.".

SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.

(a) ELECTRIC VEHICLE CHARGING STATIONS.—Chapter 1 of title 23, United States Code, is amended by inserting after section 154 the following new section:

"§ 155. Electric vehicle charging stations

"(a) IN GENERAL.—Any electric vehicle charging infrastructure funded under this title shall be subject to the requirements of this section.

"(b) INTEROPERABILITY.—An electric vehicle charging station funded under this title shall—

"(1) provide a charging connector type or means to transmit electricity to vehicles that meets applicable industry accepted practices and safety standards; and

"(2) have the ability to serve vehicles produced by more than one vehicle manufacturer.

"(c) OPEN ACCESS TO PAYMENT.—Electric vehicle charging stations shall provide payment methods available to all members of the public to ensure secure, convenient, and equal access and shall not be limited by membership to a particular payment provider.

"(d) NETWORK CAPABILITY.—An electric vehicle charging station funded under this title shall be capable of being remotely monitored.

"(e) STANDARDS AND GUIDANCE.—Not less than 180 days after enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, develop standards and guidance applicable to any electric vehicle charging station funded in whole or in part under this title related to—

"(1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure;

"(2) the physical, software, and payment interoperability of electric vehicle charging infrastructure;

"(3) any traffic control device or on-premises sign acquired, installed, or operated related to an

electric vehicle charging station funded under this title; and

"(4) network connectivity of electric vehicle charging, including measures to protect personal privacy and ensure cybersecurity.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 154 the following new item:

"155. Electric vehicle charging stations.".

(c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The Secretary of Transportation shall update the Manual on Uniform Traffic Control Devices to—

(1) ensure uniformity in providing road users direction to electric charging stations that are open to the public; and

(2) allow the use of a comprehensive system of signs for electric vehicle charging providers to help drivers identify the type of charging and connector types available at the location.

(d) AGREEMENTS RELATING TO THE USE AND ACCESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

"(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Notwithstanding subsection (a) or (b), the Secretary shall permit, consistent with section 155, the charging of electric vehicles on rights-of-way of the Interstate System, including in—

"(A) a rest area; or

"(B) a fringe or corridor parking facility, including a park and ride facility.

"(2) SAVINGS CLAUSE.—Nothing in this subsection shall permit commercial activities on rights-of-way of the Interstate System, except as necessary for the charging of electric vehicles in accordance with this subsection.".

SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.

(a) IN GENERAL.—Section 167 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6) by striking "; and" and inserting a semicolon; and

(B) by striking paragraph (7) and inserting the following:

"(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network, including—

"(A) greenhouse gas emissions;

"(B) local air pollution, including local pollution derived from vehicles idling at railway crossings;

"(C) minimizing, capturing, or treating stormwater runoff and addressing other adverse impacts to water quality; and

"(D) wildlife habitat loss; and

"(8) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors.";

(2) in subsection (e)(2) by striking "150 miles" and inserting "300 miles";

(3) in subsection (f)(4) by striking "75 miles" and inserting "150 miles";

(4) in subsection (h) by striking "Not later than" and all that follows through "shall prepare" and inserting "As part of the report required under section 503(b)(8), the Administrator shall biennially prepare";

(5) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by amending paragraph (4) to read as follows:

"(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, a State may not obligate

funds apportioned to the State under section 104(b)(5) unless the State has developed, updated, or amended, as applicable, a freight plan in accordance with section 70202 of title 49.'';

(C) in paragraph (5)—

(i) by striking subparagraph (B) and inserting the following:

''(B) LIMITATION.—The Federal share of a project described in subparagraph (C)(xxiii) shall fund only elements of such project that provide public benefits.''; and

(ii) in subparagraph (C)—

(I) in clause (iii) by inserting ''and freight management and operations systems'' after ''freight transportation systems''; and

(II) by amending clause (xxiii) to read as follows:

''(xxiii) Freight intermodal or freight rail projects, including—

''(I) projects within the boundaries of public or private freight rail or water facilities (including ports);

''(II) projects that provide surface transportation infrastructure nec-

essary to facilitate direct intermodal interchange, transfer, and access into or out of the facility; and

"(III) any other surface transportation project to improve the flow of freight into or out of a facility described in subclause (I) or (II).";

(D) in paragraph (6) by striking "paragraph (5)" and inserting "paragraph (3)"; and

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively; and

(6) in subsection (k)(1)(A)(ii) by striking "ports-of entry" and inserting "ports-of-entry".

(b) NATIONAL HIGHWAY FREIGHT NETWORK.—If a congressionally designated future Interstate, or any portion thereof, is included in a State Freight Plan (regardless of whether such project is included in the freight investment plan of the State) approved by the Department of Transportation prior to October 1, 2021, such route shall be considered to be on the National Highway Freight Network established under section 167(c) of title 23, United States Code.

SEC. 1213. CARBON POLLUTION REDUCTION.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 171. Carbon pollution reduction

''(a) ESTABLISHMENT.—The Secretary shall establish a carbon pollution reduction program to support the reduction of greenhouse gas emissions from the surface transportation system.

''(b) ELIGIBLE PROJECTS.—A project is eligible for funding under this section if such project—

''(1) is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system;

''(2) will help a State meet the greenhouse gas emissions performance targets established under section 150(d); and

''(3) is—

''(A) eligible for assistance under this title or under chapter 53 of title 49 or is a capital project for vehicles and facilities (whether publicly or privately owned) that are used to provide intercity passenger service by bus; or

''(B) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation, provided

that the project will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

"(c) GUIDANCE.—The Secretary shall issue guidance on methods of determining the reduction of single occupant vehicle trips and improvement of mobility on public roads as those factors relate to intercity rail passenger transportation projects under subsection (b)(4).

"(d) OPERATING EXPENSES.—A State may use not more than 10 percent of the funds provided under section 104(b)(9) for the operating expenses of public transportation and passenger rail transportation projects.

"(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility and is consistent with section 166.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall annually evaluate the progress of each State in carrying out the program under this section by comparing the percent change in carbon dioxide emissions per capita on public roads in the State calculated as—

"(A) the annual carbon dioxide emissions per capita on public roads in the State for the most recent year for which there is data; divided by

"(B) the average annual carbon dioxide emissions per capita on public roads in the State in calendar years 2015 through 2019.

"(2) MEASURES.—In conducting the evaluation under paragraph (1), the Secretary shall—

"(A) prior to the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such data as are available, which may include data on motor fuels usage published by the Federal Highway Administration and information on emissions factors or coefficients published by the Energy Information Administration of the Department of Energy; and

"(B) following the effective date of the greenhouse gas performance measures under section 150(c)(7)(A), use such measures.

"(g) PROGRESS REPORT.—The Secretary shall annually issue a carbon pollution reduction progress report, to be made publicly available on the website of the Department of Transportation, that includes—

"(1) the results of the evaluation under subsection (f) for each State; and

"(2) a ranking of all the States by the criteria under subsection (f), with the States that, for the year covered by such report, have the largest percentage reduction in annual carbon dioxide emissions per capita on public roads being ranked the highest.

"(h) HIGH-PERFORMING STATES.—

"(1) DESIGNATION.—For purposes of this section, each State that is 1 of the 15 highest ranked States, as determined under subsection (g)(2), and that achieves a reduction in carbon dioxide emissions per capita on public roads, as determined by the evaluation in subsection (f), shall be designated as a high-performing State for the following fiscal year.

"(2) USE OF FUNDS.—For each State that is designated as a high-performing State under paragraph (1)—

"(A) notwithstanding section 120, the State may use funds made available under this title to pay the non-Federal share of a project under this section during any year for which such State is designated as a high-performing State; and

"(B) notwithstanding section 126, the State may transfer up to 50 percent of funds apportioned under section 104(b)(9) to the program under section 104(b)(2) in any year for which such State is designated as a high-performing State.

"(3) TRANSFER.—For each State that is 1 of the 15 lowest ranked States, as determined under subsection (g)(2), the Secretary shall transfer 10 percent of the amount apportioned to the State under section 104(b)(2) in the fiscal year following the year in which the State is so ranked, not including amounts set aside under section 133(d)(1)(A) and under section 133(h) or 505(a), to the apportionment of the State under section 104(b)(9).

"(4) LIMITATION.—The Secretary shall not conduct a transfer under paragraph (3)—

"(A) until the first fiscal year following the effective date of greenhouse gas performance measures under section 150(c)(7)(A); and

"(B) with respect to a State in any fiscal year following the year in which such State achieves a reduction in carbon dioxide emissions per capita on public roads in such year as determined by the evaluation under subsection (f).

"(i) REPORT.—Not later than 2 years after the date of enactment of this section and periodically thereafter, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue a report—

"(1) detailing, based on the best available science, what types of projects eligible for assistance under this section are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

"(2) detailing, based on the best available science, what types of projects eligible for assistance under this section are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"171. Carbon pollution reduction.".

(c) APPLICABILITY.—Subsection (b)(2) of section 171 of title 23, United States Code, as added by this section, shall apply to a State beginning on the first fiscal year following the fiscal year in which the State sets greenhouse gas performance targets under section 150(d) of title 23, United States Code.

SEC. 1214. RECREATIONAL TRAILS.

Section 206 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''except for'' and all that follows and inserting the following: ''except for—

''(A) a motorized wheelchair; and

''(B) in any case in which applicable laws and regulations permit use, an electric bicycle, as defined in section 217(j).'';

(B) in paragraph (2)—

(i) in subparagraph (F) by striking ''and'' at the end;

(ii) in subparagraph (G) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(F) electric bicycling.''; and

(2) by adding at the end the following:

''(j) SPECIAL RULE.—Section 113 shall not apply to projects under this section.''.

SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 210 the following:

"§ 211. Safe routes to school program

''(a) PROGRAM.—The Secretary shall carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

''(b) PURPOSES.—The purposes of the program shall be—

''(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

''(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

''(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

''(c) USE OF FUNDS.—Amounts apportioned to a State under paragraphs (2) and (3) of section 104(b) may be used to carry out projects, programs, and other activities under this section.

''(d) ELIGIBLE ENTITIES.—Projects, programs, and activities funded under this section may be carried out by eligible entities described under section 133(h)(4)(B) that demonstrate an ability to meet the requirements of this section.

"(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

"(1) INFRASTRUCTURE-RELATED PROJECTS.—

"(A) IN GENERAL.—A State may obligate funds under this section for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

"(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

"(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—In addition to projects described in paragraph (1), a State may obligate funds under this section for noninfrastructure-related activities to encourage walking and bicycling to school, including—

"(A) public awareness campaigns and outreach to press and community leaders;

"(B) traffic education and enforcement in the vicinity of schools;

"(C) student sessions on bicycle and pedestrian safety, health, and environment;

"(D) programs that address personal safety; and

"(E) funding for training, volunteers, and managers of safe routes to school programs.

"(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under paragraphs (2) and (3) of section 104(b) shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

"(4) RURAL SCHOOL DISTRICT OUTREACH.—A coordinator described in paragraph (3) shall conduct outreach to ensure that rural school districts in the State are aware of such State's safe routes to school program and any funds authorized by this section.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project, program, or activity under this section shall be 100 percent.

"(g) CLEARINGHOUSE.—

"(1) IN GENERAL.—The Secretary shall maintain a national safe routes to school clearinghouse to—

"(A) develop information and educational programs on safe routes to school; and

"(B) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

"(2) FUNDING.—The Secretary shall carry out this subsection using amounts authorized to be appropriated for administrative expenses under section 104(a).

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) IN THE VICINITY OF SCHOOLS.—The term 'in the vicinity of schools' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

"(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term 'primary, middle, and high schools' means schools providing education from kindergarten through twelfth grade.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 1404 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1228–1230), and

the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(2) ANALYSIS.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 210 the following:

"211. Safe routes to school program.".

SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking "104(b)(3)" and inserting "104(b)(4)"; and

(B) by striking "a position" and inserting "at least one full-time positions";

(2) in subsection (e) by striking "bicycles" and inserting "pedestrians or bicyclists" each place such term appears;

(3) in subsection (j)—

(A) in paragraph (1) by inserting "or operators of micromobility devices" after "bicyclists";

(B) by striking paragraph (2) and inserting the following:

"(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means mean a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that can safely share a bicycle transportation facility with other users of such facility and meets the requirements of one of the following three classes:

"(A) CLASS 1 ELECTRIC BICYCLE.—The term 'class 1 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

"(B) CLASS 2 ELECTRIC BICYCLE.—The term 'class 2 electric bicycle' means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

"(C) CLASS 3 ELECTRIC BICYCLE.—The term 'class 3 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

"(3) MICROMOBILITY DEVICE.—The term 'micromobility device' means any wheeled vehicle equipped with a low powered electric motor—

"(A) that is designed primarily for human transport;

"(B) that weighs not more than 100 pounds; and

"(C) that has a top speed of 20 miles per hour or less.".

SEC. 1217. NOISE BARRIERS.

(a) PERMITTING USE OF HIGHWAY TRUST FUND FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—Section 339(b)(1) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note) is amended to read as follows:

"(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct a Type II noise barrier (as defined by section 772.5(I) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (I) of section 109 of title 23, United States Code, unless—

"(A) such a barrier is part of a project approved by the Secretary before November 28, 1995; or

"(B) such a barrier separates a highway or other noise corridor from a group of structures of which the majority of those closest to the highway or noise corridor—

"(i) are residential in nature; and

"(ii) either—

"(I) were constructed before the construction or most recent widening of the highway or noise corridor; or

"(II) are at least 10 years old.".

(b) ELIGIBILITY FOR SURFACE TRANSPORTATION BLOCK GRANT FUNDS.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b) by adding at the end the following:

"(20) Planning, design, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations).''; and

(2) in subsection (c)(2) by inserting "and paragraph (20)" after "(11)".

SEC. 1218. SAFE STREETS FOR ALL.

Section 148 of title 23, United States Code, is further amended by adding at the end the following:

"(m) SAFE STREETS FOR ALL.—

"(1) SAFE STREETS SET-ASIDE.—

"(A) ESTABLISHMENT.—The Secretary shall establish a safe streets program to eliminate the occurrence of transportation-related fatalities and serious injuries on public roads, with a focus on vulnerable road users.

"(B) AMOUNT.—Of the funds apportioned to a State under section 104(b)(3) for each fiscal year, the Secretary shall reserve an amount such that—

"(i) the Secretary reserves a total under this subsection of $500,000,000 for each of fiscal years 2023 through 2026; and

"(ii) the State's share of that total is distributed in the same manner as the amount apportioned to the State under section 104(b)(3) for each fiscal year bears to the total amount of funds apportioned to all States under such section.

"(2) SUBALLOCATION.—For each fiscal year for which funds are set aside under this subsection, such funds shall be obligated within a State in the manner described in subsections (d) and (e) of section 133, except that, for the purposes of this sub-

section, the percentage referred to in section 133(d)(1)(A) shall be treated as 100 percent.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Funds set aside under this subsection shall be available for obligation—

"(i) for a complete streets project that supports the safe, comfortable, convenient, and independent movement of all users of the transportation system, of all ages and abilities, consistent with context sensitive design principles;

"(ii) for activities eligible under the safe routes to school program under section 211;

"(iii) to develop and implement the policies and procedures described in section 109(s);

"(iv) for any element of vision zero planning described under section 1601 of the INVEST in America Act and to implement an existing vision zero plan;

"(v) for other activities in furtherance of the vulnerable road user safety assessment of the State or the metropolitan

planning organization described under subsection (l); and

"(vi) for any other project, program, or plan eligible under this section that provides for the safe and adequate accommodation of all users of the surface transportation network, as determined by the Secretary.

"(B) SPECIAL RULE.—If a State or metropolitan planning organization demonstrates to the satisfaction of the Secretary that such State or metropolitan planning organization has met all its needs for vulnerable road user safety under this section, the State or metropolitan planning organization may use funds made available under this subsection for other highway safety improvement program purposes, subject to the suballocation under paragraph (2). The Secretary may not make a determination under this subparagraph if the State or metropolitan planning organization has been subject to the special rule described in subsection (g)(3) within the last 5 years.".

SEC. 1219. YOUTH SERVICE AND CONSERVATION CORPS.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 211 (as added by this Act) the following:

"§ 212. Use of youth service and conservation corps

"(a) IN GENERAL.—The Secretary may allow and shall encourage project sponsors to enter into contracts and cooperative agreements with qualified youth service or conservation corps, as described in sections 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)) and 106(c)(3) of the National and Community Service Trust Act of 1993 (42 U.S.C. 12656(c)(3)) to perform appropriate projects eligible under sections 133(h), 162, 206, and 211.

"(b) REQUIREMENTS.—Under any contract or cooperative agreement entered into with a qualified youth service or conservation corps under this section, the Secretary shall—

"(1) set the amount of a living allowance or rate of pay for each participant in such corps at—

"(A) such amount or rate as required under State law in a State with such requirements; or

"(B) for corps in States not described in subparagraph (A), at such amount or rate as determined by the Secretary, not to exceed the

maximum living allowance authorized by section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594); and

"(2) not subject such corps to the requirements of section 112 or 113.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 211 (as added by this Act) the following:

"212. Use of youth service and conservation corps.".

Subtitle C—Project-Level Investments

SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended to read as follows:

"§ 117. Projects of national and regional significance

"(a) ESTABLISHMENT.—The Secretary shall establish a projects of national and regional significance program under which the Secretary may make grants to, and establish multiyear grant agreements with, eligible entities in accordance with this section.

"(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner,

and containing such information as the Secretary may require.

"(c) GRANT AMOUNTS AND PROJECT COSTS.—

"(1) IN GENERAL.—Each grant made under this section—

"(A) shall be in an amount that is at least $25,000,000; and

"(B) shall be for a project that has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) in the case of a project—

"(I) located in 1 State or territory, 30 percent of the amount apportioned under this chapter to the State or territory in the most recently completed fiscal year; or

"(II) located in more than 1 State or territory, 50 percent of the amount apportioned under this chapter to the participating State or territory with the largest apportionment under this chapter in the most recently completed fiscal year.

"(2) LARGE PROJECTS.—For a project that has eligible project costs that are reasonably anticipated to equal or exceed $500,000,000, a grant made under this section—

"(A) shall be in an amount sufficient to fully fund the project, or in the case of a public transportation project, a minimum operable segment, in combination with other funding sources, including non-Federal financial commitment, identified in the application; and

"(B) may be awarded pursuant to the process under subsection (d), as necessary based on the amount of the grant.

"(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

"(1) IN GENERAL.—A large project that receives a grant under this section may be carried out through a multiyear grant agreement in accordance with this subsection.

"(2) REQUIREMENTS.—A multiyear grant agreement for a large project shall—

"(A) establish the terms of participation by the Federal Government in the project;

"(B) establish the amount of Federal financial assistance for the project;

"(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided; and

"(D) determine the period of time for completing the project, even if such period extends beyond the period of an authorization.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—A multiyear grant agreement under this subsection—

"(i) shall obligate an amount of available budget authority specified in law; and

"(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(B) CONTINGENT COMMITMENT.—A contingent commitment under this subsection is not an obligation of the Federal Government under section 1501 of title 31.

"(C) INTEREST AND OTHER FINANCING COSTS.—

"(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

"(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(4) ADVANCE PAYMENT.—An eligible entity carrying out a large project under a multiyear grant agreement—

"(A) may use funds made available to the eligible entity under this title or title 49 for eligible project costs of the large project; and

"(B) shall be reimbursed, at the option of the eligible entity, for such expenditures from the amount made available under the multiyear grant agreement for the project in that fiscal year or a subsequent fiscal year.

"(e) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—The Secretary may make a grant under this section only for a project that is a project eligible for assistance under this title or chapter 53 of title 49 and is—

"(A) a bridge project carried out on the National Highway System, or that is eligible to be carried out under section 165;

"(B) a project to improve person throughput that is—

"(i) a highway project carried out on the National Highway System, or that is eligible to be carried out under section 165;

"(ii) a public transportation project; or

"(iii) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation; or

"(C) a project to improve freight throughput that is—

"(i) a highway freight project carried out on the National Highway Freight Net-

work established under section 167 or on the National Highway System;

"(ii) a freight intermodal, freight rail, or railway-highway grade crossing or grade separation project; or

"(iii) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.

"(2) LIMITATION.—

"(A) CERTAIN FREIGHT PROJECTS.—Projects described in clauses (ii) and (iii) of paragraph (1)(C) may receive a grant under this section only if—

"(i) the project will make a significant improvement to the movement of freight on the National Highway System; and

"(ii) the Federal share of the project funds only elements of the project that provide public benefits.

"(B) CERTAIN PROJECTS FOR PERSON THROUGHPUT.—Projects described in clauses

(ii) and (iii) of paragraph (1)(B) may receive a grant under this section only if the project will make a significant improvement in mobility on public roads.

"(f) ELIGIBLE PROJECT COSTS.—An eligible entity receiving a grant under this section may use such grant for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

"(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section for funding under this section only if the Secretary determines that the project—

"(1) generates significant regional or national economic, mobility, safety, resilience, or environmental benefits;

"(2) is cost effective;

"(3) is based on the results of preliminary engineering;

"(4) has secured or will secure acceptable levels of non-Federal financial commitments, including—

"(A) one or more stable and dependable sources of funding and financing to construct, maintain, and operate the project; and

"(B) contingency amounts to cover unanticipated cost increases;

"(5) cannot be easily and efficiently completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

"(6) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

"(h) MERIT CRITERIA AND CONSIDERATIONS.—

"(1) MERIT CRITERIA.—In awarding a grant under this section, the Secretary shall evaluate the following merit criteria:

"(A) The extent to which the project supports achieving a state of good repair.

"(B) The level of benefits the project is expected to generate, including—

"(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

"(ii) reductions in maintenance costs over the life of the asset;

"(iii) safety benefits, including the reduction of accidents and related costs;

"(iv) improved person or freight throughput, including congestion reduction and reliability improvements;

"(v) national and regional economic benefits;

"(vi) resilience benefits, including the ability to withstand disruptions from a seismic event;

"(vii) environmental benefits, including reduction in greenhouse gas emissions and air quality benefits; and

"(viii) benefits to all users of the project, including pedestrian, bicycle, non-

vehicular, railroad, and public transportation users.

"(C) How the benefits compare to the costs of the project.

"(D) The average number of people or volume of freight, as applicable, supported by the project, including visitors based on travel and tourism.

"(2) ADDITIONAL CONSIDERATIONS.—In awarding a grant under this section, the Secretary shall consider the following:

"(A) Whether the project spans at least 1 border between 2 States.

"(B) Whether the project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents.

"(C) Whether the project uses innovative technologies, innovative design and construction techniques, or pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes and, if so, the degree to which such technologies, techniques, or materials are used.

"(D) Whether the project improves connectivity between modes of transportation moving people or goods in the Nation or region.

"(E) Whether the project provides new or improved connections between at least two metropolitan areas with a population of at least 500,000.

"(F) Whether the project would replace, reconstruct, or rehabilitate a high-commuter corridor (as such term is defined in section 203(a)(6)) that is in poor condition.

"(i) PROJECT SELECTION.—

"(1) EVALUATION.—To evaluate applications for funding under this section, the Secretary shall—

"(A) determine whether a project is eligible for a grant under this section;

"(B) evaluate, through a methodology that is discernible and transparent to the public, how each application addresses the merit criteria pursuant to subsection (h);

"(C) assign a quality rating for each merit criteria for each application based on the evaluation in subparagraph (B);

"(D) ensure that applications receive final consideration by the Secretary to receive an

award under this section only on the basis of such quality ratings and that the Secretary gives final consideration only to applications that meet the minimally acceptable level for each of the merit criteria; and

"(E) award grants only to projects rated highly under the evaluation and rating process.

"(2) CONSIDERATIONS FOR LARGE PROJECTS.—In awarding a grant for a large project, the Secretary shall—

"(A) consider the amount of funds available in future fiscal years for the program under this section; and

"(B) assume the availability of funds in future fiscal years for the program that extend beyond the period of authorization based on the amount made available for the program in the last fiscal year of the period of authorization.

"(3) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure geographic diversity and a balance between rural and urban communities among grant recipients over fiscal years 2023 through 2026.

"(4) PUBLICATION OF METHODOLOGY.—

"(A) IN GENERAL.—Prior to the issuance of any notice of funding opportunity for grants under this section, the Secretary shall publish and make publicly available on the Department's website—

"(i) a detailed explanation of the merit criteria developed under subsection (h);

"(ii) a description of the evaluation process under this subsection; and

"(iii) how the Secretary shall determine whether a project satisfies each of the requirements under subsection (g).

"(B) UPDATES.—The Secretary shall update and make publicly available on the website of the Department of Transportation such information at any time a revision to the information described in subparagraph (A) is made.

"(C) INFORMATION REQUIRED.—The Secretary shall include in the published notice of funding opportunity for a grant under this section detailed information on the rating methodology and merit criteria to be used to evaluate applications, or a reference to the information

on the website of the Department of Transportation, as required by subparagraph (A).

"(j) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this section may not exceed 60 percent.

"(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

"(k) BRIDGE INVESTMENTS.—Of the amounts made available to carry out this section, the Secretary shall reserve not less than $1,000,000,000 in each fiscal year to make grants for projects described in subsection (e)(1)(A).

"(l) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f)

of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(m) TIFIA PROGRAM.—At the request of an eligible entity under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

"(n) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may use up to $5,000,000 for the costs of administering the program under this section.

"(o) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 to provide technical assistance to eligible entities.

"(p) CONGRESSIONAL REVIEW.—

"(1) NOTIFICATION.—Not less than 60 days before making an award under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Pub-

lic Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) a list of all applications determined to be eligible for a grant by the Secretary;

"(B) the quality ratings assigned to each application pursuant to subsection (i);

"(C) a list of applications that received final consideration by the Secretary to receive an award under this section;

"(D) each application proposed to be selected for a grant award;

"(E) proposed grant amounts, including for each new multiyear grant agreement, the proposed payout schedule for the project; and

"(F) an analysis of the impacts of any large projects proposed to be selected on existing commitments and anticipated funding levels for the next 4 fiscal years, based on information available to the Secretary at the time of the report.

"(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the Secretary's list of proposed projects.

"(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

"(q) TRANSPARENCY.—

"(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

"(A) a summary of each application made to the program for the grant application period; and

"(B) the evaluation and justification for the project selection, including ratings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

"(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive a briefing to explain

any reasons the grant applicant was not awarded a grant.

"(r) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a group of States;

"(2) a unit of local government, including a metropolitan planning organization, or a group of local governments;

"(3) a political subdivision of a State or local government;

"(4) a special purpose district or public authority with a transportation function, including a port authority;

"(5) an Indian Tribe or Tribal organization;

"(6) a Federal agency eligible to receive funds under section 201, 203, or 204, including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management, that applies jointly with a State or group of States;

"(7) a territory; and

"(8) a multistate or multijurisdictional group of entities described in this paragraph.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by strik-

ing the item relating to section 117 and inserting the following:

"117. Projects of national and regional significance.".

SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, as amended by this title, is further amended by adding at the end the following:

"§ 173. Community transportation investment grant program

"(a) ESTABLISHMENT.—The Secretary shall establish a community transportation investment grant program to improve surface transportation safety, state of good repair, accessibility, and environmental quality through infrastructure investments.

"(b) GRANT AUTHORITY.—

"(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary shall make grants, on a competitive basis, to eligible entities in accordance with this section.

"(2) GRANT AMOUNT.—The maximum amount of a grant under this section shall be $25,000,000.

"(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

"(d) ELIGIBLE PROJECT COSTS.—Grant amounts for an eligible project carried out under this section may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to such land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

"(e) RURAL AND COMMUNITY SETASIDES.—

"(1) IN GENERAL.—The Secretary shall reserve—

"(A) not less than 25 percent of the amounts made available to carry out this section for projects located in rural areas; and

"(B) not less than 25 percent of the amounts made available to carry out this section for projects located in urbanized areas with a population greater than 49,999 individuals and fewer than 200,001 individuals.

"(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means all areas of a State or territory not included in urbanized areas.

"(3) EXCESS FUNDING.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

"(f) EVALUATION.—To evaluate applications under this section, the Secretary shall—

"(1) develop a process to objectively evaluate applications on the benefits of the project proposed in such application—

"(A) to transportation safety, including reductions in traffic fatalities and serious injuries;

"(B) to state of good repair, including improved condition of bridges and pavements;

"(C) to transportation system access, including improved access to jobs and services; and

"(D) in reducing greenhouse gas emissions;

"(2) develop a rating system to assign a numeric value to each application, based on each of the criteria described in paragraph (1);

"(3) for each application submitted, compare the total benefits of the proposed project, as determined by the rating system developed under paragraph (2), with the costs of such project, and rank each application based on the results of the comparison; and

"(4) ensure that only such applications that are ranked highly based on the results of the comparison conducted under paragraph (3) are considered to receive a grant under this section.

"(g) WEIGHTING.—In establishing the evaluation process under subsection (f), the Secretary may assign different weights to the criteria described in subsection (f)(1) based on project type, population served by a project, and other context-sensitive considerations, provided that—

"(1) each application is rated on all criteria described in subsection (f)(1); and

"(2) each application has the same possible minimum and maximum rating, regardless of any differences in the weighting of criteria.

"(h) TRANSPARENCY.—

"(1) PUBLICLY AVAILABLE INFORMATION.—Prior to the issuance of any notice of funding opportunity under this section, the Secretary shall make publicly available on the website of the Department

of Transportation a detailed explanation of the evaluation and rating process developed under subsection (f), including any differences in the weighting of criteria pursuant to subsection (g), if applicable, and update such website for each revision of the evaluation and rating process.

"(2) NOTIFICATIONS TO CONGRESS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate the following written notifications:

"(A) A notification when the Secretary publishes or updates the information required under paragraph (1).

"(B) Not later than 30 days prior to the date on which the Secretary awards a grant under this section, a notification that includes—

"(i) the ratings of each application submitted pursuant to subsection (f)(2);

"(ii) the ranking of each application submitted pursuant to subsection (f)(3); and

"(iii) a list of all applications that receive final consideration by the Secretary to receive an award under this section pursuant to subsection (f)(4).

"(C) Not later than 3 business days prior to the date on which the Secretary announces the award of a grant under this section, a notification describing each grant to be awarded, including the amount and the recipient.

"(i) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $3,000,000 to provide technical assistance to eligible entities.

"(j) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 for the administrative costs of carrying out the program under this section.

"(k) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation

component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(l) TRANSPARENCY.—

"(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

"(A) a summary of each application made to the program for the grant application period; and

"(B) the evaluation and justification for the project selection, including ratings and rankings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

"(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

"(m) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a metropolitan planning organization;

"(B) a unit of local government;

"(C) a transit agency;

"(D) an Indian Tribe or Tribal organization;

"(E) a multijurisdictional group of entities described in this paragraph;

"(F) a special purpose district with a transportation function or a port authority;

"(G) a territory; or

"(H) a State that applies for a grant under this section jointly with an entity described in subparagraphs (A) through (G).

"(2) ELIGIBLE PROJECT.—The term 'eligible project' means any project eligible under this title or chapter 53 of title 49.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following new item:

"173. Community transportation investment grant program.".

SEC. 1303. CLEAN CORRIDORS PROGRAM.

(a) PURPOSE.—The purpose of this section is to establish a formula program to strategically deploy electric vehicle charging infrastructure along designated alternative fuel corridors that will be accessible to all drivers of electric vehicles.

(b) NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.—Section 151 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall" and inserting "The Secretary shall periodically";

(2) in subsection (b)(2) by inserting "previously designated by the Federal Highway Administration or" after "fueling corridors";

(3) in subsection (d)—

(A) by striking "5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter" and inserting

"180 days after the date of enactment of the INVEST in America Act"; and

(B) by inserting "establish a recurring process to regularly" after "the Secretary shall";

(4) in subsection (e)—

(A) in paragraph (1) by striking "; and" and inserting a semicolon;

(B) in paragraph (2)—

(i) by striking "establishes an aspirational goal of achieving" and inserting "describes efforts to achieve"; and

(ii) by striking "by the end of fiscal year 2020." and inserting ", including progress on the implementation of subsection (f); and"; and

(C) by adding at the end the following:

"(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure to allow for the predictable deployment of such infrastructure."; and

(5) by adding at the end the following:

"(f) CLEAN CORRIDORS PROGRAM.—

"(1) ESTABLISHMENT.—There is established a clean corridors program (referred to in this subsection as the "Program") to provide funding to States to strategically deploy electric vehicle charging and hydrogen fueling infrastructure along alternative fuel corridors and to establish an interconnected network to facilitate data collection, access, and reliability.

"(2) PURPOSE.—The purpose of the Program is to provide funding for—

"(A) the acquisition and installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability;

"(B) proper operation and maintenance of electric vehicle charging infrastructure; and

"(C) data sharing about charging and fueling infrastructure to ensure the long-term success of investments made through the Program.

"(3) ALTERNATIVE DISTRIBUTION OF FUNDS.—

"(A) PLAN.—The Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner

that the Secretary requires, describing how such State intends to use its allocation under this section.

"(B) EFFICIENT OBLIGATION OF FUNDS.—If a State fails to submit the plan required by subparagraph (A) to the Secretary in a timely manner, or if the Secretary determines a State has not taken sufficient action to carry out its plan, the Secretary may—

"(i) withdraw from the State the funds that were apportioned to the State for a fiscal year under section 104(b)(10);

"(ii) award such funds on a competitive basis to local units of government within the State for use on projects that meet the eligibility requirements described in paragraph (4); and

"(iii) ensure timely obligation of such funds.

"(C) REDISTRIBUTION AMONG STATES.—If the Secretary determines that any funds withdrawn from a State under subparagraph (B)(i) cannot be fully awarded to local units of government within the State under subparagraph (B)(ii) in a manner consistent with the purpose

of this subsection, any such funds remaining under subparagraph (B)(i) shall be—

"(i) apportioned among other States (except States for which funds for that fiscal year have been withdrawn under subparagraph (B)(i)) in the same ratio as funds apportioned for that fiscal year under section 104(b)(10)(C) for the Program; and

"(ii) only available to carry out this section.

"(4) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Funding made available under this subsection shall be for projects—

"(i) directly related to the electric charging or hydrogen fueling of a vehicle; and

"(ii) only for infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than 1 company.

"(B) LOCATION OF INFRASTRUCTURE.—

"(i) IN GENERAL.—Any charging or fueling infrastructure acquired or installed

with funding under this subsection shall be located along an alternative fuel corridor.

"(ii) GUIDANCE.—Not later than 90 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy charging and fueling infrastructure along alternative fuel corridors, consistent with this section.

"(iii) ADDITIONAL CONSIDERATIONS.—In developing the guidance required under clause (ii), the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider—

"(I) the distance between publicly available charging and fueling infrastructure eligible under this section;

"(II) connections to the electric grid or fuel distribution system, including electric distribution upgrades, vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts

to the electric grid, and alignment with electric distribution interconnection processes;

"(III) plans to protect the electric grid from added load of charging distribution systems from adverse impacts of changing load patterns, including through on site storage;

"(IV) plans for the use of renewable energy sources to power charging, energy storage, and hydrogen fuel production;

"(V) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this subsection;

"(VI) the need for publicly available electric vehicle charging infrastructure in rural corridors;

"(VII) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect

the investment of public funds in that infrastructure;

"(VIII) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives;

"(IX) fostering enhanced, coordinated, public-private or private investment in charging and fueling infrastructure;

"(X) ensuring consumer protection and pricing transparency; and

"(XI) any other factors, as determined by the Secretary.

"(5) ELIGIBLE PROJECT COSTS.—Subject to paragraph (6), funds made available under this subsection may be used for—

"(A) the acquisition or installation of electric vehicle charging or hydrogen fueling infrastructure;

"(B) operating assistance for costs allocable to operating and maintaining infrastructure acquired or installed under this subsection, for a period not to exceed five years;

"(C) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to infrastructure acquired, installed, or operated under this subsection; or

"(D) on-premises signs to provide information about infrastructure acquired, installed, or operated under this subsection.

"(6) PROJECT REQUIREMENTS.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall, as appropriate, develop standards and requirements related to—

"(A) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this subsection;

"(B) the physical, software, and payment interoperability of electric vehicle charging infrastructure under this subsection;

"(C) any traffic control device or on-premises sign acquired, installed, or operated under this subsection;

"(D) any data requested by the Secretary related to a project funded under this sub-

section, including the format and schedule for the submission of such data; and

"(E) network connectivity of electric vehicle charging that includes measures to protect personal privacy and ensure cybersecurity.

"(7) FEDERAL SHARE.—The Federal share payable for the cost of a project funded under this subsection shall be 80 percent.

"(8) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available for the Program shall be available until expended.

"(9) ADDITIONAL ASSISTANCE GRANTS.—For each of fiscal years 2023 through 2026, before making an apportionment under section 104(b)(10), the Secretary shall set aside, from amounts made available to carry out the clean corridors program under this subsection, $100,000,000 for grants to States or localities that require additional assistance to strategically deploy infrastructure eligible under this subsection along alternative fuel corridors to fill gaps in the national charging network, including in rural areas.

"(10) DEFINITION OF ALTERNATIVE FUEL CORRIDORS.—In this subsection, the term 'alternative fuel corridors' means a fuel corridor—

"(A) designated under subsection (a); or

"(B) equivalent to a fuel corridor described under such subsection that is designated, after consultation with any affected Indian Tribes or Tribal organizations, by a State or group of States.".

SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, as amended by this title, is further amended by inserting after section 171 the following:

"§ 172. Community climate innovation grants

"(a) ESTABLISHMENT.—The Secretary shall establish a community climate innovation grant program (in this section referred to as the 'Program') to make grants, on a competitive basis, for locally selected projects that reduce greenhouse gas emissions while improving the mobility, accessibility, and connectivity of the surface transportation system.

"(b) PURPOSE.—The purpose of the Program shall be to support communities in reducing greenhouse gas emissions from the surface transportation system.

"(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under the Program to the following entities:

"(1) A metropolitan planning organization.

1 "(2) A unit of local government or a group of
2 local governments, or a county or multi-county spe-
3 cial district.
4 "(3) A subdivision of a local government.
5 "(4) A transit agency.
6 "(5) A special purpose district with a transpor-
7 tation function or a port authority.
8 "(6) An Indian Tribe or Tribal organization.
9 "(7) A territory.
10 "(8) A multijurisdictional group of entities de-
11 scribed in paragraphs (1) through (7).
12 "(d) APPLICATIONS.—To be eligible for a grant
13 under the Program, an entity specified in subsection (c)
14 shall submit to the Secretary an application in such form,
15 at such time, and containing such information as the Sec-
16 retary determines appropriate.
17 "(e) ELIGIBLE PROJECTS.—The Secretary may only
18 provide a grant under the Program for a project that is
19 expected to yield a significant reduction in greenhouse gas
20 emissions from the surface transportation system and—
21 "(1) is a project eligible for assistance under
22 this title or under chapter 53 of title 49, or is a cap-
23 ital project for vehicles and facilities, whether pub-
24 licly or privately owned, that are used to provide
25 intercity passenger service by bus; or

"(2) is a capital project as defined in section 22906 of title 49 to improve intercity passenger rail that will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

"(f) ELIGIBLE USES.—Grant amounts received for a project under the Program may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

"(g) PROJECT PRIORITIZATION.—In making grants for projects under the Program, the Secretary shall give priority to projects that are expected to yield the most significant reductions in greenhouse gas emissions from the surface transportation system.

"(h) ADDITIONAL CONSIDERATIONS.—In making grants for projects under the Program, the Secretary shall consider the extent to which—

"(1) a project maximizes greenhouse gas reductions in a cost-effective manner;

"(2) a project reduces dependence on single-occupant vehicle trips or provides additional transportation options;

"(3) a project improves the connectivity and accessibility of the surface transportation system, particularly to low- and zero-emission forms of transportation, including public transportation, walking, and bicycling;

"(4) an applicant has adequately considered or will adequately consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

"(5) a project contributes to geographic diversity among grant recipients, including to achieve a balance between urban, suburban, and rural communities;

"(6) a project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents;

"(7) a project uses pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes;

"(8) a project repurposes neglected or underused infrastructure, including abandoned highways, bridges, railways, trail ways, and adjacent underused spaces, into new hybrid forms of public space that support multiple modes of transportation; and

"(9) a project includes regional multimodal transportation system management and operations elements that will improve the effectiveness of such project and encourage reduction of single occupancy trips by providing the ability of users to plan, use, and pay for multimodal transportation alternatives.

"(i) FUNDING.—

"(1) MAXIMUM AMOUNT.—The maximum amount of a grant under the Program shall be $25,000,000.

"(2) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out the Program, the Secretary may use up to 1 percent to provide technical assistance to applicants and potential applicants.

"(j) TREATMENT OF PROJECTS.—

"(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

"(A) the requirements of this title to a highway project;

"(B) the requirements of chapter 53 of title 49 to a public transportation project; and

"(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

"(2) MULTIMODAL PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

"(i) determine the predominant modal component of the project; and

"(ii) apply the applicable requirements of such predominant modal component to the project.

"(B) EXCEPTIONS.—

"(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

"(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

"(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

"(i) consider the various modal components of the project; and

"(ii) seek to maximize domestic jobs.

"(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high-occupancy vehicle facility and is consistent with section 166.

"(l) PUBLIC COMMENT.—Prior to issuing the notice of funding opportunity for funding under this section for fiscal year 2023, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall solicit public comment on the method of determining the significant reduction in greenhouse gas emissions required under subsection (e).

"(m) CONSULTATION.—Prior to making an award under this section in a given fiscal year, the Secretary shall consult with the Administrator of the Environmental Protection Agency to determine which projects are expected to yield a significant reduction in greenhouse gas emissions as required under subsection (e).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 171 the following:

"172. Community climate innovation grants.".

SEC. 1305. METRO PERFORMANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a metro performance program in accordance with this section to enhance local decision making and provide enhanced local control in transportation project delivery.

(b) DIRECT RECIPIENT DESIGNATION.—

(1) IN GENERAL.—The Secretary shall designate high-performing metropolitan planning organizations based on the criteria in paragraph (3) to be direct recipients of funds under this section.

(2) AUTHORITY.—Nothing in this section shall be construed to prohibit a direct recipient from taking any action otherwise authorized to secure and expend Federal funds authorized under chapter 1 of title 23, United States Code.

(3) CRITERIA.—In designating an applicant under this subsection, the Secretary shall consider—

(A) the legal, financial, and technical capacity of the applicant;

(B) the level of coordination between the applicant and—

(i) the State department of transportation of the State or States in which the metropolitan planning area represented by the applicant is located;

(ii) local governments and providers of public transportation within the metropolitan planning area represented by the applicant; and

(iii) if more than one metropolitan planning organization is designated within an urbanized area represented by the applicant, any other such metropolitan planning organization;

(C) in the case of an applicant that represents an urbanized area population of greater than 200,000, the effectiveness of project delivery and timely obligation of funds made available under section 133(d)(1)(A)(i) of title 23, United States Code;

(D) if the applicant or a local government within the metropolitan planning area that the applicant represents has been the recipient of a discretionary grant from the Secretary within the preceding 5 years, the administration of such grant;

(E) the extent to which the planning and decision making process of the applicant, including the long-range transportation plan and the approved transportation improvement program under section 134 of such title, support—

(i) the performance goals established under section 150(b) of such title; and

(ii) the achievement of metropolitan or statewide performance targets established under section 150(d) of such title;

(F) whether the applicant is a designated recipient of funds as described under subparagraphs (A) and (B) of section 5302(4) of title 49, United States Code, or a direct recipient of funds under section 5307 of such title from the Federal Transit Administration; and

(G) any other criteria established by the Secretary.

(4) REQUIREMENTS.—

(A) CALL FOR NOMINATION.—Not later than February 1, 2022, the Secretary shall publish in the Federal Register a notice soliciting applications for designation under this subsection.

(B) GUIDANCE.—The notification under paragraph (1) shall include guidance on the requirements and responsibilities of a direct recipient under this section, including implementing regulations.

(C) DETERMINATION.—The Secretary shall make all designations under this section for fiscal year 2023 not later than June 1, 2022.

(5) TERM.—Except as provided in paragraph (6), a designation under this subsection shall—

(A) be for a period of not less than 5 years; and

(B) be renewable.

(6) TERMINATION.—

(A) IN GENERAL.—The Secretary shall establish procedures for the termination of a designation under this subsection.

(B) CONSIDERATIONS.—In establishing procedures under subparagraph (A), the Secretary shall consider—

(i) with respect to projects carried out under this section, compliance with the requirements of title 23, United States Code, or chapter 53 of title 49, United States Code; and

(ii) the obligation rate of any funds—

(I) made available under this section; and

(II) in the case of a metropolitan planning organization that represents a metropolitan planning area with an urbanized area population of greater than 200,000, made available under section 133(d)(1)(A)(i) of title 23, United States Code.

(c) USE OF FUNDS.—

(1) ELIGIBLE PROJECTS.—Funds made available under this section may be obligated for the purposes described in section 133(b) of title 23, United States Code.

(2) ADMINISTRATIVE EXPENSES AND TECHNICAL ASSISTANCE.—Of the amounts made available

under this section, the Secretary may set aside not more than $5,000,000 for program management, oversight, and technical assistance to direct recipients.

(d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

(1) DIRECT AVAILABILITY OF FUNDS.—Notwithstanding title 23, United States Code, the amounts made available under this section shall be allocated to each direct recipient for obligation.

(2) DISTRIBUTION OF AMOUNTS AMONG DIRECT RECIPIENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), on the first day of the fiscal year for which funds are made available under this section, the Secretary shall allocate such funds to each direct recipient as the proportion of the population (as determined by data collected by the Bureau of the Census) of the urbanized area represented by any 1 direct recipient bears to the total population of all of urbanized areas represented by all direct recipients.

(B) MINIMUM AND MAXIMUM AMOUNTS.—Of funds allocated to direct recipients under subparagraph (A), each direct recipient shall re-

ceive not less than $10,000,000 and not more than $50,000,000 each fiscal year.

(C) MINIMUM GUARANTEED AMOUNT.—In making a determination whether to designate a metropolitan planning organization as a direct recipient under subsection (b), the Secretary shall ensure that each direct recipient receives the minimum required allocation under subparagraph (B).

(D) ADDITIONAL AMOUNTS.—If any amounts remain undistributed after the distribution described in this subsection, such remaining amounts and an associated amount of obligation limitation shall be made available as if suballocated under clauses (i) and (ii) of section 133(d)(1)(A) of title 23, United States Code, and distributed among the States in the proportion that the relative shares of the population (as determined by data collected by the Bureau of the Census) of the urbanized areas of each State bears to the total populations of all urbanized areas across all States.

(3) PROJECT DELIVERY.—

(A) IN GENERAL.—For 1 or more projects carried out with funds provided under this sec-

tion, the direct recipient may, consistent with the agreement entered into with the Secretary under this paragraph, assume the Federal-aid highway project approval and oversight responsibilities vested in the State department of transportation under section 106 of title 23, United States Code.

(B) PARTNERSHIP.—The direct recipient may partner with a State, unit of local government, regional entity, or transit agency to carry out a project under this section.

(C) PROCEDURAL, LEGAL, AND SUBSTANTIVE REQUIREMENTS.—A direct recipient entering into an agreement with the Secretary under this section shall assume responsibility for compliance with all procedural and substantive requirements as would apply if that responsibility were carried out by a State, unless the direct recipient or the Secretary determines that such assumption of responsibility for 1 or more of the procedural and substantive requirements is not appropriate.

(D) WRITTEN AGREEMENT.—The Secretary and the direct recipient shall enter into an agreement in writing relating to the extent

to which the direct recipient assumes the responsibilities of the Secretary under this paragraph. Such agreement shall be developed in consultation with the State.

(E) USE OF FUNDS.—The direct recipient may use amounts made available under this section for costs incurred in implementing this paragraph and to compensate a State, unit of local government, or transit agency for costs incurred in providing assistance under this paragraph.

(F) LIMITATIONS.—The direct recipient may not assume responsibilities described in subparagraph (A) for any project that the Secretary determines to be in a high-risk category, including projects on the National Highway System.

(e) EXPENDITURE OF FUNDS.—

(1) CONSISTENCY WITH METROPOLITAN PLANNING.—Except as otherwise provided in this section, programming and expenditure of funds for projects under this section shall be consistent with the requirements of section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

(2) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Notwithstanding subsections (j)(5) and (k)(4) of section 134 of title 23, United States Code, or subsections (j)(5) and (k)(4) of section 5303 of title 49, United States Code, a direct recipient shall select, from the approved transportation improvement program under such sections, all projects to be funded under this section, including projects on the National Highway System.

(B) ELIGIBLE PROJECTS.—The project selection process described in this subsection shall apply to all federally funded projects within the boundaries of a metropolitan planning area served by a direct recipient that are carried out under this section.

(C) CONSULTATION REQUIRED.—In selecting a project under this subsection, the metropolitan planning organization shall consult with—

(i) in the case of a highway project, the State and locality in which such project is located; and

(ii) in the case of a transit project, any affected public transportation operator.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a direct recipient to partner with a State department of transportation or other recipient of Federal funds under title 23, United States Code, or chapter 53 of title 49, United States Code, to carry out a project.

(f) TREATMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in this section, funds made available to carry out this section shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be determined in accordance with section 120 of title 23, United States Code.

(g) REPORT.—

(1) DIRECT RECIPIENT REPORT.—Not later than 60 days after the end of each fiscal year, each direct recipient shall submit to the Secretary a report that includes—

(A) a list of projects funded with amounts provided under this section;

(B) a description of any obstacles to complete projects or timely obligation of funds; and

(C) recommendations to improve the effectiveness of the program under this section.

(2) REPORT TO CONGRESS.—Not later than October 1, 2024, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) summarizes the findings of each direct recipient provided under paragraph (1);

(B) describes the efforts undertaken by both direct recipients and the Secretary to ensure compliance with the requirements of title 23 and chapter 53 of title 49, United States Code;

(C) analyzes the capacity of direct recipients to receive direct allocations of funds under chapter 1 of title 23, United States Code; and

(D) provides recommendations from the Secretary to—

(i) improve the administration, oversight, and performance of the program established under this section;

(ii) improve the effectiveness of direct recipients to complete projects and obligate funds in a timely manner; and

(iii) evaluate options to expand the authority provided under this section, including to allow for the direct allocation to metropolitan planning organizations of funds made available to carry out clause (i) or (ii) of section 133(d)(1)(A) of title 23, United States Code.

(3) UPDATE.—Not less frequently than every 2 years, the Secretary shall update the report described in paragraph (2).

(h) DEFINITIONS.—

(1) DIRECT RECIPIENT.—In this section, the term ''direct recipient'' means a metropolitan planning organization designated by the Secretary as high-performing under subsection (b) and that was directly allocated funds as described in subsection (d).

(2) METROPOLITAN PLANNING AREA.—The term ''metropolitan planning area'' has the meaning given such term in section 134 of title 23, United States Code.

(3) METROPOLITAN PLANNING ORGANIZATION.—The term ''metropolitan planning organization'' has the meaning given such term in section 134 of title 23, United States Code.

(4) NATIONAL HIGHWAY SYSTEM.—The term ''National Highway System'' has the meaning given such term in section 101 of title 23, United States Code.

(5) STATE.—The term ''State'' has the meaning given such term in section 101 of title 23, United States Code.

(6) URBANIZED AREA.—The term ''urbanized area'' has the meaning given such term in section 134 of title 23, United States Code.

SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a gridlock reduction program to make grants, on a competitive basis, for projects to reduce, and mitigate the adverse impacts of, traffic congestion.

(b) APPLICATIONS.—To be eligible for a grant under this section, an applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under this section to an applicant that is serving a combined statistical area, as defined by the Office of Management and Budget, with a population of not less than 1,300,000 and that is—

(1) a metropolitan planning organization;

(2) a unit of local government or a group of local governments;

(3) a multijurisdictional group of entities described in paragraphs (1) and (2);

(4) a special purpose district or public authority with a transportation function, including a port authority; or

(5) a State that is in partnership with an entity or group of entities described in paragraph (1), (2), or (3).

(d) ELIGIBLE PROJECTS.—The Secretary may award grants under this section to applicants that submit a comprehensive program of surface transportation-related projects to reduce traffic congestion and related adverse impacts, including a project for one or more of the following:

(1) Transportation systems management and operations.

(2) Intelligent transportation systems.

(3) Real-time traveler information.

(4) Traffic incident management.

(5) Active traffic management.

(6) Traffic signal timing.

(7) Multimodal travel payment systems.

(8) Transportation demand management, including employer-based commuting programs such as carpool, vanpool, transit benefit, parking cashout, shuttle, or telework programs.

(9) A project to provide transportation options to reduce traffic congestion, including—

(A) a project under chapter 53 of title 49, United States Code;

(B) a bicycle or pedestrian project, including a project to provide safe and connected active transportation networks; and

(C) a surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

(10) Any other project, as determined appropriate by the Secretary.

(e) AWARD PRIORITIZATION.—

(1) IN GENERAL.—In selecting grants under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent transportation congestion, as determined by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—In selecting grants under this section, the Secretary shall also consider the extent to which the project would—

(A) reduce traffic congestion and improve the reliability of the surface transportation system;

(B) mitigate the adverse impacts of traffic congestion on the surface transportation system, including safety and environmental impacts;

(C) maximize the use of existing capacity; and

(D) employ innovative, integrated, and multimodal solutions to the items described in subparagraphs (A), (B), and (C).

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section may not exceed 60 percent.

(2) MAXIMUM FEDERAL SHARE.—Federal assistance other than a grant for a project under this section may be used to satisfy the non-Federal share of the cost of such project, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

(g) USE OF FUNDS.—Funds made available for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(h) FUNDING.—

(1) GRANT AMOUNT.—A grant under this section shall be in an amount not less than $10,000,000 and not more than $50,000,000.

(2) AVAILABILITY.—Funds made available under this program shall be available until expended.

(i) FREIGHT PROJECT SET-ASIDE.—

(1) IN GENERAL.—The Secretary shall set aside not less than 50 percent of the funds made available to carry out this section for grants for freight projects under this subsection.

(2) ELIGIBLE USES.—The Secretary shall provide funds set aside under this subsection to applicants that submit a comprehensive program of surface transportation-related projects to reduce freight-related traffic congestion and related adverse impacts, including—

(A) freight intelligent transportation systems;

(B) real-time freight parking information;

(C) real-time freight routing information;

(D) freight transportation and delivery safety projects;

(E) first-mile and last-mile delivery solutions;

(F) shifting freight delivery to off-peak travel times;

(G) reducing greenhouse gas emissions and air pollution from freight transportation and delivery, including through the use of innovative vehicles that produce fewer greenhouse gas emissions;

(H) use of centralized delivery locations;

(I) designated freight vehicle parking and staging areas;

(J) curb space management; and

(K) other projects, as determined appropriate by the Secretary.

(3) AWARD PRIORITIZATION.—

(A) IN GENERAL.—In providing funds set aside under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent congestion due to freight transportation, as determined by the Secretary.

(B) ADDITIONAL CONSIDERATIONS.—In providing funds set aside under this subsection, the Secretary shall consider the extent to which the proposed project—

(i) reduces freight-related traffic congestion and improves the reliability of the freight transportation system;

(ii) mitigates the adverse impacts of freight-related traffic congestion on the surface transportation system, including safety and environmental impacts;

(iii) maximizes the use of existing capacity;

(iv) employs innovative, integrated, and multimodal solutions to the items described in clauses (i) through (iii);

(v) leverages Federal funds with non-Federal contributions; and

(vi) integrates regional multimodal transportation management and operational projects that address both passenger and freight congestion.

(4) FLEXIBILITY.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

(j) REPORT.—

(1) RECIPIENT REPORT.—The Secretary shall ensure that not later than 2 years after the Secretary awards grants under this section, the recipient of each such grant submits to the Secretary a report that contains—

(A) information on each activity or project that received funding under this section;

(B) a summary of any non-Federal resources leveraged by a grant under this section;

(C) any statistics, measurements, or quantitative assessments that demonstrate the congestion reduction, reliability, safety, and environmental benefits achieved through activities or projects that received funding under this section; and

(D) any additional information required by the Secretary.

(2) REPORT TO CONGRESS.—Not later than 9 months after the date specified in paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate, and

make publicly available on a website, a report detailing—

(A) a summary of any information provided under paragraph (1); and

(B) recommendations and best practices to—

(i) reduce traffic congestion, including freight-related traffic congestion, and improve the reliability of the surface transportation system;

(ii) mitigate the adverse impacts of traffic congestion, including freight-related traffic congestion, on the surface transportation system, including safety and environmental impacts; and

(iii) employ innovative, integrated, and multimodal solutions to the items described in clauses (i) and (ii).

(k) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Com-

mittee on Banking, Housing, and Urban Affairs of the Senate of the intention to award such a grant.

(l) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of title 23, United States Code, to a highway project;

(B) the requirements of chapter 53 of title 49, United States Code, to a public transportation project; and

(C) the requirements of section 22905 of title 49, United States Code, to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49, United States Code, shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49, United States Code, shall apply.

(C) BUY AMERICA.—In applying the Buy America requirements under section 313 of title 23, United States Code, and sections 5320, 22905(a), and 24305(f) of title 49, United States Code, to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(m) TREATMENT OF FUNDS.—Except as provided in subsection (l), funds authorized for the purposes described in this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1307. REBUILD RURAL BRIDGES PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities.

(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, to eligible applicants in accordance with this section.

(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(d) ELIGIBLE PROJECTS.—The Secretary—

(1) shall provide grants under this section to projects eligible under title 23, United States Code, including projects on and off of the Federal-aid highway system, to inspect, replace, rehabilitate, or preserve—

(A) an off-system bridge;

(B) a bridge on Tribal land; or

(C) a bridge in poor condition located in a rural community; and

(2) may provide a grant for a bundle of bridges described in paragraph (1).

(e) ELIGIBLE PROJECT COSTS.—A recipient of a grant under this section may use such grant for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, and construction contingencies; and

(3) bridge inspection, evaluation, and preservation.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out using a grant under this section may not exceed 80 percent of the total cost of such project.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total cost of such project.

(g) CONSIDERATIONS.—In making grants under this section, the Secretary shall consider—

(1) whether the project can be completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

(2) the level of benefits the project is expected to generate, including—

(A) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

(B) reductions in maintenance costs over the life of the asset;

(C) safety benefits, including the reduction of accidents and related costs; and

(D) benefits to the economy of the rural or Tribal community.

(h) INVESTMENTS IN COLONIAS.—

(1) IN GENERAL.—Of the grants made available under this section, not less than $10,000,000 for fiscal years 2023 through 2026 shall be made available to provide grants that improve the safety, state of good repair, or connectivity through bridge investments in and providing access to, colonias.

(2) COLONIA DEFINED.—In this section, the term ''colonia'' means any identifiable community that—

(A) is in the State of Arizona, California, New Mexico, or Texas;

(B) is in the area of the United States within 150 miles of the border between the United States and Mexico, except that the term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000;

(C) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(D) was in existence as a colonia before November 28, 1990.

(i) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State;

(B) a metropolitan planning organization or a regional transportation planning organization;

(C) a unit of local government;

(D) a Federal land management agency;

(E) an Indian Tribe or Tribal organization;

(F) a territory; and

(G) a multijurisdictional group of entities described in subparagraph (A) through (F).

(2) OFF SYSTEM BRIDGE.—The term ''off-system bridge'' has the meaning given such term in section 133(f) of title 23, United States Code, (as added by this Act).

(3) RURAL COMMUNITY.—The term ''rural community'' means an area that is not an urbanized area, as such term is defined in section 101(a) of title 23, United States Code.

SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program under which the Secretary shall make grants, on a competitive basis, to eligible entities to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle operators.

(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(c) ELIGIBLE PROJECTS.—Projects eligible under this section are projects that—

(1) construct safety rest areas that include parking for commercial motor vehicles;

(2) construct commercial motor vehicle parking facilities—

(A) adjacent to private commercial truck-stops and travel plazas;

(B) within the boundaries of, or adjacent to, a publicly owned freight facility, including a port terminal operated by a public authority; and

(C) at existing facilities, including inspection and weigh stations and park-and-ride locations;

(3) open existing weigh stations, safety rest areas, and park-and-ride facilities to commercial motor vehicle parking;

(4) facilitate access to publicly and privately provided commercial motor vehicle parking, such as

through the use of intelligent transportation systems;

(5) construct turnouts along a Federal-aid highway for commercial motor vehicles;

(6) make capital improvements to public commercial motor vehicle parking facilities that are closed on a seasonal basis to allow the facilities to remain open year-round;

(7) open existing commercial motor vehicle chain-up areas that are closed on a seasonal basis to allow the facilities to remain open year-round for commercial motor vehicle parking;

(8) address commercial motor vehicle parking and layover needs in emergencies that strain the capacity of existing publicly and privately provided commercial motor vehicle parking; and

(9) make improvements to existing commercial motor vehicle parking facilities, including advanced truckstop electrification systems.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant under this section for—

(A) development phase activities, including planning, feasibility analysis, benefit-cost analysis, environmental review, preliminary engi-

neering and design work, and other preconstruction activities necessary to advance a project described in subsection (c); and

(B) construction and operational improvements, as such terms are defined in section 101 of title 23, United States Code.

(2) PRIVATE SECTOR PARTICIPATION.—An eligible entity that receives a grant under this section may partner with a private entity to carry out an eligible project under this section.

(3) LIMITATION.—Not more than 10 percent of the amounts made available to carry out this section may be used to promote the availability of existing commercial motor vehicle parking.

(e) SELECTION CRITERIA.—In making grants under this section, the Secretary shall consider—

(1) in the case of construction of new commercial motor vehicle parking capacity, the shortage of public and private commercial motor vehicle parking near the project; and

(2) the extent to which each project—

(A) would increase commercial motor vehicle parking capacity or utilization;

(B) would facilitate the efficient movement of freight;

(C) would improve safety, traffic congestion, and air quality;

(D) is cost effective; and

(E) reflects consultation with motor carriers, commercial motor vehicle operators, and private providers of commercial motor vehicle parking.

(f) NOTIFICATION OF CONGRESS.—Not later than 3 business days before announcing a project selected to receive a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(g) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with subsections (b) and (c) of section 120 of title 23, United States Code.

(h) PROHIBITION ON CHARGING FEES.—To be eligible for a grant under this section, an eligible entity shall certify that no fees will be charged for the use of a project assisted with such grant.

(i) AMENDMENT TO MAP–21.—Section 1401(c)(1) of MAP–21 (23 U.S.C. 137 note) is amended—

(1) by inserting ''and private providers of commercial motor vehicle parking'' after ''personnel''; and

(2) in subparagraph (A) by striking ''the capability of the State to provide'' and inserting ''the availability of''.

(j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

(1) UPDATE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the survey of each State required under section 1401(c)(1) of the MAP–21 (23 U.S.C. 137 note).

(2) REPORT.—Not later than 1 year after the deadline under paragraph (1), the Secretary shall publish on the website of the Department of Transportation a report that—

(A) evaluates the availability of adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

(B) evaluates the effectiveness of the projects funded under this section in improving access to commercial motor vehicle parking; and

(C) reports on the progress being made to provide adequate commercial motor vehicle parking facilities in the State.

(3) CONSULTATION.—The Secretary shall prepare the report required under paragraph (2) in consultation with—

(A) relevant State motor carrier safety personnel;

(B) motor carriers and commercial motor vehicle operators; and

(C) private providers of commercial motor vehicle parking.

(k) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such term in section 31132 of title 49, United States Code.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a political subdivision of a State or local government carrying out responsibilities relating to commercial motor vehicle parking; and

(E) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (D).

(3) SAFETY REST AREA.—The term ''safety rest area'' has the meaning given such term in section 120(c) of title 23, United States Code.

SEC. 1309. ACTIVE CONNECTED TRANSPORTATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an active connected transportation grant program to provide for safe and connected active transportation networks and active transportation connectors.

(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, in accordance with this section.

(c) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this section to—

(1) a State;

(2) a metropolitan planning organization;

(3) a regional transportation authority;

(4) a unit of local government, including a county or multi-county special district;

(5) a Federal land management agency;

(6) a natural resource or public land agency;

(7) an Indian Tribe or Tribal organization;

(8) any local or regional governmental entity with responsibility for or oversight of transportation or recreational trails; and

(9) a multistate or multijurisdictional group of entities described in this subsection.

(d) APPLICATIONS.—To be eligible for a grant under this section, an entity specified under subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(e) ELIGIBLE PROJECTS.—The Secretary shall provide grants under this section to projects that improve the connectivity and the use of active transportation facilities—

(1) including—

(A) active transportation networks;

(B) active transportation connectors; and

(C) planning related to the development of—

(i) active transportation networks;

(ii) active transportation connectors; and

(iii) vision zero plans or complete streets prioritization plans under section 1601; and

(2) that have—

(A) total project costs of not less than $15,000,000; or

(B) in the case of planning grants under subsection (f)(2), a total cost of not less than $100,000.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Of the amounts made available to carry out this section for fiscal years 2023 through 2026 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; and

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

(2) PLANNING GRANTS.—Of the amounts made available to carry out this section for fiscal years 2023 through 2026, the Secretary may use not more than 10 percent to provide planning grants to eligi-

ble applicants for activities under subsection (e)(1)(C).

(g) CONSIDERATIONS.—In making grants under this section, the Secretary shall consider the extent to which—

(1) a project is likely to provide substantial additional opportunities for active transportation, including walking and bicycling, including through the creation of—

(A) active transportation networks connecting destinations within or between communities, including between schools, workplaces, residences, businesses, recreation areas, and other community areas; and

(B) active transportation connectors connecting 2 or more communities, metropolitan areas, or States, including greenway paths;

(2) an applicant has adequately considered or will consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

(3) the project would improve safety for vulnerable road users, including through the use of complete street design policies or a safe system approach; and

(4) a project integrates active transportation facilities with public transportation services, where available, to improve access to public transportation.

(h) LIMITATION.—

(1) IN GENERAL.—The share of the cost of a project assisted with a grant under this section may not exceed 80 percent.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total project cost.

(i) ELIGIBLE PROJECT COSTS.—Amounts made available for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(j) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(k) DEFINITIONS.—In this section:

(1) ACTIVE TRANSPORTATION NETWORK.—The term ''active transportation network'' means facilities built for alternative methods of transportation to motor vehicles for individuals, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect destinations within an area covered by a unit of local government, a county, a community, including a community on Federal lands, or a metropolitan area.

(2) ACTIVE TRANSPORTATION CONNECTOR.—The term ''active transportation connector'' means facilities built for alternative methods of transportation to motor vehicles for individuals, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect 2 or more active transportation networks or connect communities, areas covered by a unit of local government, counties, metropolitan areas, Federal lands, or States.

(3) GREENWAY PATH.—The term ''greenway path'' means an active transportation connector that—

(A) crosses jurisdictional boundaries, including State lines, and provides for connectivity between multiple communities, counties, metropolitan areas, or States; or

(B) is a component of a regionally or nationally significant network.

(4) SAFE SYSTEM APPROACH.—The term ''safe system approach'' has the meaning given such term in section 148(a) of title 23, United States Code.

(5) VULNERABLE ROAD USER.—The term ''vulnerable road user'' has the meaning given such term in section 148(a) of title 23, United States Code.

SEC. 1310. WILDLIFE CROSSINGS PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive wildlife crossings grant program (referred to in this section as the ''program'') to provide grants for projects that seek to achieve—

(1) a reduction in the number of wildlife-vehicle collisions; and

(2) improved habitat connectivity for terrestrial and aquatic species.

(b) ELIGIBLE ENTITIES.—The Secretary may make grants under the program to the following entities:

(1) A State.

(2) An Indian Tribe or Tribal organization.

(3) A territory.

(4) A Federal land management agency described in section 203(b) of title 23, United States Code.

(5) A group of entities described in paragraphs (1) through (4).

(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) CONSIDERATIONS.—In selecting grant recipients under the program, the Secretary shall consider the following:

(1) PRIMARY CRITERIA.—The extent to which the proposed project is likely to protect motorists and wildlife by reducing the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

(2) SECONDARY CRITERIA.—

(A) The resilience benefits of the project.

(B) The extent to which the project incorporates climate science, including expected changes in migration patterns.

(C) The extent to which the project sponsor has coordinated with the relevant State agency with jurisdiction over fish and wildlife, if appropriate.

(D) In the case of a project involving species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), whether the project sponsor has coordinated with the United States Fish and Wildlife Service.

(E) Other ecological benefits of the project, including—

(i) reductions in stormwater runoff and other water pollution; and

(ii) the benefits of improved habitat connectivity for pollinators and the use of natively appropriate grasses.

(F) Whether the project supports local economic development and improvement of visitation opportunities.

(G) The extent to which the project incorporates innovative technologies, including ad-

vanced design techniques and other strategies to enhance efficiency and effectiveness in reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species.

(H) The extent to which the project provides educational and outreach opportunities.

(I) Whether the project will further research to evaluate, compare effectiveness of, and identify best practices in selected projects.

(J) How the benefits compare to the costs of the project.

(K) Any other criteria relevant to reducing the number of wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species, as the Secretary determines to be appropriate.

(e) ELIGIBLE PROJECT COSTS.—Grant amounts for a project under this section may be used for—

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

(2) construction (including construction of protective features), reconstruction, rehabilitation, ac-

quisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements; and

(3) planning and technical assistance activities consistent with section 5107 of title 49, United States Code, including—

(A) data collection on wildlife-vehicle collisions;

(B) integration of State, Tribal, territorial, regional, or Federal wildlife conservation plans and data collection with transportation planning and project selection;

(C) technical assistance, including workforce development training, on reducing wildlife-vehicle collisions and improving habitat connectivity for terrestrial and aquatic species; and

(D) education and public outreach to reduce wildlife-vehicle collisions.

(f) PARTNERSHIPS.—

(1) IN GENERAL.—A grant received under the program may be used to provide funds to an eligible partner as a subrecipient, in accordance with the

terms of the project agreement and subject to the requirements of this section.

(2) ELIGIBLE PARTNER DEFINED.—In this section, the term ''eligible partner'' means—

(A) an eligible entity described in subsection (b);

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a regional transportation authority;

(E) a special purpose district or public authority with a transportation function, including a port authority;

(F) a non-profit entity or institution of higher education; or

(G) a Federal, Tribal, regional, State, or local governmental entity not described in subsection (b).

(g) REQUIREMENTS.—

(1) RURAL PROJECTS.—The Secretary shall reserve not less than 50 percent of the amounts made available under this section for projects located in a rural community.

(2) RESILIENCE.—A project under this section shall be designed to ensure resilience over the anticipated service life of the asset.

(3) LIMITATION.—The Secretary may not award more than 10 percent of the amounts made available under this section for grants that propose only activities described in subsection (e)(3).

(h) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(i) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each calendar year, the Secretary shall publish, on the website of the Department of Transportation, a report describing the activities under the program for the fiscal year that ends during that calendar year.

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) a detailed description of the activities carried out under the program;

(B) an evaluation of the effectiveness of the program in meeting the purposes described in subsection (b); and

(C) policy recommendations, if any, to improve the effectiveness of the program.

(j) DEFINITIONS.—In this section:

(1) PROTECTIVE FEATURES.—The term ''protective features'' has the meaning given such term in section 101 of title 23, United States Code.

(2) RESILIENCE.—The term ''resilience'' has the meaning given that term in section 101 of title 23, United States Code.

(3) RURAL COMMUNITY.—The term ''rural community'' means any area of a State or territory that is not an urbanized area, as such term is defined in section 101 of title 23, United States Code.

(4) SECRETARY.—The term ''Secretary'' has the meaning given such term in section 101 of title 23, United States Code.

(5) STATE.—The term ''State'' has the meaning given such term in section 101 of title 23, United States Code.

SEC. 1311. RECONNECTING NEIGHBORHOODS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a reconnecting neighborhoods program under which an eligible entity may apply for funding in order to identify, remove, replace, retrofit, or remediate the effects from eligible facilities and restore or improve

connectivity, mobility, and access in disadvantaged and underserved communities, including—

(1) studying the feasibility and impacts of removing, retrofitting, or remediating the effects on community connectivity from an existing eligible facility;

(2) conducting preliminary engineering and final design activities for a project to remove, retrofit, or remediate the effects on community connectivity from an existing eligible facility; and

(3) conducting construction activities necessary to carry out a project to remove, retrofit, or remediate the effects on community connectivity from an existing eligible facility.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may award a planning grant or a capital construction grant to—

(A) a State;

(B) a unit of local government;

(C) an Indian Tribe or Tribal organization;

(D) a territory;

(F) a metropolitan planning organization;

(G) a transit agency;

(H) a special purpose district with a transportation function; and

(I) a group of entities described in this paragraph.

(2) NONPROFITS.—An eligible entity may enter into an agreement with a nonprofit organization to carry out the eligible activities under this section.

(c) PLANNING GRANTS.—

(1) IN GENERAL.—The Secretary may award grants (referred to in this section as a ''planning grants'') to carry out planning activities described in paragraph (2).

(2) ELIGIBLE ACTIVITIES DESCRIBED.—The planning activities referred to in paragraph (1) are—

(A) planning studies to evaluate the feasibility of removing, retrofitting, or remediating an existing eligible facility to restore community connectivity, including evaluations of—

(i) current traffic patterns on the eligible facility proposed for removal, retrofit, or remediation and the surrounding street network;

(ii) the capacity of existing transportation networks to maintain mobility needs;

(iii) an analysis of alternative roadway designs or other uses for the right-of-way of the eligible facility, including an analysis of whether the available right-of-way would suffice to create an alternative roadway design;

(iv) the effect of the removal, retrofit, or remediation of the eligible facility on the mobility of freight and people;

(v) the effect of the removal, retrofit, or remediation of the eligible facility on the safety of the traveling public;

(vi) the cost to remove, retrofit, or remediate the eligible facility—

(I) to restore community connectivity; and

(II) to convert the eligible facility to a roadway design or use that increases safety, mobility, and access for all users, compared to any expected costs for necessary maintenance or reconstruction of the eligible facility; and

(vii) the environmental impacts of retaining or reconstructing the eligible facil-

ity and the anticipated effect of the proposed alternative use or roadway design;

(B) public engagement activities to provide opportunities for public input into a plan to remove, replace, retrofit, or remediate the effects from an eligible facility;

(C) other transportation planning activities required in advance of a project to remove, retrofit, or remediate an existing eligible facility to restore community connectivity, as determined by the Secretary;

(D) evaluating land use and zoning changes necessary to improve equity and maximize transit-oriented development in connection with project eligible for a capital construction grant, including activities eligible under section 5327 of title 49, United States Code; and

(E) establishment of anti-displacement and equitable neighborhood revitalization strategies in connection with project eligible for a capital construction grant, including land acquisition, land banking, and equitable transit-oriented development.

(3) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide technical assistance described in subparagraph (B) to an eligible entity.

(B) TECHNICAL ASSISTANCE DESCRIBED.—The technical assistance referred to in subparagraph (A) is technical assistance in building organizational or community capacity—

(i) to conduct transportation planning; and

(ii) to identify innovative solutions to challenges posed by existing eligible facilities, including reconnecting communities that—

(I) are bifurcated by eligible facilities; or

(II) lack safe, reliable, and affordable transportation choices.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for—

(i) planning grants; and

(ii) technical assistance under paragraph (3); and

(B) evaluate applications for a planning grant on the basis of the demonstration by the applicant that—

(i) the eligible facility—

(I) creates barriers to mobility, access, or economic development; or

(II) is not justified by current and forecast future travel demand; and

(ii) on the basis of preliminary assessment into the feasibility of removing, retrofitting, or remediating the eligible facility to restore community connectivity, and increase safety, mobility, and access for all users, further planning activities are necessary and likely to be productive.

(5) AWARD AMOUNTS.—A planning grant may not exceed $2,000,000 for any recipient.

(6) FEDERAL SHARE.—The total Federal share of the cost of a planning activity for which a planning grant is used may not exceed 80 percent.

(7) PRIORITIES.—In selecting recipients of planning grants and technical assistance under this subsection, the Secretary shall give priority to an application from a community that is economically dis-

advantaged, including an underserved community or a community located in an area of persistent poverty (as such term is defined in section 101 of title 23, United States Code).

(d) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award grants (referred to in this section as a ''capital construction grants'') to eligible entities to carry out eligible projects described in paragraph (3).

(2) PARTNERSHIPS.—In the case that the owner of an eligible facility that is the subject of the capital construction grant is not an eligible entity, an eligible entity shall demonstrate the existence of a partnership with the owner of the eligible facility.

(3) ELIGIBLE PROJECTS.—A project eligible to be carried out with a capital construction grant includes the following:

(A) The removal, retrofit, or remediation of the effects on community connectivity from of an eligible facility.

(B) The replacement of an eligible facility with a new facility that—

(i) restores community connectivity;

(ii) employs context sensitive solutions appropriate for the surrounding community; and

(iii) is otherwise eligible for funding under title 23, United States Code.

(C) Support for community partnerships, including a community advisory board described under paragraph (7), in connection with a capital construction grant awarded under this subsection.

(D) Other activities required to remove, replace, retrofit, or remediate an existing eligible facility, as determined by the Secretary.

(4) SELECTION.—The Secretary shall—

(A) solicit applications for capital construction grants; and

(B) evaluate applications on the basis of—

(i) the degree to which the project will improve mobility and access through the removal of barriers;

(ii) the appropriateness of removing, retrofitting, or remediating the effects on community connectivity from the eligible facility, based on current traffic patterns and the ability of the project and the re-

gional transportation network to absorb transportation demand and provide safe mobility and access;

(iii) the impact of the project on freight movement;

(iv) the results of a cost-benefit analysis of the project;

(v) the opportunities for inclusive economic development, including the existing land use and whether the zoning provides for equitable and transit-oriented development of underutilized land;

(vi) the degree to which the eligible facility is out of context with the current or planned land use;

(vii) the results of any feasibility study completed for the project;

(viii) whether the eligible facility is likely to need replacement or significant reconstruction within the 20-year period beginning on the date of the submission of the application;

(ix) whether the project is consistent with the relevant long-range transportation

plan and included in the relevant statewide transportation improvement program; and

(x) whether the project is consistent with, and how the project would impact, the relevant transportation performance management targets.

(5) MINIMUM AWARD AMOUNTS.—A capital construction grant shall be in an amount not less than $5,000,000 for each recipient.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of the total cost of a project carried out using a capital construction grant may not exceed 80 percent.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded.

(7) COMMUNITY ADVISORY BOARD.—

(A) IN GENERAL.—To help achieve inclusive economic development benefits with respect to the project for which a grant is awarded, a grant recipient may form a community advisory board, which, if formed, shall—

(i) facilitate community engagement with respect to the project; and

(ii) track progress with respect to commitments of the grant recipient to inclusive employment, contracting, and economic development under the project.

(B) MEMBERSHIP.—If a grant recipient forms a community advisory board under subparagraph (A), the community advisory board shall be composed of representatives of—

(i) the community;

(ii) owners of businesses that serve the community;

(iii) labor organizations that represent workers that serve the community;

(iv) State and local government; and

(v) private and non-profit organizations that represent local community development.

(e) ADMINISTRATIVE EXPENSES.—Of amounts made available to carry out this section, the Secretary may set aside not more than $5,000,000 in each fiscal year for the costs of administering the program under this section.

(f) TECHNICAL ASSISTANCE.—Of amounts made available to carry out this section, the Secretary may set

aside not more than $5,000,000 in each fiscal year to provide technical assistance to eligible entities under subsection (c)(3).

(g) ELIGIBLE FACILITY DEFINED.—

(1) IN GENERAL.—In this section, the term ''eligible facility'' means a highway or other transportation facility that creates a barrier to community connectivity, including barriers to mobility, access, or economic development, due to high speeds, grade separations, or other design factors.

(2) INCLUSIONS.—In this section, the term ''eligible facility'' may include—

(A) a limited access highway;

(B) a railway;

(C) a viaduct;

(D) a principal arterial facility; or

(E) any other transportation facility for which the high speeds, grade separation, or other design factors create an obstacle to connectivity.

SEC. 1312. APPRENTICESHIP UTILIZATION.

(a) IN GENERAL.—

(1) CERTIFICATION REQUIREMENT.—To receive a grant under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act,

each applicant shall include in a grant application a certification that such applicant will ensure that any contractor or subcontractor utilized in carrying out activities with such grant—

(A) meets or exceeds the apprenticeship employment goal; and

(B) to the extent practicable, employs qualified apprentices from traditionally under-represented populations, including women and minorities, in meeting or exceeding such goal.

(2) EXCEPTIONS.—The Secretary may adjust the requirements of this section if the grant applicant—

(A) demonstrates a lack of availability of qualified apprentices in a specific geographic area; or

(B) makes a good faith effort to comply with the requirements of this section.

(b) REGULATIONS.—The Secretary shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the requirements of this section, including reporting requirements for applicants awarded a grant.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the utilization of qualified apprentices for projects carried out under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act, that includes—

(1) the total number of labor hours fulfilled by qualified apprentices;

(2) the total number of qualified apprentices employed;

(3) the total number of grant recipients that met or exceeded the apprenticeship employment goal; and

(4) best practices utilized by grant recipients that met or exceeded the apprenticeship employment goal.

(d) PUBLIC TRANSPARENCY.—At the end of each fiscal year, the Secretary shall make available on a public website information on the utilization of qualified apprentices in the preceding fiscal year for each grant program under sections 117 and 173 of title 23, United States Code, and section 1311 of this Act, including—

(1) the total number of grant applicants that certified they would be able to meet or exceed the apprenticeship employment goal under subsection (a); and

(2) the total number of grants awarded for which applicants certified they would be able to meet or exceed the apprenticeship employment goal.

(e) DEFINITIONS.—In this section:

(1) APPRENTICESHIP EMPLOYMENT GOAL.—The term ''apprenticeship employment goal'' means the utilization of qualified apprentices for not less than 15 percent of the total labor hours used for construction activities for a project.

(2) QUALIFIED APPRENTICE.—The term ''qualified apprentice'' means an employee participating in an apprenticeship program that—

(A) is registered with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by such Office of Apprenticeship pursuant to the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the ''National Apprenticeship Act''); and

(B) satisfies the requirements of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

Subtitle D—Planning, Performance Management, and Asset Management

SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a) by striking ''resiliency needs while minimizing transportation-related fuel consumption and air pollution'' and inserting ''resilience and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions'';

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''and transportation improvement programs'' and inserting ''and TIPs''; and

(B) by adding at the end the following:

''(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.'';

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of MAP–21, each'' and inserting ''Each'';

(B) in paragraph (3) by adding at the end the following:

''(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

''(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

''(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan

planning organization in existence on the date of enactment of this subparagraph to be restructured.

"(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).";

(C) in paragraph (6)(B) by striking "paragraph (2)" and inserting "paragraphs (2) or (3)(D)"; and

(D) in paragraph (7)—

(i) by striking "an existing metropolitan planning area" and inserting "an urbanized area"; and

(ii) by striking "the existing metropolitan planning area" and inserting "the area";

(5) in subsection (g)—

(A) in paragraph (1) by striking "a metropolitan area" and inserting "an urbanized area";

(B) in paragraph (2) by striking "MPOS" and inserting "METROPOLITAN PLANNING AREAS";

(C) in paragraph (3)(A) by inserting "emergency response and evacuation, climate change adaptation and resilience," after "disaster risk reduction,"; and

(D) by adding at the end the following:

"(4) COORDINATION BETWEEN MPOS.—

"(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

"(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(6) in subsection (h)(1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;";

(B) in subparagraph (I)—

(i) by inserting ", sea level rise, extreme weather, and climate change" after "stormwater"; and

(ii) by striking "and" at the end;

(C) by redesignating subparagraph (J) as subparagraph (M); and

(D) by inserting after subparagraph (I) the following:

"(J) support emergency management, response, and evacuation and hazard mitigation;

"(K) improve the level of transportation system access;

"(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving

the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and'';

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), the improvement of transportation system access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.'';

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting ''reduce greenhouse gas emissions and'' before ''restore and maintain'';

(B) in paragraph (2)(G) by inserting ''and climate change'' after ''infrastructure to natural disasters'';

(C) in paragraph (2)(H) by inserting ''greenhouse gas emissions,'' after ''pollution,'';

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

"(i) State conservation plans or maps; and

"(ii) inventories of natural or historic resources."; and

(E) by amending paragraph (6)(C) to read as follows:

"(C) METHODS.—

"(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) hold any public meetings at convenient and accessible locations and times;

"(II) employ visualization techniques to describe plans; and

"(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrep-

resented individuals in the transportation planning process.'';

(9) in subsection (j) by striking ''transportation improvement program'' and inserting ''TIP'' each place it appears; and

(10) by striking ''Federally'' each place it appears and inserting ''federally''.

SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (2)—

(i) by striking ''The statewide transportation plan and the'' and inserting the following:

''(A) IN GENERAL.—The statewide transportation plan and the'';

(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(iii) by adding at the end the following:

"(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases."; and

(C) in paragraph (3) by striking "transportation improvement program" and inserting "STIP";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting "reduce greenhouse gas emissions," after "promote energy conservation,";

(II) by inserting "and public health" after "improve the quality of life"; and

(III) by inserting ", including housing and land use patterns" after "economic development patterns";

(ii) in subparagraph (I)—

(I) by inserting ", sea level rise, extreme weather, and climate change" after "mitigate stormwater"; and

(II) by striking ''and'' after the semicolon;

(iii) by redesignating subparagraph (J) as subparagraph (M); and

(iv) by inserting after subparagraph (I) the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access;

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and'';

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

"(i) the national goals described in section 150(b);

"(ii) the consideration of transportation system access (consistent with section 150(f));

"(iii) the achievement of statewide targets established under section 150(d); and

"(iv) the general purposes described in section 5301 of title 49."; and

(ii) in subparagraph (D) by striking "statewide transportation improvement program" and inserting "STIP"; and

(C) in paragraph (3) by striking "statewide transportation improvement program" and inserting "STIP";

(3) in subsection (e)(3) by striking "transportation improvement program" and inserting "STIP";

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting "air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management," after "conservation,"; and

(ii) by amending clause (ii) to read as follows:

"(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

"(I) State and tribal conservation plans or maps; and

"(II) inventories of natural or historic resources.";

(B) in paragraph (3)(B)—

(i) by striking "In carrying out" and inserting the following:

"(i) IN GENERAL.—in carrying out";

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(C) in paragraph (4)(A) by inserting "reduce greenhouse gas emissions and" after "potential to"; and

(D) in paragraph (8) by inserting "greenhouse gas emissions," after "pollution,";

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking "statewide transportation improvement program" and inserting "STIP";

(B) in paragraph (3) by striking "operators),," and inserting "operators),";

(C) in paragraph (4) by striking "statewide transportation improvement program" and inserting "STIP" each place it appears;

(D) in paragraph (5)—

(i) in subparagraph (A) by striking ''transportation improvement program'' and inserting ''STIP'';

(ii) in subparagraph (B)(ii) by striking ''metropolitan transportation improvement program'' and inserting ''TIP'';

(iii) in subparagraph (C) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(iv) in subparagraph (E) by striking ''transportation improvement program'' and inserting ''STIP'';

(v) in subparagraph (F)(i) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(vi) in subparagraph (G)(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(vii) in subparagraph (H) by striking ''transportation improvement program'' and inserting ''STIP'';

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking ''transportation improvement program'' and inserting ''STIP''; and

(II) by striking ''and projects carried out under the bridge program or the Interstate maintenance program''; and

(ii) in subparagraph (B)—

(I) by striking ''or under the bridge program or the Interstate maintenance program'';

(II) by striking ''5310, 5311, 5316, and 5317'' and inserting ''5310 and 5311''; and

(III) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(F) in paragraph (7)—

(i) in the heading by striking ''TRANSPORTATION IMPROVEMENT PROGRAM'' and inserting ''STIP''; and

(ii) by striking ''transportation improvement program'' and inserting ''STIP'';

(G) in paragraph (8) by striking ''statewide transportation plans and programs'' and inserting ''statewide transportation plans and STIPs''; and

(H) in paragraph (9) by striking ''transportation improvement program'' and inserting ''STIP'';

(6) in subsection (h)(2)(A) by striking ''Not later than 5 years after the date of enactment of the MAP–21,'' and inserting ''Not less frequently than once every 4 years,'';

(7) in subsection (k) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears; and

(8) in subsection (m) by striking ''transportation improvement programs'' and inserting ''STIPs''.

SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.

(a) IN GENERAL.—Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by inserting ''or elimination'' after ''significant reduction'';

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and reduce the climate impacts of the transportation system.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''Not later than 18 months after the date of enactment of the MAP–21, the Secretary'' and inserting ''The Secretary''; and

(B) by adding at the end the following:

''(7) GREENHOUSE GAS EMISSIONS.—The Secretary shall establish, in consultation with the Administrator of the Environmental Protection Agency, measures for States to use to assess—

''(A) carbon dioxide emissions per capita on public roads;

''(B) carbon dioxide emissions using different parameters than described in subparagraph (A) that the Secretary determines to be appropriate; and

"(C) any other greenhouse gas emissions on public roads that the Secretary determines to be appropriate.";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each" and inserting "Each"; and

(ii) by striking "and (6)" and inserting "(6), and (7)"; and

(B) by adding at the end the following:

"(3) REGRESSIVE TARGETS.—

"(A) IN GENERAL.—A State may not establish a regressive target for the measures described under paragraph (4) or paragraph (7) of subsection (c).

"(B) REGRESSIVE TARGET DEFINED.—In this paragraph, the term 'regressive target' means a target that fails to demonstrate constant or improved performance for a particular measure.";

(4) in subsection (e)—

(A) by striking ''Not later than 4 years after the date of enactment of the MAP–21 and biennially thereafter, a'' and inserting ''A''; and

(B) by inserting ''biennial'' after ''the Secretary a''; and

(5) by adding at the end the following:

''(f) TRANSPORTATION SYSTEM ACCESS.—

''(1) IN GENERAL.—The Secretary shall establish measures for States and metropolitan planning organizations to use to assess the level of safe, reliable, and convenient transportation system access to—

''(A) employment; and

''(B) services.

''(2) CONSIDERATIONS.—The measures established pursuant to paragraph (1) shall include the ability for States and metropolitan planning organizations to assess—

''(A) the change in the level of transportation system access for various modes of travel, including connection to other modes of transportation, that would result from new transportation investments;

"(B) the level of transportation system access for economically disadvantaged communities, including to affordable housing; and

"(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that effect the affordability, elasticity, and diversity of the housing supply.

"(3) DEFINITION OF SERVICES.—In this subsection, the term 'services' includes healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.".

(b) METROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 134 of title 23, United States Code, is further amended—

(1) in subsection (j)(2)(D)—

(A) by striking "PERFORMANCE TARGET ACHIEVEMENT" in the heading and inserting "PERFORMANCE MANAGEMENT";

(B) by striking "The TIP" and inserting the following:

"(i) IN GENERAL.—The TIP"; and

(C) by adding at the end the following:

"(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas

that represent an urbanized area designated as a transportation management area under subsection (k), the TIP shall include—

"(I) a discussion of the anticipated effect of the TIP toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to such performance targets; and

"(II) a description of how the anticipated effect of the TIP would improve the overall level of transportation system access, consistent with section 150(f).";

(2) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking "shall address congestion management" and inserting the following: "shall address—

"(i) congestion management";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f), that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49."; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking "; and" and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f)."; and

(3) in subsection (l)(2)—

(A) by striking "5 years after the date of enactment of the MAP–21" and inserting "2

years after the date of enactment of the INVEST in America Act, and every 2 years thereafter''; (B) in subparagraph (C) by striking ''and whether metropolitan planning organizations are developing meaningful performance targets; and'' and inserting a semicolon; and (C) by striking subparagraph (D) and inserting the following:

''(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B)); and

''(E) the progress of implementing the measure established under section 150(f).''.

(c) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 135(g)(4) of title 23, United States Code, is further amended—

(1) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' in the heading and inserting ''PERFORMANCE MANAGEMENT'';

(2) by striking ''shall include, to the maximum extent practicable, a discussion'' and inserting the following: ''shall include—

''(A) a discussion'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f).''.

(d) METROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' and inserting ''PERFORMANCE MANAGEMENT'';

(B) by striking ''The transportation improvement plan'' and inserting the following:

''(i) IN GENERAL.—The TIP''; and

(C) by adding at the end the following:

''(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas that represent an urbanized area des-

ignated as a transportation management area under subsection (k), the TIP shall include—

"(I) a discussion of the anticipated effect of the TIP toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to such performance targets; and

"(II) a description of how the anticipated effect of the TIP would improve the overall level of transportation system access, consistent with section 150(f) of title 23.";

(2) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking "shall address congestion management" and inserting the following: "shall address—

"(i) congestion management";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f) of title 23, that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this chapter and title 23."; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking "; and" and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) the TIP approved under clause (ii) makes progress towards improving the level of transportation system access, consistent with section 150(f) of title 23."; and

(3) in subsection (l)(2)—

(A) by striking ''5 years after the date of enactment of the Federal Public Transportation Act of 2012'' and inserting ''2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter,'';

(B) in subparagraph (C) by striking ''and whether metropolitan planning organizations are developing meaningful performance targets; and'' and inserting a semicolon; and

(C) by striking subparagraph (D) and inserting the following:

''(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B) of title 23); and

''(E) the progress of implementing the measure established under section 150(f) of title 23.''.

(e) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5304(g)(4) of title 49, United States Code, is amended—

(1) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' and inserting ''PERFORMANCE MANAGEMENT'';

(2) by striking ''shall include, to the maximum extent practicable, a discussion'' and inserting the following: ''shall include

''(A) a discussion'';

(3) by striking the period at the end and inserting ''; and'';

(4) by striking ''statewide transportation improvement program'' and inserting ''STIP'' each place it appears; and

(5) by adding at the end the following:

''(B) a consideration of the anticipated effect of the STIP on the overall level of transportation system access, consistent with section 150(f) of title 23.''.

(f) SAVINGS CLAUSE.—

(1) REGRESSIVE TARGETS.—The prohibition in the amendment made by subsection (a)(3)(B) shall apply to States beginning on the date that is 1 year before the subsequent State target and reporting deadlines related to safety performance management established pursuant to section 150 of title 23, United States Code.

(2) ACCESS PLANNING REQUIREMENTS.—The requirements in the amendments made by subsections (b), (c), (d), and (e) shall apply beginning on the date on which the requirements for the measure described in section 150(f) of title 23, United States Code, take effect.

(g) DEVELOPMENT OF GREENHOUSE GAS MEASURE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out paragraph (7) of section 150(c) of title 23, United States Code, as added by this Act.

(h) DEVELOPMENT OF TRANSPORTATION SYSTEM ACCESS MEASURE.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group to assess the provisions of paragraphs (1) and (2) of section 150(f) and make recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access for various modes of travel, consistent with section 150(f) of title 23, United States Code.

(2) MEMBERS.—The working group established pursuant to paragraph (1) shall include representatives from—

(A) the Department of Transportation;

(B) State departments of transportation, including representatives that specialize in pedestrian and bicycle safety;

(C) the Bureau of Transportation Statistics;

(D) metropolitan planning organizations representing transportation management areas (as those terms are defined in section 134 of title 23, United States Code);

(E) other metropolitan planning organizations or local governments;

(F) providers of public transportation;

(G) nonprofit entities related to transportation, including relevant safety groups;

(H) experts in the field of transportation access data; and

(I) any other stakeholders, as determined by the Secretary.

(3) REPORT.—

(A) SUBMISSION.—Not later than 1 year after the establishment of the working group

pursuant to paragraph (1), the working group shall submit to the Secretary a report of recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access, consistent with section 150(f) of title 23, United States Code.

(B) PUBLICATION.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall publish the report on a publicly accessible website of the Department of Transportation.

(4) RULEMAKING.—Not later than 2 years after the date on which the Secretary receives the report under paragraph (3), the Secretary shall issue such regulations as are necessary to implement the requirements of section 150(f) of title 23, United States Code.

(5) TERMINATION.—The Secretary shall terminate the working group established pursuant to paragraph (1) on the date on which the regulation issued pursuant to paragraph (4) takes effect.

(i) TRANSPORTATION SYSTEM ACCESS DATA.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary of Transportation establishes the measure required under section 150(f) of title 23, United States Code, the Secretary shall develop or procure eligible transportation system access data sets and analytical tools and make such data sets and analytical tools available to State departments of transportation and metropolitan planning areas that represent transportation management areas.

(2) REQUIREMENTS.—An eligible transportation system access data set and analytical tool shall have the following characteristics:

(A) The ability to quantify the level of safe, reliable, and convenient transportation system access to—

(i) employment;

(ii) services; and

(iii) connections to other modes of transportation.

(B) The ability to quantify transportation system access for various modes of travel, including—

(i) driving;

(ii) public transportation;

(iii) walking (including conveyance for persons with disabilities); and

(iv) cycling (including micromobility).

(C) The ability to disaggregate the level of transportation system access by various transportation modes by a variety of population categories, including—

(i) low-income populations;

(ii) minority populations;

(iii) age;

(iv) disability; and

(v) geographical location.

(D) The ability to assess the change in the level of transportation system access that would result from new transportation investments.

(3) CONSIDERATION.—An eligible transportation system access data set and analytical tool shall take into consideration safe and connected networks for walking, cycling, and persons with disabilities.

(j) DEFINITIONS.—In this section:

(1) TRANSPORTATION SYSTEM ACCESS.—The term ''transportation system access'' has the meaning given such term in section 101 of title 23, United States Code.

(2) SERVICES.—The term ''services'' has the meaning given such term in section 150(f) of title 23, United States Code.

SEC. 1404. TRANSPORTATION DEMAND DATA AND MODELING STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study on transportation demand data and modeling, including transportation demand forecasting, and make recommendations for developing and utilizing transportation and traffic demand models with a demonstrated record of accuracy.

(2) CONTENTS.—In carrying out the study under this section, the Secretary shall—

(A) collect observed transportation demand data and transportation demand forecasts from States and metropolitan planning organizations, including data and forecasts on—

(i) traffic counts;

(ii) transportation mode share and public transportation ridership; and

(iii) vehicle occupancy measures;

(B) compare the transportation demand forecasts with the observed transportation de-

mand data gathered under subparagraph (A), including an analysis of the level of accuracy of forecasts and possible reasons for large discrepancies; and

(C) use the information described in subparagraphs (A) and (B) to—

(i) develop best practices and guidance for States and metropolitan planning organizations to use in forecasting transportation demand for future investments in transportation improvements;

(ii) evaluate the impact of transportation investments, including new roadway capacity, on transportation behavior and transportation demand, including public transportation ridership, induced highway transportation, and congestion;

(iii) support more accurate transportation demand forecasting by States and metropolitan planning organizations;

(iv) enhance the capacity of States and metropolitan planning organizations to—

(I) forecast transportation demand; and

(II) track observed transportation behavior responses, including induced transportation, to changes in transportation capacity, pricing, and land use patterns; and

(v) develop transportation demand management strategies to maximize the efficiency of the transportation system, improve mobility, reduce congestion, and lower vehicle emissions.

(3) COVERED ENTITIES.—In carrying out the study under this section, the Secretary shall ensure that data and forecasts described in paragraph (2)(A) are collected from—

(A) States;

(B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer; and

(C) metropolitan planning organizations that serve an area with a population of over 200,000 people.

(4) WORKING WITH THE PRIVATE SECTOR.—In carrying out this section, the Secretary may, and is encouraged to, procure additional data as necessary from university transportation centers, private sector

providers, and other entities as is needed and may use funds authorized under section 503(b) of title 23, United States Code, for carrying out this paragraph.

(5) WORKING WITH AFFECTED COMMUNITIES.—In carrying out this section, the Secretary shall consult with, and collect data and input from, representatives of—

(A) the Department of Transportation;

(B) State departments of transportation;

(C) metropolitan planning organizations;

(D) local governments;

(E) providers of public transportation;

(F) nonprofit entities related to transportation, including safety, cycling, disability, and equity groups; and

(G) any other stakeholders, as determined by the Secretary.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the study conducted under subsection (a).

(c) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United

States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of transportation plans, models, and demand forecasts.

(d) UPDATE GUIDANCE AND REGULATIONS.—The Secretary shall—

(1) update Department of Transportation guidance and procedures to utilize best practices documented throughout the Federal program; and

(2) ensure that best practices included in the report are incorporated into appropriate regulations as such regulations are updated.

(e) CONTINUING IMPROVEMENT.—The Secretary shall set out a process to repeat the study under this section every 2 years as part of the conditions and performance report, including—

(1) progress in the accuracy of model projections;

(2) further recommendations for improvement; and

(3) further changes to guidance, regulation, and procedures required for the Department of Transportation to adopt best practices.

SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as ''beyond the first 4 years''.

Subtitle E—Federal Lands, Tribes, and Territories

SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Section 165 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ANNUAL ALLOCATION.—For the Puerto Rico and territorial highway program, there shall be made available—

''(1) $340,000,000 for the Puerto Rico highway program under subsection (b) for each of fiscal years 2023 through 2026; and

''(2) for the territorial highway program under subsection (c)—

''(A) $113,044,097 for fiscal year 2023;

''(B) $114,961,294 for fiscal year 2024;

"(C) $117,190,719 for fiscal year 2025; and

"(D) $119,237,332 for fiscal year 2026.";

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

"(D) TRANSFERABILITY.—Of the amounts described in clauses (i) and (ii) of subparagraph (C) for the Puerto Rico highway program, Puerto Rico may transfer not to exceed 50 percent in a fiscal year of such amounts for activities described in clause (iii) of such subparagraph.".

(3) in subsection (c)(6)(A)—

(A) by redesignating clauses (iv), (v), (vi), and (vii) as clauses (v), (vi), (vii), and (viii), respectively; and

(B) by inserting after clause (iii) the following:

"(iv) Ferry boats and terminal facilities that are privately or majority privately owned, in accordance with paragraphs (1), (2), (4), (5), (6), and (7) of section 129(c), that provide a substantial public benefit."; and

(4) by adding at the end the following:

"(d) PARTICIPATION OF TERRITORIES IN DISCRETIONARY PROGRAMS.—For any program in which the Secretary may allocate funds out of the Highway Trust Fund (other than the Mass Transit Account) to a State at the discretion of the Secretary, the Secretary may allocate funds to one or more territory for any project or activity that otherwise would be eligible under such program if such project or activity was being carried out in a State.".

(b) ACCESS AND DEVELOPMENT ROADS.—Section 118(d) of title 23, United States Code, is amended by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, and any other territory of the United States".

SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking "improving deficient" and inserting "the construction and reconstruction of";

(B) in paragraph (2)—

(i) in subparagraph (A) by inserting "construct," after "project to"; and

(ii) in subparagraph (B)—

(I) by striking "deficient"; and

(II) by inserting ''in poor condition'' after ''facility bridges''; and

(C) in paragraph (3)—

(i) in the heading by striking ''ELIGIBLE BRIDGES'' and inserting ''ELIGIBILITY FOR EXISTING BRIDGES'';

(ii) by striking ''a bridge'' and inserting ''an existing bridge''; and

(iii) in subparagraph (C) by striking ''structurally deficient or functionally obsolete'' and inserting ''in poor condition''; and

(2) in subsection (e) by striking ''for eligible projects described in section 148(a)(4).'' and inserting the following: ''for—

''(A) eligible projects described in section 148(a)(4);

''(B) projects to promote public awareness and education concerning highway safety matters (including bicycle, all-terrain, motorcyclist, and pedestrian safety); or

''(C) projects to enforce highway safety laws.''.

SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

(a) TRIBAL TRANSPORTATION PROGRAM.—Section 202 of title 23, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Before making any distribution under subsection (b), the Secretary shall set aside $50,000,000 from the funds made available under the tribal transportation program for each fiscal year to carry out the Tribal High Priority Projects program under section 1123 of MAP–21 (23 U.S.C. 202 note).''.

(b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123 of MAP–21 (23 U.S.C. 202 note) is amended—

(1) in subsection (a)(1)(C) by striking ''required by that section'' and inserting ''required under such program'';

(2) in subsection (b)(1) by striking ''use amounts made available under subsection (h) to'';

(3) in subsection (d)—

(A) in paragraph (2) by inserting '', in consultation with the Secretary of the Interior,'' after ''The Secretary''; and

(B) in paragraph (3) by striking ''of the Interior'' each place it appears;

(4) in subsection (f) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(5) in subsection (g) by striking ''and the Secretary'' and inserting ''or the Secretary''; and

(6) by striking subsection (h) and inserting the following:

''(h) ADMINISTRATION.—The funds made available to carry out this section shall be administered in the same manner as funds made available for the Tribal transportation program under section 202 of title 23, United States Code.''.

SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 203(a) of title 23, United States Code, is amended by adding at the end the following:

''(6) TRANSFER FOR HIGH-COMMUTER CORRIDORS.—

''(A) REQUEST.—If the head of a covered agency determines that a high-commuter corridor requires additional investment, based on the criteria described in subparagraph (D), the head of a covered agency, with respect to such corridor, shall submit to the State—

"(i) information on condition of pavements and bridges;

"(ii) an estimate of the amounts needed to bring such corridor into a state of good repair, taking into consideration any planned future investments; and

"(iii) at the discretion of the head of a covered agency, a request that the State transfer to the covered agency, under the authority of section 132 or section 204, or to the Federal Highway Administration, under the authority of section 104, a portion of such amounts necessary to address the condition of the corridor.

"(B) STATE RESPONSE.—Not later than 45 days after the date of receipt of the request described in subparagraph (A)(iii), the State shall—

"(i) approve the request;

"(ii) deny the request and explain the reasons for such denial; or

"(iii) request any additional information necessary to take action on the request.

"(C) NOTIFICATION TO THE SECRETARY.—The head of a covered agency shall provide to the Secretary a copy of any request described under subparagraph (A)(iii) and response described under subparagraph (B).

"(D) CRITERIA.—In making a determination under subparagraph (A), the head of a covered agency, with respect to the corridor, shall consider—

"(i) the condition of roads, bridges, and tunnels; and

"(ii) the average annual daily traffic.

"(E) DEFINITIONS.—In this paragraph:

"(i) COVERED AGENCY.—The term 'covered agency' means a Federal agency eligible to receive funds under this section, section 203, or section 204, including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management.

"(ii) HIGH-COMMUTER CORRIDOR.—The term 'high-commuter corridor' means a Federal lands transportation facility that has an average annual daily traffic of not less than 20,000 vehicles.".

(b) GAO STUDY REGARDING NPS MAINTENANCE.—

(1) STUDY.—The Comptroller General of the United States shall study the National Park Service maintenance prioritization of Federal lands transportation facilities.

(2) CONTENTS.—At minimum, the study under paragraph (1) shall examine—

(A) general administrative maintenance of the National Park Service;

(B) how the National Park Service currently prioritizes maintenance of Federal facilities covered under the Federal Lands Transportation Program;

(C) what kind of maintenance the National Parkway Service is performing;

(D) to what degree does the National Park Service prioritize high-commuter corridors; and

(E) how the National Park Service can better service the needs of high commuter corridors.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Pub-

lic Works of the Senate a report summarizing the study and the results of such study, including recommendations for addressing the maintenance needs and prioritization of high-commuter corridors.

(4) DEFINITION OF HIGH-COMMUTER CORRIDOR.—In this section, the term ''high-commuter corridor'' means a Federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles.

SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 207 the following:

''§ 208. Federal lands and Tribal major projects program

''(a) ESTABLISHMENT.—The Secretary shall establish a Federal lands and Tribal major projects program (referred to in this section as the 'program') to provide funding to construct, reconstruct, or rehabilitate critical Federal lands and Tribal transportation infrastructure.

''(b) ELIGIBLE APPLICANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under

sections 201, 202, 203, and 204 may apply for funding under the program.

"(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal agency or Indian Tribe.

"(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility, except that such facility is not required to be included in an inventory described in section 202 or 203, and for which—

"(1) the project—

"(A) has completed the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) which has been demonstrated through—

"(i) a record of decision with respect to the project;

"(ii) a finding that the project has no significant impact; or

"(iii) a determination that the project is categorically excluded; or

"(B) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project; and

"(2) the project has an estimated cost equal to or exceeding—

"(A) $12,500,000 if it is on a Federal lands transportation facility or a Federal lands access transportation facility; and

"(B) $5,000,000 if it is on a Tribal transportation facility.

"(d) ELIGIBLE ACTIVITIES.—Grant amounts received for a project under this section may be used for—

"(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

"(2) construction, reconstruction, and rehabilitation activities.

"(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

"(f) PROJECT REQUIREMENTS.—The Secretary may select a project to receive funds under the program only if the Secretary determines that the project—

"(1) improves the condition of critical transportation facilities, including multimodal facilities;

"(2) cannot be easily and efficiently completed with amounts made available under section 202, 203, or 204; and

"(3) is cost effective.

"(g) MERIT CRITERIA.—In making a grant under this section, the Secretary shall consider whether the project—

"(1) will generate state of good repair, resilience, economic competitiveness, quality of life, mobility, or safety benefits;

"(2) in the case of a project on a Federal lands transportation facility or a Federal lands access transportation facility, has costs matched by funds that are not provided under this section or this title; and

"(3) generates benefits for land owned by multiple Federal land management agencies or Indian Tribes, or which spans multiple States.

"(h) EVALUATION AND RATING.—To evaluate applications, the Secretary shall—

"(1) determine whether a project meets the requirements under subsection (f);

"(2) evaluate, through a discernable and transparent methodology, how each application addresses one or more merit criteria established under subsection (g);

"(3) assign a rating for each merit criteria for each application; and

"(4) consider applications only on the basis of such quality ratings and which meet the minimally acceptable level for each of the merit criteria.

"(i) COST SHARE.—

"(1) FEDERAL LANDS PROJECTS.—

"(A) IN GENERAL.—Notwithstanding section 120, the Federal share of the cost of a project on a Federal lands transportation facility or a Federal lands access transportation facility shall be up to 90 percent.

"(B) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds may be used to pay the non-Federal share of the cost of a project carried out under this section.

"(2) TRIBAL PROJECTS.—The Federal share of the cost of a project on a Tribal transportation facility shall be 100 percent.

"(j) USE OF FUNDS.—For each fiscal year, of the amounts made available to carry out this section, not more than 50 percent shall be used for eligible projects on Federal lands transportation facilities or Federal lands access transportation facilities and Tribal transportation facilities, respectively.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 207 the following new item:

"208. Federal lands and Tribal major projects program.".

(c) REPEAL.—Section 1123 of the FAST Act (23 U.S.C. 201 note), and the item related to such section in the table of contents under section 1(b) of such Act, are repealed.

SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

Section 102 of title 49, United States Code, is amended—

(1) in subsection (e)(1)—

(A) by striking "6 Assistant" and inserting "7 Assistant";

(B) in subparagraph (C) by striking "; and" and inserting a semicolon;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

''(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and''; and

(2) in subsection (f)—

(A) in the heading by striking ''DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS'' and inserting ''OFFICE OF TRIBAL GOVERNMENT AFFAIRS''; and

(B) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs, to—

''(A) oversee the Tribal transportation self-governance program under section 207 of title 23;

''(B) plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

"(C) coordinate Tribal transportation programs and activities in all offices and administrations of the Department;

"(D) provide technical assistance to Indian Tribes and Tribal organizations;

"(E) be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the tribal transportation program under section 202 of title 23; and

"(F) ensure that Department programs have in place, implement, and enforce requirements and obligations for regular and meaningful consultation and collaboration with Tribes and Tribal officials under Executive Order No. 13175 and to serve as the primary advisor to the Secretary and other Department components regarding violations of those requirements.".

SEC. 1507. ALTERNATIVE CONTRACTING METHODS.

(a) LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.—Section 201 of title 23, United States Code, is amended by adding at the end the following:

"(f) ALTERNATIVE CONTRACTING METHODS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use a contracting method available to a State under this title on behalf of—

"(A) a Federal land management agency, with respect to any funds available pursuant to section 203 or 204;

"(B) a Federal land management agency, with respect to any funds available pursuant to section 1535 of title 31 for any eligible use described in sections 203(a)(1) and 204(a)(1) of this title; or

"(C) a Tribal Government, with respect to any funds available pursuant to section 202(b)(7)(D).

"(2) METHODS DESCRIBED.—The contracting methods referred to in paragraph (1) shall include, at a minimum—

"(A) project bundling;

"(B) bridge bundling;

"(C) design-build contracting;

"(D) 2-phase contracting;

"(E) long-term concession agreements; and

"(F) any method tested, or that could be tested, under an experimental program relating

to contracting methods carried out by the Secretary.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection—

"(A) affects the application of the Federal share for a project carried out with a contracting method under this subsection; or

"(B) modifies the point of obligation of Federal salaries and expenses.".

(b) USE OF ALTERNATIVE CONTRACTING METHOD.—In carrying out the amendments made by this section, the Secretary shall—

(1) in consultation with the applicable Federal land management agencies, establish procedures that are—

(A) applicable to each alternative contracting method; and

(B) to the maximum extent practicable, consistent with requirements for Federal procurement transactions;

(2) solicit input on the use of each alternative contracting method from any affected industry prior to using such method; and

(3) analyze and prepare an evaluation of the use of each alternative contracting method.

SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.

(a) IN GENERAL.—The Commissioner of the Bureau of Reclamation may transfer ownership of a bridge that is owned by the Bureau of Reclamation if—

(1) the ownership of the bridge is transferred to a State with the concurrence of such State;

(2) the State to which ownership is transferred agrees to operate and maintain the bridge;

(3) the transfer of ownership complies with all applicable Federal requirements, including—

(A) section 138 of title 23, United States Code;

(B) section 306108 of title 54, United States Code; and

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

(4) the Bureau of Reclamation and the State to which ownership is being transferred jointly notify the Secretary of Transportation of the intent to conduct a transfer prior to such transfer.

(b) ACCESS.—In a transfer of ownership of a bridge under this section, the Commissioner of the Bureau of Reclamation—

(1) shall not be required to transfer ownership of the land on which the bridge is located or any adjacent lands; and

(2) shall make arrangements with the State to which ownership is being transferred to allow for adequate access to such bridge, including for the purposes of construction, maintenance, and bridge inspections pursuant to section 144 of title 23, United States Code.

SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO INDIAN TRIBES.

Not later than January 31 of each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) identifies the number of Indian Tribes that were direct recipients of funds under any discretionary Federal highway, transit, or highway safety program in the prior fiscal year;

(2) lists the total amount of such funds made available directly to such Tribes;

(3) identifies the number and location of Indian Tribes that were indirect recipients of funds under any formula-based Federal highway, transit, or highway safety program in the prior fiscal year; and

(4) lists the total amount of such funds made available indirectly to such tribes through states or

other direct recipients of Federal highway, transit or highway safety funding.

SEC. 1510. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the deferred maintenance of United States forest roads, including—

(1) the current backlog;

(2) the current actions on such maintenance and backlog;

(3) the impacts of public safety due to such deferred maintenance; and

(4) recommendations for Congress on ways to address such backlog.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 1511. FEDERAL LANDS ACCESS PROGRAM.

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

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by inserting ''context-sensitive solutions,'' after ''restoration,'';

(B) in clause (i), by inserting '', including interpretive panels in or adjacent to those areas'' after ''areas'';

(C) in clause (v), by striking ''and'' at the end;

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

(E) by inserting after clause (v) the following:

''(vi) contextual wayfinding markers;

''(vii) landscaping;

''(viii) cooperative mitigation of visual blight, including screening or removal; and''; and

(2) by adding at the end the following:

''(6) NATIVE PLANT MATERIALS.—In carrying out an activity described in paragraph (1), the Secretary shall ensure that the entity carrying out the activity considers—

''(A) the use of locally adapted native plant materials; and

"(B) designs that minimize runoff and heat generation.".

Subtitle F—Additional Provisions

SEC. 1601. VISION ZERO.

(a) IN GENERAL.—A local government, metropolitan planning organization, or regional transportation planning organization may develop and implement a vision zero plan to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years.

(b) USE OF FUNDS.—Amounts apportioned to a State under paragraph (2) or (3) of section 104(b) of title 23, United States Code, may be used—

(1) to carry out vision zero planning under this section or a vulnerable road user safety assessment; and

(2) to implement an existing vision zero plan.

(c) CONTENTS OF PLAN.—A vision zero plan under this section shall include—

(1) a description of programs, strategies, or policies intended to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years, that is consistent with a State strategic highway

safety plan and uses existing transportation data and consideration of risk factors;

(2) plans for implementation of, education of the public about, and enforcement of such programs, strategies, or policies;

(3) a description of how such programs, strategies, or policies, and the enforcement of such programs, strategies, or policies will—

(A) equitably invest in the safety needs of low-income and minority communities;

(B) ensure that such communities are not disproportionately targeted by law enforcement; and

(C) protect the rights of members of such communities with respect to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

(4) a description of a mechanism to evaluate progress of the development and implementation of the plan, including the gathering and use of transportation safety and demographic data.

(d) INCLUSIONS.—A vision zero plan may include a complete streets prioritization plan that identifies a specific list of projects to—

(1) create a connected network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect communities and provide safe, reliable, affordable, and convenient access to employment, housing, and services, consistent with the goals described in section 150(b) of title 23, United States Code;

(2) integrate active transportation facilities with public transportation service or improve access to public transportation; and

(3) improve transportation options for low-income and minority communities.

(e) COORDINATION.—A vision zero plan under this section shall provide for coordination of various subdivisions of a unit of local government in the implementation of the plan, including subdivisions responsible for law enforcement, public health, data collection, and public works.

(f) SAFETY PERFORMANCE MANAGEMENT.—A vision zero plan under this section is not sufficient to demonstrate compliance with the safety performance or planning requirements of section 148 or 150 of title 23, United States Code.

(g) GUIDANCE ON SAFE SYSTEM APPROACH.—The Secretary of Transportation shall develop guidance on the consideration of a safe system approach in project plan-

ning, scoping, and design to facilitate the implementation of vision zero plans under this section and vulnerable road user assessments under section 148 of title 23, United States Code.

(h) DEFINITIONS.—In this section, the terms ''safe system approach'' and ''vulnerable road user safety assessment'' have the meanings given such terms in section 148 of title 23, United States Code.

SEC. 1602. SPEED LIMITS.

(a) SPEED LIMITS.—The Secretary of Transportation shall revise the Manual on Uniform Traffic Control Devices to provide for a safe system approach to setting speed limits, consistent with the safety recommendations issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–27 and H–17–028.

(b) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

(1) crash statistics;

(2) road geometry characteristics;

(3) roadside characteristics;

(4) traffic volume;

(5) the possibility and likelihood of human error;

(6) human injury tolerance;

(7) the prevalence of vulnerable road users; and

(8) any other consideration, consistent with a safe system approach, as determined by the Secretary.

(c) REPORT ON SPEED MANAGEMENT PROGRAM PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update and report on the implementation progress of the Speed Management Program Plan of the Department of Transportation, as described in the safety recommendation issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–018.

(d) DEFINITIONS.—In this section, the terms ''safe system approach'' and ''vulnerable road user'' have the meanings given such terms in section 148(a) of title 23, United States Code.

SEC. 1603. DIG ONCE FOR BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term ''appropriate State agency'' means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and facilitate the installation and operation of broadband infrastructure within the State.

(2) BROADBAND.—The term ''broadband'' has the meaning given the term ''advanced telecommunications capability'' in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(3) BROADBAND CONDUIT.—The term ''broadband conduit'' means a conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provision of broadband.

(4) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any buried or underground facility and any wireless or wireline connection that enables the provision of broadband.

(5) BROADBAND PROVIDER.—The term ''broadband provider'' means an entity that provides broadband to any person, including, with respect to such entity—

(A) a corporation, company, association, firm, partnership, nonprofit organization, or any other private entity;

(B) a State or local broadband provider;

(C) an Indian Tribe; and

(D) a partnership between any of the entities described in subparagraphs (A), (B), and (C).

(6) COVERED HIGHWAY CONSTRUCTION PROJECT.—

(A) IN GENERAL.—The term ''covered highway construction project'' means, without regard to ownership of a highway, a project funded under title 23, United States Code, and administered by a State department of transportation to construct a new highway or an additional lane for an existing highway, to reconstruct an existing highway, or new construction, including construction of a paved shoulder.

(B) EXCLUSIONS.—The term ''covered highway construction project'' excludes any project—

(i) awarded before the date on which regulations required under subsection (b) take effect;

(ii) that does not include work beyond the edge of pavement or current paved shoulder;

(iii) that is less than a mile in length; or

(iv) that is—

(I) a project primarily for resurfacing, restoration, rehabilitation, or maintenance;

(II) a bicycle, pedestrian, transportation alternatives, sidewalk, recreational trails, or safe routes to school project;

(III) an operational improvement (as such term is defined in section 101 of title 23, United States Code);

(IV) a project primarily to install signage; or

(V) a culvert project.

(7) DIG ONCE REQUIREMENT.—The term ''dig once requirement'' means a requirement designed to reduce the cost and accelerate the deployment of broadband by minimizing the number and scale of repeated excavations for the installation and maintenance of broadband conduit or broadband infrastructure in rights-of-way.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(9) NTIA ADMINISTRATOR.—The term ''NTIA Administrator'' means the Assistant Secretary of Commerce for Communications and Information.

(10) PROJECT.—The term ''project'' has the meaning given such term in section 101 of title 23, United States Code.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(12) STATE.—The term ''State'' has the meaning given such term in section 401 of title 23, United States Code.

(13) STATE OR LOCAL BROADBAND PROVIDER.—The term ''State or local broadband provider'' means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides broadband to any person or facilitates the provision of broadband to any person in such State.

(b) DIG ONCE REQUIREMENT.—Not later than 12 months after the date of enactment of this Act, to facilitate the installation of broadband infrastructure, the Secretary shall issue such regulations as may be necessary to ensure that each State that receives funds under chapter 1 of title 23, United States Code, complies with the following provisions:

(1) BROADBAND PLANNING AND NOTICE.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) review existing State broadband plans, including existing dig once requirements of the State, municipal governments incorporated under State law, and Indian tribes within the State, to determine opportunities to coordinate covered highway construction projects occurring within or across highway rights-of-way with planned broadband infrastructure projects;

(B) identify a broadband coordinator, who may have additional responsibilities in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State; and

(C) establish a process—

(i) for the registration of broadband providers that seek to be included in the advance notification of, and opportunity to participate in, broadband infrastructure right-of-way facilitation efforts within the State; and

(ii) to electronically notify all broadband providers registered under clause (i)—

(I) of the State transportation improvement program on at least an annual basis; and

(II) of covered highway construction projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(2) COORDINATION AND COMPLIANCE.—

(A) MOBILE NOW ACT.—A State department of transportation shall be considered to meet the requirements of subparagraphs (B) and (C) of paragraph (1) if such State department of transportation has been determined to be in compliance with the requirements established under section 607 of division P of the Consolidated Appropriations Act, 2018 (47 U.S.C. 1504).

(B) WEBSITE.—A State department of transportation shall be considered to meet the requirements of paragraph (1)(C) if the State publishes on a public website—

(i) the State transportation improvement program on at least an annual basis; and

(ii) covered highway construction projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(C) COORDINATION.—The State department of transportation, in consultation with appropriate State agencies, shall by rule or regulation establish a process for a broadband provider to commit to installing broadband conduit or broadband infrastructure as part of any covered highway construction project.

(D) APPROPRIATE STATE AGENCY.—In lieu of the State department of transportation, at the discretion of the State, an appropriate State agency, in consultation with the State department of transportation, may carry out the requirements of paragraph (1).

(3) REQUIRED INSTALLATION OF BROADBAND CONDUIT.—

(A) IN GENERAL.—The State department of transportation shall install broadband conduit, in accordance with this paragraph (except

as described in subparagraph (F)), as part of any covered highway construction project, unless a broadband provider has committed to install broadband conduit or broadband infrastructure as part of such project in a process described under paragraph (2)(C).

(B) INSTALLATION REQUIREMENTS.—In installing broadband conduit or broadband infrastructure as part of a covered highway construction project, the State department of transportation shall ensure that—

(i) installation pursuant to this paragraph of broadband conduit, broadband infrastructure, and means or points of access to such conduit or infrastructure (such as poles, hand holes, manholes, pull tape, or ducts) shall provide for the current and future safe operation of the traveled way, is consistent with part 645 of title 23, Code of Federal Regulations, and any accommodation policies of the State under such part to reasonably enable deployment of such conduit, infrastructure, and means or points of access, and any Damage Preven-

tion and Underground Facilities Protection or related requirements of the State;

(ii) an appropriate number of broadband conduits, as determined in consultation with the appropriate State agencies, are installed along the right-of-way of a covered highway construction project to accommodate multiple broadband providers, with consideration given to the availability of existing broadband conduits;

(iii) the size of each broadband conduit is consistent with industry best practices, consistent with the requirements of part 645 of title 23, Code of Federal Regulations, and sufficient to accommodate anticipated demand, as determined in consultation with the appropriate State agencies;

(iv) any hand holes and manholes necessary for fiber access and pulling with respect to such conduit are placed at intervals consistent with standards determined in consultation with the appropriate State agencies (which may differ by type of road, topologies, and rurality) the requirements

of part 645 of title 23, Code of Federal Regulations, and other applicable safety requirements;

(v) each broadband conduit installed pursuant to this paragraph includes a pull tape and is capable of supporting fiber optic cable placement techniques consistent with best practices and the requirements of part 645 of title 23, Code of Federal Regulations;

(vi) broadband conduit is placed at a depth consistent with requirements of the covered highway construction project and best practices and that, in determining the depth of placement, consideration is given to the location of existing utilities and cable separation requirements of State and local electrical codes; and

(vii) installation of broadband conduit shall not preclude the installation of other specific socially, environmentally, or economically beneficial uses of the right-of-way, such as planned energy transmission or renewable energy generation projects.

(C) PROGRAMMATIC REVIEW.—The State department of transportation may make determinations on the implementation of the requirements described in subparagraph (B) on a programmatic basis.

(D) ACCESS.—

(i) IN GENERAL.—The State department of transportation shall ensure that any requesting broadband provider has access to each broadband conduit installed by the State pursuant to this paragraph, on a competitively neutral and nondiscriminatory basis and in accordance with State permitting, licensing, leasing, or other similar laws and regulations.

(ii) SOCIALLY BENEFICIAL USE.—The installation of broadband conduit as part of a covered highway construction project shall be considered a socially-beneficial use of the right-of-way under section 156(b) of title 23, United States Code.

(iii) IN-KIND COMPENSATION.—The State department of transportation may negotiate in-kind compensation with any broadband provider requesting access to

broadband conduit installed under the provisions of this paragraph.

(iv) SAFETY CONSIDERATIONS.—The State department of transportation shall provide for a process for a broadband provider to safely access to the highway right-of-way during installation and on-going maintenance of the broadband conduit and broadband infrastructure, including a traffic control safety plan.

(v) COMMUNICATION.—A broadband provider with access to the conduit installed pursuant to this subsection shall notify, and receive permission from, the relevant agencies of State responsible for the installation of such broadband conduit prior to accessing any highway or highway right-of-way, in accordance with applicable Federal requirements.

(E) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, broadband conduit and broadband infrastructure installation projects installed by a State under this paragraph under this paragraph shall comply

with section 113(a) of title 23, United States Code.

(F) WAIVER AUTHORITY.—

(i) IN GENERAL.—A State department of transportation may waive the required installation of broadband conduit for part or all of any covered highway construction project under this paragraph if, in the determination of the State department of transportation—

(I) broadband infrastructure, terrestrial broadband infrastructure, aerial broadband fiber cables, or broadband conduit is present near a majority of the length of the covered highway construction project;

(II) installation of terrestrial or aerial broadband fiber cables associated with the covered highway construction project is more appropriate for the context or a more cost-effective means to facilitate broadband service to an area not adequately served by broadband and such installation is present or planned;

(III) the installation of broadband conduit increases overall costs of a covered highway construction project by 1.5 percent or greater;

(IV) the installation of broadband conduit associated with the covered highway construction project is not reasonably expected to be utilized or connected to future broadband infrastructure in the 20 years following the date on which such determination is made, as determined by the State department of transportation, in consultation with appropriate State agencies and potentially affected local governments and Indian tribes;

(V) the requirements of this paragraph would require installation of conduit redundant with a dig once requirement of a local government or Indian tribe;

(VI) there exists a circumstance involving force majeure; or

(VII) the installation of conduit is not appropriate based on other relevant factors established by the Secretary in consultation with the NTIA Administrator through regulation.

(ii) CONTENTS OF WAIVER.—A waiver authorized under this subparagraph shall—

(I) identify the covered highway construction project; and

(II) include a brief description of the determination of the State for issuing such waiver.

(iii) AVAILABILITY OF WAIVER.—Notification of a waiver authorized under this subparagraph shall be made publicly available, such as on a public website of the State department of transportation described in paragraph (2)(B).

(iv) WAIVER DETERMINATION.—

(I) IN GENERAL.—The State department of transportation shall be responsible for the waiver determination described under this paragraph, consistent with the regulation issued

pursuant to this subsection, and may grant a programmatic waiver for categories of projects excluded under this subparagraph.

(II) NO PRIVATE CAUSE OF ACTION.—The waiver determination described under this paragraph shall be final and conclusive. Nothing in this section shall provide a private right or cause of action to challenge such determination in any court of law.

(4) PRIORITY.—If a State provides for the installation of broadband infrastructure or broadband conduit in the right-of-way of a covered highway construction project, the State department of transportation, along with appropriate State agencies, shall carry out appropriate measures to ensure that an existing broadband provider is afforded access that is non-discriminatory, competitively neutral, and equal in opportunity, as compared to other broadband providers, with respect to the program under this subsection.

(c) GUIDANCE FOR THE INSTALLATION OF BROADBAND CONDUIT.—The Secretary, in consultation with the NTIA Administrator, shall issue guidance for

1 best practices related to the installation of broadband con-
2 duit as described in subsection (b)(2) and of conduit and
3 similar infrastructure for intelligent transportation sys-
4 tems (as such term is defined in section 501 of title 23,
5 United States Code) that may utilize broadband conduit
6 installed pursuant to subsection (b)(2).

7 (d) CONSULTATION.—

8 (1) IN GENERAL.—In issuing regulations re-
9 quired by this subsection or to implement any part
10 of this section, the Secretary shall consult—

11 (A) the NTIA Administrator;

12 (B) the Federal Communications Commis-
13 sion;

14 (C) State departments of transportation;

15 (D) appropriate State agencies;

16 (E) agencies of local governments respon-
17 sible for transportation and rights-of-way, utili-
18 ties, and telecommunications and broadband;

19 (F) Indian tribes;

20 (G) broadband providers; and

21 (H) manufacturers of optical fiber, con-
22 duit, pull tape, and related items.

23 (2) BROADBAND USERS.—The Secretary shall
24 ensure that the entities consulted under subpara-
25 graphs (C) through (F) of paragraph (1) include en-

1 tities that have expertise with rural areas and popu-
2 lations with limited access to broadband infrastruc-
3 ture.

4 (3) BROADBAND PROVIDERS.—The Secretary
5 shall ensure that the entities consulted under sub-
6 paragraph (G) of paragraph (1) include entities that
7 provide broadband to rural areas and populations
8 with limited access to broadband infrastructure.

9 (e) OVERSIGHT.—

10 (1) IN GENERAL.—The Secretary shall periodi-
11 cally review compliance with the regulations issued
12 pursuant to this section and ensure that State waiv-
13 er determinations are consistent with such regula-
14 tions.

15 (2) EFFICIENT REVIEW.—The review described
16 under paragraph (1) may be carried out through the
17 risk-based stewardship and oversight program de-
18 scribed under section 106(g) of title 23, United
19 States Code.

20 (3) EFFECT OF SUBSECTION.—Nothing in this
21 subsection shall affect or discharge any oversight re-
22 sponsibility of the Secretary specifically provided for
23 under title 23, United States Code, or any other
24 Federal law.

25 (f) ADDITIONAL PROVISIONS.—

(1) APPLICABILITY.—

(A) IN GENERAL.—The portion of the regulation issued pursuant to subsection (b) relating to the provisions under paragraph (3) of such subsection shall not take effect until a source of dedicated funding for the installation and long term maintenance of broadband conduit described in subsection (g)(2) is established.

(B) APPLICABILITY DATE.—Paragraphs (2) through (4) of subsection (b) and subsection (d) shall apply only to covered highway construction projects for which Federal obligations or expenditures are initially approved on or after the date on which regulations required under this subsection take effect.

(2) RULES OF CONSTRUCTION.—

(A) STATE LAW.—Nothing in this subsection shall be construed to require a State to install or allow the installation of broadband conduit or broadband infrastructure—

(i) that is otherwise inconsistent with what is allowable under State law; or

(ii) where the State lacks the authority for such installation, such as any prop-

erty right or easement necessary for such installation.

(B) NO REQUIREMENT FOR INSTALLATION OF MOBILE SERVICES EQUIPMENT.—Nothing in this section shall be construed to require a State, a municipal government incorporated under State law, or an Indian Tribe to install or allow for the installation of equipment essential for the provision of commercial mobile services (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401)), other than broadband conduit and associated equipment described in paragraph (3)(B).

(3) RELATION TO STATE DIG ONCE REQUIREMENTS.—Nothing in subsections (b), (c), (d), or (e) or any regulations issued pursuant to subsection (b) shall be construed to alter or supersede any provision of a State law or regulation that provides for a dig once requirement that includes similar or more stringent requirements to the provisions of sub-

sections (b), (c), (d), or (e) and any regulations promulgated under subsection (b).

(g) DIG ONCE FUNDING TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary and the NTIA Administrator shall jointly establish an independent task force on funding the nationwide dig once requirement described in this section to be known as the ''Dig Once Funding Task Force'' (hereinafter referred to as the ''Task Force'').

(2) DUTIES.—The duties of the Task Force shall be to—

(A) estimate the annual cost for implementing, administering, and maintaining a nationwide dig once requirement;

(B) propose and evaluate options for funding a nationwide dig once requirement described in this section that includes—

(i) a discussion of the role and potential share of costs of—

(I) the Federal Government;

(II) State and local governments and Indian tribes; and

(III) broadband providers installing broadband conduit or broadband infrastructure under this section;

(ii) consideration of the role of existing dig once requirements on States, local governments, and Indian tribes and the role of private broadband investment, with a goal to not discourage or disincentivize such dig once requirements or such investment; and

(iii) evaluating the appropriate entity or entities responsible for maintaining the broadband infrastructure and conduit installed pursuant to a dig once requirement; and

(C) propose a cost-based model fee schedule for a State to charge a broadband provider to access and use conduit installed by such State pursuant to this section that—

(i) shall consider costs (including administrative costs) associated with installation and long-term maintenance of the broadband conduit installed pursuant to this section;

(ii) may vary by topography, location, type of road, rurality, and other factors; and

(iii) may consider financial and market incentives for expanding broadband infrastructure.

(3) REPORTS.—

(A) INTERIM REPORT AND BRIEFING.—Not later than 9 months after the appointment of Members to the Task Force under paragraph (4)(D), the Task Force shall—

(i) submit to Congress an interim report on the findings of the Task Force; and

(ii) provide briefings for Congress on the findings of the Task Force.

(B) FINAL REPORT.—Not later than 3 months after the submission of the interim report under subparagraph (A), the Task Force shall submit to Congress a final report on the findings of the Task Force.

(4) MEMBERS.—

(A) APPOINTMENTS.—The Task Force shall consist of 14 members, comprising—

(i) 2 co-chairs described in subparagraph (B);

(ii) 6 members jointly appointed by the Speaker and minority leader of the

House of Representatives, in consultation with the respective Chairs and Ranking Members of—

(I) the Committee on Transportation and Infrastructure of the House of Representatives;

(II) the Committee on Energy and Commerce of the House of Representatives; and

(III) the Committee on Appropriations of the House of Representatives; and

(iii) 6 members jointly appointed by the majority leader and minority leader of the Senate, in consultation with the respective Chairs and Ranking Members of the—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Commerce, Science, and Transportation of the Senate; and

(III) the Committee on Appropriations of the Senate.

(B) CO-CHAIRS.—The Task Force shall be co-chaired by the Secretary and the NTIA Ad-

ministrator, or the designees of the Secretary and NTIA Administrator.

(C) COMPOSITION.—The Task Force shall include at least—

(i) 1 representative from a State department of transportation;

(ii) 1 representative from a local government;

(iii) 1 representative from an Indian tribe;

(iv) 1 representative from a broadband provider;

(v) 1 representative from a State or local broadband provider;

(vi) 1 representative from a labor union; and

(vii) 1 representative from a public interest organization.

(D) APPOINTMENT DEADLINE.—Members shall be appointed to the Task Force not later than 60 days after the date of enactment of this Act.

(E) TERMS.—Members shall be appointed for the life of the Task Force. A vacancy in the Task Force shall not affect the powers of the

Task Force and the vacancy shall be filled in the same manner as the initial appointment was made.

(5) CONSULTATIONS.—In carrying out the duties required under this subsection, the Task Force shall consult, at a minimum—

(A) the Federal Communications Commission;

(B) agencies of States including—

(i) State departments of transportation; and

(ii) appropriate State agencies;

(C) agencies of local governments responsible for transportation and rights-of-way, utilities, and telecommunications and broadband;

(D) Indian tribes;

(E) broadband providers and other telecommunications providers;

(F) labor unions; and

(G) State or local broadband providers and Indian tribes that act as broadband providers.

(6) ADDITIONAL PROVISIONS.—

(A) EXPENSES FOR NON-FEDERAL MEMBERS.—Non-Federal members of the Task Force shall be allowed travel expenses, includ-

ing per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of such members in the performance of services for the Task Force.

(B) STAFF.—Staff of the Task Force shall comprise detailees with relevant expertise from the Department of Transportation and the National Telecommunications and Information Administration, or another Federal agency that the co-chairpersons consider appropriate, with the consent of the head of the Federal agency, and such detailees shall retain the rights, status, and privileges of the regular employment of such detailees without interruption.

(C) ADMINISTRATIVE ASSISTANCE.—The Secretary and NTIA Administrator shall provide to the Task Force on a reimbursable basis administrative support and other services for the performance of the functions of the Task Force.

(7) TERMINATION.—The Task Force shall terminate not later than 90 days after submission of the final report required under paragraph (3)(B).

SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Administrator shall seek to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to under which the Transportation Research Board shall conduct a study—

(A) to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities eligible for assistance under title 23, United States Code, to inform the development of appropriate total maximum daily load requirements;

(B) to provide recommendations (including recommended revisions to existing laws and regulations) regarding the evaluation and selection by State departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed, including environmental restoration and pollution abatement carried out under section 328 of title 23, United States Code;

(C) to examine the potential for the Secretary to assist State departments of transpor-

tation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in subparagraphs (A) and (B) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) to examine the benefit of concentrating stormwater retrofits in impaired watersheds and selecting such retrofits according to a process that depends on a watershed management plan developed in accordance with section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329).

(2) REQUIREMENTS.—In conducting the study under the agreement entered into pursuant to paragraph (1), the Transportation Research Board shall—

(A) review and supplement, as appropriate, the methodologies examined and recommended in the 2019 report of the National Academies of Sciences, Engineering, and Medicine titled

"Approaches for Determining and Complying with TMDL Requirements Related to Roadway Stormwater Runoff";

(B) consult with—

(i) the Secretary of Transportation;

(ii) the Secretary of Agriculture;

(iii) the Administrator;

(iv) the Secretary of the Army, acting through the Chief of Engineers; and

(v) State departments of Transportation; and

(C) solicit input from—

(i) stakeholders with experience in implementing stormwater management practices for projects; and

(ii) educational and technical stormwater management groups.

(3) REPORT.—In carrying out the agreement entered into pursuant to paragraph (1), not later than 18 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary of Transportation, the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the

Committee on Environment and Public Works of the Senate a report describing the results of the study.

(b) STORMWATER BEST MANAGEMENT PRACTICES REPORTS.—

(1) REISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall update and reissue the best management practices reports to reflect new information and advancements in stormwater management.

(2) UPDATES.—Not less frequently than once every 5 years after the date on which the Secretary reissues the best management practices reports under paragraph (1), the Secretary shall update and reissue the best management practices reports, unless the contents of the best management practices reports have been incorporated (including by reference) into applicable regulations of the Secretary.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BEST MANAGEMENT PRACTICES REPORTS.—The term ''best management practices reports'' means—

(A) the 2014 report sponsored by the Department of Transportation titled ''Determining the State of the Practice in Data Collection and Performance Measurement of Stormwater Best Management Practices'' (FHWA–HEP–16–021); and

(B) the 2000 report sponsored by the Department of Transportation titled ''Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring''.

(3) TOTAL MAXIMUM DAILY LOAD.—The term ''total maximum daily load'' has the meaning given such term in section 130.2 of title 40, Code of Federal Regulations (or successor regulations).

SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board under the authority of section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)), shall publish final accessibility guidelines setting forth minimum standards for pedestrian facilities in the public right-of-way, including shared use paths.

(b) ADOPTION OF REGULATIONS.—Not later than 180 days after the establishment of the guidelines pursuant to subsection (a), the Secretary shall issue such regulations as are necessary to adopt such guidelines.

SEC. 1606. HIGHWAY FORMULA MODERNIZATION REPORT.

(a) HIGHWAY FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations on such method and data.

(2) ASSESSMENT.—The highway formula modernization study required under paragraph (1) shall include an assessment of, based on the latest available data, whether the apportionment method under such section results in—

(A) an equitable distribution of funds based on the estimated tax payments attributable to—

(i) highway users in the State that are paid into the Highway Trust Fund; and

(ii) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(B) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(3) CONSIDERATIONS.—In carrying out the assessment under paragraph (2), the Secretary shall consider the following:

(A) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA–LU (Public Law 109–59).

(B) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in subparagraph (A).

(C) The measures established under section 150 of title 23, United States Code, and whether such measures are appropriate for consideration as formula apportionment factors.

(D) The results of the CMAQ formula modernization study required under subsection (b).

(E) Inclusion of the Commonwealth of Puerto Rico in the apportionment under subsections (b) and (c) of section 104 of such title, including an estimate of the anticipated contributions to the Highway Trust Fund from the citizens of Puerto Rico if Puerto Rico was subject to applicable highway user fees.

(F) A needs-based assessment of the share of Federal-aid highway funds that should be made available to the territories described under section 165(c) of such title.

(G) Any other factors that the Secretary determines are appropriate.

(4) RECOMMENDATIONS.—The Secretary shall, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), develop recommendations on a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves an equitable distribution of funds described under paragraph (2)(A) and the goals described in paragraph (2)(B).

(b) CMAQ FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall conduct an CMAQ formula modernization study to assess whether the apportionment method under section 104(b)(4) of title 23, United States Code, results in a distribution of funds that best achieves the air quality goals of section 149 of such title.

(2) CONSIDERATIONS.—In providing consultation under this subsection, the Administrator of the Environmental Protection Agency shall provide to the Secretary an analysis of—

(A) factors that contribute to the apportionment, including population, types of pollutants, and severity of pollutants, as such factors

were determined on the date prior to the date of enactment of MAP–21;

(B) the weighting of the factors listed under subparagraph (A); and

(C) the recency of the data used in making the apportionment under section 104(b)(4) of title 23, United States Code.

(3) RECOMMENDATIONS.—If, in conducting the study under this subsection, the Secretary finds that modifying the apportionment method under section 104(b)(4) of title 23, United States Code, would best achieve the air quality goals of section 149 of title 23, United States Code, the Secretary shall, in consultation with the Administrator, include in such study recommendations for a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves the air quality goals section 149 of such title.

(c) REPORT.—No later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the highway formula modernization study and the CMAQ formula modernization study.

SEC. 1607. CONSOLIDATION OF PROGRAMS.

Section 1519 of MAP–21 (Public Law 112–141) is amended—

(1) in subsection (a)—

(A) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2023 through 2026''; and

(B) by striking ''$3,500,000'' and inserting ''$4,000,000'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out under subsection (a) shall be 100 percent.''.

SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the efforts of the Department of Transportation to encourage elementary, secondary, and post-secondary students to pursue careers in the surface transportation sector.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of efforts to increase awareness of careers related to surface transportation among elementary, secondary, and post-secondary students;

(2) a description of efforts to prepare and inspire such students for surface transportation careers;

(3) a description of efforts to support the development of a diverse, well-qualified workforce for future surface transportation needs; and

(4) the effectiveness of the efforts described in paragraphs (1) through (3).

SEC. 1609. TASK FORCE ON DEVELOPING A 21ST CENTURY SURFACE TRANSPORTATION WORKFORCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force on developing a 21st century surface transportation workforce (in this section referred to as the ''Task Force'').

(b) DUTIES.—Not later than 12 months after the establishment of the Task Force under subsection (a), the Task Force shall develop and submit to the Secretary recommendations and strategies for the Department of Transportation to—

(1) evaluate the current and future state of the surface transportation workforce, including projected job needs in the surface transportation sector;

(2) identify factors influencing individuals pursuing careers in surface transportation, including barriers to attracting individuals into the workforce;

(3) address barriers to retaining individuals in surface transportation careers;

(4) identify and address potential impacts of emerging technologies on the surface transportation workforce;

(5) increase access for vulnerable or underrepresented populations, especially women and minori-

ties, to high-skill, in-demand surface transportation careers;

(6) facilitate and encourage elementary, secondary, and post-secondary students in the United States to pursue careers in the surface transportation sector; and

(7) identify and develop pathways for students and individuals to secure pre-apprenticeships, registered apprenticeships, and other work-based learning opportunities in the surface transportation sector of the United States.

(c) CONSIDERATIONS.—In developing recommendations and strategies under subsection (b), the Task Force shall—

(1) identify factors that influence whether young people pursue careers in surface transportation, especially traditionally underrepresented populations, including women and minorities;

(2) consider how the Department, businesses, industry, labor, educators, and other stakeholders can coordinate efforts to support qualified individuals in pursuing careers in the surface transportation sector;

(3) identify methods of enhancing surface transportation pre-apprenticeships and registered

apprenticeships, job skills training, mentorship, education, and outreach programs that are exclusive to youth in the United States; and

(4) identify potential sources of funding, including grants and scholarships, that may be used to support youth and other qualified individuals in pursuing careers in the surface transportation sector.

(d) CONSULTATION.—In developing the recommendations and strategies required under subsection (b), the Task Force may consult with—

(1) local educational agencies and institutes of higher education, including community colleges and vocational schools; and

(2) State workforce development boards.

(e) REPORT.—Not later than 60 days after the submission of the recommendations and strategies under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing such recommendations and strategies.

(f) COMPOSITION OF TASK FORCE.—The Secretary shall appoint members to the Task Force whose diverse background and expertise allow such members to contribute balanced points of view and ideas in carrying out

this section, comprised of equal representation from each of the following:

(1) Industries in the surface transportation sector.

(2) Surface transportation sector labor organizations.

(3) Such other surface transportation stakeholders and experts as the Secretary considers appropriate.

(g) PERIOD OF APPOINTMENT.—Members shall be appointed to the Task Force for the duration of the existence of the Task Force.

(h) COMPENSATION.—Task Force members shall serve without compensation.

(i) SUNSET.—The Task Force shall terminate upon the submission of the report required under subsection (e).

(j) DEFINITIONS.—In this section:

(1) PRE-APPRENTICESHIP.—The term ''pre-apprenticeship'' means a training model or program that prepares individuals for acceptance into a registered apprenticeship and has a demonstrated partnership with one or more registered apprenticeships.

(2) REGISTERED APPRENTICESHIP.—The term ''registered apprenticeship'' means an apprenticeship program registered under the Act of August 16,

1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act"), that satisfies the requirements of parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERVICES.

Section 140(b) of title 23, United States Code, is amended to read as follows:

"(b) WORKFORCE TRAINING AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor and any other department or agency of the Government, State agency, authority, association, institution, Indian Tribe or Tribal organization, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes.

"(2) STATE RESPONSIBILITIES.—A State department of transportation participating in the program under this subsection shall—

"(A) develop an annual workforce plan that identifies immediate and anticipated work-

force gaps and underrepresentation of women and minorities and a detailed plan to fill such gaps and address such underrepresentation;

"(B) establish an annual workforce development compact with the State workforce development board and appropriate agencies to provide a coordinated approach to workforce training, job placement, and identification of training and skill development program needs, which shall be coordinated to the extent practical with an institution or agency, such as a State workforce development board under section 101 of the Workforce Innovation and Opportunities Act (29 U.S.C. 3111), that has established skills training, recruitment, and placement resources; and

"(C) demonstrate program outcomes, including—

"(i) impact on areas with transportation workforce shortages;

"(ii) diversity of training participants;

"(iii) number and percentage of participants obtaining certifications or credentials required for specific types of employment;

"(iv) employment outcome, including job placement and job retention rates and earnings, using performance metrics established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

"(v) to the extent practical, evidence that the program did not preclude workers that participate in training or registered apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter.

"(3) FUNDING.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as necessary, not to exceed $10,000,000 in each fiscal year, for the administration of this subsection. Such sums shall remain available until expended.

"(4) NONAPPLICABILITY OF TITLE 41.—Subsections (b) through (d) of section 6101 of title 41 shall not apply to contracts and agreements made under the authority granted to the Secretary under this subsection.

"(5) USE OF SURFACE TRANSPORTATION PROGRAM AND NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—Notwithstanding any other provision of law, not to exceed ½ of 1 percent of funds apportioned to a State under paragraph (1) or (2) of section 104(b) may be available to carry out this subsection upon request of the State transportation department to the Secretary.".

SEC. 1611. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM FUNDING FLEXIBILITY.

(a) IN GENERAL.—Any funds made available to a State for the Appalachian development highway system program under subtitle IV of title 40, United States Code, before the date of enactment of this Act may be used, at the request of such State to the Secretary of Transportation, for the purposes described in section 133(b) of title 23, United States Code.

(b) LIMITATION.—The authority in subsection (a) may only be used by an Appalachian development highway system State if all of the Appalachian development highway system corridors authorized by subtitle IV of title 40, United States Code, in such State, have been fully completed and are open to traffic prior to the State making a request to the Secretary as described in subsection (a).

SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT PROGRAM.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (e)(1) by inserting ''and (8) through (9)'' after ''paragraphs (1) through (4)''; and

(2) in subsection (f) by adding at the end the following:

''(4) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that includes—

''(A) a list of all grant recipients under this subsection;

''(B) an explanation of why each recipient was chosen in accordance with the criteria under paragraph (2);

''(C) a summary of each recipient's objective to carry out the purpose described in paragraph (1) and an analysis of progress made toward achieving each such objective;

''(D) an accounting for the use of Federal funds obligated or expended in carrying out this subsection; and

"(E) an analysis of outcomes of the program under this subsection.".

SEC. 1613. WORKING GROUP ON CONSTRUCTION RESOURCES.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group (in this section referred to as the "Working Group") to conduct a study on access to covered resources for infrastructure projects.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in the production and transportation of covered resources.

(2) REPRESENTATION.—The Working Group shall include at least one representative of each of the following:

(A) State departments of transportation.

(B) State agencies associated with covered resources protection.

(C) State planning and geologic survey and mapping agencies.

(D) Commercial motor vehicle operators, including small business operators and operators who transport covered resources.

(E) Covered resources producers.

(F) Construction contractors.

(G) Labor organizations.

(H) Metropolitan planning organizations and regional planning organizations.

(I) Indian Tribes.

(J) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 6 months after the date on which the Secretary receives the report under subsection (e)(1).

(c) DUTIES.—In carrying out the study required under subsection (a), the Working Group shall analyze—

(1) the use of covered resources in transportation projects funded with Federal dollars;

(2) how the proximity of covered resources to such projects affects the cost and environmental impact of such projects;

(3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and

(4) any challenges for transportation project sponsors regarding access and proximity to covered resources.

(d) CONSULTATION.—In carrying out the study required under subsection (a), the Working Group shall consult with, as appropriate—

(1) chief executive officers of States;

(2) State and local transportation planning agencies;

(3) Indian Tribes;

(4) other relevant State, Tribal, and local agencies, including State agencies associated with covered resources protection;

(5) members of the public with industry experience with respect to covered resources;

(6) other Federal entities that provide funding for transportation projects; and

(7) any other stakeholder the Working Group determines appropriate.

(e) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the study required under subsection (a), including a summary of comments received during the consultation process under subsection (d); and

(B) any recommendations to preserve access to and reduce the costs and environmental impacts of covered resources for infrastructure projects.

(2) DEPARTMENTAL REPORT.—Not later than 3 months after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the findings under such report and any recommendations, as appropriate.

(f) DEFINITIONS.—In this section:

(1) COVERED RESOURCES.—The term ''covered resources'' means common variety materials used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

(2) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTERCHANGES.

(a) IN GENERAL.—Notwithstanding section 315 of title 23, United States Code, and section 1.36 of title 23,

Code of Federal Regulations, the Secretary of Transportation may not impose a penalty on a State that does not comply with section 2E.31 of the Manual on Uniform Traffic Control Devices (or a successor section) with respect to the numbering of highway interchanges.

(b) APPLICABILITY.—Subsection (a) shall only apply to a method of numbering of a highway interchange in effect on the date of enactment of this Act.

SEC. 1615. TOLL CREDITS.

(a) PURPOSES.—The Secretary of Transportation shall—

(1) identify the extent of the demand to purchase toll credits;

(2) identify the expected cash price of toll credits;

(3) analyze the impact of the exchange of toll credits on transportation expenditures; and

(4) identify any other repercussions of establishing a toll credit exchange.

(b) SOLICITATION.—To carry out the requirements of this section, the Secretary shall solicit information from States eligible to use a credit under section 120(i) of title 23, United States Code, including—

(1) the amount of unused toll credits, including—

(A) toll revenue generated and the sources of that revenue;

(B) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and

(C) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;

(2) the documentation of maintenance of effort for toll credits earned by the State; and

(3) the accuracy of the accounting system of the State to earn and track toll credits.

(c) WEBSITE.—The Secretary shall make available a publicly accessible website on which a State eligible to use a credit under section 120(i) of title 23, United States Code shall publish the information described under subsection (b)(1).

(d) EVALUATION AND RECOMMENDATIONS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available on the website of the Department of Transportation—

(1) an evaluation of the accuracy of the accounting and documentation of toll credits earned under section 120(i);

(2) a determination whether a toll credit marketplace is viable and cost effective;

(3) estimates, to the extent possible, of the average sale price of toll credits; and

(4) recommendations on any modifications necessary, including legislative changes, to establish and implement a toll credit exchange program.

(e) DEFINITION.—In this section, the term ''State'' has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS PROCUREMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Trans-

portation shall initiate a review of the procurement processes used by State departments of transportation to select construction materials on projects utilizing Federal-aid highway funds.

(b) CONTENTS.—The review under subsection (a) shall include—

(1) a review of competitive practices in the bidding process for transportation construction materials;

(2) a list of States that currently issue bids that include flexibility in the type of construction materials used to meet the project specifications;

(3) any information provided by States on considerations that influence the decision to include competition by type of material in transportation construction projects;

(4) any data on whether issuing bids that include flexibility in the type of construction materials used to meet the project specifications will affect project costs over the lifecycle of an asset;

(5) any data on the degree to which competition leads to greater use of sustainable, innovative, or resilient materials; and

(6) an evaluation of any barriers to more widespread use of competitive bidding processes for transportation construction materials.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the review initiated by the Secretary pursuant to this section.

SEC. 1617. NATIONWIDE ROAD SAFETY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall, every 2 years, conduct nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each State.

(b) REQUIREMENTS.—The assessments required under subsection (a) shall be conducted—

(1) by Department of Transportation field offices from the Federal Highway Administration, the National Highway Transportation Safety Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration; and

(2) in consultation with—

(A) State and local agencies with jurisdiction over pedestrian and bicycle safety;

(B) pedestrian safety and bicycle safety advocacy organizations; and

(C) other relevant pedestrian and bicycle safety stakeholders.

(c) PURPOSES.—The purpose of the assessments under this section is to—

(1) identify and examine specific locations with documented or perceived problems with pedestrian and bicycle safety and access;

(2) examine barriers to providing safe pedestrian and bicycle access to transportation infrastructure; and

(3) develop and issue recommendations designed to effectively address specific safety and access issues and enhance pedestrian and bicycle safety in high risk areas.

(d) REPORT ON STATE ASSESSMENTS.—Upon completion of the assessment of a State, the Secretary shall issue, and make available to the public, a report containing the assessment that includes—

(1) a list of locations that have been assessed as presenting a danger to pedestrians or bicyclists; and

(2) recommendations to enhance pedestrian and bicycle safety in those locations.

(e) REPORT ON NATIONWIDE PROGRAM.—Upon completion of the biannual assessment nationwide required under this section, the Secretary shall issue, and make available to the public, that covers assessments for all jurisdictions and also present it to the congressional transportation committees.

(f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY DATABASE.—The Secretary, in order to enhance pedestrian and bicycle safety and improve information sharing on pedestrian and bicycle safety challenges between the Federal Government and State and local governments, shall maintain a national pedestrian and bicycle safety database that includes—

(1) a list of high-risk intersections, roads, and highways with a documented history of pedestrian or bicycle accidents or fatalities and details regarding those incidents; and

(2) information on corrective measures that have been implemented at the State, local, or Federal level to enhance pedestrian and bicyclist safety at those high risk areas, including details on the nature and date of corrective action.

(g) STATE DEFINED.—In this section, the term ''State'' means each of the States, the District of Columbia, and Puerto Rico.

SEC. 1618. CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.

(a) CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study of the actions needed to ensure that Federal agencies are taking into account current and future climate conditions in planning, designing, building, operating, maintaining, investing in, and upgrading any federally funded transportation infrastructure investments.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in—

(1) the 2018 report issued the American Society of Civil Engineers, titled ''Climate-Resilient Infrastructure: Adaptive Design and Risk Management''; and

(2) the report issued by the California Climate-Safe Infrastructure Working Group, titled ''Paying it Forward: The Path Toward Climate-Safe Infrastructure in California''.

(c) CONTENTS OF STUDY.—The study shall include specific recommendations regarding the following:

(1) Integrating scientific knowledge of projected climate change impacts, and other relevant data and information, into Federal infrastructure planning, design, engineering, construction, operation and maintenance.

(2) Addressing critical information gaps and challenges.

(3) Financing options to help fund climate-resilient infrastructure.

(4) A platform or process to facilitate communication between climate scientists and other experts with infrastructure planners, engineers and other relevant experts.

(5) A stakeholder process to engage with representatives of State, local, tribal and community groups.

(6) A platform for tracking Federal funding of climate-resilient infrastructure.

(7) Labor and workforce needs to implement climate-resilient transportation infrastructure projects including new and emerging skills, training programs, competencies and recognized postsecondary credentials that may be required to adequately equip the workforce.

(8) Outlining how Federal infrastructure planning, design, engineering, construction, operation, and maintenance impact the environment and public health of disproportionately exposed communities. For purposes of this paragraph, the term ''disproportionately exposed communities'' means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, people experiencing homelessness, people with disabilities, people who are incarcerated, or youth.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for information related to climate resilient transportation infrastructure by considering—

(1) the current informational and institutional barriers to integrating projected infrastructure risks posed by climate change into federal infrastructure planning, design, engineering, construction, operation and maintenance;

(2) the critical information needed by engineers, planners and those charged with infrastructure upgrades and maintenance to better incorporate climate change risks and impacts over the lifetime of projects;

(3) how to select an appropriate, adaptive engineering design for a range of future climate scenarios as related to infrastructure planning and investment;

(4) how to incentivize and incorporate systems thinking into engineering design to maximize the benefits of multiple natural functions and emissions reduction, as well as regional planning;

(5) how to take account of the risks of cascading infrastructure failures and develop more holistic approaches to evaluating and mitigating climate risks;

(6) how to ensure that investments in infrastructure resilience benefit all communities, including communities of color, low-income communities and Indian Tribes that face a disproportionate risk from climate change and in many cases have experienced long-standing unmet needs and underinvestment in critical infrastructure;

(7) how to incorporate capital assessment and planning training and techniques, including a range of financing options to help local and State governments plan for and provide matching funds;

(8) how federal agencies can track and monitor federally funded resilient infrastructure in a coordinated fashion to help build the understanding of the cost-benefit of resilient infrastructure and to build the capacity for implementing resilient infrastructure; and

(9) the occupations, skillsets, training programs, competencies and recognized postsecondary credentials that will be needed to implement such climate-resilient transportation infrastructure projects, and how to ensure that any new jobs created by such projects ensure that priority hiring considerations are given to individuals facing barriers to employment, communities of color, low-income communities and Indian Tribes that face a disproportionate risk from climate change and have been excluded from job opportunities.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of

Federal transportation infrastructure and private sector stakeholders; and

(2) is encouraged to consult with—

(A) representatives from the thirteen federal agencies that comprise the United States Global Change Research Program;

(B) representatives from the Department of the Treasury;

(C) professional engineers with relevant expertise in infrastructure design;

(D) scientists from the National Academies with relevant expertise;

(E) scientists, social scientists and experts from academic and research institutions who have expertise in climate change projections and impacts; engineering; architecture; or other relevant areas of expertise;

(F) licensed architects with relevant experience in infrastructure design;

(G) certified planners;

(H) representatives of State and local governments and Indian Tribes;

(I) representatives of environmental justice groups; and

(J) representatives of labor unions that represent key trades and industries involved in infrastructure projects.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

SEC. 1619. NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.

Subsection (s) of section 127 of title 23, United States Code is amended to read as follows:

''(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, powered primarily by means of electric battery power, or fueled primarily by means of other zero emission fuel technologies, may exceed the weight limit on the power unit by up to 2,000 pounds (up to a maximum gross vehicle weight of 82,000 pounds) under this section.''.

SEC. 1620. GUIDANCE ON EVACUATION ROUTES.

(a) IN GENERAL.—

(1) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, and consistent with guidance issued by the Federal Emergency Management Agency pursuant to section 1209 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), shall revise existing guidance or issue new guidance as appropriate for State and local governments and Indian Tribes regarding the design, construction, maintenance, and repair of evacuation routes.

(2) CONSIDERATIONS.—In revising or issuing guidance under subsection (a)(1), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand likely risks to viability, including flammability and hydrostatic forces;

(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iii) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;

(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

(3) REPORT.—In the case in which the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, concludes existing guidance addresses the considerations in paragraph (2), The Administrator of the Federal Highway Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed report describing how existing guidance addresses such considerations.

(b) STUDY.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency and State, local, territorial governments, and Indian Tribes, shall—

(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and

(2) submit recommendations to Congress on how to help with anticipated evacuation route flow, based on the study conducted under paragraph (1).

SEC. 1621. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION.—

(1) CENTRAL TEXAS CORRIDOR.—Section 1105(c)(84) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended to read as follows:

"(84) The Central Texas Corridor, including the route—

"(A) commencing in the vicinity of Texas Highway 338 in Odessa, Texas, running eastward generally following Interstate Route 20, connecting to Texas Highway 158 in the vicinity of Midland, Texas, then following Texas

Highway 158 eastward to United States Route 87 and then following United States Route 87 southeastward, passing in the vicinity of San Angelo, Texas, and connecting to United States Route 190 in the vicinity of Brady, Texas;

"(B) commencing at the intersection of Interstate Route 10 and United States Route 190 in Pecos County, Texas, and following United States Route 190 to Brady, Texas;

"(C) following portions of United States Route 190 eastward, passing in the vicinity of Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, Woodville, and Jasper, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing and including a loop generally encircling Bryan/College Station, Texas;

"(D) following United States Route 83 southward from the vicinity of Eden, Texas, to a logical connection to Interstate Route 10 at Junction, Texas;

"(E) following United States Route 69 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Woodville, Texas;

"(F) following United States Route 96 from Interstate Route 10 in Beaumont, Texas, north to United States Route 190 in the vicinity of Jasper, Texas; and

"(G) following United States Route 190, State Highway 305, and United States Route 385 from Interstate Route 10 in Pecos County, Texas to Interstate 20 at Odessa, Texas.".

(2) CENTRAL LOUISIANA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following:

"(91) The Central Louisiana Corridor commencing at the logical terminus of Louisiana Highway 8 at the Sabine River Bridge at Burrs Crossing and generally following portions of Louisiana Highway 8 to Leesville, Louisiana, and then eastward on Louisiana Highway 28, passing in the vicinity of Alexandria, Pineville, Walters, and Archie, to the logical terminus of United States Route 84 at the Mississippi River Bridge at Vidalia, Louisiana.".

(3) CENTRAL MISSISSIPPI CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(92) The Central Mississippi Corridor, including the route—

"(A) commencing at the logical terminus of United States Route 84 at the Mississippi River and then generally following portions of United States Route 84 passing in the vicinity of Natchez, Brookhaven, Monticello, Prentiss, and Collins, to Interstate 59 in the vicinity of Laurel, Mississippi, and continuing on Interstate Route 59 north to Interstate Route 20 and on Interstate Route 20 to the Mississippi-Alabama State Border; and

"(B) commencing in the vicinity of Laurel, Mississippi, running south on Interstate Route 59 to United States Route 98 in the vicinity of Hattiesburg, connecting to United States Route 49 south then following United States Route 49 south to Interstate Route 10 in the vicinity of Gulfport and following Mississippi Route 601 southerly terminating near the Mississippi State Port at Gulfport.".

(4) MIDDLE ALABAMA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(93) The Middle Alabama Corridor including the route—

"(A) beginning at the Alabama-Mississippi Border generally following portions of I–20 until following a new interstate extension paralleling United States Highway 80 specifically:

"(B) crossing Alabama Route 28 near Coatopa, Alabama, traveling eastward crossing United States Highway 43 and Alabama Route 69 near Selma, Alabama, traveling eastwards closely paralleling United States Highway 80 to the south crossing over Alabama Routes 22, 41, and 21, until its intersection with I–65 near Hope Hull, Alabama;

"(C) continuing east along the proposed Montgomery Outer Loop south of Montgomery, Alabama where it would next join with I–85 east of Montgomery, Alabama;

"(D) continuing along I–85 east bound until its intersection with United States Highway 280 near Opelika, Alabama or United States Highway 80 near Tuskegee, Alabama; and

"(E) generally following the most expedient route until intersecting with existing

United States Highway 80 (JR Allen Parkway) through Phenix City until continuing into Columbus, Georgia.''.

(5) MIDDLE GEORGIA CORRIDOR.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

''(94) The Middle Georgia Corridor including the route—

''(A) beginning at the Alabama-Georgia Border generally following the Fall Line Freeway from Columbus Georgia to Augusta, Georgia specifically:

''(B) travelling along United States Route 80 (JR Allen Parkway) through Columbus, Georgia and near Fort Benning, Georgia, east to Talbot County, Georgia where it would follow Georgia Route 96, then commencing on Georgia Route 49C (Fort Valley Bypass) to Georgia Route 49 (Peach Parkway) to its intersection with Interstate route 75 in Byron, Georgia;

''(C) continuing north along Interstate Route 75 through Warner Robins and Macon, Georgia where it would meet Interstate Route 16. Following Interstate 16 east it would next

join United States Route 80 and then onto State Route 57; and

"(D) commencing with State Route 57 which turns into State Route 24 near Milledgeville, Georgia would then bypass Wrens, Georgia with a newly constructed bypass. After the bypass it would join United States Route 1 near Fort Gordon into Augusta, Georgia where it will terminate at Interstate Route 520.".

(6) LOUISIANA CAPITAL REGION.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by this Act, is further amended by adding at the end the following:

"(95) The Louisiana Capital Region High Priority Corridor, which shall generally follow—

"(A) Interstate 10, between its intersections with Interstate 12 and Louisiana Highway 415;

"(B) Louisiana Highway 415, between its intersections with Interstate 10 and United States route 190;

"(C) United States route 190, between its intersections with Louisiana Highway 415 and intersection with Interstate 110;

"(D) Interstate 110, between its intersections with United States route 190 and Interstate 10;

"(E) Louisiana Highway 30, near St. Gabriel, LA and its intersections with Interstate 10;

"(F) Louisiana Highway 1, near White Castle, LA and its intersection with Interstate 10; and

"(G) A bridge connecting Louisiana Highway 1 with Louisiana Highway 30, south of the Interstate described in subparagraph (A).".

(b) INCLUSION OF CERTAIN SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) by inserting "subclauses (I) through (IX) of subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv)," after "subsection (c)(37),";

(2) by inserting "subsection (c)(84)," after "subsection (c)(83),"; and

(3) by striking "and subsection (c)(90)" and inserting "subsection (c)(90), subsection (c)(91), subsection (c)(92), subsection (c)(93), subsection (c)(94), and subsection (c)(95)".

(c) DESIGNATION.—Section 1105(e)(5)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking ''The route referred to in subsection (c)(84) is designated as Interstate Route I–14.'' and inserting ''The route referred to in subsection (c)(84)(A) is designated as Interstate Route I–14 North. The route referred to in subsection (c)(84)(B) is designated as Interstate Route I–14 South. The Bryan/College Station, Texas loop referred to in subsection (c)(84) is designated as Interstate Route I–214. The routes referred to in subparagraphs (C), (D), (E), (F), and (G) of subsection (c)(84) and in subsections (c)(91), (c)(92), (c)(93), and (c)(94) are designated as Interstate Route I–14.''.

SEC. 1622. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, shall review the guidance issued pursuant to section 1228 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), and issue guidance regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance

Act (42 U.S.C. 5121 et seq.) with respect to roads eligible for assistance under Federal Highway Administration programs.

SEC. 1623. DRY BULK WEIGHT TOLERANCE.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(v) DRY BULK WEIGHT TOLERANCE.—

"(1) DEFINITION OF DRY BULK GOODS.—In this subsection, the term 'dry bulk goods' means any homogeneous unmarked nonliquid cargo being transported in a trailer specifically designed for that purpose.

"(2) WEIGHT TOLERANCE.—Notwithstanding any other provision of this section, except for the maximum gross vehicle weight limitation, a commercial motor vehicle transporting dry bulk goods may not exceed 110 percent of the maximum weight on any axle or axle group described in subsection (a), including any enforcement tolerance.".

SEC. 1624. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking "2016 through 2020" and inserting "2023 through 2026".

SEC. 1625. LABOR STANDARDS.

It is the policy of the United States that funds authorized or made available by this Act, or the amendments made by this Act, should not be used to purchase products produced whole or in part through the use of child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.

SEC. 1626. CLIMATE RESILIENCY REPORT BY GAO.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Comptroller General of the United States shall evaluate and issue a report to Congress on the economic benefits, including avoided impacts on property and life, of the use of model, consensus-based building codes, standards, and provisions that support resilience to climate risks and impacts, including—

(1) flooding;

(2) wildfires;

(3) hurricanes;

(4) heat waves;

(5) droughts;

(6) rises in sea level; and

(7) extreme weather.

(b) REPORT ISSUES.—The report required under subsection (a) shall include the following:

(1) An assessment of the status of adoption of building codes, standards, and provisions within the States, territories, and tribes at the State or jurisdictional level; including whether the adopted codes meet or exceed the most recent published edition of a national, consensus-based model code.

(2) An analysis of the extent to which pre-disaster mitigation measures provide benefits to the nation and individual States, territories and tribes, including—

(A) an economic analysis of the benefits to the design and construction of new resilient infrastructure;

(B) losses avoided, including economic losses, number of structures (buildings, roads, bridges), and injuries and deaths by utilizing building codes and standards that prioritize resiliency; and

(C) an economic analysis of the benefits to using hazard resistant building codes in rebuilding and repairing infrastructure following a disaster.

(3) An assessment of the building codes and standards referenced or otherwise currently incorporated into Federal policies and programs, including but not limited to grants, incentive programs, technical assistance and design and construction criteria, administered by the Federal Emergency Management Agency (hereinafter referred to as ''FEMA''), including—

(A) the extent to which such codes and standards contribute to increasing climate resiliency;

(B) recommendations for how FEMA could improve their use of codes and standards to prepare for climate change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges; and

(C) how FEMA could increase efforts to support the adoption of hazard resistant codes by the States, territories, and Indian Tribes.

(4) Recommendations for FEMA on how to better incorporate climate resiliency into efforts to rebuild after natural disasters.

SEC. 1627. DESIGNATION OF JOHN R. LEWIS VOTING RIGHTS HIGHWAY.

(a) DESIGNATION.—The portion of United States Route 80 from Selma, Alabama to Montgomery, Alabama shall be known as the ''John R. Lewis Voting Rights Highway''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the portion of United States Route 80 from Selma, Alabama to Montgomery, Alabama is deemed to be a reference to the ''John R. Lewis Voting Rights Highway''.

SEC. 1628. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FERRIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the capital investment needs of United States public ferries and how Federal funding programs are meeting such needs.

(b) CONSIDERATIONS.—In carrying out the study under subsection (a), the Comptroller General shall examine the feasibility of including United States public ferries in the conditions and performance report of the Department of Transportation.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the

results of the study described in subsection (a), including any recommendations for how to include ferries in the conditions and performance report of the Department of Transportation.

SEC. 1629. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department of Transportation should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act and the amendments made by this Act to ensure that these projects—

(1) increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and

(2) are as cost effective as practicable.

SEC. 1630. GAO STUDY ON PER-MILE USER FEE EQUITY.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study on the impact of equity issues associated with per-mile user fee funding systems on the surface transportation system.

(b) CONTENTS.—The study under subsection (a) shall include the following with respect to per-mile user fee systems:

(1) The financial, social, and other impacts of per-mile user fee systems on individuals, low-income individuals, and individuals of different races.

(2) The impact that access to alternative modes of transportation, including public transportation, has in carrying out per-mile user fee systems.

(3) The ability to access jobs and services, which may include healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.

(4) Equity issues for low-income individuals in urban and rural areas.

(5) Any differing impacts on passenger vehicles and commercial vehicles.

(c) INCLUSIONS.—In carrying out the study under subsection (a), the Comptroller General shall include an analysis of the following programs:

(1) The State surface transportation system funding pilot program under section 6020 of the FAST Act; and

(2) The national surface transportation system funding pilot under section 5402 of this Act.

(d) REPORT.—Not later than 2 years after the date of the enactment after this Act, the Comptroller General

shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report containing the results of the study under subsection (a), including recommendations for how to equitably implement per-mile user fee systems.

(e) DEFINITIONS.—

(1) PER-MILE USER FEE.—The term ''per-mile user fee'' means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(2) COMMERCIAL VEHICLE.—The term ''commercial vehicle'' has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

SEC. 1631. GAO REVIEW OF EQUITY CONSIDERATIONS AT STATE DOTS.

(a) REVIEW REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall undertake a review of the extent to which State departments of transportation have in place best practices,

standards, and protocols designed to ensure equity considerations in transportation planning, project selection, and project delivery, including considerations of the diverse transportation needs of low-income populations, minority populations, and other diverse populations.

(b) EVALUATION.—After the completion of the review under subsection (a), the Comptroller General shall issue and make available on a publicly accessible Website a report detailing—

(1) findings based on the review in subsection (a);

(2) a comprehensive set of recommendations for State departments of transportation to improve equity considerations, which may include model legislation, best practices, or guidance; and

(3) any recommendations to Congress for additional statutory authority needed to support State department of transportation efforts to incorporate equity considerations into transportation planning, project selection, and project delivery.

(c) REPORT.—After completing the review and evaluation required under subsections (a) and (b), and not later than 2 years after the date of enactment of this Act, the Comptroller General shall make available on a publicly accessible Website, a report that includes—

(1) findings based on the review conducted under subsection (a);

(2) the outcome of the evaluation conducted under subsection (b);

(3) a comprehensive set of recommendations to improve equity considerations in the public transportation industry, including recommendations for statutory changes if applicable; and

(4) the actions that the Secretary of Transportation could take to effectively address the recommendations provided under paragraph (3).

SEC. 1632. STUDY ON EFFECTIVENESS OF SUICIDE PREVENTION NETS AND BARRIERS FOR STRUCTURES OTHER THAN BRIDGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to identify—

(1) the types of structures, other than bridges, that attract a high number of individuals attempting suicide-by-jumping;

(2) the characteristics that distinguish structures identified under paragraph (1) from similar structures that do not attract a high number of individuals attempting suicide-by-jumping;

(3) the types of nets or barriers that are effective at reducing suicide-by-jumping with respect to the structures identified under paragraph (1);

(4) methods of reducing suicide-by-jumping with respect to the structures identified under paragraph (1) other than nets and barriers;

(5) quantitative measures of the effectiveness of the nets and barriers identified under paragraph (3);

(6) quantitative measures of the effectiveness of the additional methods identified under paragraph (4);

(7) the entities that typically install the nets and barriers identified under paragraph (3); and

(8) the costs of the nets and barriers identified under paragraph (3).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1633. REPEAL OF PILOT PROGRAM.

Section 325 of title 23, United States Code, is repealed.

SEC. 1634. TECHNICAL CORRECTIONS.

(a) IN GENERAL.— Title 23, United States Code, is amended as follows:

(1) NAME CORRECTION.—Section 101(a)(16)(C),as amended, is amended by striking ''United States Customs and Immigration Services'' and inserting '' U.S. Customs and Border Protection''.

(2) TRANSFER OF FUNDS.—Section 104(f)(3) is amended—

(A) in subparagraph (A), by striking ''the Federal Highway Administration'' and inserting ''an operating administration of the Department of Transportation''; and

(B) in the paragraph heading, by striking ''Federal Highway Administration'' and inserting ''an operating administration of the Department of Transportation''.

(3) TERMS AND CONDITIONS.—Section 108(c)(3)(F) is amended—

(A) by inserting ''of 1969 (42 U.S.C. 4321 et seq.)'' after ''Policy Act''; and

(B) by striking ''this Act'' and inserting ''this title''.

(4) EXCLUSION.—Section 112(b)(2) is amended in subparagraph (F) by striking ''(F)'' and all that

follows through ''Subparagraphs'' and inserting ''(F) Subparagraphs''.

(5) REFERENCE TO STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 115(c) is amended by striking ''135(f)'' and inserting ''135(g)''.

(6) OPPORTUNITY FOR COMMENT.—Section 134(j) is amended by striking ''subsection (i)(5)'' both places it appears and inserting ''subsection (i)(6)''.

(7) PERFORMANCE-BASED APPROACH.—Section 135(f)(7)(B) is amended by striking the semicolon at the end and inserting a period.

(8) EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.—Section 139 is amended—

(A) in subsection (b)(1) by inserting ''(42 U.S.C. 4321 et seq.)'' after ''of 1969'';

(B) in subsection (c) by inserting ''(42 U.S.C. 4321 et seq.)'' after ''of 1969'' each place it appears; and

(C) in subsection (k)(2) by inserting ''(42 U.S.C. 4321 et seq.)'' after ''of 1969''.

(9) NONDISCRIMINATION.—Section 140(a) is amended, in the third sentence, by inserting a comma after ''Secretary''.

(10) PUBLIC TRANSPORTATION.—Section 142 is amended by striking subsection (i).

(11) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149 is amended—

(A) in subsection (b)(1)(A)(ii) by striking ''; or,'' and inserting ''; or''; and

(B) in subsection (g)(2)(B) by striking the semicolon at the end and inserting ''; and''.

(12) TRIBAL TRANSPORTATION PROGRAM DATA COLLECTION.—Section 201(c)(6)(A)(ii) is amended by striking ''(25 U.S.C. 450 et seq.)'' and inserting ''(25 U.S.C. 5301 et seq.)''.

(13) TRIBAL TRANSPORTATION PROGRAM.—Section 202 is amended—

(A) by striking ''(25 U.S.C. 450 et seq.)'' each place it appears and inserting ''(25 U.S.C. 5301 et seq.)'';

(B) in subsection (a)(10)(B) by striking ''(25 U.S.C. 450e(b))'' and inserting ''(25 U.S.C. 5307(b))''; and

(C) in subsection (b)—

(i) in paragraph (5) in the matter preceding subparagraph (A) by inserting ''the'' after ''agreement under''; and

(ii) in paragraph (6)(A) by inserting ''the'' after ''in accordance with''.

(14) PERMISSIBLE USES OF RECREATIONAL TRAILS PROGRAM APPORTIONED FUNDS.—Section 206(d)(2)(G) is amended by striking ''use of recreational trails'' and inserting ''uses of recreational trails''.

(15) TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.—Section 207 is amended—

(A) in subsection (g)—

(i) by striking ''(25 U.S.C. 450j–1)'' and inserting ''(25 U.S.C. 5325)''; and

(ii) by striking ''(25 U.S.C. 450j-1(f))'' and inserting ''(25 U.S.C. 5325(f))'';

(B) in subsection (l)—

(i) in paragraph (1), by striking ''(25 U.S.C. 458aaa–5)'' and inserting ''(25 U.S.C. 5386)'';

(ii) in paragraph (2), by striking ''(25 U.S.C. 458aaa–6)'' and inserting ''(25 U.S.C. 5387)'';

(iii) in paragraph (3), by striking "(25 U.S.C. 458aaa–7)" and inserting "(25 U.S.C. 5388)";

(iv) in paragraph (4), by striking "(25 U.S.C. 458aaa–9)" and inserting "(25 U.S.C. 5390)";

(v) in paragraph (5), by striking "(25 U.S.C. 458aaa–10)" and inserting "(25 U.S.C. 5391)";

(vi) in paragraph (6), by striking "(25 U.S.C. 458aaa–11)" and inserting "(25 U.S.C. 5392)";

(vii) in paragraph (7), by striking "(25 U.S.C. 458aaa–14)" and inserting "(25 U.S.C. 5395)";

(viii) in paragraph (8), by striking "(25 U.S.C. 458aaa–15)" and inserting "(25 U.S.C. 5396)"; and

(ix) in paragraph (9), by striking "(25 U.S.C. 458aaa–17)" and inserting "(25 U.S.C. 5398)"; and

(C) in subsection (m)(2)—

(i) by striking "505" and inserting "501"; and

(ii) by striking ''(25 U.S.C. 450b; 458aaa)'' and inserting ''(25 U.S.C. 5304; 5381)''.

(16) BUY AMERICA.—Section 313 is amended—

(A) in subsection (e)(2) by striking ''States;'' and inserting ''States,''; and

(B) in subsection (f)(1) by striking '', and'' and inserting ''; and''.

(17) PROCEDURES FOR A GIFT OR DONATION.—Section 323(d) is amended in the matter preceding paragraph (1) by inserting ''(42 U.S.C. 4321 et seq.)'' after ''of 1969''.

(18) HIGHWAY SAFETY PROGRAMS.—Section 402(b)(1)(E) is amended by striking the semicolon at the end and inserting ''; and''.

(19) USE OF FREIGHT CAPACITY BUILDING PROGRAM FUNDS.—Section 504(g)(6) is amended by striking ''make grants or to'' and inserting ''make grants to''.

(20) DEVELOPMENT PHASE ACTIVITIES.—Section 602(e) is amended by striking ''601(a)(1)(A)'' and inserting ''601(a)(2)(A)''.

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents for title 23, United States Code, is amended in the item

relating to chapter 1 by striking "**FEDERAL AID HIGHWAYS**" and inserting "**FEDERAL-AID HIGHWAYS**".

(2) CHAPTER 3.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

SEC. 2101. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"(a) GRANTS.—

"(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335, 5337, 5339, and 5340—

"(A) $17,894,460,367 for fiscal year 2023;

"(B) $18,201,940,770 for fiscal year 2024;

"(C) $18,551,676,708 for fiscal year 2025; and

"(D) $18,901,573,693 for fiscal year 2026.

"(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

"(A) $189,879,151 for fiscal year 2023, $192,841,266 for fiscal year 2024, $195,926,726 for fiscal year 2025, and $199,002,776 for fiscal year 2026, shall be available to carry out section 5305;

"(B) $7,505,830,848 for fiscal year 2023, $7,622,921,809 for fiscal year 2024, $7,744,888,558 for fiscal year 2025, and $7,866,483,309 for fiscal year 2026 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

"(C) $101,510,000 for fiscal year 2023, $103,093,556 for fiscal year 2024, $104,743,053 for fiscal year 2025, and $106,387,519 for fiscal year 2026 shall be available for grants under section 5308;

"(D) $434,830,298 for fiscal year 2023, $441,613,651 for fiscal year 2024, $448,679,469 for fiscal year 2025, and $455,723,737 for fiscal year 2026 shall be

available to carry out section 5310, of which not less than—

"(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5310(j); and

"(ii) $20,302,000 for fiscal year 2023, $20,618,711 for fiscal year 2024, $20,948,611 for fiscal year 2025, and $21,277,504 for fiscal year 2026 shall be available to carry out section 5310(k);

"(E) $1,025,199,724 for fiscal year 2023, $1,041,192,839 for fiscal year 2024, $1,057,851,925 for fiscal year 2025, and $1,074,460,200 for fiscal year 2026 shall be available to carry out section 5311, of which not less than—

"(i) $55,679,500 for fiscal year 2023, $56,392,100 for fiscal year 2024, $57,134,374 for fiscal year 2025, and $57,874,383 for fiscal year 2026 shall be available to carry out section 5311(c)(1); and

"(ii) $50,755,000 for fiscal year 2023, $51,546,778 for fiscal year 2024, $52,371,526 for fiscal year 2025, and $53,193,759 for fiscal year 2026 shall be available to carry out section 5311(c)(2);

"(F) $53,498,300 for fiscal year 2023; $54,020,873 for fiscal year 2024; $54,565,207 for fiscal year 2025; $55,107,881 for fiscal year 2026 shall be available to carry out section 5312, of which not less than—

"(i) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out each of sections 5312(d)(3) and 5312(d)(4);

"(ii) $3,045,300 for fiscal year 2023, $3,092,807 for fiscal year 2024, $3,142,292 for fiscal year 2025, and $3,191,626 for fiscal year 2026 shall be available to carry out section 5312(h);

"(iii) $10,151,000 for fiscal year 2023, $10,309,356 for fiscal year 2024, $10,474,305 for fiscal year 2025, and

$10,638,752 for fiscal year 2026 shall be available to carry out section 5312(i); and

"(iv) $10,075,500 for fiscal year 2023, $10,154,678 for fiscal year 2024, $10,237,153 for fiscal year 2025, and $10,319,376 shall be available to carry out section 5312(j);

"(G) $23,347,300 for fiscal year 2023, $23,711,518 for fiscal year 2024, $24,090,902 for fiscal year 2025, and $24,469,129 for fiscal year 2026 shall be available to carry out section 5314, of which not less than—

"(i) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for fiscal year 2025, and $4,255,501 for fiscal year 2026 shall be available to carry out section of 5314(a);

"(ii) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5314(c); and

"(iii) $12,181,200 for fiscal year 2023, $12,371,227 for fiscal year 2024, $12,569,166 for fiscal year 2025, and

$12,766,502 for fiscal year 2026 shall be available to carry out section 5314(b)(2);

"(H) $5,075,500 for fiscal year 2023, $5,154,678 for fiscal year 2024, $5,237,153 for fiscal year 2025, and $5,319,376 for fiscal year 2026 shall be available to carry out section 5318;

"(I) $30,453,000 for fiscal year 2023, $30,928,067 for fiscal year 2024, $31,422,916 for fiscal year 2025, and $31,916,256 for fiscal year 2026 shall be available to carry out section 5328, of which not less than—

"(i) $25,377,500 for fiscal year 2023, $25,773,389 for fiscal year 2024, $26,185,763 for fiscal year 2025, and $26,596,880 for fiscal year 2026 shall be available to carry out section of 5328(b); and

"(ii) $2,537,750 for fiscal year 2023, $2,577,339 for fiscal year 2024, $2,618,576 for fiscal year 2025, and $2,659,688 for fiscal year 2026 shall be available to carry out section 5328(c);

"(J) $4,060,400 for fiscal year 2023, $4,123,742 for fiscal year 2024, $4,189,722 for

fiscal year 2025, and $4,255,501 for fiscal year 2026 shall be available to carry out section 5335;

"(K) $5,366,233,728 for fiscal year 2023, $5,460,789,084 for fiscal year 2024, $5,560,170,578 for fiscal year 2025, and $5,660,288,417 for fiscal year 2026 shall be available to carry out section 5337;

"(L) to carry out the bus formula program under section 5339(a)—

"(i) $1,240,328,213 for fiscal year 2023, $1,259,667,334 for fiscal year 2024, $1,279,832,171 for fiscal year 2025, and $1,299,925,536 for fiscal year 2026; except that

"(ii) 15 percent of the amounts under clause (i) shall be available to carry out 5339(d);

"(M) $437,080,000 for fiscal year 2023, $424,748,448 for fiscal year 2024, $387,944,423 for fiscal year 2025, and $351,100,151 for fiscal year 2026 shall be available to carry out section 5339(b);

"(N) $890,000,000 for fiscal year 2023, $950,000,000 for fiscal year 2024,

$1,065,000,000 for fiscal year 2025, and $1,180,000,000 for fiscal year 2026 shall be available to carry out section 5339(c); and

"(O) $587,133,905 for each of fiscal years 2023 through 2026 shall be available to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

"(i) $309,688,908 for each of fiscal years 2023 through 2026 shall be for growing States under section 5340(c); and

"(ii) $277,444,997 for each of fiscal years 2023 through 2026 shall be for high density States under section 5340(d).

"(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 $3,500,000,000 for fiscal year 2023, $4,250,000,000 for fiscal year 2024, $5,000,000,000 for fiscal year 2025, and 5,500,000,000 for fiscal year 2026.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $142,060,785 for fiscal year 2023, $144,191,696 for fiscal year 2024, $146,412,248 for fiscal year 2025, and 148,652,356 for fiscal year 2026.

"(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $6,000,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5329.

"(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,500,000 for each of fiscal years 2023 through 2026 shall be available to carry out section 5326.

"(d) OVERSIGHT.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

"(A) 0.5 percent of amounts made available to carry out section 5305.

"(B) 0.75 percent of amounts made available to carry out section 5307.

"(C) 1 percent of amounts made available to carry out section 5309.

"(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

"(E) 0.5 percent of amounts made available to carry out section 5310.

"(F) 0.5 percent of amounts made available to carry out section 5311.

"(G) 1 percent of amounts made available to carry out section 5337, of which not less than 25 percent of such amounts shall be available to carry out section 5329 and of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

"(H) 1 percent of amounts made available to carry out section 5339 of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

"(I) 1 percent of amounts made available to carry out section 5308.

"(2) ACTIVITIES.—The activities described in this paragraph are as follows:

"(A) Activities to oversee the construction of a major capital project.

"(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

"(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

"(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection/activities described in paragraph (2).

"(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

"(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

"(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

"(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts from future

appropriations from the general fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.

''(g) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

''(1) IN GENERAL.—Funds provided under this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

''(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the INVEST in America Act;

''(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of

1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

"(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

"(2) EXCEPTION.—For purposes of paragraph (1), the term 'otherwise related legally or financially' does not include a minority relationship or investment.

"(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5311 of title 49, United States Code, is amended by striking "5338(a)(2)(F)" and inserting "5338(a)(2)(E)".

(2) Section 5312(i)(1) of title 49, United States Code, is amended by striking "5338(a)(2)(G)(ii)" and inserting "5338(a)(2)(F)(iii)".

(3) Section 5333(b) of title 49, United States Code, is amended by striking "5328, 5337, and 5338(b)" each place it appears and inserting "and 5337".

(4) Section 5336 of title 49, United States Code, is amended—

(A) in subsection (d)(1) by striking ''5338(a)(2)(C)'' and inserting ''5338(a)(2)(B)''; and

(B) in subsection (h) by striking ''5338(a)(2)(C)'' and inserting ''5338(a)(2)(B)''.

(5) Subsections (c) and (d)(1) of section 5327 of title 49, United States Code, are amended by striking ''5338(f)'' and inserting ''5338(d)''.

(6) Section 5340(b) of title 49, United States Code, is amended by striking ''5338(b)(2)(N)'' and inserting ''5338(a)(2)(O)''.

SEC. 2102. CHAPTER 53 DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E)—

(A) by striking ''and the installation'' and inserting '', the installation''; and

(B) by inserting '', charging stations and docks for electric micromobility devices, and bikeshare projects'' after ''public transportation vehicles'';

(2) in paragraph (3)—

(A) in subparagraph (G) by striking clause (iii) and inserting the following:

"(iii) provides a fair share of revenue established by the Secretary that will be used for public transportation, except for a joint development that is a community service (as defined by the Federal Transit Administration), publicly operated facility, or offers a minimum of 50 percent of units as affordable housing, meaning legally binding affordability restricted housing units available to tenants with incomes below 60 percent of the area median income or owners with incomes below the area median;"; and

(B) in subparagraph (N)—

(i) by striking "no emission" and inserting "zero emission"; and

(ii) by striking "(as defined in section 5339(c))"; and

(3) by adding at the end the following:

"(25) RESILIENCE.—

"(A) IN GENERAL.—The term 'resilience' means, with respect to a facility, the ability to—

"(i) anticipate, prepare for, or adapt to conditions; or

"(ii) withstand, respond to, or recover rapidly from disruptions.

"(B) INCLUSIONS.—Such term includes, with respect to a facility, the ability to—

"(i) resist hazards or withstand impacts from disruptions;

"(ii) reduce the magnitude, duration, or impact of a disruption; or

"(iii) have the absorptive capacity, adaptive capacity, and recoverability to decrease vulnerability to a disruption.

"(26) ASSAULT ON A TRANSIT WORKER.—The term 'assault on a transit worker' means any circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties.".

SEC. 2103. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking ''urban area'' and inserting ''urbanized area'';

(B) by adding at the end the following:

''(3) EXCEPTIONS.—This subsection shall not apply to financial assistance under this chapter—

''(A) in which the non-Federal share of project costs are provided from amounts received under a service agreement with a State or local social service agency or private social service organization pursuant to section 5307(d)(3)(E) or section 5311(g)(3)(C);

''(B) provided to a recipient or subrecipient whose sole receipt of such assistance derives from section 5310; or

''(C) provided to a recipient operating a fixed route service that is—

''(i) for a period of less than 30 days;

''(ii) accessible to the public;

''(iii) contracted by a local government entity that provides local cost share to the recipient; and

''(iv) not contracted for the purposes of a convention or on behalf of a convention and visitors bureau.

"(4) GUIDELINES.—The Secretary shall publish guidelines for grant recipients and private bus operators that clarify when and how a transit agency may provide the service in the event a registered charter provider does not contact the customer, provide a quote, or provide the service.";

(2) in subsection (h)—

(A) in paragraph (1) by adding "or" at the end; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (j) and inserting the following:

"(j) REPORTING ACCESSIBILITY COMPLAINTS.—

"(1) IN GENERAL.—The Secretary shall ensure that an individual who believes that he or she, or a specific class in which the individual belongs, has been subjected to discrimination on the basis of disability by a State or local governmental entity, private nonprofit organization, or Tribe that operates a public transportation service and is a recipient or subrecipient of funds under this chapter, may, by the individual or by an authorized representative, file a complaint with the Department of Transportation.

"(2) PROCEDURES.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall implement procedures that allow an individual to submit a complaint described in paragraph (1) by phone, mail-in form, and online through the website of the Office of Civil Rights of the Federal Transit Administration.

"(3) NOTICE TO INDIVIDUALS WITH DISABILITIES.—Not later than 12 months after the date of enactment of the INVEST in America Act, the Secretary shall require that each public transit provider and contractor providing paratransit services shall include on a publicly available website of the service provider, any related mobile device application, and online service—

"(A) notice that an individual can file a disability-related complaint with the local transit agency and the process and any timelines for filing such a complaint;

"(B) the telephone number, or a comparable electronic means of communication, for the disability assistance hotline of the Office of Civil Rights of the Federal Transit Administration;

"(C) notice that a consumer can file a disability related complaint with the Office of Civil Rights of the Federal Transit Administration; and

"(D) an active link to the website of the Office of Civil Rights of the Federal Transit Administration for an individual to file a disability-related complaint.

"(4) INVESTIGATION OF COMPLAINTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall publish a report that lists the disposition of complaints described in paragraph (1), including—

"(A) the number and type of complaints filed with Department of Transportation;

"(B) the number of complaints investigated by the Department;

"(C) the result of the complaints that were investigated by the Department including whether the complaint was resolved—

"(i) informally;

"(ii) by issuing a violation through a noncompliance Letter of Findings; or

"(iii) by other means, which shall be described; and

"(D) if a violation was issued for a complaint, whether the Department resolved the noncompliance by—

"(i) reaching a voluntary compliance agreement with the entity;

"(ii) referring the matter to the Attorney General; or

"(iii) by other means, which shall be described.

"(5) REPORT.—The Secretary shall, upon implementation of this section and annually thereafter, submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available a report containing the information collected under this section.";

(4) by striking subsection (m) and inserting the following:

"(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with bid specifications requirements of grant recipients under this chapter. Under this sub-

section, grantee inspections and review are required, and a manufacturer certification is not sufficient.''; and

(5) by amending subsection (r) to read as follows:

''(r) REASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—

''(1) IN GENERAL.—A recipient of assistance under this chapter—

''(A) may not deny reasonable access for a private intercity or charter transportation operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes; and

''(B) shall respond to any request for reasonable access within 75 days of the receipt of the request and, if a recipient of assistance under this chapter denies access to a private intercity or charter transportation operator based on the reasonable access standards, provide, in writing, the reasons for the denial.

''(2) DETERMINING REASONABLE ACCESS.—In determining reasonable access under paragraph (1)(A), capacity requirements of the recipient of assistance and the extent to which access would be detrimental or beneficial to existing public transpor-

tation services must be considered and demographic makeup of the riders of a private intercity or charter transportation operator may not be cited as a detriment to the provision of access.

"(3) NOTIFICATION.—If a private intercity or charter transportation operator requesting access under this subsection is denied such access by a recipient of assistance under this chapter or does not receive a written response within 75 days of submitting the request, such operator may notify the Secretary for purposes of inclusion in the report under paragraph (4).

"(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing each instance reported under paragraph (3) in which—

"(A) a private intercity or charter transportation operator requested reasonable access and was denied, and the reasons provided by the recipient of assistance under this chapter for the denial; and

"(B) a recipient of assistance under this chapter did not respond to a request for reasonable access within 75 days.".

SEC. 2104. MISCELLANEOUS PROVISIONS.

(a) STATE OF GOOD REPAIR GRANTS.—Section 5337(e) of title 49, United States Code, is amended by adding at the end the following:

"(3) ACCESSIBILITY COSTS.—Notwithstanding paragraph (1), the Federal share of the net project cost of a project to provide accessibility improvements consistent with standards in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) shall be 90 percent.".

(b) APPORTIONMENTS BASED ON GROWING STATES AND HIGH DENSITY STATES FORMULA FACTORS.—Section 5340(a) of title 49, United States Code, is amended by inserting "and the District of Columbia" after "United States".

(c) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (i) by striking "; and" and inserting a semicolon;

(B) in clause (ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) technical assistance to assist recipients with the impacts of a new census count.";

(2) in subsection (b)(1)(B) by striking "females" and inserting "women"; and

(3) in subsection (c)(4)(A) by inserting ", and not more than 2 percent of amounts under 5311" after "5339".

(d) NATIONAL TRANSIT DATABASE.—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting ", including information on transit routes and ridership on those routes" after "public sector investment decision"; and

(2) in subsection (c) by inserting ", any data on each assault on a transit worker, and pedestrian injuries and fatalities as a result of an impact with a bus. Each of the data sets shall be publicly reported without aggregating the data with other safety data" after "by the recipient".

(e) URBANIZED AREA FORMULA GRANTS.—Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i) by striking ''or'' at the end; and

(B) by adding at the end the following:

''(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or'';

(2) in subsection (a)(2)(B)—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an

amount not to exceed 25 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).''; and

(3) in subsection (b)—

(A) in paragraph (6) by striking ''and'' at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) ensure that the proposed program of projects provides improved access to transit for the individuals described in section 5336(j); and''.

(f) TECHNICAL CORRECTION.—Section 5307(a)(2)(B)(ii) of title 49, United States Code, is amended by striking ''service during peak'' and inserting ''service, during peak''.

(g) TRANSPORTATION DEVELOPMENT CREDITS AS LOCAL MATCH.—

(1) SECTION 5307.—Section 5307(d)(3) of title 49, United States Code, is amended—

(A) in subparagraph (D) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) transportation development credits.''.

(2) SECTION 5309.—Section 5309 of title 49, United States Code, is amended—

(A) in subsection (f) by adding at the end the following:

''(3) TRANSPORTATION DEVELOPMENT CREDITS.—For purposes of assessments and determinations under this subsection or subsection (h), transportation development credits that are included as a source of local financing or match shall be treated the same as other sources of local financing.''; and

(B) in subsection (l)(4)—

(i) in subparagraph (B) by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C) by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(D) transportation development credits; or''.

(3) SECTION 5339.—Section 5339(a)(7)(B) of title 49, United States Code, is amended—

(A) in clause (iv) by striking ''; or'' and inserting a semicolon;

(B) in clause (v) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(vi) transportation development credits.''.

(h) CLARIFICATION OF INCIDENTAL USE.—Section 5310(b)(7) of title 49, United States Code, is amended—

(1) in the header by inserting ''AND INCIDENTAL USE'' after ''INDIVIDUALS'';

(2) by inserting ''or providing other incidental services'' after ''individuals''; and

(3) by striking ''delivery service does not conflict'' and inserting ''service does not conflict''.

SEC. 2105. POLICIES AND PURPOSES.

Section 5301(b) of title 49, United States Code, is amended—

(1) in paragraph (7) by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(9) reduce the contributions of the surface transportation system to the total carbon pollution of the United States; and

"(10) improve the resiliency of the public transportation network to withstand weather events and other natural disasters.".

SEC. 2106. FISCAL YEARS 2022 AND 2023 FORMULAS.

For fiscal years 2022 and 2023, the Secretary of Transportation shall apportion and distribute formula funds provided for under chapter 53 of title 49, United States Code, using data submitted to the 2019 National Transit Database.

SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is further amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency and climate change adaptation needs while reducing transportation-related fuel consumption, air

pollution, and greenhouse gas emissions through metropolitan and statewide transportation planning processes identified in this chapter; and''.

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''and transportation improvement programs'' and inserting ''and TIPs''; and

(B) by adding at the end the following:

''(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.'';

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each'' and inserting ''Each'';

(B) in paragraph (3) by adding at the end the following:

"(D) EQUITABLE AND PROPORTIONAL REPRESENTATION.—

"(i) IN GENERAL.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall ensure the equitable and proportional representation of the population of the metropolitan planning area.

"(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

"(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).";

(C) in paragraph (6)(B) by striking "paragraph (2)" and inserting "paragraphs (2) or (3)(D)"; and

(D) in paragraph (7)—

(i) by striking ''an existing metropolitan planning area'' and inserting ''an urbanized area''; and

(ii) by striking ''the existing metropolitan planning area'' and inserting ''the area'';

(5) in subsection (g)—

(A) in paragraph (1) by striking ''a metropolitan area'' and inserting ''an urbanized area'';

(B) in paragraph (2) by striking ''MPOS'' and inserting ''METROPOLITAN PLANNING AREAS''

(C) in paragraph (3)(A) by inserting ''emergency response and evacuation, climate change adaptation and resilience,'' after ''disaster risk reduction,''; and

(D) by adding at the end the following:

''(4) COORDINATION BETWEEN MPOS.—

''(A) IN GENERAL.—If more than one metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of

any data used in the planning process, including information used in forecasting transportation demand.

"(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.";

(6) in subsection (h)(1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;";

(B) in subparagraph (H) by striking "and" at the end;

(C) in subparagraph (I) by striking the period at the end and inserting "and reduce or mitigate stormwater, sea level rise, extreme

weather, and climate change impacts of surface transportation;''; and

(D) by inserting after subparagraph (I) the following:

''(J) support emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access; and

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.'';

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), the improvement of transportation sys-

tem access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.'';

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting ''reduce greenhouse gas emissions and'' before ''restore and maintain'';

(B) in paragraph (2)(G) by inserting ''and climate change'' after ''infrastructure to natural disasters'';

(C) in paragraph (2)(H) by inserting ''greenhouse gas emissions,'' after ''pollution,'';

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

"(i) State conservation plans or maps; and

"(ii) inventories of natural or historic resources."; and

(E) by amending paragraph (6)(C) to read as follows:

"(C) METHODS.—

"(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) hold any public meetings at convenient and accessible locations and times;

"(II) employ visualization techniques to describe plans; and

"(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause

(i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(9) in subsection (j) by striking "transportation improvement program" and inserting "TIP" each place it appears; and

(10) by striking "Federally" each place it appears and inserting "federally".

SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (2)—

(i) by striking ''The statewide transportation plan and the'' and inserting the following:

''(A) IN GENERAL.—The statewide transportation plan and the'';

(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(iii) by adding at the end the following:

''(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases.''; and

(C) in paragraph (3) by striking ''transportation improvement program'' and inserting ''STIP'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting ''reduce greenhouse gas emissions,'' after ''promote energy conservation,'';

(II) by inserting ''and public health'' after ''improve the quality of life''; and

(III) by inserting '', including housing and land use patterns'' after ''economic development patterns'';

(ii) in subparagraph (H) by striking ''and'';

(iii) in subparagraph (I) by striking the period at the end and inserting ''and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;''; and

(iv) by adding at the end the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access; and

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, fa-

cilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.'';

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

''(i) the national goals described in section 150(b);

''(ii) the consideration of transportation system access (consistent with section 150(f));

''(iii) the achievement of statewide targets established under section 150(d); and

''(iv) the general purposes described in section 5301 of title 49.''; and

(ii) in subparagraph (D) by striking ''statewide transportation improvement program'' and inserting ''STIP''; and

(C) in paragraph (3) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(3) in subsection (e)(3) by striking ''transportation improvement program'' and inserting ''STIP'';

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

(ii) by amending clause (ii) to read as follows:

''(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

''(I) State and tribal conservation plans or maps; and

''(II) inventories of natural or historic resources.'';

(B) in paragraph (3)(B)—

(i) by striking "In carrying out" and inserting the following:

"(i) IN GENERAL.—in carrying out";

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

"(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

"(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.";

(C) in paragraph (4)(A) by inserting ''reduce greenhouse gas emissions and'' after ''potential to''; and

(D) in paragraph (8) by inserting ''including consideration of the role that intercity buses may play in reducing congestion, pollution, greenhouse gas emissions, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' after ''transportation system'';

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (5)—

(i) in subparagraph (A) by striking ''transportation improvement program'' and inserting ''STIP'';

(ii) in subparagraph (B)(ii) by striking ''metropolitan transportation improvement program'' and inserting ''TIP'';

(iii) in subparagraph (C) by striking ''transportation improvement program''

and inserting ''STIP'' each place it appears;

(iv) in subparagraph (E) by striking ''transportation improvement program'' and inserting ''STIP'';

(v) in subparagraph (F)(i) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(vi) in subparagraph (G)(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(vii) in subparagraph (H) by striking ''transportation improvement program'' and inserting ''STIP'';

(C) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking ''transportation improvement program'' and inserting ''STIP''; and

(II) by striking ''and projects carried out under the bridge program or the Interstate maintenance program under title 23''; and

(ii) in subparagraph (B)—

(I) by striking ''or under the bridge program or the Interstate maintenance program''; and

(II) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(D) in paragraph (7)—

(i) in the heading by striking ''TRANSPORTATION IMPROVEMENT PROGRAM'' and inserting ''STIP''; and

(ii) by striking ''transportation improvement program'' and inserting ''STIP'';

(E) in paragraph (8) by striking ''statewide transportation plans and programs'' and inserting ''statewide transportation plans and STIPs''; and

(F) in paragraph (9) by striking ''transportation improvement program'' and inserting ''STIP'';

(6) in subsection (h)(2)(A) by striking ''Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012,'' and inserting ''Not less frequently than once every 4 years,'';

(7) in subsection (j) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears; and

(8) in subsection (l) by striking ''transportation improvement programs'' and inserting ''STIPs''.

SEC. 2109. OBLIGATION LIMITATION.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, shall not exceed—

(1) $17,894,460,367 for fiscal year 2023;

(2) $18,201,940,770 for fiscal year 2024;

(3) $18,551,676,708 for fiscal year 2025; and

(4) $18,901,573,693 for fiscal year 2026.

SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF FUNDS.

Section 5324 of title 49, United States Code, is further amended by adding at the end the following:

''(g) IMPOSITION OF DEADLINE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded pursuant to this section to advance to the construction obligation stage before the date

that is the last day of the sixth fiscal year after the later of—

"(A) the date on which the Governor declared the emergency, as described in subsection (a)(2); or

"(B) the date on which the President declared a major disaster, as described in such subsection.

"(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant an extension.".

SEC. 2111. CERTIFICATION REQUIREMENTS.

The certification requirements described in section 661.12 of title 49, Code of Federal Regulations, shall, after the date of enactment of this Act, include a certification that buses or other rolling stock (including train control, communication and traction power equipment) being procured do not contain or use any covered tele-

communications equipment or services, as such term is defined by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

SEC. 2112. HOLD HARMLESS.

Notwithstanding any other provision of law, for fiscal years 2021 and 2022, the Secretary of Transportation shall allow project sponsors, at the request of such sponsor, to submit ridership and service data and projections collected before January 20, 2020 and projections based on that data to determine project eligibility under section 5309 of title 49, United States Code.

SEC. 2113. STUDY ON ACCESSIBILITY OF PUBLIC TRANSPORTATION.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report that includes—

(1) a description of the challenges faced by each of the populations described in subsection (b) when riding public transportation; and

(2) recommendations to improve the accessibility of federally-funded public transportation for the populations described in subsection (b).

(b) COVERED POPULATIONS.—The populations described in subsection (a) shall be—

(1) pregnant women; and

(2) individuals living in areas of persistent poverty, as such term is defined in section 172(l) of title 23, United States Code, as added by this Act, and individuals that are unbanked or underbanked.

Subtitle B—Improving Frequency and Ridership

SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND RIDERSHIP COMPETITIVE GRANTS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5307 the following new section:

"§ 5308. Multi-jurisdictional bus frequency and ridership competitive grants

''(a) IN GENERAL.—The Secretary shall make grants under this section, on a competitive basis, to eligible recipients to increase the frequency of bus service and the ridership of public transit buses.

''(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) APPLICATION TIMING.—Not later than 90 days after amounts are made available to carry out this section,

the Secretary shall solicit grant applications from eligible recipients for projects described in subsection (d).

"(d) USES OF FUNDS.—An eligible recipient of a grant under this section shall use such grant for transportation capital projects that—

"(1) increase—

"(A) the frequency of bus service;

"(B) bus ridership; and

"(C) total person throughput; and

"(2) are consistent with, and as described in, the design guidance issued by the National Association of City Transportation Officials and titled 'Transit Street Design Guide'.

"(e) GRANT CRITERIA.—In making grants under this section, the Secretary shall consider the following:

"(1) Each eligible recipient's projected increase in bus frequency.

"(2) Each eligible recipient's projected increase in bus ridership.

"(3) Each eligible recipient's projected increase in total person throughput.

"(4) The degree of regional collaboration described in each eligible recipient's application, including collaboration with—

"(A) a local government entity that operates a public transportation service;

"(B) local government agencies that control street design;

"(C) metropolitan planning organizations (as such term is defined in section 5303); and

"(D) State departments of transportation.

"(f) GRANT TIMING.—The Secretary shall award grants under this section not later than 120 days after the date on which the Secretary completes the solicitation described in subsection (c).

"(g) REQUIREMENTS OF THE SECRETARY.—In carrying out the program under this section, the Secretary shall—

"(1) not later than the date described in subsection (c), publish in the Federal Register a list of all metrics and evaluation procedures to be used in making grants under this section; and

"(2) publish in the Federal Register—

"(A) a summary of the final metrics and evaluations used in making grants under this section; and

"(B) a list of the ratings of eligible recipients receiving a grant under this section based on such metrics and evaluations.

"(h) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section shall not exceed 80 percent.

"(2) RESTRICTION ON GRANT AMOUNTS.—The Secretary may make a grant for a project under this section in an amount up to 150 percent of the amount—

"(A) provided for such project under title 23; and

"(B) provided for such project from non-Federal funds budgeted for roadways.

"(i) REQUIREMENTS OF SECTION 5307.—Except as otherwise provided in this section, a grant under this section shall be subject to the requirements of section 5307.

"(j) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—Amounts made available to carry out this section shall remain available for 4 fiscal years after the fiscal year for which the amount was made available.

"(2) UNOBLIGATED AMOUNTS.—After the expiration of the period described in paragraph (1) for an amount made available to carry out this section, any unobligated amounts made available to carry out

this section shall be added to the amounts made available for the following fiscal year.

"(k) ELIGIBLE RECIPIENTS.—In this section, the term 'eligible recipient' means a recipient of a grant under section 5307 in an urbanized area with a population greater than 500,000.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5307 the following new item:

"5308. Multi-jurisdictional bus frequency and ridership competitive grants.".

SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FORMULA.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by striking "95.61 percent" and inserting "95 percent";

(II) in clause (i) by striking "95.61 percent" and inserting "95 percent"; and

(III) in clause (ii) by striking "95.61 percent" and inserting "95 percent"; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking "4.39 percent" and inserting "5 percent";

(II) in clause (i)—

(aa) by inserting "in the highest 25 percent of routes by ridership" before "multiplied by"; and

(bb) by striking "vehicle passenger miles traveled for each dollar of operating cost in an area" and inserting "vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership"; and

(III) in clause (ii)—

(aa) by inserting "in the highest 25 percent of routes by ridership" before "multiplied by"; and

(bb) by striking ''vehicle passenger miles traveled for each dollar of operating cost in all areas'' and inserting ''vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership''; and

(B) by adding at the end the following:

''(3) SPECIAL RULE.—For fiscal years 2023 and 2024, the percentage—

''(A) in paragraph (2)(A) in the matter preceding clause (i) shall be treated as 100 percent; and

''(B) in paragraph (2)(B) in the matter preceding clause (i) shall be treated as 0 percent.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''90.8 percent'' and inserting ''90 percent'' each place it appears;

(B) in paragraph (2)—

(i) by striking ''9.2 percent'' and inserting ''8 percent'';

(ii) by striking ''200,000'' and inserting ''500,000'';

(iii) by striking subparagraph (A) and inserting the following:

''(A) the number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership; divided by''; and

(iv) by striking subparagraph (B) and inserting the following:

''(B) the total number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the total number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership in all areas.''; and

(C) by adding at the end the following:

''(3) Two percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 and less than 500,000 is entitled to receive an amount using the formula in paragraph (1).

''(4) For fiscal years 2023 and 2024, the percentage—

"(A) in paragraph (1) in the matter preceding subparagraph (A) shall be treated as 100 percent;

"(B) in paragraph (2) in the matter preceding subparagraph (A) shall be treated as 0 percent; and

"(C) in paragraph (3) shall be treated as 0 percent."; and

(3) by adding at the end the following:

"(k) PEAK REVENUE SERVICE DEFINED.—In this section, the term 'peak revenue service' means the time period between the time in the morning that an agency first exceeds the number of midday vehicles in revenue service and the time in the evening that an agency falls below the number of midday vehicles in revenue service.".

SEC. 2203. MOBILITY INNOVATION.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following new section:

"§ 5316. Mobility innovation

"(a) IN GENERAL.—Amounts made available to a covered recipient to carry out sections 5307, 5310, and 5311 may be used by such covered recipient under this section to assist in the financing of—

"(1) mobility as a service; and

1 "(2) mobility on demand services.
2 "(b) FEDERAL SHARE.—
3 "(1) IN GENERAL.—Except as provided in para-
4 graphs (2) and (3), the Federal share of the net cost
5 of a project carried out under this section shall not
6 exceed 70 percent.
7 "(2) INSOURCING INCENTIVE.—Notwith-
8 standing paragraph (1), the Federal share of the net
9 cost of a project described in paragraph (1) shall, at
10 the request of the project sponsor, be increased by
11 up to 10 percent for mobility on demand service op-
12 erated exclusively by personnel employed by the re-
13 cipient.
14 "(3) ZERO EMISSION INCENTIVE.—Notwith-
15 standing paragraph (1), the Federal share of the net
16 cost of a project described in paragraph (1) shall, at
17 the request of the project sponsor, be increased by
18 up to 10 percent if such project involves an eligible
19 use that uses a vehicle that produces zero carbon di-
20 oxide or particulate matter.
21 "(c) ELIGIBLE USES.—
22 "(1) IN GENERAL.—The Secretary shall publish
23 guidance describing eligible activities that are dem-
24 onstrated to—
25 "(A) increase transit ridership;

"(B) be complementary to fixed route transit service;

"(C) demonstrate meaningful improvements in—

"(i) environmental metrics, including standards established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and greenhouse gas performance targets established pursuant to section 150(d) of title 23;

"(ii) traffic congestion;

"(iii) compliance with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(iv) low-income service to increase access to employment, healthcare, and other essential services;

"(v) service during times of the day when regular transit service is not operating, as long as regular transit service hours are not reduced;

"(vi) new service that operates in areas of lower density that are unserved or underserved by regular transit service;

"(vii) rural service; and

"(viii) improvement in paratransit service quality.

"(D) FARE COLLECTION MODERNIZATION.—In developing guidance referred to in this section, the Secretary shall ensure that—

"(i) all costs associated with installing, modernizing, and managing fare collection, including touchless payment systems, shall be considered eligible expenses under this title and subject to the applicable Federal share; and

"(ii) such guidance includes guidance on how agencies shall provide unbanked and underbanked users with an opportunity to benefit from mobility as a service platforms.

"(2) PROHIBITION ON USE OF FUNDS.—Amounts used by a covered recipient for projects eligible under this section may not be used for—

"(A) single passenger vehicle miles (in a passenger motor vehicle, as such term is defined in section 32101, that carries less than 9 passengers), unless the trip—

"(i) meets the definition of public transportation; and

"(ii) begins or completes a fixed route public transportation trip;

"(B) deadhead vehicle miles; or

"(C) any service considered a taxi service that operates under an exemption from testing requirements under section 5331.

"(d) FEDERAL REQUIREMENTS.—A project carried out under this section shall be treated as if such project were carried out under the section from which the funds were provided to carry out such project, including the application of any additional requirements provided for by law that apply to section 5307, 5310, or 5311, as applicable.

"(e) WAIVER.—

"(1) INDIVIDUAL WAIVER.—Except as provided in paragraphs (2) and (3), the Secretary may waive any requirement applied to a project carried out under this section pursuant to subsection (d) if the Secretary determines that the project would—

"(A) not undermine labor standards;

"(B) increase employment opportunities of the recipient unless the Secretary determines

that such a waiver does not affect employment opportunities; and

"(C) be consistent with the public interest.

"(2) WAIVER UNDER OTHER SECTIONS.—The Secretary may not waive any requirement under paragraph (1) for which a waiver is otherwise available.

"(3) PROHIBITION OF WAIVER.—Notwithstanding paragraph (1), the Secretary may not waive any requirement of—

"(A) section 5333;

"(B) section 5331;

"(C) section 5302(14); and

"(D) chapter 53 that establishes a maximum Federal share for operating costs.

"(4) APPLICATION OF SECTION 5320.—Notwithstanding paragraphs (1) and (2), the Secretary may only waive the requirements of section 5320 with respect to—

"(A) a passenger vehicle owned by an individual;

"(B) subsection (q) of such section for any passenger vehicle not owned by an individual for the period beginning on the date of enact-

ment of this section and ending 3 years after such date;

"(C) any shared micromobility device for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date; and

"(D) rolling stock that is part of a dedicated fleet of vehicles for the provision of microtransit that is operated by, or exclusively on behalf of, the covered recipient for the period beginning on the date of enactment of this section and ending on the date that is 3 years after such date.

"(5) LIMITATION.—A waiver issued under subparagraphs (B), (C), or (D) of paragraph (4) may only be issued on an individual project basis at the request of the covered recipient and may not be renewed or extended beyond the initial 3-year period of the waiver.

"(f) OPEN DATA STANDARDS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to develop an open data stand-

ard and an application programming interface necessary to carry out this section.

"(2) REGULATIONS.—The regulations required under paragraph (1) shall require public transportation agencies, mobility on demand providers, mobility as a service technology providers, other non-government actors, and local governments the efficient means to transfer data to—

"(A) foster the efficient use of transportation capacity;

"(B) enhance the management of new modes of mobility;

"(C) enable the use of innovative planning tools;

"(D) enable single payment systems for all mobility on demand services;

"(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, real time operations data, and rules;

"(F) prohibit the transfer of personally identifiable information;

"(G) protect confidential business information;

"(H) enhance cybersecurity protections; and

"(I) allow data governance, including but not limited to licensing and terms of information sharing, periodic risk assessments, policies regarding data retention and information handling policies, and anonymization techniques.

"(3) PROHIBITION ON FOR PROFIT ACTIVITY.—Any data received by an entity under this subsection may not be sold, leased, or otherwise used to generate profit, except for the direct provision of the related mobility on demand services and mobility as a service.

"(4) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have a maximum of 17 members limited to representatives of the Department of Transportation, State and local governments, metropolitan planning organizations, urban and rural covered recipients, associations that represent public transit agencies, representatives from at least 3 different organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States, mobility on demand pro-

viders, and mobility as a service technology providers.

"(5) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

"(6) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (4) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (5) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(g) APPLICATION OF RECIPIENT VEHICLE REVENUE MILES.—With respect to vehicle revenue miles with one passenger of a covered recipient using amounts under this section, such miles—

"(1) shall be included in the National Transit Database under section 5335; and

"(2) shall be excluded from vehicle revenue miles data used in the calculation described in section 5336.

"(h) SAVINGS CLAUSE.—Subsection (c)(2) and subsection (g) shall not apply to any eligible activities under this section if such activities are—

"(1) being carried out in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

"(2) projects eligible under section 5310 that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(i) DEFINITIONS.—In this section:

"(1) COVERED RECIPIENT.—The term 'covered recipient' means a State or local government entity, private nonprofit organization, or Tribe that—

"(A) operates a public transportation service; and

"(B) is a recipient or subrecipient of funds under section 5307, 5310, or 5311.

"(2) DEADHEAD VEHICLE MILES.—The term 'deadhead vehicle miles' means the miles that a vehicle travels when out of revenue service, including leaving or returning to the garage or yard facility, changing routes, when there is no expectation of carrying revenue passengers, and any miles traveled by a private operator without a passenger.

"(3) MOBILITY AS A SERVICE.—The term 'mobility as a service' means services that constitute the integration of mobility on demand services and public transportation that are available and accessible to all travelers, provide multimodal trip planning, and a unified payment system.

"(4) MOBILITY ON DEMAND.—The term 'mobility on demand' means an on-demand transportation service shared among individuals, either concurrently or one after another.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following new item:

"5316. Mobility innovation.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date on which the Secretary of Transportation has finalized both—

(1) the guidance required under section 5316(c) of title 49, United States Code; and

(2) the regulations required under section 5316(f) of title 49, United States Code.

(d) SAVINGS CLAUSE.—Nothing in this section, or the amendments made by this section, shall prohibit the use of funds for an eligible activity or pilot project of a

covered recipient authorized under the law in effect on the day before the date of enactment of this Act before the effective date described in subsection (c).

SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by adding at the end the following:

"(D) CENSUS DESIGNATION.—The Secretary may approve a State program that allocates not more than 5 percent of such State's apportionment to assist rural areas that were redesignated as urban areas not more than 2 fiscal years after the last census designation of urbanized area boundaries."; and

(B) in paragraph (3) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking "section 5338(a)(2)(F)" and inserting "section 5338(a)(2)(E)";

(ii) in subparagraph (A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(iii) in subparagraph (B) by striking ''$30,000,000'' and inserting ''the amount remaining under section 5338(a)(2)(E)(i) after the amount under subparagraph (A) is distributed'';

(B) in paragraph (2)(C) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)''; and

(C) in paragraph (3)—

(i) in subparagraph (A) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)''; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) LAND AREA.—

''(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 15 percent of the amount apportioned under this paragraph, multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United

States, as shown by the most recent decennial census of population.

"(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

"(C) POPULATION.—Each State shall receive an amount equal to 50 percent of the amount apportioned under this paragraph, multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

"(D) VEHICLE REVENUE MILES.—

"(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 25 percent of the amount apportioned under this paragraph, multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

"(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

"(E) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 10 percent of the amount apportioned under this paragraph, multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.";

(3) in subsection (f)—

(A) in paragraph (1) by inserting "A State may expend funds to continue service into another State to extend a route." before "Eligible activities under"; and

(B) in paragraph (2) by inserting "and makes the certification and supporting documents publicly available" before the period at the end; and

(4) in subsection (g) by adding at the end the following:

"(6) ALLOWANCE FOR VOLUNTEER HOURS.—

"(A) APPLICABLE REGULATIONS.—For any funds provided by a department or agency of the Government under paragraph (3)(D) or by a service agreement under paragraph (3)(C), and such department or agency has regulations in place that provide for the valuation of volunteer hours as allowable in-kind contributions toward the non-Federal share of project costs, such regulations shall be used to determine the allowable valuation of volunteer hours as an in-kind contribution toward the non-Federal remainder of net project costs for a transit project funded under this section.

"(B) LIMITATIONS.—Subparagraph (A) shall not apply to the provision of fixed-route bus services funded under this section.".

SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.

Section 5310 of title 49, United States Code, is amended by adding at the end the following:

"(j) ONE-STOP PARATRANSIT PROGRAM.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish a one-stop paratransit competitive grant program to encourage an extra stop in non-fixed route Americans with Disabilities Act of

1990 (42 U.S.C. 12101 et seq.) service for a paratransit rider to complete essential tasks.

"(2) PREFERENCE.—The Secretary shall give preference to eligible recipients that—

"(A) have comparable data for the year prior to implementation of the grant program and made available to the Secretary, academic and nonprofit organizations for research purposes; and

"(B) plan to use agency personnel to implement the pilot program.

"(3) APPLICATION CRITERIA.—To be eligible to participate in the grant program, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including information on—

"(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

"(i) childcare or education facilities;

"(ii) pharmacies;

"(iii) grocery stores; and

"(iv) bank or ATM locations;

"(B) methodology for informing the public of the grant program;

"(C) vehicles, personnel, and other resources that will be used to implement the grant program;

"(D) if the applicant does not intend the grant program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the grant program to apply; and

"(E) the anticipated amount of increased operating costs.

"(4) SELECTION.—The Secretary shall seek to achieve diversity of participants in the grant program by selecting a range of eligible entities that includes at least—

"(A) 5 eligible recipients that serve an area with a population of 50,000 to 200,000;

"(B) 10 eligible recipients that serve an area with a population of over 200,000; and

"(C) 5 eligible recipients that provide transportation for rural communities.

"(5) DATA-SHARING CRITERIA.—An eligible recipient in this subsection shall provide data as the Secretary requires, which may include—

"(A) number of ADA paratransit trips conducted each year;

"(B) requested time of each paratransit trip;

"(C) scheduled time of each paratransit trip;

"(D) actual pickup time for each paratransit trip;

"(E) average length of a stop in the middle of a ride as allowed by this subsection;

"(F) any complaints received by a paratransit rider;

"(G) rider satisfaction with paratransit services; and

"(H) after the completion of the grant, an assessment by the eligible recipient of its capacity to continue a one-stop program independently.

"(6) REPORT.—

"(A) IN GENERAL.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which such fiscal year ends.

"(B) CONTENTS.—The report required under subparagraph (A) shall include a detailed

description of the activities carried out under the program, and an evaluation of the program, including an evaluation of the data shared by eligible recipients under paragraph (5).''.

Subtitle C—Buy America and Other Procurement Reforms

SEC. 2301. BUY AMERICA.

(a) BUY AMERICA.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting before section 5321 the following:

"§ 5320. Buy America

''(a) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

''(b) WAIVER.—The Secretary may waive subsection (a) if the Secretary finds that—

''(1) applying subsection (a) would be inconsistent with the public interest;

''(2) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

"(3) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

"(A) the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock; and

"(B) final assembly of the rolling stock has occurred in the United States; or

"(4) including domestic material will increase the cost of the overall project by more than 25 percent.

"(c) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

"(1) WAIVER PROCEDURE.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under subsection (b)(1), (b)(2), or (b)(4) as to whether to waive subsection (a).

"(2) PUBLIC NOTIFICATION AND COMMENT.—

"(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an oppor-

tunity for public comment on the request for such waiver.

"(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

"(i) describe whether the application is being made for a waiver described in subsection (b)(1), (b)(2) or (b)(4); and

"(ii) be provided to the public by electronic means, including on a public website of the Department of Transportation.

"(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

"(A) on the public website of the Department of Transportation; and

"(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

"(4) ANNUAL REPORT.—Annually, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of

the House of Representatives a report listing any waiver issued under paragraph (1) during the preceding year.

"(d) ROLLING STOCK WAIVER CONDITIONS.—

"(1) LABOR COSTS FOR FINAL ASSEMBLY.—In this section, highly skilled labor costs involved in final assembly shall be included as a separate component in the cost of components and subcomponents under subsection (b)(3)(A).

"(2) HIGH DOMESTIC CONTENT COMPONENT BONUS.—In this section, in calculating the domestic content of the rolling stock under subsection (b)(3)(A), the percent, rounded to the nearest whole number, of the domestic content in components of such rolling stock, weighted by cost, shall be used in calculating the domestic content of the rolling stock, except—

"(A) with respect to components that exceed—

"(i) 70 percent domestic content, the Secretary shall add 10 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

"(ii) 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

"(B) in no case may a component exceed 100 percent domestic content when calculating the domestic content of the rolling stock.

"(3) ROLLING STOCK FRAMES OR CAR SHELLS.—

"(A) INCLUSION OF COSTS.—Subject to the substantiation requirement of subparagraph (B), in calculating the cost of the domestic content of the rolling stock under subsection (b)(3), in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of the steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

"(B) SUBSTANTIATION.—If a rolling stock vehicle manufacturer wishes to include in the calculation of the vehicle's domestic content the cost of steel or iron produced in the United States and used in the rolling stock frames and car shells that are not produced in the United States, the manufacturer shall maintain and provide upon request a mill certification that substantiates the origin of the steel or iron.

"(4) TREATMENT OF WAIVED COMPONENTS AND SUBCOMPONENTS.—In this section, a component or subcomponent waived under subsection (b) shall be excluded from any part of the calculation required under subsection (b)(3)(A).

"(5) ZERO-EMISSION VEHICLE DOMESTIC BATTERY CELL INCENTIVE.—The Secretary shall add 2.5 percent to the total domestic content when calculating the domestic content of the rolling stock for any zero-emission vehicle that uses only battery cells for propulsion that are manufactured domestically.

"(6) PROHIBITION ON DOUBLE COUNTING.—

"(A) IN GENERAL.—No labor costs included in the cost of a component or subcomponent by the manufacturer of rolling stock may

be treated as rolling stock assembly costs for purposes of calculating domestic content.

"(B) VIOLATION.—A violation of this paragraph shall be treated as a false claim under subchapter III of chapter 37 of title 31.

"(7) DEFINITION OF HIGHLY SKILLED LABOR COSTS.—In this subsection, the term 'highly skilled labor costs'—

"(A) means the apportioned value of direct wage compensation associated with final assembly activities of workers directly employed by a rolling stock original equipment manufacturer and directly associated with the final assembly activities of a rolling stock vehicle that advance the value or improve the condition of the end product;

"(B) does not include any temporary or indirect activities or those hired via a third-party contractor or subcontractor;

"(C) are limited to metalworking, fabrication, welding, electrical, engineering, and other technical activities requiring training;

"(D) are not otherwise associated with activities required under section 661.11 of title 49, Code of Federal Regulations; and

"(E) includes only activities performed in the United States and does not include that of foreign nationals providing assistance at a United States manufacturing facility.

"(e) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

"(1) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under subsection (b)(2), the Secretary shall provide to the applicant a written certification that—

"(A) the steel, iron, or manufactured goods, as applicable, (referred to in this paragraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

"(B) the item produced in the United States is of a satisfactory quality; and

"(C) includes a list of known manufacturers in the United States from which the item can be obtained.

"(2) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in the manner described in subsection (c).

"(f) WAIVER PROHIBITED.—The Secretary may not make a waiver under subsection (b) for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

"(1) has an agreement with the United States Government under which the Secretary has waived the requirement of this section; and

"(2) has violated the agreement by discriminating against goods to which this section applies that are produced in the United States and to which the agreement applies.

"(g) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under title II of division B of the INVEST in America Act if a court or department, agency, or instrumentality of the Government decides the person intentionally—

"(1) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies but not produced in the United States; or

"(2) represented that goods described in paragraph (1) were produced in the United States.

"(h) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

"(i) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

"(j) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

"(k) STEEL AND IRON.—For purposes of this section, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations, may be considered produced in the United States.

"(l) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under subsection (b)(1), including under any regulation promulgated under such subsection, the term 'small purchase' means a purchase of not more than $150,000.

"(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—

"(1) IN GENERAL.—The Secretary shall prescribe regulations requiring a preaward and postdelivery certification of a rolling stock vehicle that meets the requirements of this section and Government motor vehicle safety requirements to be eligible for a grant under this chapter. For compliance with this section—

"(A) Federal inspections and review are required;

"(B) a manufacturer certification is not sufficient; and

"(C) a rolling stock vehicle that has been certified by the Secretary remains certified until

the manufacturer makes a material change to the vehicle, or adjusts the cost of all components of the rolling stock, that reduces, by more than half, the percentage of domestic content above 70 percent.

"(2) CERTIFICATION OF PERCENTAGE.—

"(A) IN GENERAL.—The Secretary may, at the request of a component or subcomponent manufacturer, certify the percentage of domestic content and place of manufacturing for a component or subcomponent.

"(B) PERIOD OF CERTIFICATION.—Any component or subcomponent certified by the Secretary shall remain certified until the manufacturer makes a material change to the domestic content or the place of manufacturing of such component or subcomponent.

"(3) FREEDOM OF INFORMATION ACT.—In carrying out this subsection, the Secretary shall apply the provisions of section 552 of title 5, including subsection (b)(4) of such section.

"(4) NONCOMPLIANCE.—The Secretary shall prohibit recipients from procuring rolling stock, components, or subcomponents from a supplier that in-

tentionally provides false information to comply with this subsection.

"(n) SCOPE.—The requirements of this section apply to all contracts for a public transportation project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the public transportation project is funded with amounts made available to carry out this chapter.

"(o) BUY AMERICA CONFORMITY.—The Secretary shall ensure that all Federal funds for new commuter rail projects shall comply with this section and shall not be subject to section 22905(a).

"(p) AUDITS AND REPORTING OF WASTE, FRAUD, AND ABUSE.—

"(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an annual audit on certifications under subsection (m) regarding compliance with Buy America.

"(2) REPORT FRAUD, WASTE, AND ABUSE.—The Secretary shall display a 'Report Fraud, Waste, and Abuse' button and link to Department of Transportation's Office of Inspector General Hotline on

the Federal Transit Administration's Buy America landing page.

"(3) CONTRACT REQUIREMENT.—The Secretary shall require all recipients who enter into contracts to purchase rolling stock with funds provided under this chapter to include in such contract information on how to contact the Department of Transportation's Office of Inspector General Hotline to report suspicions of fraud, waste, and abuse.

"(q) PASSENGER MOTOR VEHICLES.—

"(1) IN GENERAL.—Any domestically manufactured passenger motor vehicle shall be considered to be produced in the United States under this section.

"(2) DOMESTICALLY MANUFACTURED PASSENGER MOTOR VEHICLE.—In this subsection, the term 'domestically manufactured passenger motor vehicle' means any passenger motor vehicle, as such term is defined in section 32304(a) that—

"(A) has under section 32304(b)(1)(B) its final assembly place in the United States; and

"(B) the percentage (by value) of passenger motor equipment under section 32304(b)(1)(A) equals or exceeds 60 percent value added.

"(r) ROLLING STOCK COMPONENTS AND SUBCOMPONENTS.—No bus shell, railcar frame, or other component or subcomponent that is primarily made of steel or iron shall be treated as produced in the United States for purposes of subsection (b)(3) or determined to be of domestic origin under section 661.11 of title 49, Code of Federal Regulations, if the material inputs of such component or subcomponent were imported into the United States and the processes performed in the United States on the imported articles would not result in a change in the article's classification to chapter 86 or 87 of the Harmonized Tariff Schedule of the United States from another chapter or a new heading of any chapter from the heading under which the article was classified upon entry.

"(s) TREATMENT OF STEEL AND IRON COMPONENTS AS PRODUCED IN THE UNITED STATES.—Notwithstanding any other provision of any law or any rule, regulation, or policy of the Federal Transit Administration, steel and iron components of a system, as defined in section 661.3 of title 49, Code of Federal Regulations, and of manufactured end products referred to in Appendix A of such section, may not be considered to be produced in the United States unless such components meet the requirements of section 661.5(b) of title 49, Code of Federal Regulations.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting before the item relating to section 5321 the following:

"5320. Buy America.".

(3) CONFORMING AMENDMENTS.—

(A) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314(a)(2)(G) of title 49, United States Code, is amended by striking "sections 5323(j) and 5323(m)" and inserting "section 5320".

(B) URBANIZED AREA FORMULA GRANTS.—Section 5307(c)(1)(E) of title 49, United States Code, is amended by inserting ", 5320," after "5323".

(C) INNOVATIVE PROCUREMENT.—Section 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C. 5325 note) is amended by striking "5323(j)" and inserting "5320".

(b) BUS ROLLING STOCK.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise Appendix B and Appendix D of section 661.11 of title 49, Code of Federal Regulations, with respect to bus rolling stock to maximize job creation

and align such section with modern manufacturing techniques.

(c) RAIL ROLLING STOCK.—Not later than 30 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to revise subsections (t), (u), and (v) of section 661.11 of title 49, Code of Federal Regulations, with respect to rail rolling stock to maximize job creation and align such section with modern manufacturing techniques.

(d) RULE OF APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to any contract entered into on or after the date of enactment of this Act.

(2) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—Contracts described in paragraph (1) shall be subject to the following delayed applicability requirements:

(A) Section 5320(m)(2) shall apply to contracts entered into on or after the date that is 30 days after the date of enactment of this Act.

(B) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of bus rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (b); or

(ii) the date that is 1 year after the date of enactment of this Act.

(C) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of rail rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (c); or

(ii) the date that is 2 years after the date of enactment of this Act.

(D) Section 5320(p)(1) shall apply on the date that is 1 year after the latest of the application dates described in subparagraphs (A) through (C).

(3) SPECIAL RULE FOR CERTAIN CONTRACTS.—For any contract described in paragraph (1) for which the delivery for the first production vehicle occurs before October 1, 2024, paragraphs (1) and (4) of section 5320(d) shall not apply.

(4) SPECIAL RULE FOR BATTERY CELL INCENTIVES.—For any contract described in paragraph

(1) for which the delivery for the first production vehicle occurs before October 1, 2023, section 5320(d)(5) shall not apply.

(5) APPLICATION OF EXISTING LAW.—During any periods described in this subsection, the Secretary shall apply the requirements of sections 5323(j) and 5323(m) of title 49, United States Code, as in effect on the day before the date of enactment of this Act, as applicable.

(e) SPECIAL RULE FOR DOMESTIC CONTENT.—

(1) IN GENERAL.—For the calculation of the percent of domestic content calculated under section 5320(d)(2) for a contract for rolling stock entered into on or after October 1, 2021—

(A) if the delivery of the first production vehicle occurs in fiscal year 2023 or fiscal year 2024, for components that exceed 70 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content; and

(B) if the delivery of the first production vehicle occurs in fiscal year 2025 or fiscal year 2026—

(i) for components that exceed 70 percent but do not exceed 75 percent domestic

content, the Secretary shall add 15 additional percent to the component's domestic content; or

(ii) for components that exceed 75 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content.

(2) CONTRACTS AFTER OCTOBER 1, 2021.—For the calculation of the percent of domestic content calculated under section 5320(d)(2) for a contract for rolling stock entered into on or after October 1, 2021 for a vehicle described in section 5339(c)(1)(D), and notwithstanding subsection (e)(1), if the delivery of the first production vehicle occurs in fiscal year 2023 or 2024, for components that exceed 70 percent domestic content, the Secretary shall add 30 additional percent to the component's domestic content.

(3) BATTERY CELLS.—Paragraph (1) and paragraph (2) of this subsection shall not apply to any contract for rolling stock if the manufacturer of the rolling stock or the manufacturer of the battery cells used for propulsion of the rolling stock is an entity described in 49 USC 5323(u)(1) and (u)(2).

SEC. 2302. BUS PROCUREMENT STREAMLINING.

Section 5323 of title 49, United States Code, as is amended by adding at the end the following:

"(x) BUS PROCUREMENT STREAMLINING.—

"(1) IN GENERAL.—The Secretary may only obligate amounts for acquisition of buses under this chapter to a recipient that issues a request for proposals for an open market procurement that meets the following criteria:

"(A) Such request for proposals is limited to performance specifications, except for components or subcomponents identified in the negotiated rulemaking carried out pursuant to this subsection.

"(B) Such request for proposals does not seek any alternative design or manufacture specification of a bus offered by a manufacturer, except to require a component or subcomponent identified in the negotiated rulemaking carried out pursuant to this subsection.

"(2) SPECIFIC BUS COMPONENT NEGOTIATED RULEMAKING.—

"(A) INITIATION.—Not later than 120 days after the date of enactment of the INVEST in America Act, the Secretary shall initiate procedures under subchapter III of chap-

ter 5 of title 5 to negotiate and issue such regulations as are necessary to establish as limited a list as is practicable of bus components and subcomponents described in subparagraph (B).

"(B) LIST OF COMPONENTS.—The regulations required under subparagraph (A) shall establish a list of bus components and subcomponents that may be specified in a request for proposals described in paragraph (1) by a recipient. The Secretary shall ensure the list is limited in scope and limited to only components and subcomponents that cannot be selected with performance specifications to ensure interoperability.

"(C) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

"(D) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this paragraph shall have a maximum of 11 members limited to representatives of the Department of Transportation, urban and rural recipients (including

State government recipients), and transit vehicle manufacturers.

"(E) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in subparagraph (D) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to provide additional authority for the Secretary to restrict what a bus manufacturer offers to sell to a public transportation agency.".

SEC. 2303. BUS TESTING FACILITY.

Section 5318 of title 49, United States Code, is amended by adding at the end the following:

"(f) TESTING SCHEDULE.—The Secretary shall—

"(1) determine eligibility of a bus manufacturer's request for testing within 10 business days; and

"(2) make publicly available the current backlog (in months) to begin testing a new bus at the bus testing facility.".

SEC. 2304. REPAYMENT REQUIREMENT.

(a) IN GENERAL.—A transit agency shall repay into the general fund of the Treasury any funds received from the Federal Transit Administration under section 3401 of the American Rescue Plan Act of 2021 (Public Law 117–2) if the funds were used to award a contract or subcontract to an entity for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

(1) is incorporated in or has manufacturing facilities in the United States; and

(2) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(b) CERTIFICATION.—Not later than 60 days after the date of enactment of this section, a transit agency that received funds pursuant to the laws specified in subsection (a) shall certify that the agency has not and shall not use such funds to purchase rolling stock described in subsection (a).

SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING A MAJOR DISASTER.

(a) IN GENERAL.—Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(y) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

''(1) DEFINED TERM.—In this subsection, the term 'decennial census date' has the meaning given the term in section 141(a) of title 13.

''(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, for purposes of this chapter, the Secretary shall treat an area as an urbanized area for the period described in paragraph (3) if—

"(A) a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the area during the 3-year period preceding the decennial census date for the 2010 decennial census or for any subsequent decennial census;

"(B) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding the major disaster described in subparagraph (A); and

"(C) the population of the area fell below 50,000 as a result of the major disaster described in subparagraph (A).

"(3) COVERED PERIOD.—The Secretary shall treat an area as an urbanized area under paragraph (2) during the period—

"(A) beginning on—

"(i) in the case of a major disaster described in paragraph (2)(A) that occurred during the 3-year period preceding the decennial census date for the 2010 decennial census, October 1 of the first fiscal year

that begins after the date of enactment of this subsection; or

"(ii) in the case of any other major disaster described in paragraph (2)(A), October 1 of the first fiscal year—

"(I) that begins after the decennial census date for the first decennial census conducted after the major disaster; and

"(II) for which the Secretary has sufficient data from that census to determine that the area qualifies for treatment as an urbanized area under paragraph (2); and

"(B) ending on the day before the first fiscal year—

"(i) that begins after the decennial census date for the second decennial census conducted after the major disaster described in paragraph (2)(A); and

"(ii) for which the Secretary has sufficient data from that census to determine which areas are urbanized areas for purposes of this chapter.

"(4) POPULATION CALCULATION.—An area treated as an urbanized area under this subsection shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the most recent decennial census conducted before the major disaster described in paragraph (2)(A).

"(5) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of enactment of this subsection.".

(b) AMENDMENT TAKES EFFECT ON ENACTMENT.—Notwithstanding section 1001, the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK PROCUREMENTS.

(a) CERTIFICATION.—Section 5323(u)(4) of title 49, United States Code, is amended—

(1) in subparagraph (A) in the heading by striking"RAIL"; and

(2) by adding at the end the following:

"(C) NONRAIL ROLLING STOCK.—Notwithstanding subparagraph (B) of paragraph (5), as a condition of financial assistance made avail-

able in a fiscal year under section 5339, a recipient shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rolling stock for use in public transportation with a rolling stock manufacturer described in paragraph (1).''.

(b) SPECIAL RULE.—Section 5323(u)(5)(A) of title 49, United States Code, (as redesignated by this Act) is amended by striking ''made by a public transportation agency with a rail rolling stock manufacturer described in paragraph (1)'' and all that follows through the period at the end and inserting ''as of December 20, 2019, including options and other requirements tied to these contracts or subcontracts, made by a public transportation agency with a restricted rail rolling stock manufacturer.''.

SEC. 2307. SPARE RATIO WAIVER.

Section 5323 of title 49, United States Code, is further amended by adding at the end the following:

''(z) SPARE RATIO WAIVER.—The Federal Transit Administration shall waive spare ratio policies for rolling stock found in FTA Grant Management Requirements Circular 5010.1, FTA Circular 9030.1 providing Urbanized Area Formula Program guidance, and other guidance documents for 2 years from the date of enactment of the INVEST in America Act.''.

Subtitle D—Bus Grant Reforms

SEC. 2401. FORMULA GRANTS FOR BUSES.

Section 5339(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and subsection (d)'' after ''In this subsection'';

(B) in subparagraph (A) by striking ''term 'low or no emission vehicle' has'' and inserting ''term 'zero emission vehicle' has'';

(C) in subparagraph (B) by inserting ''and the District of Columbia'' after ''United States''; and

(D) in subparagraph (C) by striking ''the District of Columbia,'';

(2) in paragraph (2)(A) by striking ''low or no emission vehicles'' and inserting ''zero emission vehicles'';

(3) in paragraph (4)—

(A) in subparagraph (A) by inserting ''and subsection (d)'' after ''this subsection''; and

(B) in subparagraph (B) by inserting ''and subsection (d)'' after ''this subsection'';

(4) in paragraph (5)(A)—

(A) by striking ''$90,500,000'' and inserting ''$156,750,000'';

(B) by striking ''2016 through 2020'' and inserting ''2023 through 2026'';

(C) by striking ''$1,750,000'' and inserting ''$3,000,000''; and

(D) by striking ''$500,000'' and inserting ''$750,000'';

(5) in paragraph (7) by adding at the end the following:

''(C) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding subparagraph (A), a grant for a capital project for buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles under this subsection shall be for 90 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.'';

(6) in paragraph (8)—

(A) by striking ''3 fiscal years'' and inserting ''4 fiscal years''; and

(B) by striking ''3-fiscal-year period'' and inserting ''4-fiscal-year period''; and

(7) by striking paragraph (9).

SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS.

Section 5339(b) of title 49, United States Code, is amended—

(1) in the heading by striking ''BUSES AND BUS FACILITIES COMPETITIVE GRANTS'' and inserting ''BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS'';

(2) in paragraph (1)—

(A) by striking ''buses and'';

(B) by inserting ''and certain buses'' after ''capital projects'';

(C) in subparagraph (A) by striking ''buses or related equipment'' and inserting ''bus-related facilities''; and

(D) by striking subparagraph (B) and inserting the following:

''(B) purchasing or leasing buses that will not replace buses in the applicant's fleet at the time of application and will be used to—

''(i) increase the frequency of bus service; or

"(ii) increase the service area of the applicant.";

(3) by striking paragraph (2) and inserting the following:

"(2) GRANT CONSIDERATIONS.—In making grants—

"(A) under subparagraph (1)(A), the Secretary shall only consider—

"(i) the age and condition of bus-related facilities of the applicant compared to all applicants and proposed improvements to the resilience (as such term is defined in section 5302) of such facilities;

"(ii) for a facility that, in whole or in part, encroaches within the limits of a flood-prone area, the extent to which the facility is designed and constructed in a way that takes into account, and mitigates where appropriate, flood risk; and

"(iii) for a bus station, the degree of multi-modal connections at such station; and

"(B) under paragraph (1)(B), the Secretary shall consider the improvements to headway and projected new ridership."; and

(4) in paragraph (6) by striking subparagraph (B) and inserting the following:

"(B) GOVERNMENT SHARE OF COSTS.—

"(i) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

"(ii) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding clause (i), the Government share of the cost of an eligible project for the financing of buses and related equipment for hybrid electric buses that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions, and zero emission vehicles shall not exceed 90 percent.".

SEC. 2403. ZERO EMISSION BUS GRANTS.

(a) IN GENERAL.—Section 5339(c) of title 49, United States Code, is amended—

(1) in the heading by striking "LOW OR NO EMISSION GRANTS" and inserting "ZERO EMISSION GRANTS";

(2) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the matter preceding clause (i) by striking ''in an eligible area'';

(ii) in clause (i) by striking ''low or no emission'' and inserting ''zero emission'';

(iii) in clause (ii) by striking ''low or no emission'' and inserting ''zero emission'';

(iv) in clause (iii) by striking ''low or no emission'' and inserting ''zero emission'';

(v) in clause (iv) by striking ''facilities and related equipment for low or no emission'' and inserting ''related equipment for zero emission'';

(vi) in clause (v) by striking ''facilities and related equipment for low or no emission vehicles;'' and inserting ''related equipment for zero emission vehicles; or'';

(vii) in clause (vii) by striking ''low or no emission'' and inserting ''zero emission'';

(viii) by striking clause (vi); and

(ix) by redesignating clause (vii) as clause (vi);

(B) by striking subparagraph (D) and inserting the following:

''(D) the term 'zero emission bus' means a bus that is a zero emission vehicle;'';

(C) by striking subparagraph (E) and inserting the following:

''(E) the term 'zero emission vehicle' means a vehicle used to provide public transportation that produces no carbon dioxide or particulate matter;'';

(D) in subparagraph (F) by striking ''and'' at the end;

(E) by striking subparagraph (G) and inserting the following:

''(G) the term 'priority area' means an area that is—

''(i) designated as a nonattainment area for ozone or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d));

''(ii) a maintenance area, as such term is defined in section 5303, for ozone or particulate matter; or

''(iii) in a State that has enacted a statewide zero emission bus transition re-

quirement, as determined by the Secretary; and''; and

(F) by adding at the end the following:

''(H) the term 'low-income community' means any population census tract if—

''(i) the poverty rate for such tract is at least 20 percent; or

''(ii) in the case of a tract—

''(I) not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income; or

''(II) located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater statewide median family income or the metropolitan area median family income.'';

(3) by striking paragraph (5) and inserting the following:

''(5) GRANT ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall make grants to eligible projects relating to the acquisition

or leasing of equipment for zero-emission buses or zero-emission buses—

"(A) that procure—

"(i) at least 10 zero emission buses;

"(ii) if the recipient operates less than 50 buses in peak service, at least 5 zero emission buses; or

"(iii) hydrogen buses;

"(B) for which the recipient's board of directors has approved a long-term integrated fleet management plan that—

"(i) establishes—

"(I) a goal by a set date to convert the entire bus fleet to zero emission buses; or

"(II) a goal that within 10 years from the date of approval of such plan the recipient will convert a set percentage of the total bus fleet of such recipient to zero emission buses; and

"(ii) examines the impact of the transition on the applicant's current workforce, with a goal of identifying skills gaps, retraining existing workers to operate and maintain zero-emission vehicles and related

infrastructure, and avoiding the displacement of the existing workforce; and

"(C) for which the recipient has performed a fleet transition study that includes optimal route planning and an analysis of how utility rates may impact the recipient's operations and maintenance budget."; and

(4) by adding at the end the following:

"(8) LOW AND MODERATE COMMUNITY GRANTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects serving predominantly low-income communities.

"(9) PRIORITY SET-ASIDE.—Of the amounts made available under this subsection in a fiscal year, not less than—

"(A) 20 percent shall be distributed to applicants in priority areas; and

"(B) 10 percent shall be distributed to applicants not located in priority areas whose board of directors have approved a long-term integrated fleet management plan that establishes a goal to convert 100 percent of their bus fleet to zero-emission buses within 15 years.".

(b) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

"(9) MAINTENANCE AREA.—The term 'maintenance area' has the meaning given the term in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a).".

SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.

Section 5339 of title 49, United States Code, is amended by adding at the end the following:

"(d) RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.—

"(1) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients and subrecipients described in paragraph (2) in financing capital projects to replace, rehabilitate, and purchase buses and related equipment.

"(2) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—Not later than September 1 annually, the Secretary shall make public a list of eligible recipients and subrecipients based on the most recent data available in the National Transit Database to calculate the 20 percent of eligible recipients and

subrecipients with the highest percentage of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration.

"(3) URBAN APPORTIONMENTS.—Funds allocated under section 5338(a)(2)(L)(ii) shall be—

"(A) distributed to—

"(i) designated recipients in an urbanized area with a population of more than 200,000 made eligible by paragraph (1); and

"(ii) States based on subrecipients made eligible by paragraph (1) in an urbanized area under 200,000; and

"(B) allocated pursuant to the formula set forth in section 5336 other than subsection (b), using the data from the 20 percent of eligible recipients and subrecipients.

"(4) RURAL ALLOCATION.—The Secretary shall—

"(A) calculate the percentage of funds under section 5338(a)(2)(L)(ii) to allocate to rural subrecipients by dividing—

"(i) the asset vehicle miles for buses beyond the useful life benchmark (estab-

lished by the Federal Transit Administration) of the rural subrecipients described in paragraph (2); by

"(ii) the total asset vehicle miles for buses beyond such benchmark of all eligible recipients and subrecipients described in paragraph (2); and

"(B) prior to the allocation described in paragraph (3)(B), apportion to each State the amount of the total rural allocation calculated under subparagraph (A) attributable to such State based the proportion that—

"(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) for rural subrecipients described in paragraph (2) in such State; bears to

"(ii) the total asset vehicle miles described in subparagraph (A)(i).

"(5) APPLICATION OF OTHER PROVISIONS.—Paragraphs (3), (7), and (8) of subsection (a) shall apply to eligible recipients and subrecipients described in paragraph (2) of a grant under this subsection.

"(6) PROHIBITION.—No eligible recipient or subrecipient outside the top 5 percent of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration may receive a grant in both fiscal year 2023 and fiscal year 2024.

"(7) REQUIREMENT.—The Secretary shall require—

"(A) States to expend, to the benefit of the subrecipients eligible under paragraph (2), the apportioned funds attributed to such subrecipients; and

"(B) designated recipients to provide the allocated funds to the recipients eligible under paragraph (2) the apportioned funds attributed to such recipients.".

SEC. 2405. WORKFORCE DEVELOPMENT TRAINING GRANTS.

Section 5339 of title 49, United States Code, is amended by adding at the end the following:

"(e) WORKFORCE DEVELOPMENT TRAINING GRANTS.—

"(1) IN GENERAL.—Not less than 12.5 percent of funds authorized to be made available for subsection (c) shall be available to fund workforce development training eligible under section 5314(b)(2)

(including registered apprenticeships and other labor-management training programs), related to operations or maintenance of zero emission vehicles.

"(2) ELIGIBLE RECIPIENTS.—Recipients eligible under subsection (c) shall be eligible to receive a grant under this subsection.

"(3) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under this subsection shall be 100 percent.".

Subtitle E—Supporting All Riders

SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.

Section 5336(j) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "75 percent" and inserting "50 percent";

(2) in paragraph (2) by striking "25 percent" and inserting "12.5 percent"; and

(3) by adding at the end the following:

"(3) 30 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

"(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 per-

cent during the 5 years most recently ending; bears to

"(B) the number of individuals in all such urbanized areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; and

"(4) 7.5 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population less than 200,000 in the ratio that—

"(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

"(B) the number of individuals in all such areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.".

SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.

Section 5311 of title 49, United States Code, as amended in section 2204, is further amended—

(1) in subsection (a) by adding at the end the following:

"(3) PERSISTENT POVERTY COUNTY.—The term 'persistent poverty county' means any county with a poverty rate of at least 20 percent—

"(A) as determined in each of the 1990 and 2000 decennial censuses;

"(B) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the estimates are available; and

"(C) has at least 25 percent of its population in rural areas.";

(2) in subsection (b)(2)(C)(i) by inserting "and persistent poverty counties" before the semicolon; and

(3) in subsection (c) by striking paragraph (2) and inserting the following:

"(2) PERSISTENT POVERTY PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

"(A) IN GENERAL.—The Secretary shall carry out a public transportation assistance program for areas of persistent poverty.

"(B) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(E)(ii) to carry out this paragraph, the Secretary shall appor-

tion funds to recipients for service in, or directly benefitting, persistent poverty counties for any eligible purpose under this section in the ratio that—

"(i) the number of individuals in each such rural area residing in a persistent poverty county; bears to

"(ii) the number of individuals in all such rural areas residing in a persistent poverty county.".

SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

"(j) DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.—

"(1) IN GENERAL.—Not later than 300 days after the date of enactment of the INVEST in America Act, the Secretary shall award grants (which shall be known as 'Access to Jobs Grants') to eligible entities, on a competitive basis, to implement reduced fare transit service.

"(2) NOTICE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary shall provide notice to eligible en-

1 tities of the availability of grants under paragraph
2 (1).
3 "(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible recipient
5 shall submit to the Secretary an application con-
6 taining such information as the Secretary may re-
7 quire, including, at a minimum, the following:
8 "(A) A description of how the eligible enti-
9 ty plans to implement reduced fare transit ac-
10 cess with respect to low-income individuals, in-
11 cluding any eligibility requirements for such
12 transit access.
13 "(B) A description of how the eligible enti-
14 ty will consult with local community stake-
15 holders, labor unions, local education agencies
16 and institutions of higher education, public
17 housing agencies, and workforce development
18 boards in the implementation of reduced fares.
19 "(C) A description of the eligible entity's
20 current fare evasion enforcement policies, in-
21 cluding how the eligible entity plans to use the
22 reduced fare program to reduce fare evasion.
23 "(D) An estimate of additional costs to
24 such eligible entity as a result of reduced tran-
25 sit fares.

"(E) A plan for a public awareness campaign of the transit agency's ability to provide reduced fares, including in foreign languages, based on—

"(i) data from the Bureau of the Census, consistent with the local area demographics where the transit agency operates, including the languages that are most prevalent and commonly requested for translation services; or

"(ii) qualitative and quantitative observation from community service providers including those that provide health and mental health services, social services, transportation, and other relevant social services.

"(F) Projected impacts on ridership.

"(G) Projected benefits in closing transit equity gaps.

"(4) GRANT DURATION.—Grants awarded under this subsection shall be for a 2-year period.

"(5) SELECTION OF ELIGIBLE RECIPIENTS.—In carrying out the program under this subsection, the Secretary shall award not more than 20 percent of grants to eligible entities located in rural areas.

"(6) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use such grant to implement a reduced fare transit program and offset lost fare revenue.

"(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the eligibility of an applicant if a State, local, or Tribal governmental entity provides reduced fare transportation to low-income individuals.

"(8) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, local, or Tribal governmental entity that operates a public transportation service and is a recipient or subrecipient of funds under this chapter.

"(B) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual—

"(i) that has qualified for—

"(I) any program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(II) supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

"(III) the program of block grants for States for temporary assistance for needy families (TANF) established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(IV) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(V) a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

"(VI) benefits under the Low-Income Home Energy Assistance Act of 1981;

"(VII) special supplemental food program for women, infants and children (WIC) under section 17 of the

Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(VIII) a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a); or

"(ii) whose family income is at or below a set percent (as determined by the eligible recipient) of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

"(9) REPORT.—The Secretary shall designate a university transportation center under section 5505 to collaborate with the eligible entities receiving a grant under this subsection to collect necessary data to evaluate the effectiveness of meeting the targets described in the application of such recipient, including increased ridership, impacts on fare evasion, and progress towards significantly closing transit equity gaps.".

SEC. 2504. EQUITY IN TRANSIT SERVICE PLANNING.

(a) BEST PRACTICES.—

(1) IN GENERAL.—

(A) ASSISTANCE TO PROVIDERS OF PUBLIC TRANSIT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue nonbinding best practices to assist providers of public transportation in setting the threshold for a major service change as described in Circular 4702.1B of the Federal Transit Administration.

(B) SPECIFIC PROVIDERS OF PUBLIC TRANSIT.—For the purposes of this section, the term ''providers of public transportation'' means providers that operate 50 or more fixed route vehicles in peak service and are located in an urbanized area of 200,000 or more in population.

(2) BEST PRACTICES.—In developing the best practices described in paragraph (1), the Secretary—

(A) shall issue specific recommendations for setting the threshold of a major service change, which shall include, at a minimum, recommendations related to—

(i) changes in hours of operations, including consideration of changes during nonpeak hours;

(ii) changes in the frequency of service;

(iii) changes in coverage, including the opening and closing of stations and stops and the changing of routes; and

(iv) the use of route-specific analyses in addition to service-area level analyses;

(B) shall recommend specific percentage change standards for the elements described in clauses (i), (ii), and (iii) of subparagraph (A) to assist providers of public transportation in setting the threshold for a major service change in a manner that ensures meaningful analyses and the provision of equitable service; and

(C) may issue different best practices for providers of public transportation of different sizes and service types.

(b) TRANSIT COOPERATIVE RESEARCH PROGRAM REPORT.—

(1) REVIEW.—Not later than 3 years after the issuance of the best practices described in subsection (a), the Transit Cooperative Research Program of

the National Academy of Sciences shall conduct a review of the manner in which providers of public transportation define the threshold for a major service change for purposes of compliance with Circular 4702.1B of the Federal Transit Administration, including—

(A) a survey of the standards used by providers of public transportation to define the threshold for a major service change;

(B) a review of the differences in standards used to define the threshold for a major service change for providers of public transportation of different sizes and service types;

(C) information on the considerations used by providers of public transportation when defining the threshold for a major service change; and

(D) the extent to which providers of public transportation are using the best practices described in subsection (a).

(2) REPORT.—After the completion of the review described in paragraph (1), the National Academy of Sciences shall issue a report on the findings of the review and submit such report to the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 2505. GAO STUDY ON FARE-FREE TRANSIT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the provision of fare-free transit service in the United States, including an assessment of—

(1) the extent to which fare-free transit is available in the United States; and

(2) the potential impacts of fare-free transit, which may include—

(A) increased transit ridership;

(B) improved access to transportation for low-income riders and marginalized communities;

(C) improved access to jobs and services;

(D) enhanced equity of the surface transportation system;

(E) reductions in disputes or law enforcement actions related to transit fares;

(F) environmental impacts;

(G) safety considerations; and

(H) the challenges of replacing farebox revenue.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle F—Supporting Frontline Workers and Passenger Safety

SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.

Section 5314(b) of title 49, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.—

"(A) ESTABLISHMENT.—The Secretary shall establish a national transit frontline workforce training center (hereinafter referred to as the 'Center') and enter into a cooperative agreement with a nonprofit organization with a demonstrated capacity to develop and provide transit career pathway programs through labor-management partnerships and registered ap-

prenticeships on a nationwide basis, in order to carry out the duties under subparagraph (B). The Center shall be dedicated to the needs of the frontline transit workforce in both rural and urban transit systems by providing training in the maintenance and operations occupations based on industry best practices.

"(B) DUTIES.—

"(i) IN GENERAL.—In cooperation with the Administrator of the Federal Transit Administration, public transportation authorities, and national entities, the Center shall develop and conduct training and educational programs for frontline local transportation employees of recipients eligible for funds under this chapter.

"(ii) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under clause (i) may include courses in recent developments, techniques, and procedures related to—

"(I) developing consensus national training standards, skills, competencies, and recognized postsecondary credentials in partnership with

industry stakeholders for key frontline transit occupations with demonstrated skill gaps;

"(II) developing recommendations and best practices for curriculum and recognized postsecondary credentials, including related instruction and on-the-job learning for registered apprenticeship programs for transit maintenance and operations occupations;

"(III) building local, regional, and statewide transit training partnerships to identify and address workforce skill gaps and develop skills, competencies, and recognized postsecondary credentials needed for delivering quality transit service and supporting employee career advancement;

"(IV) developing programs for training of transit frontline workers, instructors, mentors, and labor-management partnership representatives, in the form of classroom, hands-on, on-the-job, and web-based training,

1 delivered at a national center, region-
2 ally, or at individual transit agencies;
3 ''(V) developing training pro-
4 grams for skills and competencies re-
5 lated to existing and emerging transit
6 technologies, including zero emission
7 buses;
8 ''(VI) developing improved capac-
9 ity for safety, security, and emergency
10 preparedness in local transit systems
11 and in the industry as a whole
12 through—
13 ''(aa) developing the role of
14 the transit frontline workforce in
15 building and sustaining safety
16 culture and safety systems in the
17 industry and in individual public
18 transportation systems; and
19 ''(bb) training to address
20 transit frontline worker roles in
21 promoting health and safety for
22 transit workers and the riding
23 public;
24 ''(VII) developing local transit
25 capacity for career pathways pro-

grams with schools and other community organizations for recruiting and training under-represented populations as successful transit employees who can develop careers in the transit industry;

"(VIII) in collaboration with the Administrator of the Federal Transit Administration, the Bureau of Labor Statistics, the Employment and Training Adminstration, and organizations representing public transit agencies, conducting and disseminating research to—

"(aa) provide transit workforce job projections and identify training needs and gaps;

"(bb) determine the most cost-effective methods for transit workforce training and development, including return on investment analysis;

"(cc) identify the most effective methods for implementing

1 successful safety systems and a
2 positive safety culture; and
3 ''(dd) promote transit work-
4 force best practices for achieving
5 cost-effective, quality, safe, and
6 reliable public transportation
7 services; and
8 ''(IX) providing culturally com-
9 petent training and educational pro-
10 grams to all who participate, regard-
11 less of gender, sexual orientation, or
12 gender identity, including those with
13 limited English proficiency, diverse
14 cultural and ethnic backgrounds, and
15 disabilities.
16 ''(C) COORDINATION.—The Secretary shall
17 coordinate activities under this section, to the
18 maximum extent practicable, with the Employ-
19 ment and Training Administration, including
20 the National Office of Apprenticeship of the
21 Department of Labor and the Office of Career,
22 Technical, and Adult Education of the Depart-
23 ment of Education.
24 ''(D) AVAILABILITY OF AMOUNTS.—

"(i) IN GENERAL.—Not more than 1 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 and not more than 2 percent of amounts made available to a recipient under section 5311 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

"(ii) EXISTING PROGRAMS.—A recipient may use amounts made available under clause (i) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

"(iii) LIMITATION.—Any funds made available under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, a registered apprenticeship program, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development,

implementation, or administration, of an apprenticeship or an apprenticeship program.

"(E) DEFINITIONS.—In this paragraph:

"(i) CAREER PATHWAY.—The term 'career pathway' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.";

(2) in paragraph (3) by striking "or (2)"; and

(3) by striking paragraph (4).

SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C)(ii)—

(A) in subclause (I) by striking ''and'' at the end;

(B) in subclause (II) by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following:

''(III) innovations in driver assistance technologies and driver protection infrastructure where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;'';

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by adding at the end the following:

''(D) in consultation with the Secretary of the Department of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health

during an emergency as defined in section 5324.''.

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting ''the safety committee established under paragraph (4), and subsequently,'' before ''the board of directors'';

(ii) in subparagraph (C) by striking ''public, personnel, and property'' and inserting ''public and personnel to injuries, assaults, fatalities, and, consistent with guidelines by the Centers for Disease Control and Prevention, infectious diseases, and strategies to minimize the exposure of property'';

(iii) by striking subparagraph (G) and inserting the following:

''(G) a comprehensive staff training program for the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

''(i) the completion of a safety training program;

"(ii) continuing safety education and training; and

"(iii) de-escalation training;

"(H) a requirement that the safety committee only approve a safety plan under subparagraph (A) if such plan stays within such recipient's fiscal budget; and

"(I) a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers using data submitted to the National Transit Database, including—

"(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

"(ii) transit worker assault mitigation, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects

into bus operators' workstations when a recipient's risk analysis performed by the safety committee established in paragraph (4) determines that such barriers or other measures would reduce assaults on and injuries to transit workers; and''; and

(B) by adding at the end the following:

''(4) SAFETY COMMITTEE.—For purposes of the approval process of an agency safety plan under paragraph (1), the safety committee shall be convened by a joint labor-management process and consist of an equal number of—

''(A) frontline employee representatives, selected by the labor organization representing the plurality of the frontline workforce employed by the recipient or if applicable a contractor to the recipient; and

''(B) employer or State representatives.''; and

(4) in subsection (e)(4)(A)(v) by inserting '', inspection,'' after ''has investigative''.

SEC. 2603. INNOVATION WORKFORCE STANDARDS.

(a) PROHIBITION ON USE OF FUNDS.—No financial assistance under chapter 53 of title 49, United States Code, may be used for—

(1) an automated vehicle providing public transportation unless—

(A) the recipient of such assistance that proposes to deploy an automated vehicle providing public transportation certifies to the Secretary of Transportation that the deployment does not eliminate or reduce the frequency of existing public transportation service; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1); and

(2) a mobility on demand service unless—

(A) the recipient of such assistance that proposes to deploy a mobility on demand service certifies to the Secretary that the service meets the criteria under section 5307, 5310, 5311, 5312, or 5316 of title 49, United States Code; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1).

(b) WORKFORCE DEVELOPMENT PLAN.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, proposing to deploy an automated vehicle providing public transportation or mobility on demand service shall submit to the Secretary, prior to implementation of such service, a workforce development plan if such service, combined with any other automated vehicle providing public transportation or mobility on demand service offered by such recipient, would exceed more than 0.5 percent of the recipient's total annual transit passenger miles traveled.

(2) CONTENTS.—The workforce development plan under subsection (a) shall include the following:

(A) A description of services offered by existing conventional modes of public transportation in the area served by the recipient that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service, including jobs and functions of such jobs.

(B) A forecast of the number of jobs provided by existing conventional modes of public transportation that would be eliminated or that would be substantially changed and the number of jobs expected to be created by the proposed

automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(C) Identified gaps in skills needed to operate and maintain the proposed automated vehicle providing public transportation or mobility on demand service.

(D) A comprehensive plan to transition, train, or retrain employees that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service.

(E) An estimated budget to transition, train, or retrain employees impacted by the proposed automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(c) NOTICE REQUIRED.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, shall issue a notice to employees who, due to the use of an automated vehicle providing public transportation or mobility on demand service, may

be subjected to a loss of employment or a change in responsibilities not later than 60 days before signing a contract for such service or procurement. A recipient shall provide employees copies of a request for a proposal related to an automated vehicle providing public transportation or mobility on demand services at the time such request is issued.

(2) CONTENT.—The notice required in paragraph (1) shall include the following:

(A) A description of the automated vehicle providing public transportation or mobility on demand service.

(B) The impact of the automated vehicle providing public transportation or mobility on demand service on employment positions, including a description of which employment positions will be affected and whether any new positions will be created.

(d) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle that—

(A) is capable of performing the entire task of driving (including steering, accelerating and decelerating, and reacting to external stimulus) without human intervention; and

(B) is designed to be operated exclusively by a Level 4 or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016__201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

(2) MOBILITY ON DEMAND.—The term ''mobility on demand'' has the meaning given such term in section 5316 of title 49, United States Code.

(3) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning given such term in section 5302 of title 49, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the use of funds for an eligible activity or pilot project of a covered recipient authorized under current law prior to the date of enactment of this Act.

SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET ASIDES.

Section 5329(d)(2) of title 49, United States Code, is amended to read as follows:

''(2) SAFETY COMMITTEE PERFORMANCE MEASURES.—

"(A) IN GENERAL.—The safety committee described in paragraph (4) shall establish performance measures for the risk reduction program in paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the National Transit Database.

"(B) SAFETY SET ASIDE.—With respect to a recipient serving an urbanized area that receives funds under section 5307, such recipient shall allocate not less than 0.75 percent of such funds to projects eligible under section 5307.

"(C) FAILURE TO MEET PERFORMANCE MEASURES.—Any recipient that receives funds under section 5307 that does not meet the performance measures established in subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

"(D) ELIGIBLE PROJECTS.—Funds set aside under this paragraph shall be used for projects that are reasonably likely to meet the performance measures established in subparagraph (A), including modifications to rolling stock and de-escalation training.".

SEC. 2605. U.S. EMPLOYMENT PLAN.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"§ 5341. U.S. Employment Plan

''(a) DEFINITIONS.—In this section:

''(1) COMMITMENT TO HIGH-QUALITY CAREER AND BUSINESS OPPORTUNITIES.—The term 'commitment to high-quality career and business opportunities' means participation in a registered apprenticeship program.

''(2) COVERED INFRASTRUCTURE PROGRAM.—The term 'covered infrastructure program' means any activity under program or project under this chapter for the purchase or acquisition of rolling stock.

''(3) U.S. EMPLOYMENT PLAN.—The term 'U.S. Employment Plan' means a plan under which an entity receiving Federal assistance for a project under a covered infrastructure program shall—

''(A) include in a request for proposal an encouragement for bidders to include, with respect to the project—

''(i) high-quality wage, benefit, and training commitments by the bidder and

the supply chain of the bidder for the project; and

"(ii) a commitment to recruit and hire individuals described in subsection (e) if the project results in the hiring of employees not currently or previously employed by the bidder and the supply chain of the bidder for the project;

"(B) give preference for the award of the contract to a bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A); and

"(C) ensure that each bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A) that is awarded a contract complies with those commitments.

"(4) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

"(b) BEST-VALUE FRAMEWORK.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program is encouraged—

"(1) to ensure that each dollar invested in infrastructure uses a best-value contracting framework to maximize the local value of federally funded contracts by evaluating bids on price and other technical criteria prioritized in the bid, such as—

"(A) equity;

"(B) environmental and climate justice;

"(C) impact on greenhouse gas emissions;

"(D) resilience;

"(E) the results of a 40-year life-cycle analysis;

"(F) safety;

"(G) commitment to creating or sustaining high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)) for disadvantaged or underrepresented individuals in infrastructure industries in the United States; and

"(H) access to jobs and essential services by all modes of travel for all users, including individuals with disabilities; and

1 "(2) to ensure community engagement, trans-
2 parency, and accountability in carrying out each
3 stage of the project.
4 "(c) PREFERENCE FOR REGISTERED APPRENTICE-
5 SHIP PROGRAMS.—To the maximum extent practicable, a
6 recipient of assistance under a covered infrastructure pro-
7 gram, with respect to the project for which the assistance
8 is received, shall give preference to a bidder that dem-
9 onstrates a commitment to high-quality job opportunities
10 affiliated with registered apprenticeship programs.
11 "(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
12 standing any other provision of law, in carrying out a
13 project under a covered infrastructure program that re-
14 ceives assistance under this chapter, the recipient shall use
15 a U.S. Employment Plan for each contract of $10,000,000
16 or more for the purchase of manufactured goods or of
17 services, based on an independent cost estimate.
18 "(e) PRIORITY.—The Secretary shall ensure that the
19 entity carrying out a project under the covered infrastruc-
20 ture program gives priority to—
21 "(1) individuals with a barrier to employment
22 (as defined in section 3 of the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3102)), including
24 ex-offenders and disabled individuals;
25 "(2) veterans; and

"(3) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

"(f) REPORT.—Not less frequently than once each fiscal year, the Secretary shall jointly submit to Congress a report describing the implementation of this section.

"(g) INTENT OF CONGRESS.—

"(1) IN GENERAL.—It is the intent of Congress—

"(A) to encourage recipients of Federal assistance under covered infrastructure programs to use a best-value contracting framework described in subsection (b) for the purchase of goods and services;

"(B) to encourage recipients of Federal assistance under covered infrastructure programs to use preferences for registered apprenticeship programs as described in subsection (c) when evaluating bids for projects using that assistance;

"(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in car-

rying out the project for which the assistance was provided; and

"(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

"(2) INCLUSION.—A best-value contracting framework described in subsection (b) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5341. U.S. Employment Plan.".

SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

Section 5314(a) of title 49, Unites States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (H) by striking "and" at the end;

(B) by redesignating subparagraph (I) as subparagraph (J); and

(C) by inserting after subparagraph (H) the following:

''(I) provide innovation and capacity-building to rural and tribal public transportation recipients that do not duplicate the activities of sections 5311(b) or 5312; and''; and

(2) by adding at the end the following:

''(4) AVAILABILITY OF AMOUNTS.—Of the amounts made available to carry out this section under section 5338(c), $1,500,000 shall be available to carry out activities described in paragraph (2)(I).''.

Subtitle G—Transit-Supportive Communities

SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5327 the following:

''§ 5328. Transit-supportive communities

''(a) ESTABLISHMENT.—The Secretary shall establish within the Federal Transit Administration, an Office of Transit-Supportive Communities to make grants, provide technical assistance, and assist in the coordination

of transit and housing policies within the Federal Transit Administration, the Department of Transportation, and across the Federal Government.

"(b) TRANSIT ORIENTED DEVELOPMENT PLANNING GRANT PROGRAM.—

"(1) DEFINITION.—In this subsection the term 'eligible project' means—

"(A) a new fixed guideway capital project or a core capacity improvement project as defined in section 5309;

"(B) an existing fixed guideway system, or an existing station that is served by a fixed guideway system; or

"(C) the immediate corridor along the highest 25 percent of routes by ridership as demonstrated in section 5336(b)(2)(B).

"(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State, local governmental authority, or metropolitan planning organization to assist in financing comprehensive planning associated with an eligible project that seeks to—

"(A) enhance economic development, ridership, equity, reduction of greenhouse gas emissions, or other goals established during the

project development and engineering processes or the grant application;

"(B) facilitate multimodal connectivity and accessibility;

"(C) increase access to transit hubs for pedestrian and bicycle traffic;

"(D) enable mixed-use development;

"(E) identify infrastructure needs associated with the eligible project; and

"(F) include private sector participation.

"(3) ELIGIBILITY.—A State, local governmental authority, or metropolitan planning organization that desires to participate in the program under this subsection shall submit to the Secretary an application that contains at a minimum—

"(A) an identification of an eligible project;

"(B) a schedule and process for the development of a comprehensive plan;

"(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

"(D) proposed performance criteria for the development and implementation of the comprehensive plan;

"(E) a description of how the project will advance equity and reduce and mitigate social and economic impacts on existing residents and businesses and communities historically excluded from economic opportunities vulnerable to displacement; and

"(F) identification of—

"(i) partners;

"(ii) availability of and authority for funding; and

"(iii) potential State, local or other impediments to the implementation of the comprehensive plan.

"(4) COST SHARE.—A grant under this subsection shall not exceed an amount in excess of 80 percent of total project costs, except that a grant that includes an affordable housing component shall not exceed an amount in excess of 90 percent of total project costs.

"(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, local governmental authorities, and metropolitan planning organizations in the planning and development of transit-oriented development projects and transit supportive corridor policies, including—

"(1) the siting, planning, financing, and integration of transit-oriented development projects;

"(2) the integration of transit-oriented development and transit-supportive corridor policies in the preparation for and development of an application for funding under section 602 of title 23;

"(3) the siting, planning, financing, and integration of transit-oriented development and transit supportive corridor policies associated with projects under section 5309;

"(4) the development of housing feasibility assessments as allowed under section 5309(g)(3)(B);

"(5) the development of transit-supportive corridor policies that promote transit ridership and transit-oriented development;

"(6) the development, implementation, and management of land value capture programs; and

"(7) the development of model contracts, model codes, and best practices for the implementation of transit-oriented development projects and transit-supportive corridor policies.

"(d) VALUE CAPTURE POLICY REQUIREMENTS.—

"(1) VALUE CAPTURE POLICY.—Not later than October 1 of the fiscal year that begins 2 years after the date of enactment of this section, the Secretary,

in collaboration with State departments of transportation, metropolitan planning organizations, and regional council of governments, shall establish voluntary and consensus-based value capture standards, policies, and best practices for State and local value capture mechanisms that promote greater investments in public transportation and affordable transit-oriented development.

''(2) REPORT.—Not later than 15 months after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State and local laws and policies that provide for value capture and value sharing that promote greater investment in public transportation and affordable transit-oriented development.

''(d) EQUITY.—In providing technical assistance under subsection (c), the Secretary shall incorporate strategies to promote equity for underrepresented and underserved communities, including—

''(1) preventing displacement of existing residents and businesses;

''(2) mitigating rent and housing price increases;

''(3) incorporating affordable rental and ownership housing in transit-oriented development;

"(4) engaging under-served, limited English proficiency, low income, and minority communities in the planning process;

"(5) fostering economic development opportunities for existing residents and businesses; and

"(6) targeting affordable housing that help lessen homelessness.

"(d) AUTHORITY TO REQUEST STAFFING ASSISTANCE.—In fulfilling the duties of this section, the Secretary shall, as needed, request staffing and technical assistance from other Federal agencies, programs, administrations, boards, or commissions.

"(e) REVIEW EXISTING POLICIES AND PROGRAMS.—Not later than 24 months after the date of enactment of this section, the Secretary shall review and evaluate all existing policies and programs within the Federal Transit Administration that support or promote transit-oriented development to ensure their coordination and effectiveness relative to the goals of this section.

"(f) REPORTING.—Not later than February 1 of each year beginning the year after the date of enactment of this section, the Secretary shall prepare a report detailing the grants and technical assistance provided under this section, the number of affordable housing units constructed or planned as a result of projects funded in this

section, and the number of affordable housing units constructed or planned as a result of a property transfer under section 5334(h)(1). The report shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(g) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to provide any financial assistance for the construction of housing.

''(h) PRIORITY FOR LOW-INCOME AREAS.—In awarding grants under this section, the Secretary shall give priority to projects under this section that expand or build transit in low-income areas or that provide access to public transportation to low-income areas that do not have access to public transportation.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5327 the following:

''5328. Transit-supportive communities.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 20005 of the MAP–21 (Public Law 112–141) is amended—

(1) by striking ''(a) AMENDMENT.—''; and

(2) by striking subsection (b).

SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE HOUSING.

Section 5334(h)(1) of title 49, United States Code, is amended to read as follows:

"(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

"(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

"(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

"(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

"(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

"(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

"(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

"(i) the asset is a necessary component of a proposed transit-oriented development project;

"(ii) the transit-oriented development project will increase transit ridership;

"(iii) at least 40 percent of the housing units offered in the transit-oriented development , including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and/or owners with incomes at or below 60 percent the area median income;

"(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

"(v) with respect to a transfer to a third party entity—

"(I) a local government authority or nonprofit organization is unable to receive the property;

"(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

"(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.".

SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, is further amended—

(1) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i) by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) in the case of a new fixed guideway capital project or a core capacity improvement project, allow a weighting 5 percentage points greater to the economic development criterion and 5 percentage points lesser to the lowest scoring criterion if the applicant demonstrates substantial efforts to preserve or encourage affordable housing near the project by providing documentation of policies that allow by-right multi-family housing, single room occupancy units, or accessory dwelling units, providing local capital sources for transit-oriented development, or demonstrate other methods as determined by the Secretary.''; and

(B) in paragraph (3) by adding at the end the following:

"(B) establish a warrant that applies to the economic development project justification criteria, provided that the applicant that requests a warrant under this process has completed and submitted a housing feasibility assessment."; and

(2) in subsection (l)(4) by adding at the end the following:

"(E) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) provided that—

"(i) such funds are used in conjunction with the planning or development of affordable housing; and

"(ii) such affordable housing is located within one-half of a mile of a new station.".

Subtitle H—Innovation

SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.

Section 5312(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) MOBILITY INNOVATION SANDBOX PROGRAM.—The Secretary may make funding available under this subsection to carry out research on mobility on demand and mobility as a service activities eligible under section 5316.".

SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.

Section 5312(d) of title 49, United States Code, is further amended by adding at the end the following:

"(4) TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.—

"(A) IN GENERAL.—The Secretary may make funding available under this subsection to carry out research on redesigning transit bus operator compartments to improve safety, operational efficiency, and passenger accessibility.

"(B) OBJECTIVES.—Research objectives under this paragraph shall include—

"(i) increasing bus operator safety from assaults;

"(ii) optimizing operator visibility and reducing operator distractions to improve safety of bus passengers, pedestrians, bicyclists, and other roadway users;

"(iii) expanding passenger accessibility for positive interactions between operators and passengers, including assisting passengers in need of special assistance;

"(iv) accommodating compliance for passenger boarding, alighting, and securement with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(v) improving ergonomics to reduce bus operator work-related health issues and injuries, as well as locate key instrument and control interfaces to improve operational efficiency and convenience.

"(C) ACTIVITIES.—Eligible activities under this paragraph shall include—

"(i) measures to reduce visibility impairments and distractions for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments and distractions;

"(ii) the deployment of assault mitigation infrastructure and technology on

buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations;

"(iii) technologies to improve passenger accessibility, including boarding, alighting, and securement in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(iv) installation of seating and modification to design specifications of bus operator workstations that reduce or prevent injuries from ergonomic risks; or

"(v) other measures that align with the objectives under subparagraph (B).

"(D) ELIGIBLE ENTITIES.—Entities eligible to receive funding under this paragraph shall include consortia consisting of, at a minimum:

"(i) recipients of funds under this chapter that provide public transportation services;

"(ii) transit vehicle manufacturers;

"(iii) representatives from organizations engaged in collective bargaining on

behalf of transit workers in not fewer than three States; and

"(iv) any nonprofit institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY COUNTS INITIATIVE.

Section 5312 of title 49, United States Code, as amended by section 2503, is further amended by adding at the end the following:

"(k) EVERY DAY COUNTS INITIATIVE.—

"(1) IN GENERAL.—It is in the national interest for the Department of Transportation and recipients of Federal public transportation funds—

"(A) to identify, accelerate, and deploy innovation aimed at expediting project delivery, enhancing the safety of transit systems of the United States, and protecting the environment;

"(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

"(C) to promote the rapid deployment of proven solutions that provide greater accountability for public investments; and

"(D) to create a culture of innovation within the transit community.

"(2) FTA EVERY DAY COUNTS INITIATIVE.—To advance the policies described in paragraph (1), the Administrator of the Federal Transit Administration shall adopt the Every Day Counts initiative to work with recipients to identify and deploy the proven innovation practices and products that—

"(A) accelerate innovation deployment;

"(B) expedite the project delivery process;

"(C) improve environmental sustainability;

"(D) enhance transit safety;

"(E) expand mobility; and

"(F) reduce greenhouse gas emissions.

"(3) CONSIDERATION.—In accordance with the Every Day Counts goals described in paragraphs (1) and (2), the Administrator shall consider research conducted through the university transportation centers program in section 5505.

"(4) INNOVATION DEPLOYMENT.—

"(A) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively

with recipients to identify a new collection of innovations, best practices, and data to be deployed to recipients through case studies, webinars, and demonstration projects.

"(B) REQUIREMENTS.—In identifying a collection described in subparagraph (A), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

"(5) PUBLICATION.—Each collection identified under paragraph (4) shall be published by the Administrator on a publicly available website.

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.".

SEC. 2804. TECHNICAL CORRECTIONS.

Section 5312 of title 49, United States Code, as amended in section 2503 and 2803, is further amended—

(1) in subsection (e)—

(A) in paragraph (3)(C) by striking "low or no emission vehicles, zero emission vehicles," and inserting "zero emission vehicles"; and

(B) by striking paragraph (6) and inserting the following:

"(6) ZERO EMISSION VEHICLE DEFINED.—In this subsection, the term 'zero emission vehicle' means a passenger vehicle used to provide public transportation that produces no carbon or particulate matter.";

(2) by redesignating the first subsection (g) as subsection (f); and

(3) in subsection (h)—

(A) in the header by striking "LOW OR NO EMISSION" and inserting "ZERO EMISSION";

(B) in paragraph (1)—

(i) by striking subparagraph (B) and inserting the following:

"(B) the term 'zero emission vehicle' has the meaning given such term in subsection (e)(6);"; and

(ii) in subparagraph (D) by striking "low or no emission vehicle" and inserting "zero emission vehicle" each place such term appears;

(C) in paragraph (2)—

(i) in the heading by striking "LOW OR NO EMISSION" and inserting "ZERO EMISSION"; and

(ii) by striking ''low or no emission'' and inserting ''zero emission'' each place such term appears;

(D) in paragraph (3) by striking ''low or no emission'' and inserting ''zero emission'' each place such term appears; and

(E) in paragraph (5)(A) by striking ''low or no emission'' and inserting ''zero emission''.

SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT BUS DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system and related infrastructure.

(b) AUTHORIZATION.—There shall be available $20,000,000 for each of fiscal years 2021 through 2025.

(c) GRANTS.—The Secretary may enter into grants, contracts, and cooperative agreements with no more than three geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to facilitate the development and testing of commercially viable advance technology transit buses and related infrastructure.

(d) CONSIDERATIONS.—

(1) IN GENERAL.—The Secretary shall consider the applicant's—

(A) ability to contribute significantly to furthering advanced technologies as it relates to transit bus operations, including advanced driver assistance systems, automatic emergency braking, accessibility, and energy efficiency;

(B) financing plan and cost share potential;

(C) technical experience developing or testing advanced technologies in transit buses;

(D) commitment to frontline worker involvement; and

(E) other criteria that the Secretary determines are necessary to carry out the program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.

(e) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis. The Secretary shall give priority consideration to applicants that have successfully

managed advanced transportation technology projects, including projects related to public transportation operations for a period of not less than 5 years.

(f) CONSORTIA.—As a condition of receiving an award in (c), the Secretary shall ensure—

(1) that the selected non-profit recipients subsequently establish a consortia for each proposal submitted, including representatives from a labor union, transit agency, an FTA-designated university bus and component testing center, a Buy America compliant transit bus manufacturer, and others as determined by the Secretary;

(2) that no proposal selected would decrease workplace or passenger safety; and

(3) that no proposal selected would undermine the creation of high-quality jobs or workforce support and development programs.

(g) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 80 percent of such cost.

SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.

Section 5312(h)(2) of title 49, United States Code, is amended by striking subparagraph (G).

SEC. 2807. TRANSIT VEHICLE BATTERY RECYCLING AND REUSE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations that, notwithstanding any other provision of law, allow recipients of funds under chapter 53 of title 49, United States Code, at the option of the recipient, to repurpose, recycle, reuse, sell, or lease transit vehicle batteries that are beyond the useful service life of such batteries for the purpose of transit vehicle propulsion and component parts of such batteries.

(b) CONSIDERATIONS.—In issuing regulations under subsection (a), the Secretary shall prioritize second life applications that—

(1) maximize the full use of transit vehicle batteries beyond the useful life of such batteries for transit vehicle propulsion and component parts of such batteries;

(2) enhance the reuse and recycling of transit vehicle batteries, components, and component critical minerals of such batteries;

(3) reduce costs for recipients;

(4) create new streams of revenue for recipients;

(5) support the provision of zero emission public transportation service, which may include the use of wayside charging; and

(6) enhance the resilience of public transportation and the electric vehicle supply equipment network, which may include the use of batteries for energy storage.

(c) SECOND LIFE APPLICATIONS DEFINED.—In this section, the term ''second life applications'' means the repurposing, recycling, reuse, sale, or leasing of a transit vehicle battery that is beyond the useful service life for the purpose of transit vehicle propulsion and component parts of such battery, but that retains utility for other applications.

Subtitle I—Other Program Reauthorizations

SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

Section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) is amended—

(1) in subsection (b) by striking ''The Federal'' and inserting ''Except as provided in subsection (e)(2), the Federal'';

(2) by striking subsections (d) through (f) and inserting the following:

''(d) REQUIRED BOARD APPROVAL.—No amounts may be provided to the Transit Authority under this section until the Transit Authority certifies to the Secretary of Transportation that—

''(1) a board resolution has passed on or before July 1, 2022, and is in effect for the period of July 1, 2022 through June 30, 2031, that—

''(A) establishes an independent budget authority for the Office of Inspector General of the Transit Authority;

''(B) establishes an independent procurement authority for the Office of Inspector General of the Transit Authority;

''(C) establishes an independent hiring authority for the Office of Inspector General of the Transit Authority;

''(D) ensures the Inspector General of the Transit Authority can obtain legal advice from a counsel reporting directly to the Inspector General;

"(E) requires the Inspector General of the Transit Authority to submit recommendations for corrective action to the General Manager and the Board of Directors of the Transit Authority;

"(F) requires the Inspector General of the Transit Authority to publish any recommendation described in subparagraph (E) on the website of the Office of Inspector General of the Transit Authority, except that the Inspector General may redact personally identifiable information and information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority;

"(G) requires the Board of Directors of the Transit Authority to provide written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 30 days before the Board of Directors removes the Inspector General of the Transit Authority, which shall include the reasons for removal and supporting documentation; and

"(H) prohibits the Board of Directors from removing the Inspector General of the Transit Authority unless the Board of Directors has provided a 30 day written notification as described in subparagraph (G) that documents—

"(i) a permanent incapacity;

"(ii) a neglect of duty;

"(iii) malfeasance;

"(iv) a conviction of a felony or conduct involving moral turpitude;

"(v) a knowing violation of a law or regulation;

"(vi) gross mismanagement;

"(vii) a gross waste of funds;

"(viii) an abuse of authority; or

"(ix) inefficiency; and

"(2) the Code of Ethics for Members of the WMATA Board of Directors passed on September 26, 2019, remains in effect, or the Inspector General of the Transit Authority has consulted with any modifications to the Code of Ethics by the Board.

"(e) AUTHORIZATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section—

"(A) for fiscal year 2022, $150,000,000;

"(B) for fiscal year 2023, $155,000,000;

"(C) for fiscal year 2024, $160,000,000;

"(D) for fiscal year 2025, $165,000,000;

"(E) for fiscal year 2026, $170,000,000;

"(F) for fiscal year 2027, $175,000,000;

"(G) for fiscal year 2028, $180,000,000;

"(H) for fiscal year 2029, $185,000,000;

"(I) for fiscal year 2030, $190,000,000; and

"(J) for fiscal year 2031, $200,000,000.

"(2) SET ASIDE FOR OFFICE OF INSPECTOR GENERAL OF TRANSIT AUTHORITY.—From the amounts in paragraph (1), the Transit Authority shall provide at least 7 percent for each fiscal year to the Office of Inspector General of the Transit Authority to carry out independent and objective audits, investigations, and reviews of Transit Authority programs and operations to promote economy, efficiency, and effectiveness, and to prevent and detect fraud, waste, and abuse in such programs and operations."; and

(3) by redesignating subsection (g) as subsection (f).

SEC. 2902. OTHER APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in the matter preceding paragraph (1) by striking ''section 5338(a)(2)(C)'' and inserting ''section 5338(a)(2)(B)'';

(B) by amending paragraph (1) to read as follows:

''(1) to carry out section 5307(h)—

''(A) $60,906,000 shall be set aside in fiscal year 2023;

''(B) $61,856,134 shall be set aside in fiscal year 2024;

''(C) $62,845,832 shall be set aside in fiscal year 2025; and

''(D) $63,832,511 shall be set aside in fiscal year 2026;'';

(C) in paragraph (2) by striking ''3.07 percent'' and inserting ''6 percent''; and

(D) by amending paragraph (3) to read as follows:

''(3) of amounts not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);''; and

(2) in subsection (i) by adding at the end the following:

"(3) CENSUS PHASE-OUT.—Before apportioning funds under subsection (h)(3), for any urbanized area that is no longer an eligible area due to a change in population in the most recent decennial census, the Secretary shall apportion to such urbanized area, for 3 fiscal years, an amount equal to half of the funds apportioned to such urbanized area pursuant to this subsection for the previous fiscal year.".

Subtitle J—Streamlining

SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, as amended by section 2703 of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (7)—

(i) in subparagraph (A) by striking "$100,000,000" and inserting "$320,000,000"; and

(ii) in subparagraph (B) by striking "$300,000,000" and inserting "$400,000,000";

(B) by striking paragraph (6); and

(C) by redesignating paragraph (7), as so amended, as paragraph (6);

(2) in subsection (b)(2) by inserting ''expanding station capacity,'' after ''construction of infill stations,'';

(3) in subsection (d)(1)—

(A) in subparagraph (C)(i) by striking ''2 years'' and inserting ''3 years''; and

(B) by adding at the end the following:

''(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.

''(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.'';

(4) in subsection (e)(1)—

(A) in subparagraph (C)(i) by striking ''2 years'' and inserting ''3 years''; and

(B) by adding at the end the following:

''(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost

and schedule risk assessments with technical assistance provided by the Secretary.

"(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.";

(5) in subsection (e)(2)(A)(iii)(II) by striking "5 years" and inserting "10 years";

(6) in subsection (f)—

(A) in paragraph (1) by striking "subsection (d)(2)(A)(v)" and inserting "subsection (d)(2)(A)(iv)";

(B) in paragraph (2)—

(i) by striking "subsection (d)(2)(A)(v)" and inserting "subsection (d)(2)(A)(iv)";

(ii) in subparagraph (D) by adding "and" at the end;

(iii) by striking subparagraph (E); and

(iv) by redesignating subparagraph (F) as subparagraph (E); and

(C) by adding at the end the following:

"(4) COST-SHARE INCENTIVES.—For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall apply the following requirements and considerations in lieu of paragraphs (1) and (2):

"(A) REQUIREMENTS.—In determining whether a project is supported by local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) an applicant certifies that local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other

services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

"(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall consider—

"(i) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

"(ii) existing grant commitments;

"(iii) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and

"(iv) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.".

(7) in subsection (g)—

(A) in paragraph (2)(A) by striking ''degree of local financial commitment'' and inserting ''criteria in subsection (f)'' each place it appears;

(B) in paragraph (3) by striking ''The Secretary shall,'' and all that follows through ''to carry out this subsection.'' and inserting the following: ''The Secretary shall

''(A) to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section if——

''(i) the share of the cost of the project to be provided under this section—

''(I) does not exceed $500,000,000 and the total project cost does not exceed $1,000,000,000; or

''(II) complies with subsection (l)(1)(C);

''(ii) the applicant requests the use of the warrants;

"(iii) the applicant certifies that its existing public transportation system is in a state of good repair; and

"(iv) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.";

(C) by striking paragraph (5) and inserting the following:

"(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance on the review and evaluation process and criteria not later than 180 days after the date of enactment of the INVEST in America Act.";

(D) by striking paragraph (6) and inserting the following:

"(6) TRANSPARENCY.—Not later than 30 days after the Secretary receives a written request from an applicant for all remaining information necessary to obtain 1 or more of the following, the Secretary shall provide such information to the applicant:

"(A) Project advancement.

"(B) Medium or higher rating.

"(C) Warrant.

"(D) Letter of intent.

"(E) Early systems work agreement."; and

(E) in paragraph (7) by striking ''the Federal Public Transportation Act of 2012'' and inserting ''the INVEST in America Act'';

(8) in subsection (h)—

(A) in paragraph (5) by inserting '', except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls'' before the period at the end; and

(B) in paragraph (7)(C) by striking ''10 days'' and inserting ''3 days'';

(9) by striking subsection (i) and inserting the following:

''(i) INTERRELATED PROJECTS.—

''(1) RATINGS IMPROVEMENT.—The Secretary shall grant a rating increase of 1 level in mobility improvements to any project being rated under subsection (d), (e), or (h), if the Secretary certifies that the project has a qualifying interrelated project that meets the requirements of paragraph (2).

"(2) INTERRELATED PROJECT.—A qualifying interrelated project is a transit project that—

"(A) is adopted into the metropolitan transportation plan required under section 5303;

"(B) has received a class of action designation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(C) will likely increase ridership on the project being rated in subsection (d), (e), or (h), respectively, as determined by the Secretary; and

"(D) meets one of the following criteria:

"(i) Extends the corridor of the project being rated in subsection (d), (e), or (h), respectively.

"(ii) Provides a direct passenger transfer to the project being rated in subsection (d), (e), or (h), respectively.";

(10) in subsection (k)—

(A) in paragraph (2)(D) by adding at the end the following:

"(v) LOCAL FUNDING COMMITMENT.— For a project for which a lower CIG cost share is elected by the applicant

under subsection (l)(1)(C), the Secretary shall enter into a full funding grant agreement that has at least 75 percent of local financial commitment committed and the remaining percentage budgeted for the proposed purposes.''; and

(B) in paragraph (5) by striking ''30 days'' and inserting ''3 days'';

(11) in subsection (l)—

(A) in paragraph (1) by striking subparagraph (B) and inserting the following:

''(B) CAP.—Except as provided in subparagraph (C), a grant for a project under this section shall not exceed 80 percent of the net capital project cost, except that a grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

''(C) APPLICANT ELECTION OF LOWER LOCAL CIG COST SHARE.—An applicant may elect a lower local CIG cost share for a project under this section for purposes of application of the cost-share incentives under subsection (f)(3). Such cost share shall not exceed 60 per-

cent of the net capital project cost, except that for a grant for a core capacity improvement project such cost share shall not exceed 60 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.";

(B) by striking paragraph (5) and inserting the following:

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require, incentivize (in any manner not specified in this section), or place additional conditions upon a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost or, for a core capacity improvement project, 20 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor."; and

(C) by striking paragraph (8) and inserting the following:

"(8) CONTINGENCY SHARE.—The Secretary shall provide funding for the contingency amount equal to the proportion of the CIG cost share. If the Secretary increases the contingency amount after a project has received a letter of no prejudice or been

allocated appropriated funds, the federal share of the additional contingency amount shall be 25 percent higher than the original proportion the CIG cost share and in addition to the grant amount set in subsection (k)(2)(C)(ii).";

(12) in subsection (o) by adding at the end the following:

"(4) CIG PROGRAM DASHBOARD.—Not later than the fifth day of each month, the Secretary shall make publicly available on a website data on, including the status of, each project under this section that is in the project development phase, in the engineering phase, or has received a grant agreement and remains under construction. Such data shall include, for each project—

"(A) the amount and fiscal year of any funding appropriated, allocated, or obligated for the project;

"(B) the date on which the project—

"(i) entered the project development phase;

"(ii) entered the engineering phase, if applicable; and

"(iii) received a grant agreement, if applicable; and

"(C) the status of review by the Federal Transit Administration and the Secretary, including dates of request, dates of acceptance of request, and dates of a decision for each of the following, if applicable:

"(i) A letter of no prejudice.

"(ii) An environmental impact statement notice of intent.

"(iii) A finding of no significant environmental impact.

"(iv) A draft environmental impact statement.

"(v) A final environmental impact statement.

"(vi) A record of decision on the final environmental impact statement.

"(vii) The status of the applicant in securing the non-Federal match, based on information provided by the applicant, including the amount committed, budgeted, planned, and undetermined."; and

(13) by striking "an acceptable degree of" and inserting "a" each place it appears.

SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT DEADLINE.

Section 5336(d) of title 49, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) notwithstanding paragraph (1), apportion amounts to the States appropriated under section 5338(a)(2) to carry out sections 5307, 5310, and 5311 not later than December 15 for which any amounts are appropriated; and''.

SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.

Section 5334 of title 49, United States Code, is further amended by adding at the end the following:

''(l) DISPOSITION OF ASSETS BEYOND USEFUL LIFE.—

''(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of an asset with a current market value, or proceed from the sale of such asset, acquired under this chapter at least in part with such assistance, after such asset has reached the useful life of such asset, the Secretary shall allow the recipient, or subrecipient, to use the proceeds attributable to the

Federal share of such asset calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311.

"(2) MINIMUM VALUE.—This subsection shall only apply to assets with a current market value, or proceeds from sale, of at least $5,000.

"(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of an asset described in paragraph (1) shall be calculated by multiplying—

"(A) the current market value of, or the proceeds from the disposition of, such asset; by

"(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.".

SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBILITY.

Section 5310 of title 49, United States Code, as amended by section 2205, is further amended by adding at the end the following:

"(k) INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

"(1) START UP GRANTS.—

"(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible

recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

"(B) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

"(i) a detailed description of the eligible project;

"(ii) an identification of all eligible project partners and the specific role of each eligible project partner in the eligible project, including—

"(I) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

"(II) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

"(III) Federal and State entities engaged in the coordination of nonemergency medical transportation

1 services for the transportation dis-
2 advantaged; and
3 "(iii) a description of how the eligible
4 project shall—
5 "(I) improve local coordination or
6 access to coordinated transportation
7 services;
8 "(II) reduce duplication of serv-
9 ice, if applicable; and
10 "(III) provide innovative solu-
11 tions in the State or community.
12 "(C) PERFORMANCE MEASURES.—An eligi-
13 ble recipient shall specify, in an application for
14 a grant under this paragraph, the performance
15 measures the eligible project, in coordination
16 with project partners, will use to quantify ac-
17 tual outcomes against expected outcomes, in-
18 cluding—
19 "(i) changes to transportation expend-
20 itures as a result of improved coordination;
21 "(ii) changes to healthcare expendi-
22 tures provided by projects partners as a re-
23 sult of improved coordination; and

1 "(iii) changes to health care metrics,
2 including aggregate health outcomes pro-
3 vided by projects partners.
4 "(D) ELIGIBLE USES.—Eligible recipients
5 receiving a grant under this section may use
6 such funds for—
7 "(i) the deployment of coordination
8 technology;
9 "(ii) projects that create or increase
10 access to community One-Call/One-Click
11 Centers;
12 "(iii) projects that coordinate trans-
13 portation for 3 or more of—
14 "(I) public transportation pro-
15 vided under this section;
16 "(II) a State plan approved
17 under title XIX of the Social Security
18 Act (42 U.S.C. 1396 et seq.);
19 "(III) title XVIII of the Social
20 Security Act (42 U.S.C. 1395 et seq.);
21 "(IV) Veterans Health Adminis-
22 tration; or
23 "(V) private health care facilities;
24 and

"(iv) such other projects as determined appropriate by the Secretary.

"(E) CONSULTATION.—In evaluating the performance metrics described in subparagraph (C), the Secretary shall consult with the Secretary of Health and Human Services.

"(2) INCENTIVE GRANTS.—

"(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to incentivize innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

"(B) SELECTION OF GRANT RECIPIENTS.—The Secretary shall distribute grant funds made available to carry out this paragraph as described in subparagraph (E) to eligible recipients that apply and propose to demonstrate improvement in the metrics described in subparagraph (F).

"(C) ELIGIBILITY.—An eligible recipient shall not be required to have received a grant under paragraph (1) to be eligible to receive a grant under this paragraph.

"(D) APPLICATIONS.—Eligible recipients shall submit to the Secretary an application that includes—

"(i) which metrics under subparagraph (F) the eligible recipient intends to improve;

"(ii) the performance data eligible recipients and the Federal, State, nonprofit, and private partners, as described in paragraph (1)(B)(ii), of the eligible recipient will make available; and

"(iii) a proposed incentive formula that makes payments to the eligible recipient based on the proposed data and metrics.

"(E) DISTRIBUTION.—The Secretary shall distribute funds made available to carry out this paragraph based upon the number of grant applications approved by the Secretary, number of individuals served by each grant, and the incentive formulas approved by the Secretary using the following metrics:

"(i) The reduced transportation expenditures as a result of improved coordination.

1 "(ii) The reduced Federal and State
2 healthcare expenditures using the metrics
3 described in subparagraph (F).
4 "(iii) The reduced private healthcare
5 expenditures using the metrics described in
6 subparagraph (F).
7 "(F) HEALTHCARE METRICS.—Healthcare
8 metrics described in this subparagraph shall
9 be—
10 "(i) reducing missed medical appoint-
11 ments;
12 "(ii) the timely discharge of patients
13 from hospitals;
14 "(iii) preventing hospital admissions
15 and reducing readmissions of patients into
16 hospitals; and
17 "(iv) other measureable healthcare
18 metrics, as determined appropriate by the
19 Secretary, in consultation with the Sec-
20 retary of Health and Human Services.
21 "(G) ELIGIBLE EXPENDITURES.—The Sec-
22 retary shall allow the funds distributed by this
23 grant program to be expended on eligible activi-
24 ties described in paragraph (1)(D) and any eli-
25 gible activity under this section that is likely to

improve the metrics described in subparagraph (F).

"(H) RECIPIENT CAP.—The Secretary—

"(i) may not provide more than 20 grants under this paragraph; and

"(ii) shall reduce the maximum number of grants under this paragraph to ensure projects are fully funded, if necessary.

"(I) CONSULTATION.—In evaluating the health care metrics described in subparagraph (F), the Secretary shall consult with the Secretary of Health and Human Services.

"(J) ANNUAL GRANTEE REPORT.—Each grantee shall submit a report, in coordination with the project partners of such grantee, that includes an evaluation of the outcomes of the grant awarded to such grantee, including the performance measures.

"(3) REPORT.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the program, and an evaluation of the pro-

gram, including an evaluation of the performance measures used by eligible recipients in consultation with the Secretary of Health and Human Services.

"(4) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the costs of a project carried out under this subsection shall not exceed 80 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of a project carried out under this subsection may be derived from in-kind contributions.

"(5) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under this chapter.".

SEC. 2915. PASSENGER FERRY GRANTS.

Section 5307(h) of title 49, United States Code, is amended by adding at the end the following paragraph:

"(4) ZERO-EMISSION OR REDUCED-EMISSION GRANTS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'eligible project' means a project or program of projects in an area

eligible for a grant under subsection (a) for—

"(I) acquiring zero- or reduced-emission passenger ferries;

"(II) leasing zero- or reduced-emission passenger ferries;

"(III) constructing facilities and related equipment for zero- or reduced-emission passenger ferries;

"(IV) leasing facilities and related equipment for zero- or reduced-emission passenger ferries;

"(V) constructing new public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

"(VI) constructing shoreside ferry charging infrastructure for zero- or reduced-emission passenger ferries; or

"(VII) rehabilitating or improving existing public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

"(ii) the term 'zero- or reduced-emission passenger ferry' means a passenger ferry used to provide public transportation that reduces emissions by utilizing onboard energy storage systems for hybrid-electric or 100 percent electric propulsion, related charging infrastructure, and other technologies deployed to reduce emissions or produce zero onboard emissions under normal operation; and

"(iii) the term 'recipient' means a designated recipient, a local government authority, or a State that receives a grant under subsection (a).

"(B) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

"(C) GRANT REQUIREMENTS.—A grant under this paragraph shall be subject to the same terms and conditions as a grant under subsection (a).

"(D) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects under this paragraph on a competitive basis.

"(E) GOVERNMENT SHARE OF COSTS.—

"(i) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this paragraph shall not exceed 80 percent.

"(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.".

SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.

Section 5309(h)(4) of title 49, United States Code, is amended by inserting ", the extent to which the project improves transportation options to economically distressed areas," after "public transportation".

SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 TO FEDERALLY FUNDED BUS SHELTERS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue best practices on the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to federally funded bus shelters to assist recipients of Federal funds in receiving exclusions permitted by law.

SEC. 2918. CAPITAL INVESTMENT GRANT STREAMLINING.

(a) IN GENERAL.—Section 3005(b) of the FAST Act (Public Law 116–94) is repealed.

(b) GRANDFATHER CLAUSES.—For any projects that have submitted an application or are being evaluated under the program described in section 3005(b) of such Act prior to the date of enactment of this Act, the Secretary shall—

(1) continue to administer the project under the terms of such section as it existed on the day prior to the date of enactment of this Act; and

(2) for purposes of providing Federal assistance to such project (and notwithstanding any other provision of law), provide such funds as may be necessary from the amounts provided in section 5338(b) of title 49, United States Code, and division A of this Act.

TITLE III—HIGHWAY TRAFFIC SAFETY

SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $378,400,000 for fiscal year 2023;

(B) $382,400,000 for fiscal year 2024;

(C) $386,500,000 for fiscal year 2025; and

(D) $390,400,000 for fiscal year 2026.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $182,495,000 for fiscal year 2023;

(B) $184,795,000 for fiscal year 2024;

(C) $187,795,000 for fiscal year 2025; and

(D) $190,695,000 for fiscal year 2026.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $384,119,000 for fiscal year 2023;

(B) $393,205,000 for fiscal year 2024;

(C) $402,205,000 for fiscal year 2025; and

(D) $411,388,000 for fiscal year 2026.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,700,000 for fiscal year 2023;

(B) $5,800,000 for fiscal year 2024;

(C) $5,900,000 for fiscal year 2025; and

(D) $6,000,000 for fiscal year 2026.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 404 of title 23, United States Code—

(A) $60,200,000 for fiscal year 2023;

(B) $60,600,000 for fiscal year 2024;

(C) $60,800,000 for fiscal year 2025; and

(D) $61,200,000 for fiscal year 2026.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code—

(A) $30,586,000 for fiscal year 2023;

(B) $31,000,000 for fiscal year 2024;

(C) $31,500,000 for fiscal year 2025; and

(D) $31,917,000 for fiscal year 2026.

(7) CENTER FOR FAIR AND EQUITABLE TRAFFIC SAFETY ENFORCEMENT.—For carrying out section 3003 of this title, $35,000,000 for each of fiscal years 2023 through 2026.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust

Fund (other than the Mass Transit Account) for a program under such chapters—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2023 through 2026 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under chapter 4 of title 23, United States Code, including any amendments made by this title, shall be carried out in accordance with regulations issued by the Secretary of Transportation.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for

the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary of Transportation shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 3002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

"(3) ADDITIONAL CONSIDERATIONS.—States which have legalized medicinal or recreational marijuana shall consider programs in addition to the programs described in paragraph (2)(A) to educate drivers on the risks associated with marijuana-impaired driving and to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.";

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following:

"(2) ADDITIONAL USES.—In addition to uses authorized under paragraph (1) and as approved by the Secretary, States may use funds under this section to—

"(A) educate the public on the dangers of pediatric vehicular hyperthermia;

"(B) purchase and distribute child restraints to low-income families; and

"(C) reduce injuries and deaths resulting from drivers of motor vehicles not moving to another traffic lane or reducing the speed of such driver's vehicle when passing an emergency, law enforcement, or other vehicle stopped or parked on or near the roadway.".

(C) in paragraph (5), as so redesignated)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraph (B) as subparagraph (D); and

(iii) by inserting after subparagraph (A) the following:

"(B) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (A), a State may expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic system in a work zone or school zone.

"(C) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—Any automated traffic enforcement system installed pursuant to subparagraph (B) shall comply with speed enforcement camera systems and red light camera systems guidelines established by the Secretary."; and

(3) in subsection (n)—

(A) by striking "PUBLIC TRANSPARENCY" and all that follows through "The Secretary" and inserting the following: "PUBLIC TRANSPARENCY.—

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

"(A) IN GENERAL.—In carrying out the requirements of paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under paragraph (1), in order to foster greater transparency in approved State highway safety programs.

"(B) CONTENTS.—The website established under subparagraph (A) shall—

"(i) include each State highway safety plan and annual report submitted and approved by the Secretary under subsection (k);

"(ii) provide a means for the public to search such website for State highway safety program content required in subsection (k), including—

"(I) performance measures required by the Secretary under paragraph (3)(A);

"(II) progress made toward meeting the State's performance targets for the previous year;

"(III) program areas and expenditures; and

"(IV) a description of any sources of funds other than funds provided under this section that the State proposes to use to carry out the State highway safety plan of such State.".

SEC. 3003. FAIR AND EQUITABLE TRAFFIC SAFETY ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to an eligible nonprofit institution of higher education with demonstrated expertise in promoting fair and equitable traffic safety enforcement to establish and operate a national center of excellence for fair and equitable traffic safety enforcement (in this section referred to as the "Center").

(b) PURPOSE.—The purpose of the Center shall be to promote fair and equitable traffic safety enforcement with the goal of reducing traffic fatalities and injuries.

(c) ROLE OF CENTER.—The role of the Center shall be to establish and operate a national fair and equitable traffic safety enforcement clearinghouse to—

(1) develop data collection systems to promote fair and equitable traffic safety enforcement solutions, including assisting States participating in the program established under section 403(j) of title 23,

United States Code, (as added by this Act) share data collected to a national database;

(2) develop recommendations for States to improve data collection on law enforcement programs carried out under sections 402 and 405 of this title in order to promote fair and equitable traffic safety enforcement programs;

(3) provide technical assistance to States on the implementation of the program established under section 403(j) of title 23, United States Code, as added by this Act;

(4) research and disseminate best practices for implementing equitable traffic safety enforcement programs; and

(5) develop information and educational programs on implementing equitable traffic safety enforcement best practices.

(d) CONSULTATION.—In carrying out the activities under paragraphs (4) and (5) of subsection (c), the Center shall consult with relevant stakeholders, including—

(1) civil rights organizations;

(2) traffic safety advocacy groups;

(3) law enforcement representatives; and

(4) such other surface transportation stakeholders and industry experts as the Center considers appropriate.

(e) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the Center under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress made toward meeting the goals established under subsection (b).

SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting ", training," after "demonstration projects";

(2) in subsection (f)(1)—

(A) by striking "$2,500,000" and inserting "$3,500,000"; and

(B) by striking "subsection 402(c) in each fiscal year ending before October 1, 2015, and $443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on De-

cember 4, 2015,'' and inserting ''section 402(c)(2) in each fiscal year''; and

(3) by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

Section 403 of title 23, United States Code, as amended by section 3004 of this Act, is further amended by adding at the end the following:

''(j) GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.—

''(1) GENERAL AUTHORITY.—Subject to the requirements of this subsection, the Secretary shall make grants to a State that—

''(A) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver; or

''(B) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of subparagraph (A).

"(2) USE OF GRANT FUNDS.—A grant received by a State under paragraph (1) shall be used by the State for the costs of—

"(A) collecting and maintaining data on traffic stops;

"(B) evaluating the results of such data; and

"(C) developing and implementing programs to reduce the occurrence of racial profiling.

"(3) LIMITATIONS.—The total amount of grants made to a State under this section in a fiscal year may not exceed—

"(A) 10 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(A); and

"(B) 5 percent of the amount made available to carry out this section in the fiscal year for States eligible under paragraph (1)(B).

"(4) FUNDING.—From funds made available under this section, the Secretary shall set aside $15,000,000 for each fiscal year to carry out this subsection.".

SEC. 3006. NATIONAL SAFETY CAMPAIGNS.

Section 404 of title 23, United States Code, is amended to read as follows:

"§ 404. National safety campaigns

"(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 high-visibility enforcement campaigns and not less than 3 public awareness campaigns will be carried out in each of fiscal years 2023 through 2026.

"(b) HIGH-VISIBILITY ENFORCEMENT.—In carrying out the requirements under paragraph (a), the Secretary shall ensure that in each fiscal year not less than 1 high-visibility enforcement campaign is carried out to—

"(1) reduce alcohol-impaired operation of a motor vehicle;

"(2) reduce alcohol-impaired and drug-impaired operation of a motor vehicle; and

"(3) increase use of seatbelts by occupants of motor vehicles.

"(c) PUBLIC AWARENESS.—The purpose of each public awareness campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:

"(1) Increase the proper use of seatbelts and child restraints by occupants of motor vehicles.

"(2) Reduce texting through a personal wireless communication device by drivers while operating a motor vehicle.

"(3) Reduce violations of State move over laws which require motorists to change lanes or slow down when emergency or other vehicles are stopped or parked on or next to a roadway.

"(d) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

"(e) COORDINATION WITH STATES.—The Secretary shall coordinate with States in carrying out the high-visibility enforcement campaigns under this section, including advertising funded under subsection (d), with consideration given to—

"(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

"(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

"(f) COORDINATION OF DYNAMIC HIGHWAY MESSAGE SIGNS.—During national high-visibility enforcement emphasis periods supported by these funds, the Federal Highway Administration and the National Highway Traffic Safety Administration shall coordinate with State departments of transportation on the use of dynamic highway message signs to support high-visibility national emphasis activities.

"(g) USE OF FUNDS.—Funds made available to carry out this section may be used only for activities described in subsections (c) and (d).

"(h) DEFINITION.—In this section:

"(1) CAMPAIGN.—The term 'campaign' means a high-visibility traffic safety law enforcement campaign or a traffic safety public awareness campaign.

"(2) DYNAMIC HIGHWAY.—The term 'dynamic highway message sign' means a traffic control device that is capable of displaying one or more alternative messages which convey information to travelers.

"(3) STATE.—The 'State' has the meaning given that term in section 401.".

SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''13 percent'' and inserting ''12.85 percent'';

(B) in paragraph (2) by striking ''14.5 percent'' and inserting ''14.3 percent'';

(C) in paragraph (3) by striking ''52.5 percent'' and inserting ''51.75 percent'';

(D) in paragraph (4) by striking ''8.5 percent'' and inserting ''8.3 percent'';

(E) in paragraph (6) by striking ''5 percent'' and inserting ''4.9 percent'';

(F) in paragraph (7) by striking ''5 percent'' and inserting ''4.9 percent'';

(G) in paragraph (8)—

(i) by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (8)'';

(ii) by striking ''subsection (b) through (h)'' and inserting ''subsections (b) through (i)''; and

(iii) by inserting ''to carry out any of the other activities described in such sub-

sections, or the amount made available'' before ''under section 402(c)(2)'';

(H) in paragraph (9)(A) by striking ''date of enactment of the FAST Act'' and inserting ''date of enactment of the INVEST in America Act'';

(I) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(J) by inserting after paragraph (7) the following:

''(8) DRIVER AND OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet the requirements with respect to driver and officer safety education (as described in subsection (i)).'';

(2) in subsection (c)(3)(E) by striking ''5'' and inserting ''10'';

(3) in subsection (b)(4)—

(A) in subparagraph (A) by striking clause (v) and inserting the following:

''(v) implement programs in low-income and underserved populations to—

"(I) recruit and train occupant protection safety professionals, nationally certified child passenger safety technicians, police officers, fire and emergency medical personnel, and educators serving low-income and underserved populations;

"(II) educate parents and caregivers in low-income and underserved populations about the proper use and installation of child safety seats; and

"(III) purchase and distribute child safety seats to low-income and underserved populations; and"; and

(B) in subparagraph (B)—

(i) by striking "100 percent" and inserting "90 percent"; and

(ii) by inserting "The remaining 10 percent of such funds shall be used to carry out subsection (A)(v)." after "section 402.";

(4) by striking subsection (c)(4) and inserting the following:

"(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for—

"(A) making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D);

"(B) developing or acquiring information technology for programs to identify, collect, and report data to State and local government agencies, and enter data, including crash, citation and adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle, into the core highway safety databases of a State;

"(C) purchasing equipment used to identify, collect, and report State safety data to support State efforts to improve State traffic safety information systems;

"(D) linking core highway safety databases of a State with such databases of other States;

"(E) improving the compatibility and interoperability of the core highway safety data-

bases of the State with national data systems and data systems of other States;

"(F) costs associated with training State and local personnel on ways to improve State traffic safety information systems;

"(G) hiring a Fatality Analysis Reporting System liaison for a State; and

"(H) conducting research on State traffic safety information systems, including developing and evaluating programs to improve core highway safety databases of such State and processes by which data is identified, collected, reported to State and local government agencies, and entered into such core safety databases.";

(5) by striking subsection (d)(6)(A) and inserting the following:

"(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

"(i) adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals at the time of, or prior to, a

conviction of driving under the influence of alcohol or of driving while intoxicated;

"(ii) does not allow any individual required to have an ignition interlock for driving privileges to drive a motor vehicle unless such individual installs an ignition interlock for a minimum 180-day interlock period; or

"(iii) has—

"(I) enacted and is enforcing a state law requiring all individuals convicted of, or whose driving privilege is revoked or denied for, refusing to submit to a chemical or other test for the purpose of determining the presence or concentration of any intoxicating substance to install an ignition interlock for a minimum 180-day interlock period unless the driver successfully completes an appeal process; and

"(II) a compliance-based removal program in which an individual required to install an ignition interlock for a minimum 180-day interlock period and have completed a minimum

consecutive period of not less than 60 days of the required interlock period immediately preceding the date of release, without a confirmed violation, as defined by State law or regulations, of driving under the influence of alcohol or driving while intoxicated.'';

(6) in subsection (e)—

(A) in paragraph (1) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)'';

(B) in paragraph (4)—

(i) by striking ''paragraph (2) or (3)'' and inserting ''paragraph (3) or (4)'';

(ii) in subparagraph (A) by striking ''communications device to contact emergency services'' and inserting ''communications device during an emergency to contact emergency services or to prevent injury to persons or property'';

(iii) in subparagraph (C) by striking ''; and'' and inserting a semicolon;

(iv) by redesignating subparagraph (D) as subparagraph (E); and

(v) by inserting after subparagraph (C) the following:

''(D) a driver who uses a personal wireless communication device for navigation; and'';

(C) in paragraph (5)(A)(i) by striking ''texting or using a cell phone while'' and inserting ''distracted'';

(D) in paragraph (7) by striking ''Of the amounts'' and inserting ''In addition to the amounts authorized under section 404 and of the amounts'';

(E) in paragraph (9)—

(i) by striking subparagraph (B) and inserting the following:

''(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term 'personal wireless communications device' means—

''(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), a device through which personal services (as such term is defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)) are transmitted, but not including the use of such a device as a

global navigation system receiver used for positioning, emergency notification, or navigation purposes; and

"(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation."; and

(ii) by striking subparagraph (E) and inserting the following:

"(E) TEXTING.—The term 'texting' means—

"(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication; and

"(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.";

(F) by striking paragraphs (2), (3), (6), and (8);

(G) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(H) by inserting after paragraph (1) the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

"(B) PRIMARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a primary offense shall be allocated 100 percent of the amount calculated under subparagraph (A).

"(C) SECONDARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a secondary offense shall be allocated 50 percent of the amount calculated under subparagraph (A).

"(D) TEXTING WHILE DRIVING.—Notwithstanding subparagraphs (B) and (C), a State shall be allocated 25 percent of the amount calculated under subparagraph (A) if such State has enacted and is enforcing a law that prohibits a driver from viewing a personal wireless communication device, except for the purpose of navigation.

"(3) PROHIBITION ON HANDHELD PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

"(A) prohibits a driver from holding or using, including texting, a personal wireless communications device while driving, except for the use of a personal wireless communications device—

"(i) in a hands-free manner or with a hands-free accessory; or

"(ii) to activate or deactivate a feature or function of the personal wireless communications device;

"(B) establishes a fine for a violation of the law; and

"(C) does not provide for an exemption that specifically allows a driver to hold or use a personal wireless communication device while stopped in traffic.

"(4) PROHIBITION ON PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

"(A) prohibits a driver from holding or using a personal wireless communications device while driving if the driver is—

"(i) younger than 18 years of age; or

"(ii) in the learner's permit or intermediate license stage described in subparagraph (A) or (B) of subsection (g)(2);

"(B) establishes a fine for a violation of the law; and

"(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communication device while stopped in traffic."; and

(I) by inserting after paragraph (7) the following:

"(8) RULEMAKING.—Not later than 1 year after the date of enactment of this paragraph, the

Secretary shall issue such regulations as are necessary to account for diverse State approaches to combating distracted driving that—

"(A) defines the terms personal wireless communications device and texting for the purposes of this subsection; and

"(B) determines additional permitted exceptions that are appropriate for a State law that meets the requirements under paragraph (3) or (4).";

(7) in subsection (g)—

(A) in paragraph (1) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)";

(B) by striking paragraph (2) and inserting the following:

"(2) MINIMUM REQUIREMENTS.—

"(A) TIER 1 STATE.—A State shall be eligible for a grant under this subsection as a Tier 1 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

"(i) a learner's permit stage that—

"(I) is at least 180 days in duration;

"(II) requires that the driver be accompanied and supervised at all times; and

"(III) has a requirement that the driver obtain at least 40 hours of behind-the-wheel training with a supervisor; and

"(ii) an intermediate stage that—

"(I) commences immediately after the expiration of the learner's permit stage;

"(II) is at least 180 days in duration; and

"(III) for the first 180 days of the intermediate stage, restricts the driver from—

"(aa) driving at night between the hours of 11:00 p.m. and at least 4:00 a.m. except—

"(AA) when a parent, guardian, driving instructor, or licensed driver who is at

least 21 years of age is in the motor vehicle; and

"(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

"(bb) operating a motor vehicle with more than 1 non-familial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.

"(B) TIER 2 STATE.—A State shall be eligible for a grant under this subsection as a Tier 2 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

"(i) a learner's permit stage that—

"(I) is at least 180 days in duration;

"(II) requires that the driver be accompanied and supervised at all times; and

"(III) has a requirement that the driver obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a supervisor; and

"(ii) an intermediate stage that—

"(I) commences immediately after the expiration of the learner's permit stage;

"(II) is at least 180 days in duration; and

"(III) for the first 180 days of the intermediate stage, restricts the driver from—

"(aa) driving at night between the hours of 10:00 p.m. and at least 4:00 a.m. except—

"(AA) when a parent, guardian, driving instructor, or licensed driver who is at

least 21 years of age is in the motor vehicle; and

"(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

"(bb) operating a motor vehicle with any nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.";

(C) in paragraph (3)—

(i) in subparagraph (A) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)"; and

(ii) in subparagraph (B) by inserting "subparagraphs (A) and (B) of" before "paragraph (2)" each place such term appears;

(D) in paragraph (4) by striking ''such fiscal year'' and inserting ''fiscal year 2009''; and

(E) by striking paragraph (5) and inserting the following:

''(5) USE OF FUNDS.—

''(A) TIER 1 STATES.—A Tier 1 State shall use grant funds provided under this subsection for—

''(i) enforcing a 2-stage licensing process that complies with paragraph (2);

''(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

''(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

''(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; or

''(v) carrying out a teen traffic safety program described in section 402(m).

"(B) TIER 2 STATES .—Of the grant funds made available to a Tier 2 State under this subsection—

"(i) 25 percent shall be used for any activity described in subparagraph (A); and

"(ii) 75 percent may be used for any project or activity eligible under section 402.";

(8) by amending subsection (h)(4) to read as follows:

"(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of pedestrians and bicyclists, including—

"(A) training of law enforcement officials on pedestrian and bicycle safety, State laws applicable to pedestrian and bicycle safety, and infrastructure designed to improve pedestrian and bicycle safety;

"(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety;

"(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists about—

"(i) pedestrian and bicycle safety, including information on nonmotorized mobility and the important of speed management to the safety of pedestrians and bicyclists;

"(ii) the value of the use of pedestrian and bicycle safety equipment, including lighting, conspicuity equipment, mirrors, helmets and other protective equipment, and compliance with any State or local laws requiring their use;

"(iii) State traffic laws applicable to pedestrian and bicycle safety, including motorists' responsibilities towards pedestrians and bicyclists; and

"(iv) infrastructure designed to improve pedestrian and bicycle safety; and

"(D) data analysis and research concerning pedestrian and bicycle safety."; and

(9) by adding at the end the following:

"(i) DRIVER AND OFFICER SAFETY EDUCATION.—

"(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to—

"(A) States that enact a commuter safety education program; and

"(B) States qualifying under paragraph (5)(A).

"(2) FEDERAL SHARE.—The Federal share of the costs of activities carried out using amounts from a grant awarded under this subsection may not exceed 80 percent.

"(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State shall enact a law or adopt a program that requires the following:

"(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—Inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing concerning law enforcement practices during traffic stops, including information on—

"(i) the role of law enforcement and the duties and responsibilities of peace officers;

"(ii) an individual's legal rights concerning interactions with peace officers;

"(iii) best practices for civilians and peace officers during such interactions;

"(iv) the consequences for an individual's or officer's failure to comply with those laws and programs; and

"(v) how and where to file a complaint against or a compliment on behalf of a peace officer.

"(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

"(4) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

"(5) SPECIAL RULE FOR CERTAIN STATES.—

"(A) QUALIFYING STATE.—A State qualifies pursuant to this subparagraph if—

"(i) the Secretary determines such State has taken meaningful steps toward the full implementation of a law or program described in paragraph (3);

"(ii) the Secretary determines such State has established a timetable for the implementation of such a law or program; and

"(iii) such State has received a grant pursuant to this subsection for a period of not more than 5 years.

"(B) WITHHOLDING.—With respect to a State that qualifies pursuant to subparagraph (A), the Secretary shall—

"(i) withhold 50 percent of the amount that such State would otherwise receive if such State were a State described in paragraph (1)(A); and

"(ii) direct any such amounts for distribution among the States that are enforcing and carrying out a law or program described in paragraph (3).

"(6) USE OF GRANT AMOUNTS.—A State receiving a grant under this subsection may use such grant—

"(A) for the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (3); and

"(B) for the implementation of the law described in paragraph (3).".

(b) CONFORMING AMENDMENT.—Sections 402, 403, and 405 of title 23, United States Code, are amended—

(1) by striking "accidents" and inserting "crashes" each place it appears; and

(2) by striking "accident" and inserting "crash" each place it appears.

SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

Section 164(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking "alcohol-impaired" and inserting "alcohol or polysubstance-impaired"; and

(2) in subparagraph (B)—

(A) by striking ''alcohol-impaired'' and inserting ''alcohol or polysubstance-impaired'';

(B) by striking ''or'' and inserting a comma; and

(C) by inserting '', or driving while polysubstance-impaired'' after ''driving under the influence''.

SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Section 4010(2) of the FAST Act (23 U.S.C. 405 note) is amended by striking ''deficiencies'' and inserting ''all deficiencies''.

SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING GRANTS.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to carry out research, development, technology transfer, and training activities in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops.

(b) QUALIFICATIONS.—To be eligible for a grant under this section, an institution of higher education shall—

(1) have an active research program or demonstrate, to the satisfaction of the Secretary, that the applicant is beginning a research program to study implicit bias as it relates to racial profiling before and during traffic stops; and

(2) partner with State and local police departments to conduct the research described in paragraph (1) and carry out the implementation of implicit bias training with State and local police departments.

(c) REPORT.—No later than 1 year after a grant has been awarded under this section, the institution of higher education awarded the grant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the research on implicit bias as it relates to racial profiling before and during traffic stops, and recommendations on effective interventions and trainings.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each fiscal year to carry out this section.

(e) DEFINITIONS.—In this section, the term ''implicit bias training program'' means a program that looks at the attitudes, stereotypes, and lenses human beings develop

through various experiences in life that can unconsciously affect how they interact with one another.

SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.

Section 4007 of the FAST Act (23 U.S.C. 153 note) is amended—

(1) in paragraph (1) by striking ''or'' at the end;

(2) in paragraph (2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) otherwise profile and stop motorcycle operators or motorcycle passengers using as a factor the clothing or mode of transportation of such operators or passengers.''.

SEC. 3012. ELECTRONIC DRIVER'S LICENSE.

(a) REAL ID ACT.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking ''a driver's license or identification card'' and inserting ''a physical or digital driver's license or identification card''.

(b) TITLE 18.—Section 1028(d)(7)(A) of title 18, United States Code, is amended by striking ''government issued driver's license'' and inserting ''government issued physical or digital driver's license''.

SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.

(a) SHORT TITLE.—This section may be cited as the ''Motorcyclist Advisory Council Reauthorization Act''.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a Motorcyclist Advisory Council (in this section referred to as the ''Council'').

(c) DUTIES.—

(1) ADVISING.—The Council shall advise the Secretary, the Administrator of the National Highway Traffic Safety Administration, and the Administrator of the Federal Highway Administration on transportation issues of concern to motorcyclists, including—

(A) barrier design;

(B) road design, construction, and maintenance practices; and

(C) the architecture and implementation of intelligent transportation system technologies.

(2) BIENNIAL COUNCIL REPORT.—

(A) IN GENERAL.—The Council shall submit a report to the Secretary containing the Council's recommendations regarding the issues described in paragraph (1) on which the Council provides advice pursuant to such paragraph.

(B) TIMING.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and by every 2nd October 31 thereafter, the Council shall submit the report required under this paragraph.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of 12 members appointed by the Secretary as follows:

(A) Five experts from State or local government on highway engineering issues, including—

(i) barrier design;

(ii) road design, construction, and maintenance; or

(iii) intelligent transportation systems.

(B) One State or local traffic and safety engineer, design engineer, or other transportation department official who is a motorcyclist.

(C) One representative from a national association of State transportation officials.

(D) One representative from a national motorcyclist association.

(E) One representative from a national motorcyclist foundation.

(F) One representative from a national motorcycle manufacturing association.

(G) One roadway safety data expert on crash testing and analysis.

(H) One member of a national safety organization that represents the traffic safety systems industry.

(2) DURATION.—

(A) TERM.—Subject to subparagraphs (B) and (C), each member shall serve one term of 2 years.

(B) ADDITIONAL TERMS.—If a successor is not designated for a member before the expiration of the term the member is serving, the member may serve another term.

(C) APPOINTMENT OF REPLACEMENTS.—If a member resigns before serving a full 2-year term, the Secretary may appoint a replacement for such member to serve the remaining portion such term. A member may continue to serve after resignation until a successor has been appointed. A vacancy in the Council shall be filled

in the manner in which the original appointment was made.

(3) COMPENSATION.—Members shall serve without compensation.

(e) TERMINATION.—The Council shall terminate 6 years after the date of its establishment.

(f) DUTIES OF THE SECRETARY.—

(1) ACCEPT OR REJECT RECOMMENDATION.—

(A) SECRETARY DETERMINES.—The Secretary shall determine whether to accept or reject a recommendation contained in a Council report.

(B) TIMING.—

(i) MUST ACCEPT OR REJECT.—The Secretary must indicate in each report submitted under this section the Secretary's acceptance or rejection of each recommendation listed in such report.

(ii) EXCEPTION.—The Secretary may indicate in a report submitted under this section that a recommendation is under consideration. If the Secretary does so, the Secretary must accept or reject the recommendation in the next report submitted under this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the Secretary receives a Council report, the Secretary shall submit a report to the following committees and subcommittees:

(i) The Committee on Transportation and Infrastructure of the House of Representatives.

(ii) The Committee on Environment and Public Works of the Senate.

(iii) The Committee on Commerce, Science, and Transportation of the Senate.

(iv) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(v) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate.

(B) CONTENTS.—A report submitted under this subsection shall include—

(i) a list containing—

(I) each recommendation contained in the Council report described in paragraph (1); and

(II) each recommendation indicated as under consideration in the previous report submitted under this subsection; and

(ii) for each such recommendation, whether it is accepted, rejected, or under consideration by the Secretary.

(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide such administrative support, staff, and technical assistance to the Council as the Secretary determines to be necessary for the Council to carry out its duties.

(g) DEFINITIONS.—In this section:

(1) COUNCIL REPORT.—The term ''Council report'' means the report described in subsection (f)(2).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3014. REPORT ON MARIJUANA RESEARCH.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Attorney General and the

Secretary of Health and Human Services, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the Department of Transportation website, a report and recommendations on—

(1) increasing and improving access, for scientific researchers studying impairment while driving under the influence of marijuana, to samples and strains of marijuana and products containing marijuana lawfully being offered to patients or consumers in a State on a retail basis;

(2) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis;

(3) facilitating access, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, to samples and strains of marijuana and products containing marijuana from such clearinghouse for purposes of research on marijuana-impaired driving; and

(4) identifying Federal statutory and regulatory barriers to the conduct of scientific research and the

establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.

(b) DEFINITION OF MARIJUANA.—In this section, the term ''marijuana'' has the meaning given such term in section 4008 of the FAST Act (Public Law 114–94).

SEC. 3015. COMPTROLLER GENERAL STUDY ON NATIONAL DUI REPORTING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the reporting of alcohol-impaired driving arrest and citation results into Federal databases to facilitate the widespread identification of repeat impaired driving offenders.

(b) INCLUSIONS.—The study conducted under subsection (a) shall include a detailed assessment of—

(1) the extent to which State and local criminal justice agencies are reporting alcohol-impaired driving arrest and citation results into Federal databases;

(2) barriers on the Federal, State, and local levels to the reporting of alcohol-impaired driving arrest and citation results into Federal databases, as well as barriers to the use of those systems by criminal justice agencies;

(3) Federal, State, and local resources available to improve the reporting of alcohol-impaired driving arrest and citation results into Federal databases;

(4) recommendations for policies and programs to be carried out by the National Highway Traffic Safety Administration; and

(5) recommendations for programs and grant funding to be authorized by Congress.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).

TITLE IV—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

SEC. 4101. MOTOR CARRIER SAFETY GRANTS.

(a) IN GENERAL.—Section 31104 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the

Highway Trust Fund (other than the Mass Transit Account):

"(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

"(A) $388,950,000 for fiscal year 2023;

"(B) $398,700,000 for fiscal year 2024;

"(C) $408,900,000 for fiscal year 2025; and

"(D) $418,425,000 for fiscal year 2026.

"(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

"(A) $72,604,000 for fiscal year 2023;

"(B) $74,424,000 for fiscal year 2024;

"(C) $76,328,000 for fiscal year 2025; and

"(D) $78,106,000 for fiscal year 2026.

"(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

"(A) $1,037,200 for fiscal year 2023;

"(B) $1,063,200 for fiscal year 2024;

"(C) $1,090,400 for fiscal year 2025; and

"(D) $1,115,800 for fiscal year 2026.

"(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

"(A) $56,008,800 for fiscal year 2023;

"(B) $57,412,800 for fiscal year 2024;

"(C) $58,881,600 for fiscal year 2025; and

"(D) $60,253,200 for fiscal year 2026.";

(2) by striking subsection (c) and inserting the following:

"(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

"(1) IN GENERAL.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.8 percent of those amounts for partner training and program support in that fiscal year.

"(2) USE OF FUNDS.—The Secretary shall use at least 50 percent of the amounts deducted under paragraph (1) on training and related training materials for non-Federal Government employees.

"(3) PARTNERSHIP.—The Secretary shall carry out the training and development of materials pursuant to paragraph (2) in partnership with one or

more nonprofit organizations, through a competitive grant, that have—

"(A) expertise in conducting a training program for non-Federal Government employees; and

"(B) a demonstrated ability to involve in a training program the target population of commercial motor vehicle safety enforcement employees.";

(3) in subsection (f)—

(A) in paragraph (1) by striking "the next fiscal year" and inserting "the following 2 fiscal years";

(B) in paragraph (2)—

(i) by striking "section 31102(l)(2)" and inserting "paragraphs (2) and (4) of section 31102(l)";

(ii) by striking "the next 2 fiscal years" and inserting "the following 3 fiscal years"; and

(C) in paragraph (3) by striking "the next 4 fiscal years" and inserting "the following 5 fiscal years"; and

(4) by adding at the end the following:

"(j) TREATMENT OF REALLOCATIONS.—Amounts that are obligated and subsequently, after the date of enactment of this subsection, released back to the Secretary under subsection (i) shall not be subject to limitations on obligations provided under any other provision of law.".

(b) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Section 31313(b) of title 49, United States Code, is amended—

(1) by striking the period at the end and inserting "; and";

(2) by striking "A recipient" and inserting the following: "In participating in financial assistance program under this section—

"(1) a recipient"; and

(3) by adding at the end the following:

"(2) a State may not receive more than $250,000 in grants under subsection (a)(2)(B) in any fiscal year—

"(A) in which the State prohibits private commercial driving schools or independent commercial driver's license testing facilities from offering a commercial driver's license skills test as a third-party tester; or

"(B) in which a State fails to report to the Administrator of the Federal Motor Carrier Safety Administration, during the previous fiscal year, the average number of days of delays for an initial commercial driver's license skills test or retest within the State.".

SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Section 31110 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

"(1) $380,500,000 for fiscal year 2023;

"(2) $381,500,000 for fiscal year 2024;

"(3) $382,500,000 for fiscal year 2025; and

"(4) $384,500,000 for fiscal year 2026.".

(b) ADMINISTRATIVE EXPENSES.—

(1) USE OF FUNDS.—The Administrator of the Federal Motor Carrier Safety Administration shall use funds made available in subsection (a) for—

(A) acceleration of planned investments to modernize the Administration's information technology and information management systems;

(B) completing outstanding mandates;

(C) carrying out a Large Truck Crash Causal Factors Study of the Administration;

(D) construction and maintenance of border facilities; and

(E) other activities authorized under section 31110(b) of title 49, United States Code.

(2) DEFINITION OF OUTSTANDING MANDATE.—In this subsection, the term ''outstanding mandate'' means a requirement for the Federal Motor Carrier Safety Administration to issue regulations, undertake a comprehensive review or study, conduct a safety assessment, or collect data—

(A) under this Act;

(B) under MAP–21 (Public Law 112–141), that has not been published in the Federal Register, if required, or otherwise completed as of the date of enactment of this Act;

(C) under the FAST Act (Public Law 114–94), that has not been published in the Federal Register, if required, or otherwise com-

pleted as of the date of enactment of this Act; and

(D) under any other Act enacted before the date of enactment of this Act that has not been published in the Federal Register by the date required in such Act.

SEC. 4103. IMMOBILIZATION GRANT PROGRAM.

Section 31102(l) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''and (3)'' and inserting '', (3), and (4)'';

(2) in paragraph (2)(F)(ii)(II) by inserting '', specifically including the priority activities described in paragraph (4)'' after ''required for participation''; and

(3) by adding at the end the following:

''(4) PRIORITIZATION OF IMMOBILIZING UNSAFE PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.—

''(A) IN GENERAL.—The Secretary shall prioritize the awarding of discretionary grants to States for activities related to paragraph (2)(F)(II) for the enforcement of out of service orders if such vehicles are found to be unsafe or have violated a Federal out of service order.

"(B) ELIGIBILITY.—To be eligible for a grant described under this paragraph, a State shall have the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle if such vehicle is found to be unsafe or fail inspection or to have violated a Federal out of service order.

"(C) USE OF FUNDS.—Grant funds received under this paragraph may be used for—

"(i) the immobilization or impoundment of commercial motor vehicles that are unsafe, fail inspection, or have violated a Federal out of service order;

"(ii) safety inspections of vehicles described in clause (i);

"(iii) other activities related to the activities described in clauses (i) and (ii), as determined by the Secretary.

"(D) PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE DEFINED.—In this paragraph, the term 'passenger-carrying commercial motor vehicle' has the meaning given such term in section 31301.".

SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the prevalence of, characteristics of, and safe operation of commercial vehicles that have a gross vehicle weight rating or gross vehicle weight below 10,000 pounds, and are utilized in package delivery of goods moving in interstate commerce.

(b) INDEPENDENT RESEARCH.—If the Secretary decides to enter into a contract with a third party to perform the research required under subsection (a), the Secretary shall—

(1) solicit applications from research institutions that conduct objective, fact-based research to conduct the study; and

(2) ensure that such third party does not have any financial or contractual ties with an entity engaged in interstate commerce utilizing commercial vehicles or commercial motor vehicles.

(c) ENTITIES INCLUDED.—As part of the review, the Secretary shall collect information from a cross-section of companies that use fleets of such vehicles for package delivery in interstate commerce, including companies that—

(1) directly perform deliveries;

(2) use contracted entities to perform work; and

(3) utilize a combination of direct deliveries and contract entities.

(d) EVALUATION FACTORS.—The review shall include an evaluation of the following:

(1) Fleet characteristics, including fleet structure, and vehicle miles traveled.

(2) Fleet management, including scheduling of deliveries and maintenance practices.

(3) Driver employment characteristics, including the basis of compensation and classification.

(4) How training, medical fitness, hours on duty, and safety of drivers is evaluated and overseen by companies, including prevention of occupational injuries and illnesses.

(5) Safety performance metrics, based on data associated with the included entities, including crash rates, moving violations, failed inspections, and other related data points.

(6) Financial responsibility and liability for safety or maintenance violations among companies, fleet managers, and drivers.

(7) Loading and unloading practices, and how package volume and placement in the vehicle is determined.

(8) Other relevant information determined necessary by the Secretary in order to make recommendations under subsection (e).

(e) REPORT AND RECOMMENDATIONS.—Upon completion of the review, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate a report containing—

(1) the findings of the Secretary on each of the factors in (d);

(2) a list of regulations applicable to commercial motor vehicles and commercial motor vehicle operators that are not applicable to commercial vehicle operations described in this section; and

(3) recommendations, based on the findings, on changes to laws or regulations at the Federal, State, or local level to promote safe operations and safe and fair working conditions for commercial vehicle operators.

Subtitle B—Motor Carrier Safety Oversight

SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144 of SAFETEA–LU (49 U.S.C. 31100 note) is amended—

(1) in subsection (b)(1) by inserting ", including small business motor carriers" after "industry"; and

(2) in subsection (d) by striking "September 30, 2013" and inserting "September 30, 2026".

SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall implement a revised methodology to be used in the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration to identify and prioritize motor carriers for intervention, using the recommendations of the study required by section 5221(a) of the FAST Act (49 U.S.C. 31100 note).

(b) DATA AVAILABILITY.—The Secretary shall, in working toward implementation of the revised methodology described in subsection (a) prioritize revisions necessary to—

(1) restore the public availability of all relevant safety data under a revised methodology; and

(2) make such safety data publicly available that was made publicly available on the day before the date of enactment of the FAST Act, as appropriate under a revised methodology.

(c) IMPLEMENTATION.—

(1) PROGRESS REPORTS.—Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until the date on which the Secretary implements the revised methodology described in subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website of the Department of Transportation, a progress report on—

(A) the status of the revision of the methodology and related data modifications under subsection (a), a timeline for completion of such revision, and an estimated date for implementation of such revised methodology;

(B) an explanation for any delays in development or implementation of the revised methodology over the reporting period; and

(C) if the Secretary has not resumed making publicly available the data described in subsection (b), an updated timeline for the restoration of the public availability of data and a detailed explanation for why such restoration has not occurred.

(2) PUBLICATION AND NOTIFICATION.—Prior to commencing the use of the revised methodology described in subsection (a) to identify and prioritize motor carriers for intervention (other than in a testing capacity), the Secretary shall—

(A) publish a detailed summary of the methodology in the Federal Register and provide a period for public comment; and

(B) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing.

(d) SAFETY FITNESS RULE.—

(1) RULEMAKING.—Not later than 1 year after the date on which the Secretary notifies Congress under subsection (c)(2), the Secretary shall issue final regulations pursuant to section 31144(b) of title 49, United States Code, to revise the methodology for issuance of motor carrier safety fitness determinations.

(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Secretary shall consider the use of all available data to determine the fitness of a motor carrier.

(e) REPEAL.—Section 5223 of the FAST Act (49 U.S.C. 31100 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.

Section 31315 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)(A) by inserting ", including data submission requirements," after "terms and conditions"; and

(B) by striking paragraph (8) and inserting the following:

"(8) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—The Secretary shall establish terms and conditions for each exemption to ensure that the exemption will not likely degrade the level of safety achieved by the person or class of persons granted the exemption, and allow the Secretary to evaluate whether an equivalent level of safety is maintained while the person or class of persons is operating under such exemption, including—

"(i) requiring the regular submission of accident and incident data to the Secretary;

"(ii) requiring immediate notification to the Secretary in the event of a crash that results in a fatality or serious bodily injury;

"(iii) for exemptions granted by the Secretary related to hours of service rules under part 395 of title 49, Code of Federal Regulations, requiring that the exempt person or class of persons submit to the Secretary evidence of participation in a recognized fatigue management plan; and

"(iv) providing documentation of the authority to operate under the exemption to each exempt person, to be used to demonstrate compliance if requested by a motor carrier safety enforcement officer during a roadside inspection.

"(B) IMPLEMENTATION.—The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions."; and

(2) in subsection (e) by inserting ", based on an analysis of data collected by the Secretary and submitted to the Secretary under subsection (b)(8)" after "safety".

SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PASSENGERS.

Section 31144(i) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "who the Secretary registers under section 13902 or 31134"; and

(B) in subparagraph (B) by inserting "to motor carriers of passengers and" after "apply"; and

(2) by adding at the end the following:

"(5) MOTOR CARRIER OF PASSENGERS DEFINED.—In this subsection, the term 'motor carrier of passengers' includes an offeror of motorcoach services that sells scheduled transportation of passengers for compensation at fares and on schedules and routes determined by such offeror, regardless of ownership or control of the vehicles or drivers used to provide the transportation by motorcoach.".

SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''or'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) transportation by a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, that is operated by a person that provides recreational activities if—

''(A) the transportation is provided within a 150 air-mile radius of the location where passengers are boarded; and

''(B) the person operating the motor vehicle, if transporting passengers over a route between a place in a State and a place in another State, is otherwise lawfully providing transportation of passengers over the entire route in accordance with applicable State law.''.

SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Motor Carrier Safety Administration.

(2) COVERED CARRIER.—The term ''covered carrier'' means a motor carrier that is—

(A) engaged in the interstate transportation of household goods; and

(B) subject to the requirements of part 375 of title 49, Code of Federal Regulations (as in effect on the effective date of the amendments required by subsection (b)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) AMENDMENTS TO REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend regulations related to the interstate transportation of household goods.

(c) CONSIDERATIONS.—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider the following recommended amendments to provisions of title 49, Code of Federal Regulations:

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration titled ''Ready to Move–Tips for a Successful Interstate Move'' (ESA 03005) on the website of the Administration; or

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to each individual shipper, with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of such title, entitled ''Your Rights and Responsibilities When You Move'' (ESA–03–006 (or a successor publication)), in the form of a written copy or a hyperlink on the website of the covered carrier to the location on the website of the Administration containing such publication.

(3) Subsection (e) of section 375.213, to repeal such subsection.

(4) Section 375.401(a), to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph (A) for all household goods shipments, regardless of the distance between—

(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier preparing the estimate; and

(C) to provide to each shipper a copy of publication of the Administration titled ''Ready to Move–Tips for a Successful Interstate Move'' (ESA 03005) on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any

additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of such section in a bill of lading that is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms ''freight bill'' and ''expense bill'' with the term ''invoice''.

SEC. 4207. BROKER GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the definitions of the terms ''broker'' and ''bona fide agents'' under part 371 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—In issuing the guidance under subsection (a), the Secretary shall consider the extent to which technology has changed the nature of freight

brokerage, the role of bona fide agents, and other aspects of the freight transportation industry.

(c) DISPATCH SERVICES.—In issuing the guidance under subsection (a), the Secretary shall, at a minimum—

(1) examine the role of a dispatch service in the transportation industry;

(2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and

(3) clarify the level of financial penalties for unauthorized brokerage activities under section 14916 of title 49, United States Code, applicable to a dispatch service.

Subtitle C—Commercial Motor Vehicle Driver Safety

SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PASSENGER CARRIERS.

Section 31301 of title 49, United States Code, is amended—

(1) in paragraph (4)—

(A) in subparagraph (B) by striking ''or'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) is designed or used as a stretch limousine; or";

(2) by redesignating paragraph (15) as paragraph (16); and

(3) by inserting after paragraph (14) the following:

"(15) 'stretch limousine' means any sedan or sports utility vehicle that—

"(A) has been modified to add seating capacity to that provided by the vehicle manufacturer through an extended chassis, lengthened wheelbase, or an elongated seating area;

"(B) as modified, has a seating capacity of more than 8 passengers (including the driver);

"(C) is used under trip-by-trip contracts for the transportation of passengers for compensation on a prearranged basis; and

"(D) is not used for public transportation service, as such term is defined in section 5302;".

SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 31306(c)(2) of title 49, United States Code, is amended by striking ", for urine testing,".

SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.

Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until the compliance date for the final rule published on December 8, 2016, titled ''Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators'' (81 Fed. Reg. 88732), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) a schedule, including benchmarks, to complete implementation of the requirements under such final rule;

(2) any anticipated delays, if applicable, in meeting the benchmarks described in paragraph (1);

(3) the progress that the Secretary has made in updating the Department of Transportation's information technology infrastructure to support the training provider registry;

(4) a list of States that have adopted laws or regulations to implement such final rule; and

(5) a list of States, if applicable, that are implementing the rule and confirming that an applicant for a commercial driver's license has complied with the requirements.

SEC. 4304. DRIVER DETENTION TIME.

(a) DATA COLLECTION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) begin to collect data on delays experienced by operators of commercial motor vehicles, as required under section 5501 of the FAST Act (49 U.S.C. 14103 note) and as referenced in the request for information published on June 10, 2019, titled ''Request for Information Concerning Commercial Motor Vehicle Driver Detention Times During Loading and Unloading'' (84 Fed. Reg. 26932); and

(2) make such data available on a publicly accessible website of the Department of Transportation.

(b) DETENTION TIME LIMITS.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to establish limits on the amount of time that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver before the loading or unloading of the vehicle, if the operator is not compensated for such time detained.

(2) CONTENTS.—As part of the rulemaking conducted pursuant to subsection (a), the Secretary shall—

(A) consider the diverse nature of operations in the movement of goods by commercial motor vehicle;

(B) examine any correlation between time detained and violations of the hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(C) determine whether the effect of detention time on safety differs based on—

(i) how an operator is compensated; and

(ii) the contractual relationship between the operator and the motor carrier, including whether an operator is an employee, a leased owner-operator, or an owner-operator with independent authority; and

(D) establish a process for a motor carrier, shipper, receiver, broker, or commercial motor vehicle operator to report instances of time detained beyond the Secretary's established limits.

(3) INCORPORATION OF INFORMATION.—The Secretary shall incorporate information received under paragraph (2)(D) into the process established pursuant to subsection (a) once a final rule takes effect.

(c) DATA PROTECTION.—Data made available pursuant to this section shall be made available in a manner that—

(1) precludes the connection of the data to any individual motor carrier or commercial motor vehicle operator; and

(2) protects privacy and confidentiality of individuals, operators, and motor carriers submitting the data.

(d) COMMERCIAL MOTOR VEHICLE DEFINED.—In this section, the term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4305. TRUCK LEASING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall establish a Truck Leasing Task Force (hereinafter referred to as the ''Task Force'').

(b) MEMBERSHIP.—The Secretary of Transportation shall select not more than 15 individuals to serve as members of the Task Force, including equal representation from each of the following:

(1) Labor organizations.

(2) The motor carrier industry, including independent owner-operators.

(3) Consumer protection groups.

(4) Safety groups.

(5) Members of the legal profession who specialize in consumer finance issues.

(c) DUTIES.—The Task Force shall examine, at a minimum—

(1) common truck leasing arrangements available to property-carrying commercial motor vehicle drivers, including lease-purchase agreements;

(2) the terms of such leasing agreements;

(3) the prevalence of predatory leasing agreements in the motor carrier industry;

(4) specific agreements available to drayage drivers at ports related to the Clean Truck Program or similar programs to decrease emissions from port operations;

(5) the impact of truck leasing agreements on the net compensation of property-carrying commer-

cial motor vehicle drivers, including port drayage drivers;

(6) resources to assist property-carrying commercial motor vehicle drivers in assessing the impacts of leasing agreements; and

(7) the classification of property-carrying commercial motor vehicle drivers under lease-purchase agreements.

(d) COMPENSATION.—A member of the Task Force shall serve without compensation.

(e) REPORT.—Upon completion of the examination described in subsection (c), the Task Force shall submit to the Secretary of Transportation, Secretary of Labor, and appropriate congressional committees a report containing—

(1) the findings of the Task Force on the matters described in subsection (c);

(2) best practices related to—

(A) assisting a commercial motor vehicle driver in assessing the impacts of leasing agreements prior to entering into such agreements; and

(B) assisting a commercial motor vehicle driver who has entered into a predatory lease agreement; and

(3) recommendations on changes to laws or regulations, as applicable, at the Federal, State, or local level to promote fair leasing agreements under which a commercial motor vehicle driver is able to earn a living wage.

(f) TERMINATION.—Not later than 1 month after the date of submission of the report pursuant to subsection (e), the Task Force shall terminate.

SEC. 4306. HOURS OF SERVICE.

(a) COMPREHENSIVE REVIEW.—

(1) COMPREHENSIVE REVIEW OF HOURS OF SERVICE RULES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a comprehensive review of hours of service rules and the impacts of waivers, exemptions, and other allowances that limit the applicability of such rules.

(2) CHANGES TO REGULATIONS.—In carrying out the comprehensive review under paragraph (1) and the required analyses under paragraphs (3) and (4), the Secretary shall consider the modifications made in the final rule published on June 1, 2020, titled ''Hours of Service of Drivers'' (85 Fed. Reg. 33396) and evaluate the impacts of the allowance to

operate in excess of the limits in effect prior to June 1, 2020.

(3) LIST OF EXEMPTIONS.—In carrying out the comprehensive review required under paragraph (1), the Secretary shall—

(A) compile a list of waivers, exemptions, and other allowances—

(i) under which a driver may operate in excess of the otherwise applicable limits on on-duty or driving time in absence of such exemption, waiver, or other allowance;

(ii) under which a driver may operate without recording compliance with hours of service rules through the use of an electronic logging device; and

(iii) applicable—

(I) to specific segments of the motor carrier industry or sectors of the economy;

(II) on a periodic or seasonal basis; and

(III) to specific types of operations, including the short haul exemption under part 395 of title 49, Code of Federal Regulations;

(B) specify whether each such waiver, exemption, or other allowance was granted by the Department of Transportation or enacted by Congress, and how long such waiver, exemption, or other allowance has been in effect; and

(C) estimate the number of motor carriers, motor private carriers, and drivers that may qualify to use each waiver, exemption, or other allowance.

(4) SAFETY IMPACT ANALYSIS.—

(A) IN GENERAL.—In carrying out the comprehensive review under paragraph (1), the Secretary, in consultation with State motor carrier enforcement entities, shall undertake a statistically valid analysis to determine the safety impact, including on enforcement, of the exemptions, waivers, or other allowances compiled under paragraph (2) by—

(i) using available data, or collecting from motor carriers or motor private carriers and drivers operating under an exemption, waiver, or other allowance if the Secretary does not have sufficient data, to determine the incidence of accidents, fatigue-related incidents, and other relevant

safety information related to hours of service among motor carriers, private motor carriers, and drivers permitted to operate under each exemption, waiver, or other allowance;

(ii) comparing the data described in subparagraph (A) to safety data from motor carriers, motor private carriers, and drivers that are subject to the hours of service rules and not operating under an exemption, waiver, or other allowance; and

(iii) based on the comparison under subparagraph (B), determining whether waivers, exemptions, and other allowances in effect provide an equivalent level of safety as would exist in the absence of exemptions, waivers, or other allowances.

(B) CONSULTATION.—The Secretary shall consult with State motor carrier enforcement entities in carrying out this paragraph.

(C) EXCLUSIONS.—The Secretary shall exclude data related to exemptions, waivers, or other allowances made pursuant to an emergency declaration under section 390.23 of title 49, Code of Federal Regulations, or extended

under section 390.25 of title 49, Code of Federal Regulations, from the analysis required under this paragraph.

(5) DRIVER IMPACT ANALYSIS.—In carrying out the comprehensive review under paragraph (1), the Secretary shall further consider—

(A) data on driver detention collected by the Secretary pursuant to section 4304 of this Act and other conditions affecting the movement of goods by commercial motor vehicle, and how such conditions interact with the Secretary's regulations on hours of service;

(B) whether exemptions, waivers, or other allowances that permit additional on-duty time or driving time have a deleterious effect on the physical condition of drivers; and

(C) whether differences in the manner in which drivers are compensated result in different levels of burden for drivers in complying with hours of service rules.

(b) PEER REVIEW.—Prior to the publication of the review required under subsection (d), the analyses performed by the Secretary shall undergo an independent peer review.

(c) PUBLICATION.—Not later than 18 months after the date that the Secretary initiates the comprehensive review under subsection (b)(1), the Secretary shall publish the findings of such review in the Federal Register and provide for a period for public comment.

(d) REPORT TO CONGRESS.—Not later than 30 days after the conclusion of the public comment period under subsection (d), the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on a website of the Department of Transportation a report containing the information and analyses required under subsection (b).

(e) REPLACEMENT OF GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to update the Department of Transportation guidance published on June 7, 2018, titled ''Hours of Service of Drivers of Commercial Motor Vehicles: Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Personal Conveyance'' (83 Fed. Reg. 26377) to prescribe specific mileage or time limits, or both, for the use of personal conveyance.

(f) DEFINITIONS.—In this section:

(1) MOTOR CARRIER; MOTOR PRIVATE CARRIER.—The terms ''motor carrier'' and ''motor private carrier'' have the meanings given such terms in section 31501 of title 49, United States Code.

(2) ON-DUTY TIME; DRIVING TIME; ELECTRONIC LOGGING DEVICE.—The terms ''on-duty time'', ''driving time'', and ''electronic logging device'' have the meanings given such terms in section 395.2 of title 49, Code of Federal Regulations (as in effect on June 1, 2020).

SEC. 4307. DRIVER RECRUITMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the inspector general of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report examining the operation of commercial motor vehicles in the United States by drivers admitted to the United States under temporary business visas.

(b) CONTENTS.—The report under paragraph (1) shall include—

(1) an assessment of—

(A) the prevalence of the operation of commercial motor vehicles in the United States by

drivers admitted to the United States under temporary business visas;

(B) the characteristics of motor carriers that recruit and use such drivers, including the country of domicile of the motor carrier or subsidiary;

(C) the demographics of drivers operating in the United States under such visas, including the country of domicile of such drivers; and

(D) the contractual relationship between such motor carriers and such drivers;

(2) an analysis of whether such drivers are required to comply with—

(A) motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including—

(i) the English proficiency requirement under section 391.11(2) of title 49, Code of Federal Regulations;

(ii) the requirement for drivers of a motor carrier to report any violations of a regulation to such motor carrier under section 391.27 of title 49, Code of Federal Regulations; and

(iii) driver's licensing requirements under part 383 of title 49, Code of Federal Regulations, including entry-level driver training and drug and alcohol testing under part 382 of such title; and

(B) regulations prohibiting point-to-point transportation in the United States, or cabotage, under part 365 of title 49, Code of Federal Regulations;

(3) an evaluation of the safety record of the operations and drivers described in paragraph (1), including—

(A) violations of the motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including applicable requirements described in paragraph (2)(A); and

(B) the number of crashes involving such operations and drivers; and

(4) the impact of such operations and drivers on—

(A) commercial motor vehicle drivers domiciled in the United States, including employment levels and driver compensation of such drivers; and

(B) the competitiveness of motor carriers domiciled in the United States.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—In this section, the term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

(2) TEMPORARY BUSINESS VISA.—The term ''temporary business visa'' means any driver who is present in the United States with status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(1) assess the risk posed by untreated obstructive sleep apnea in drivers of commercial motor vehicles and the feasibility, benefits, and costs associated with establishing screening criteria for obstructive sleep apnea in drivers of commercial motor vehicles;

(2) issue a notice in the Federal Register containing the independently peer-reviewed findings of the assessment required under paragraph (1) not later than 30 days after completion of the assess-

ment and provide an opportunity for public comment; and

(3) if the Secretary contracts with an independent third party to conduct the assessment required under paragraph (1), ensure that the independent third party shall not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or driver advocacy organizations.

(b) SCREENING CRITERIA.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers and provide an opportunity for public comment.

(2) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers.

(c) COMMERCIAL MOTOR VEHICLE DEFINED.—In this section, the term ''commercial motor vehicle'' has the

meaning given such term in section 31132 of title 49, United States Cod

SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.

(a) SHORT TITLE.—This section may be cited as the ''Promoting Women in Trucking Workforce Act''.

(b) FINDINGS.—Congress finds that—

(1) women make up 47 percent of the workforce of the United States;

(2) women are significantly underrepresented in the trucking industry, holding only 24 percent of all transportation and warehousing jobs and representing only—

(A) 6.6 percent of truck drivers;

(B) 12.5 percent of all workers in truck transportation; and

(C) 8 percent of freight firm owners;

(3) given the total number of women truck drivers, women are underrepresented in the truck-driving workforce; and

(4) women truck drivers have been shown to be 20 percent less likely than male counterparts to be involved in a crash.

(c) SENSE OF CONGRESS REGARDING WOMEN IN TRUCKING.—It is the sense of Congress that the trucking industry should explore every opportunity, including driver

training and mentorship programs, to encourage and support the pursuit of careers in trucking by women.

(d) ESTABLISHMENT.—To encourage women to enter the field of trucking, the Administrator shall establish and facilitate an advisory board, to be known as the ''Women of Trucking Advisory Board'', to promote organizations and programs that—

(1) provide education, training, mentorship, or outreach to women in the trucking industry; and

(2) recruit women into the trucking industry.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of not fewer than seven members whose backgrounds allow those members to contribute balanced points of view and diverse ideas regarding the strategies and objectives described in subsection (f)(2).

(2) APPOINTMENT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall appoint the members of the Board, of whom—

(A) not fewer than one shall be a representative of large trucking companies;

(B) not fewer than one shall be a representative of mid-sized trucking companies;

(C) not fewer than one shall be a representative of small trucking companies;

(D) not fewer than one shall be a representative of nonprofit organizations in the trucking industry;

(E) not fewer than one shall be a representative of trucking business associations;

(F) not fewer than one shall be a representative of independent owner-operators; and

(G) not fewer than one shall be a woman who is a professional truck driver.

(3) TERMS.—Each member shall be appointed for the life of the Board.

(4) COMPENSATION.—A member of the Board shall serve without compensation.

(f) DUTIES.—

(1) IN GENERAL.—The Board shall identify—

(A) industry trends that directly or indirectly discourage women from pursuing careers in trucking, including—

(i) any differences between women minority groups;

(ii) any differences between women who live in rural, suburban, and urban areas; and

(iii) any safety risks unique to the trucking industry;

(B) ways in which the functions of trucking companies, nonprofit organizations, and trucking associations may be coordinated to facilitate support for women pursuing careers in trucking;

(C) opportunities to expand existing opportunities for women in the trucking industry; and

(D) opportunities to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Board shall submit to the Administrator a report describing strategies that the Administrator may adopt—

(A) to address any industry trends identified under paragraph (1)(A);

(B) to coordinate the functions of trucking companies, nonprofit organizations, and trucking associations in a manner that facilitates support for women pursuing careers in trucking;

(C) to—

(i) take advantage of any opportunities identified under paragraph (1)(C); and

(ii) create new opportunities to expand existing scholarship opportunities for women in the trucking industry; and

(D) to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) any strategies recommended by the Board under subsection (f)(2); and

(B) any actions taken by the Administrator to adopt the strategies recommended by the Board (or an explanation of the reasons for not adopting the strategies).

(2) PUBLIC AVAILABILITY.—The Administrator shall make the report under paragraph (1) publicly available—

(A) on the website of the Federal Motor Carrier Safety Administration; and

(B) in appropriate offices of the Federal Motor Carrier Safety Administration.

(h) TERMINATION.—The Board shall terminate on submission of the report to Congress under subsection (g).

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Motor Carrier Safety Administration.

(2) BOARD.—The term ''Board'' means the Women of Trucking Advisory Board established under subsection (d).

(3) LARGE TRUCKING COMPANY.—The term ''large trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue greater than $1,000,000,000.

(4) MID-SIZED TRUCKING COMPANY.—The term ''mid-sized trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue of not less than $35,000,000 and not greater than $1,000,000,000.

(5) SMALL TRUCKING COMPANY.—The term ''small trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue less than $35,000,000.

SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE SAFETY.

(a) DEFINITION.—Section 31301(14) of title 49, United States Code, is amended—

(1) by striking ''and'' and inserting a comma; and

(2) by inserting '', and Puerto Rico'' before the period.

(b) IMPLEMENTATION.—The Administrator of the Federal Motor Carrier Safety Administration shall work with the Commonwealth of Puerto Rico on obtaining full compliance with chapter 313 of title 49, United States Code, and regulations adopted under that chapter.

(c) GRACE PERIOD.—Notwithstanding section 31311(a) of title 49, United States Code, during a 5-year period beginning on the date of enactment of this Act, the Commonwealth of Puerto Rico shall not be subject to a withholding of an apportionment of funds under paragraphs (1) and (2) of section 104(b) of title 23, United

States Code, for failure to comply with any requirement under section 31311(a) of title 49, United States Code.

SEC. 4311. USE OF DATA.

Section 31137(e) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''only''; and

(B) by striking '', including record-of-duty status regulations'' and inserting ''and to conduct transportation research utilizing such data'';

(2) in paragraph (2) by striking ''to enforce the regulations referred to in'' and inserting ''for purposes authorized under''; and

(3) by amending paragraph (3) to read as follows:

''(3) RESEARCH DATA.—The Secretary shall institute appropriate measures to protect the privacy of individuals, operators, and motor carriers when data obtained from an electronic logging device is used for research pursuant to this section and such research is made available to the public.''.

Subtitle D—Commercial Motor Vehicle and Schoolbus Safety

SEC. 4401. SCHOOLBUS SAFETY STANDARDS.

(a) SCHOOLBUS SEATBELTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to consider requiring large schoolbuses to be equipped with safety belts for all seating positions, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) CONSIDERATIONS.—In issuing a notice of proposed rulemaking under paragraph (1), the Secretary shall consider—

(A) the safety benefits of a lap/shoulder belt system (also known as a Type 2 seatbelt assembly);

(B) the investigations and recommendations of the National Transportation Safety Board on seatbelts in schoolbuses;

(C) existing experience, including analysis of student injuries and fatalities compared to States without seat belt laws, and seat belt

usage rates, from States that require schoolbuses to be equipped with seatbelts, including Type 2 seatbelt assembly;

(D) the impact of lap/shoulder belt systems on emergency evacuations, with a focus on emergency evacuations involving students below the age of 14, and emergency evacuations necessitated by fire or water submersion; and

(E) the impact of lap/shoulder belt systems on the overall availability of schoolbus transportation.

(3) REPORT.—If the Secretary determines that a standard described in paragraph (1) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the reasons for not prescribing such a standard.

(4) APPLICATION OF REGULATIONS.—Any regulation issued based on the notice of proposed rulemaking described in paragraph (1) shall apply to

schoolbuses manufactured more than 3 years after the date on which the regulation takes effect.

(b) AUTOMATIC EMERGENCY BRAKING.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(2) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems.

(c) ELECTRONIC STABILITY CONTROL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an electronic stability control system (as such term is defined in section 571.136 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act)); and

(2) as part of such standard, establish performance requirements for electronic stability control systems, including operation of such systems.

(d) FIRE PREVENTION AND MITIGATION.—

(1) RESEARCH AND TESTING.—The Secretary shall conduct research and testing to determine the most prevalent causes of schoolbus fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the schoolbus. Such research and testing shall consider—

(A) fire suppression systems standards, which at a minimum prevent engine fires;

(B) firewall standards to prevent gas or flames from entering into the passenger compartment in schoolbuses with engines that extend beyond the firewall; and

(C) interior flammability and smoke emissions characteristics standards.

(2) STANDARDS.—The Secretary may issue fire prevention and mitigation standards for schoolbuses, based on the results of the Secretary's research and testing under paragraph (1), if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall study and issue a report on the safety implications of temperature controls in school buses. The study and report shall include—

(1) an analysis of the internal temperature in school buses without air conditioning in weather between 80 and 110 degrees Fahrenheit;

(2) the collection and analysis of data on temperature-related injuries to students, including heatstroke and dehydration;

(3) the collection of data on how many public school districts currently operate buses without air conditioning; and

(4) recommendations for preventing heat related illnesses for children on school buses.

(f) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING.—The term ''automatic emergency braking'' means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward warning function—

(i) to detect vehicles and vulnerable road users ahead of the vehicle; and

(ii) to alert the operator of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) LARGE SCHOOLBUS.—The term ''large schoolbus'' means a schoolbus with a gross vehicle weight rating of more than 10,000 pounds.

(3) SCHOOLBUS.—The term ''schoolbus'' has the meaning given such term in section 30125(a) of title 49, United States Code.

SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.

(a) ILLEGAL PASSING RESEARCH.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct research to determine—

(A) drivers' knowledge of and attitudes towards laws governing passing of a school bus under the State in which the driver lives;

(B) the effectiveness of automated school bus camera enforcement systems in reducing school bus passing violations;

(C) whether laws that require automated school bus camera systems to capture images of a driver's face impact the ability of States to enforce such laws;

(D) the effectiveness of public education on illegal school bus passing laws in reducing school bus passing violations; and

(E) the most-effective countermeasures to address illegal passing of school buses and best practices for States to reduce the number of illegal passing violations.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the research and findings required under paragraph (1).

(3) PUBLICATION.—The Secretary shall make publicly available on the website of the Department the report required under paragraph (2) not later than 30 days after the report is submitted under such paragraph.

(b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create and disseminate a public safety messaging campaign, including public safety media messages, posters, digital, and other media messages for distribution to States, divisions of motor vehicles, schools, and other public outlets to highlight the dangers of illegally passing school buses, including educational materials for students and the public on the safest school bus loading and unloading procedures.

(2) CONSULTATION.—The Secretary shall consult with public and private school bus industry representatives and States in developing the materials and messages required under paragraph (1).

(3) UPDATE.—The Secretary shall periodically update the materials used in the campaign.

(c) REVIEW OF ADVANCED SCHOOL BUS SAFETY TECHNOLOGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a review of advanced school bus safety technologies to assess their feasibility, benefits, and costs. The review shall include—

(A) an evaluation of motion-activated alert systems that are capable of detecting and alerting the school bus driver to students, pedestrians, bicyclists, and other vulnerable road users located near the perimeter of the school bus;

(B) an evaluation of advanced school bus flashing lighting systems to improve communication to surrounding drivers;

(C) an evaluation of early warning systems, including radar-based warning systems, to alert school bus drivers and students near the school bus that an approaching vehicle is likely to engage in an illegal passing; and

(D) other technologies that enhance school bus safety, as determined by the Secretary.

(2) PUBLICATION.—The Secretary shall make the findings of the review publicly available on the website of the Department not later than 30 days after its completion.

(d) GAO REVIEW OF STATE ILLEGAL PASSING LAWS AND DRIVER EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the

Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report examining State laws and driver education efforts regarding illegal passing of school buses.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an overview of each State's illegal school bus passing laws, including how the laws are enforced and what penalties are imposed on violators;

(B) a review of each State's driver education efforts regarding illegal passing of school buses to determine how each State educates and evaluates new drivers on laws governing passing of a school bus; and

(C) recommendations on how States can improve driver education and awareness of the dangers of illegally passing school buses.

SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) REVIEW OF STATE INSPECTION PRACTICES.—The Secretary of Transportation shall conduct a review of Federal Motor Carrier Safety Regulations related to an-

nual inspection of commercial motor vehicles carrying passengers to determine—

(1) different inspection models in use for commercial motor vehicles carrying passengers to satisfy the Federal inspection requirement;

(2) the number of States that have mandatory annual State vehicle inspections and whether such inspections are used to satisfy the Federal inspection requirement for commercial motor vehicles carrying passengers;

(3) the extent to which passenger carriers utilize self-inspection to satisfy the Federal inspection requirement;

(4) the number of States that have the authority to require the immobilization of impoundment of a commercial motor vehicle carrying passengers if such a vehicle fails inspection; and

(5) the impact on the safety of commercial motor vehicles carrying passengers, based on the inspection model employed.

(b) REPORT TO CONGRESS.—Not later than 1 year after the enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on

Commerce, Science, and Transportation of the Senate a report on—

(1) the findings of the review conducted under subsection (a); and

(2) recommendations on changes to the Secretary's inspection program regulations to improve the safety of commercial motor vehicles carrying passengers.

SEC. 4404. AUTOMATIC EMERGENCY BRAKING.

(a) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all commercial motor vehicles subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations, (relating to electronic stability control systems for heavy vehicles) manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(B) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems in a variety of driving conditions.

(2) CONSIDERATIONS.—Prior to prescribing the standard required under paragraph (1)(A), the Secretary shall—

(A) conduct a review of automatic emergency braking systems in use in applicable commercial motor vehicles and address any identified deficiencies with such systems in the rulemaking proceeding to prescribe the standard, if practicable;

(B) assess the feasibility of updating the software of emergency braking systems in use in applicable commercial motor vehicles to address any deficiencies and to enable such systems to meet the new standard; and

(C) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in applicable commercial motor vehicles, including malfunctions or unwarranted activations of such systems.

(3) COMPLIANCE DATE.—The Secretary shall ensure that the compliance date of the standard prescribed pursuant to paragraph (1) shall be not later than 2 years after the date of publication of the final rule prescribing such standard.

(b) FEDERAL MOTOR CARRIER SAFETY REGULATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations,(relating to electronic stability control systems for heavy vehicles) that is in operation on or after the effective date of the standard prescribed under subsection (a) be used at any time during which such commercial motor vehicle is in operation.

(c) REPORT ON AUTOMATIC EMERGENCY BRAKING IN MEDIUM-DUTY COMMERCIAL MOTOR VEHICLES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall, with respect to commercial motor vehicles not subject to Federal motor vehicle safety standard 136 under section 571.136 of title 49, Code of Federal Regulations—

(A) complete research on equipping commercial motor vehicles with automatic emergency braking systems to better understand the overall effectiveness of such systems on a variety of commercial motor vehicles;

(B) assess the feasibility, benefits, and costs associated with installing automatic emergency braking systems on newly manufactured commercial motor vehicles with a gross vehicle weight rating of 10,001 pounds or more; and

(C) if warranted, develop performance standards for such automatic emergency braking systems.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that such third party does not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or an entity producing or supplying automatic emergency braking systems.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completing the assessment required under paragraph (1)(B), the Secretary shall

issue a notice in the Federal Register containing the findings of the assessment and provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—After the conclusion of the public comment period under paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides—

(A) the results of the assessment under paragraph (1)(B);

(B) a summary of the public comments received by the Secretary under paragraph (3); and

(C) a determination as to whether the Secretary intends to develop performance requirements for automatic emergency braking systems for applicable commercial motor vehicles, including any analysis that led to such determination.

(d) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term ''automatic emergency braking sys-

tem'' means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward collision warning function—

(i) to detect vehicles and vulnerable road users ahead of the vehicle; and

(ii) to alert the operator of the vehicle of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4405. UNDERRIDE PROTECTION.

(a) REAR UNDERRIDE GUARDS.—

(1) REAR GUARDS ON TRAILERS AND SEMITRAILERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise motor vehicle

safety standards under sections 571.223 and 571.224 of title 49, Code of Federal Regulations, to require trailers and semi-trailers manufactured after the date on which such regulation is issued to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger vehicle traveling at 35 miles per hour makes—

(i) an impact in which the passenger vehicle impacts the center of the rear of the trailer or semitrailer;

(ii) an impact in which 50 percent the width of the passenger vehicle overlaps the rear of the trailer or semitrailer; and

(iii) an impact in which 30 percent of the width of the passenger vehicle overlaps the rear of the trailer or semitrailer.

(B) EFFECTIVE DATE.—The rule issued under subparagraph (A) shall require full compliance with the motor carrier safety standard prescribed in such rule not later than 2 years after the date on which a final rule is issued.

(2) ADDITIONAL RESEARCH.—The Secretary shall conduct additional research on the design and

development of rear impact guards that can prevent underride crashes and protect motor vehicle passengers against severe injury at crash speeds of up to 65 miles per hour.

(3) REVIEW OF STANDARDS.—Not later than 5 years after any revisions to standards or requirements related to rear impact guards pursuant to paragraph (1), the Secretary shall review the standards or requirements to evaluate the need for changes in response to advancements in technology and upgrade such standards accordingly.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to amend the regulations on minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and driver vehicle inspection reports under section 396.11 of title 49, Code of Federal Regulations, to include rear impact guards and rear end protection (as required by section 393.86 of title 49, Code of Federal Regulations).

(B) CONSIDERATIONS.—In updating the regulations described in subparagraph (A), the Secretary shall consider it to be a defect or a deficiency if a rear impact guard is missing or has a corroded or compromised element that affects the structural integrity and protective feature of such guard.

(b) SIDE UNDERRIDE GUARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete additional research on side underride guards to better understand the overall effectiveness of such guards;

(B) assess the feasibility, benefits, and costs associated with installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more; and

(C) if warranted, develop performance standards for such guards.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that such third

party does not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or an entity producing or supplying underride guards.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completing the assessment required under paragraph (1)(B), the Secretary shall issue a notice in the Federal Register containing the findings of the assessment and provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—After the conclusion of the public comment period under paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides—

(A) the results of the assessment under this subsection;

(B) a summary of the public comments received by the Secretary under paragraph (3); and

(C) a determination as to whether the Secretary intends to develop performance require-

ments for side underride guards, including any analysis that led to such determination.

(c) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish an Advisory Committee on Underride Protection (in this subsection referred to as the ''Committee'') to provide advice and recommendations to the Secretary on safety regulations to reduce crashes and fatalities involving truck underrides.

(2) REPRESENTATION.—

(A) IN GENERAL.—The Committee shall be composed of not more than 20 members appointed by the Secretary who are not employees of the Department of Transportation and who are qualified to serve because of their expertise, training, or experience.

(B) MEMBERSHIP.—Members shall include two representatives of each of the following:

(i) Truck and trailer manufacturers.

(ii) Motor carriers, including independent owner-operators.

(iii) Law enforcement.

(iv) Motor vehicle engineers.

(v) Motor vehicle crash investigators.

(vi) Truck safety organizations.

(vii) The insurance industry.

(viii) Emergency medical service providers.

(ix) Families of underride crash victims.

(x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet at least annually.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties described in paragraph (1).

(6) REPORT.—The Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a biennial report that shall—

(A) describe the advice and recommendations made to the Secretary; and

(B) include an assessment of progress made by the Secretary in advancing safety regulations.

(d) DATA COLLECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement recommendations 1 and 2 described in the report by the Government Accountability Office published on March 14, 2019, titled ''Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed'' (GAO–19–264).

SEC. 4406. TRANSPORTATION OF HORSES.

Section 80502 of title 49, United States Code, is amended—

(1) in subsection (c) by striking ''This section does not'' and inserting ''Subsections (a) and (b) shall not'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) TRANSPORTATION OF HORSES.—

''(1) PROHIBITION.—No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a

place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing two or more levels stacked on top of each other.

"(2) MOTOR VEHICLE DEFINED.—In this subsection, the term 'motor vehicle'—

"(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

"(B) does not include a vehicle operated exclusively on a rail or rails."; and

(4) in subsection (e), as redesignated—

(A) by striking "A rail carrier" and inserting the following:

"(1) IN GENERAL.—A rail carrier";

(B) by striking "this section" and inserting "subsection (a) or (b)"; and

(C) by striking "On learning" and inserting the following:

"(2) TRANSPORTATION OF HORSES IN MULTI-LEVEL TRAILER.—

"(A) CIVIL PENALTY.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100, but not more than $500, for each

violation. A separate violation of subsection (d) occurs for each horse that is transported, or caused to be transported, in violation of subsection (d).

"(B) RELATIONSHIP TO OTHER LAWS.—The penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.

"(3) CIVIL ACTION.—On learning".

SEC. 4407. ADDITIONAL STATE AUTHORITY.

(a) ADDITIONAL AUTHORITY.—Notwithstanding the limitation in section 127(d) of title 23, United States Code, if a State had in effect on or before June 1, 1991, a statute or regulation which placed a limitation on the overall length of a longer combination vehicle consisting of 3 trailers, such State may allow the operation of a longer combination vehicle to accommodate a longer energy efficient truck tractor in such longer combination vehicle under such limitation, if the additional tractor length is the only added length to such longer combination vehicle and does not result in increased cargo capacity in weight or volume.

(b) SAVINGS CLAUSE.—Nothing in this section authorizes a State to allow an increase in the length of a

trailer, semitrailer, or other cargo-carrying unit of a longer combination vehicle.

(c) LONGER COMBINATION VEHICLE DEFINED.—The term ''longer combination vehicle'' has the meaning given such term in section 127 of title 23, United States Code.

SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSURANCE FOR COMMERCIAL MOTOR VEHICLES.

Section 31139(b) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking ''$750,000'' and inserting ''$2,000,000''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT.—The Secretary, in consultation with the Bureau of Labor Statistics, shall adjust the minimum level of financial responsibility under paragraph (2) quinquennially for inflation.''.

SEC. 4409. UNIVERSAL ELECTRONIC IDENTIFIER.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue a final motor vehicle safety standard that requires a commercial motor vehicle manufactured after the effective date of such standard to be equipped with a universal electronic vehicle identifier that—

(1) identifies the vehicle to roadside inspectors for enforcement purposes;

(2) does not transmit personally identifiable information regarding operators; and

(3) does not create an undue cost burden for operators and carriers.

TITLE V—INNOVATION

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $144,000,000 for each of fiscal years 2023 through 2026.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, $152,000,000 for each of fiscal years 2023 through 2026.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, $26,000,000 for each of fiscal years 2023 through 2026.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518

of title 23, United States Code, $100,000,000 for each of fiscal years 2023 through 2026.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, $96,000,000 for each of fiscal years 2023 through 2026.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $27,000,000 for each of fiscal years 2023 through 2026.

(b) ADDITIONAL PROGRAMS.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) MOBILITY THROUGH ADVANCED TECHNOLOGIES.—To carry out section 503(c)(4) of title 23, United States Code, $70,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(c) of such title.

(2) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—To carry out section 503(d) of title 23, United States Code, $10,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(c) of such title.

(3) NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.—To carry out section 5507 of title 49, United States Code, $2,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out sections 512 through 518 of title 23, United States Code.

(4) NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.—To carry out section 70205 of title 49, United States Code, $4,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(5) STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOTS.—To carry out section 6020 of the FAST Act (23 U.S.C. 503 note), $35,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(6) NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.—To carry out section 5402 of this title, $10,000,000 for each of fiscal years 2023 through 2026 from funds made available to carry out section 503(b) of title 23, United States Code.

(c) ADMINISTRATION.—The Federal Highway Administration shall—

(1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a) and paragraph (1) of subsection (b); and

(2) in consultation with relevant modal administrations, administer the programs described in subsections (a)(4) and (b)(2).

(d) TREATMENT OF FUNDS.—Funds authorized to be appropriated by subsections (a) and (b) shall—

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

(2) remain available until expended and not be transferable, except as otherwise provided in this title.

Subtitle A—Research and Development

SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking ''section 508'' and inserting ''section 6503 of title 49''; and

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking ''; and'' and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(iv) to reduce greenhouse gas emissions and limit the effects of climate change.''; and

(ii) by striking subparagraphs (D) and (E);

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking ''; and'' and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(iv) to reduce greenhouse gas emissions and limit the effects of climate change.''; and

(ii) in subparagraph (C)—

(I) in clause (iv) by striking ''; and'' and inserting a semicolon;

(II) in clause (v) by striking the period and inserting ''; and''; and

(III) by inserting at the end the following:

''(vi) establishing best practices and creating models and tools to support metropolitan and statewide planning practices to meet the considerations described in sections 134(i)(2)(I) and 135(f)(10) of this title, including—

''(I) strategies to address climate change mitigation and impacts described in sections 134(i)(2)(I)(ii) and

135(f)(10)(B) of this title and the incorporation of such strategies into long range transportation planning;

"(II) preparation of a vulnerability assessment described in sections 134(i)(2)(I)(iii) and 135(f)(10)(C) of this title; and

"(III) integration of these practices with the planning practices described in sections 5303(i)(2)(I) and 5304(f)(10) of title 49.";

(C) in paragraph (5)(A)—

(i) in clause (iv) by striking "; and" and inserting a semicolon;

(ii) in clause (v) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(vi) reducing greenhouse gas emissions and limiting the effects of climate change."; and

(D) by adding at the end the following:

"(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—

"(A) track the condition of highway assets, including interchanges, and the reconstruction history of such assets;

"(B) can be used to assess transportation options;

"(C) allow for the monitoring and modeling of network-level traffic flows on highways; and

"(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.

"(10) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.—

"(A) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150).

"(B) INCLUSIONS.—The data analysis activities authorized under subparagraph (A) may include—

"(i) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

"(ii) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

"(iii) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

"(iv) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e);

"(v) developing tools—

"(I) to improve performance analysis; and

"(II) to evaluate the effects of project investments on performance;

"(vi) assisting in the development or procurement of the transportation system access data under section 1403(g) of the INVEST in America Act; and

"(vii) developing tools and acquiring data described under paragraph (9).

"(C) FUNDING.—The Administrator of the Federal Highway Administration may use up to $15,000,000 for each of fiscal years 2023 through 2026 to carry out this paragraph.".

(b) REPEAL.—Section 6028 of the FAST Act (23 U.S.C. 150 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.

Section 503 of title 23, United States Code, as amended by section 5101, is further amended by adding at the end the following:

"(d) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish and implement a program under which the Secretary shall award grants to eli-

gible entities to research and support the development of materials that will reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction and use of highways.

"(2) ACTIVITIES.—Activities under this section may include—

"(A) carrying out research to determine the materials proven to most effectively reduce or sequester greenhouse gas emissions;

"(B) evaluating and improves the ability of materials to most effectively reduce or sequester greenhouse gas emissions; and

"(C) supporting the development and deployment of materials that will reduce or sequester greenhouse gas emissions.

"(3) COMPETITIVE SELECTION PROCESS.—

"(A) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

"(B) CONSIDERATION.—In making grants under this subsection, the Secretary shall consider the degree to which applicants presently

carry out research on materials that reduce or sequester greenhouse gas emissions.

"(C) SELECTION CRITERIA.—The Secretary may make grants under this subsection to any eligible entity based on the demonstrated ability of the applicant to fulfill the activities described in paragraph (2).

"(D) TRANSPARENCY.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process for a grant under this subsection, including—

"(i) specific criteria of evaluation used in the review;

"(ii) descriptions of the review process; and

"(iii) explanations of the grants awarded.

"(4) GRANTS.—

"(A) RESTRICTIONS.—

"(i) IN GENERAL.—For each fiscal year, a grant made available under this subsection shall be not greater than

$4,000,000 and not less than $2,000,000 per recipient.

"(ii) LIMITATION.—An eligible entity may only receive one grant in a fiscal year under this subsection.

"(B) MATCHING REQUIREMENTS.—As a condition of receiving a grant under this subsection, a grant recipient shall match 50 percent of the amounts made available under the grant.

"(5) PROGRAM COORDINATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) coordinate the research, education, and technology transfer activities carried out by grant recipients under this subsection;

"(ii) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse; and

"(iii) to the extent practicable, support the deployment and commercial adoption of effective materials researched or developed under this subsection to relevant stakeholders.

"(B) ANNUAL REVIEW AND EVALUATION.—Not later than 2 years after the date of enactment of this subsection, and not less frequently than annually thereafter, the Secretary shall, consistent with the activities in paragraph (3)—

"(i) review and evaluate the programs carried out under this subsection by grant recipients, describing the effectiveness of the program in identifying materials that reduce or sequester greenhouse gas emissions;

"(ii) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing such review and evaluation; and

"(iii) make the report in clause (ii) available to the public on a website.

"(6) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this subsection shall remain available for obligation by the Secretary for a period of 3 years after the

last day of the fiscal year for which the amounts are authorized.

"(7) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this subsection, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44 (commonly known as the 'Paperwork Reduction Act').

"(8) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

Section 6503 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "For the period of fiscal years 2017 through 2022, and for each 5-year period thereafter, the Secretary";

(2) in subsection (c)(1)—

(A) in subparagraph (C) by inserting ''and security in the transportation system'' after ''safety'';

(B) in subparagraph (D) by inserting ''and the existing transportation system'' after ''infrastructure'';

(C) in subparagraph (E) by striking ''; and'' and inserting a semicolon;

(D) by amending subparagraph (F) to read as follows:

''(F) reducing greenhouse gas emissions; and''; and

(E) by adding at the end the following:

''(G) developing and maintaining a diverse workforce in transportation sectors;''; and

(3) in subsection (d) by striking ''not later than December 31, 2016,'' and inserting ''not later than December 31, 2022,''.

SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (A) by striking ''research priorities identified in chapter 65.'' and inserting the following: ''following research priorities:

''(i) Improving the mobility of people and goods.

''(ii) Reducing congestion.

''(iii) Promoting safety.

''(iv) Improving the durability and extending the life of transportation infrastructure and the existing transportation system.

''(v) Preserving the environment.

''(vi) Reducing greenhouse gas emissions.''; and

(ii) in subparagraph (B)—

(I) by striking ''Technology and'' and inserting ''Technology,'';

(II) by inserting '', the Administrator of the Federal Transit Administration,'' after ''Federal Highway Administration''; and

(III) by striking ''and other modal administrations as appropriate'' and inserting ''and the Administrators

of other operating administrations, as appropriate''; and

(B) by adding at the end the following:

''(7) FOCUSED RESEARCH CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider how the program under this section advances research on the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicles.''.

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Not later than 1 year after the date of enactment of this section,'' and inserting the following:

''(A) SELECTION OF GRANTS.—Not later than 1 year after the date of enactment of the INVEST in America Act,''; and

(ii) by adding at the end the following:

''(B) LIMITATIONS.—A grant under this subsection may not include a cooperative agreement described in section 6305 of title 31.'';

(B) in paragraph (2)—

(i) in subparagraph (A) by striking ''5 consortia'' and inserting ''6 consortia'';

(ii) in subparagraph (B)—

(I) in clause (i) by striking ''not greater than $4,000,000 and not less than $2,000,000'' and inserting ''not greater than $4,250,000 and not less than $2,250,000''; and

(II) in clause (ii) by striking ''section 6503(c)'' and inserting ''subsection (b)(4)(A)'';

(iii) in subparagraph (C) by striking ''100 percent'' and inserting ''50 percent''; and

(iv) by adding at the end the following:

''(D) REQUIREMENT.—In awarding grants under this section, the Secretary shall award 1 grant to a national consortia for each focus area described in subsection (b)(4)(A).'';

(C) in paragraph (3)—

(i) in subparagraph (C) by striking ''not greater than $3,000,000 and not less than $1,500,000'' and inserting ''not greater than $3,250,000 and not less than $1,750,000'';

(ii) in subparagraph (D)(i) by striking "100 percent" and inserting "50 percent"; and

(iii) by striking subparagraph (E); and

(D) in paragraph (4)—

(i) in subparagraph (A) by striking "greater than $2,000,000 and not less than $1,000,000" and inserting "greater than $2,250,000 and not less than $1,250,000"; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) CONSIDERATION.—In awarding grants under this section, the Secretary shall consider historically black colleges and universities, as such term is defined in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q), and other minority institutions, as such term is defined by section 365 of the Higher Education Act (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

"(D) FOCUSED RESEARCH.—

"(i) IN GENERAL.—In awarding grants under this section, the Secretary shall select not less than one grant recipient with each of the following focus areas:

"(I) Transit.

"(II) Connected and automated vehicle technology, including cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and automated vehicle technology.

"(III) Non-motorized transportation, including bicycle and pedestrian safety.

"(IV) The surface transportation workforce, including—

"(aa) current and future workforce needs and challenges; and

"(bb) the impact of technology on the transportation sector.

"(V) Climate change mitigation, including—

"(aa) researching the types of transportation projects that are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

"(bb) researching the types of transportation projects that are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.

"(ii) ADDITIONAL GRANTS.—In awarding grants under this section and after awarding grants pursuant to clause (i), the Secretary may award any remaining grants to any grant recipient based on the criteria described in subsection (b)(4)(A).";

(3) in subsection (d)(3) by striking "fiscal years 2016 through 2020" and inserting "fiscal years 2023 through 2026";

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

"(f) SURPLUS AMOUNTS.—

"(1) IN GENERAL.—Amounts made available to the Secretary to carry out this section that remain unobligated after awarding grants under subsection (c) shall be made available under the unsolicited research initiative under section 5506.

"(2) LIMITATION ON AMOUNTS.—Amounts under paragraph (1) shall not exceed $2,000,000 for any given fiscal year.".

SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§ 5506. Unsolicited research initiative

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a program under which an eligible entity may at any time submit unsolicited research proposals for funding under this section.

"(b) CRITERIA.—A research proposal submitted under subsection (a) shall meet the purposes of the Secretary's 5-year transportation research and development strategic plan described in section 6503(c)(1).

"(c) APPLICATIONS.—To receive funding under this section, eligible entities shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(d) REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available to the public on a public website a report on the progress and findings of the program established under subsection (a).

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent.

"(2) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity carried out under this section.

"(f) FUNDING.—

"(1) IN GENERAL.—Of the funds made available to carry out the university transportation centers program under section 5505, $2,000,000 shall be available for each of fiscal years 2023 through 2026 to carry out this section.

"(2) FUNDING FLEXIBILITY.—

"(A) IN GENERAL.—For fiscal years 2023 through 2026, funds made available under paragraph (1) shall remain available until expended.

"(B) UNCOMMITTED FUNDS.—If the Secretary determines, at the end of a fiscal year, funds under paragraph (1) remain unexpended as a result of a lack of meritorious projects under this section, the Secretary may, for the following fiscal year, make remaining funds available under either this section or under section 5505.

"(g) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) a State;

"(2) a unit of local government;

"(3) a transit agency;

"(4) any nonprofit institution of higher education, including a university transportation center under section 5505; and

"(5) a nonprofit organization.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by in-

serting after the item relating to section 5505 the following new item:

"5506. Unsolicited research initiative.".

SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended by adding at the end the following:

"§ 70205. National cooperative multimodal freight transportation research program

"(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish and support a national cooperative multimodal freight transportation research program.

"(b) AGREEMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall seek to enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative multimodal freight transportation research program.

"(c) ADVISORY COMMITTEE.—In carrying out the agreement described in subsection (b), the National Academy of Sciences shall select a multimodal freight transportation research advisory committee consisting of

multimodal freight stakeholders, including, at a minimum—

"(1) a representative of the Department of Transportation;

"(2) representatives of any other Federal agencies relevant in supporting the nation's multimodal freight transportation research needs;

"(3) a representative of a State department of transportation;

"(4) a representative of a local government (other than a metropolitan planning organization);

"(5) a representative of a metropolitan planning organization;

"(6) a representative of the trucking industry;

"(7) a representative of the railroad industry;

"(8) a representative of the port industry;

"(9) a representative of logistics industry;

"(10) a representative of shipping industry;

"(11) a representative of a safety advocacy group with expertise in freight transportation;

"(12) an academic expert on multimodal freight transportation;

"(13) an academic expert on the contributions of freight movement to greenhouse gas emissions; and

"(14) representatives of labor organizations representing workers in freight transportation.

"(d) ELEMENTS.—The national cooperative multimodal freight transportation research program established under this section shall include the following elements:

"(1) NATIONAL RESEARCH AGENDA.—The advisory committee under subsection (c), in consultation with interested parties, shall recommend a national research agenda for the program established in this section.

"(2) INVOLVEMENT.—Interested parties may—

"(A) submit research proposals to the advisory committee;

"(B) participate in merit reviews of research proposals and peer reviews of research products; and

"(C) receive research results.

"(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

"(4) EVALUATION OF RESEARCH.—

"(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

"(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences shall conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

"(5) DISSEMINATION OF RESEARCH FINDINGS.—

"(A) IN GENERAL.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decision-makers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, a public website for the National Academy of Sciences, publications for the general public, and other appropriate means.

"(B) REPORT.—Not more than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings of the program.

"(e) CONTENTS.—The national research agenda under subsection (d)(1) shall include—

"(1) techniques and tools for estimating and identifying both quantitative and qualitative public benefits derived from multimodal freight transportation projects, including—

"(A) greenhouse gas emissions reduction;

"(B) congestion reduction; and

"(C) safety benefits;

"(2) the impact of freight delivery vehicles, including trucks, railcars, and non-motorized vehicles, on congestion in urban and rural areas;

"(3) the impact of both centralized and disparate origins and destinations on freight movement;

"(4) the impacts of increasing freight volumes on transportation planning, including—

"(A) first-mile and last-mile challenges to multimodal freight movement;

"(B) multimodal freight travel in both urban and rural areas; and

"(C) commercial motor vehicle parking and rest areas;

"(5) the effects of Internet commerce and accelerated delivery speeds on freight movement and in-

creased commercial motor vehicle volume, including impacts on—

"(A) safety on public roads;

"(B) congestion in both urban and rural areas;

"(C) first-mile and last-mile challenges and opportunities;

"(D) the environmental impact of freight transportation, including on air quality and on greenhouse gas emissions; and

"(E) vehicle miles-traveled by freight-delivering vehicles;

"(6) the impacts of technological advancements in freight movement, including impacts on—

"(A) congestion in both urban and rural areas;

"(B) first-mile and last-mile challenges and opportunities; and

"(C) vehicle miles-traveled;

"(7) methods and best practices for aligning multimodal infrastructure improvements with multimodal freight transportation demand, including improvements to the National Multimodal Freight Network under section 70103; and

"(8) other research areas to identify and address current, emerging, and future needs related to multimodal freight transportation.

"(f) FUNDING.—

"(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 100 percent.

"(2) PERIOD OF AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

"(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given such term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code, is amended by adding at the end the following new item:

"70205. National cooperative multimodal freight transportation research program.".

SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study examining methods to reduce collisions between motorists and wildlife (re-

ferred to in this section as ''wildlife-vehicle collisions'').

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study required under paragraph (1) shall—

(i) update and expand on, as appropriate—

(I) the report titled ''Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress'': and

(II) the document titled ''Wildlife Vehicle Collision Reduction Study: Best Practices Manual'' and dated October 2008; and

(ii) include—

(I) an assessment, as of the date of the study, of—

(aa) the causes of wildlife-vehicle collisions;

(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

(cc) the impacts of roads and traffic on habitat

connectivity for terrestrial and aquatic species; and

(II) solutions and best practices for—

(aa) reducing wildlife-vehicle collisions; and

(bb) improving habitat connectivity for terrestrial and aquatic species.

(B) METHODS.—In carrying out the study required under paragraph (1), the Secretary shall—

(i) conduct a thorough review of research and data relating to—

(I) wildlife-vehicle collisions; and

(II) habitat fragmentation that results from transportation infrastructure;

(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and

(iii) consult with—

(I) appropriate experts in the field of wildlife-vehicle collisions; and

(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

(3) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study required under paragraph (1).

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) a description of—

(I) the causes of wildlife-vehicle collisions;

(II) the impacts of wildlife-vehicle collisions; and

(III) the impacts of roads and traffic on—

(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(bb) species identified by States as species of greatest conservation need;

(cc) species identified in State wildlife plans; and

(dd) medium and small terrestrial and aquatic species;

(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;

(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and

(iv) guidance to develop, for each State that agrees to participate, a voluntary joint statewide transportation and wildlife action plan.

(C) PURPOSES.—The purpose of the guidance described in subparagraph (B)(iv) shall be—

(i) to address wildlife-vehicle collisions; and

(ii) to improve habitat connectivity for terrestrial and aquatic species.

(D) CONSULTATION.—The Secretary shall develop the guidance described under subparagraph (B)(iv) in consultation with—

(i) Federal land management agencies;

(ii) State departments of transportation;

(iii) State fish and wildlife agencies; and

(iv) Tribal governments.

(b) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—

(1) STANDARDIZATION METHODOLOGY.—

(A) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall develop a quality standardized methodology for collecting and reporting spatially accu-

rate wildlife collision and carcass data for the National Highway System, taking into consideration the practicability of the methodology with respect to technology and cost.

(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—

(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and

(ii) to the extent practicable, identify and correct limitations of such existing methodologies and sources of data collection.

(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—

(i) the Secretary of the Interior;

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;

(iii) Tribal, State, and local transportation and wildlife authorities;

(iv) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(v) members of the American Association of State Highway and Transportation Officials;

(vi) members of the Association of Fish and Wildlife Agencies;

(vii) experts in the field of wildlife-vehicle collisions;

(viii) nongovernmental organizations; and

(ix) other interested stakeholders, as appropriate.

(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—

(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and

(B) encourage the voluntary implementation of the template developed under subparagraph (A) for States, metropolitan planning organizations, and additional relevant transportation stakeholders.

(3) REPORTS.—

(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the development of the standardized methodology required under paragraph (1) not later than—

(i) the date that is 18 months after the date of enactment of this Act; and

(ii) the date that is 180 days after the date on which the Secretary completes the development of such standardized methodology.

(B) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

(I) to reduce the number of wildlife-vehicle collisions; and

(II) to improve habitat connectivity;

(iii) the degree of the impact described in clause (ii); and

(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

(c) NATIONAL THRESHOLD GUIDANCE.—The Secretary of Transportation shall—

(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce

wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

(B) highway-related mortality and effects of traffic on the highway on—

(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) species identified by a State as species of greatest conservation need;

(iii) species identified in State wildlife plans; and

(iv) medium and small terrestrial and aquatic species; and

(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the highway on the movements and migrations of those species.

(d) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary

shall, based on the study conducted under subsection (a), develop a series of in-person and online workforce development and technical training courses—

(A) to reduce wildlife-vehicle collisions; and

(B) to improve habitat connectivity for terrestrial and aquatic species.

(2) AVAILABILITY.—The Secretary shall—

(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and

(B) update the series of courses not less frequently than once every 2 years.

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended in subsection (a)(2)—

(1) in subparagraph (B) by inserting ", resilience," after "safety";

(2) in subparagraph (D) by striking "and" at the end;

(3) in subparagraph (E) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.";

SEC. 5108. RESEARCH ACTIVITIES.

Section 330(g) of title 49, United States Code, is amended by striking ''each of fiscal years 2016 through 2020'' and inserting ''each of fiscal years 2023 through 2026''.

SEC. 5109. TRANSPORTATION EQUITY RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a transportation equity research program for research and demonstration activities that focus on the impacts that surface transportation planning, investment, and operations have on low-income populations, minority populations, and other underserved populations that may be dependent on public transportation. Such activities shall include research on surface transportation equity issues, the development of strategies to advance economic and community development in public transportation-dependent populations, and the development of training programs that promote the employment of low-income populations, minority populations, and other underserved populations on Federal-aid transportation projects constructed in their communities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2023 through 2026.

(c) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years beginning after the last day of the fiscal year for which the amounts are authorized.

SEC. 5110. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.

Section 502(b)(3)(C) of title 23, United States Code, is amended by inserting ''entities that represent the needs of metropolitan planning organizations,'' after ''Officials,''.

SEC. 5111. METROPOLITAN PLANNING RESEARCH PILOT PROGRAM.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with a nonprofit nongovernmental entity that exclusively serves the needs and interests of metropolitan planning organizations to establish a pilot program to provide awards to eligible entities to carry out eligible activities to enhance and improve metropolitan planning practices in surface transportation.

(b) GOALS.—The goals of the pilot program established under this section include—

(1) enhancing metropolitan planning practices in surface transportation;

(2) improving the ability of metropolitan planning organizations to meet performance measures and targets under section 150 of title 23, United States Code;

(3) preparing for the impact that emerging technologies, such as connected and automated vehicles, will have on the metropolitan planning process;

(4) improving environmental considerations in the metropolitan planning process;

(5) reducing greenhouse gas emissions and limiting the effects of climate change;

(6) improving access to jobs and services;

(7) supporting underserved communities; and

(8) expanding the ability of metropolitan planning organizations to collect public input and strengthen community engagement.

(c) FORMS OF ASSISTANCE.—An award provided under this section may be in the form of a grant, contract, or cooperative agreement.

(d) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—To be eligible to receive an award under this section, an eligible entity shall submit to the Secretary an application in such form and

containing such information as the Secretary may require.

(2) SELECTION CRITERIA.—The Secretary may provide awards under this section to any eligible entity based on the demonstrated ability of the entity to fulfill the goals described under subsection (b) and carry out eligible activities.

(e) TRANSPARENCY.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the selection process for providing an award under this section and the results of activities carried out under this section.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means—

(A) carrying out research to improve metropolitan planning practices;

(B) developing new metropolitan planning tools;

(C) improving existing metropolitan planning tools and practices; or

(D) any other research activities the Secretary determines to be appropriate, consistent with the goals under subsection (b).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a metropolitan planning organization designated under section 134(d) of title 23, United States Code;

(B) a metropolitan planning organization working in partnership with a nonprofit organization;

(C) a metropolitan planning organization working in partnership with a county; or

(D) a group of entities described under subparagraphs (A) through (C).

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using an award under this section shall be 100 percent.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—From the amounts made available to carry out section 503(b) of title 23, United States Code, for each of fiscal years 2023 through 2026, the Secretary may expend $1,000,000 to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may use up to 5 percent of such funds for administrative expenses.

(i) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

Subtitle B—Technology Deployment

SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting '', while considering the impacts on jobs'' after ''transportation community'';

(B) in subparagraph (D) by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (E) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(F) reducing greenhouse gas emissions and limiting the effects of climate change.''; and

(2) in paragraph (2)(A) by striking the period and inserting ''and findings from the materials to reduce greenhouse gas emissions program under subsection (d).''.

SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (v) by striking ''; and'' and inserting a semicolon;

(B) in clause (vi) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) the deployment of innovative pavement designs, materials, and practices that reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and

the construction of highways, with consideration for findings from the materials to reduce greenhouse gas emissions program under subsection (d).'';

(2) in subparagraph (C) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2023 through 2026''; and

(3) in subparagraph (D)(ii)—

(A) in subclause (III) by striking ''; and'' and inserting a semicolon;

(B) in subclause (IV) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(V) pavement monitoring and data collection practices;

''(VI) pavement durability and resilience;

''(VII) stormwater management;

''(VIII) impacts on vehicle efficiency;

''(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability;

"(X) integration of renewable energy in pavement designs; and

"(XI) greenhouse gas emissions reduction, including findings from the materials to reduce greenhouse gas emissions program under subsection (d).".

SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

"§ 520. Every Day Counts initiative

"(a) IN GENERAL.—It is in the national interest for the Department of Transportation, State departments of transportation, and all other recipients of Federal surface transportation funds—

"(1) to identify, accelerate, and deploy innovation aimed at expediting project delivery;

"(2) enhancing the safety of the roadways of the United States, and protecting the environment;

"(3) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

"(4) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

"(5) to create a culture of innovation within the highway community.

"(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, all other recipients of Federal surface transportation funds, and industry stakeholders, including labor representatives, to identify and deploy proven innovative practices and products that—

"(1) accelerate innovation deployment;

"(2) expedite the project delivery process;

"(3) improve environmental sustainability;

"(4) enhance roadway safety;

"(5) reduce congestion; and

"(6) reduce greenhouse gas emissions.

"(c) CONSIDERATIONS.—In carrying out the Every Day Counts initiative, the Administrator shall consider any innovative practices and products in accordance with subsections (a) and (b), including—

"(1) research results from the university transportation centers program under section 5505 of title 49; and

"(2) results from the materials to reduce greenhouse gas emissions program in section 503(d).

"(d) INNOVATION DEPLOYMENT.—

"(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, outreach, and demonstration projects.

"(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

"(e) PUBLICATION.—Each collection identified under subsection (d) shall be published by the Administrator on a publicly available website.

"(f) FUNDING.—The Secretary may use funds made available to carry out section 503(c) to carry out this section.

"(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed to allow the Secretary to waive any requirement under any other provision of Federal law.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

"520. Every Day Counts initiative.".

(c) REPEAL.—Section 1444 of the FAST Act (23 U.S.C. 101 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

Subtitle C—Emerging Technologies

SEC. 5301. MOBILITY THROUGH ADVANCED TECHNOLOGIES.

Section 503(c)(4) of title 23, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "Not later than 6 months after the date of enactment of this paragraph, the" and inserting "The";

(B) by striking "establish an advanced transportation and congestion management technologies deployment" and inserting "establish a mobility through advanced technologies";

(C) by inserting "mobility," before "efficiency,"; and

(D) by inserting ''environmental impacts,'' after ''system performance,'';

(2) in subparagraph (B)—

(A) by striking clause (i) and inserting the following:

''(i) reduce costs, improve return on investments, and improve person throughput and mobility, including through the optimization of existing transportation capacity;'';

(B) in clause (iv) by inserting ''bicyclist, and'' before ''pedestrian'';

(C) in clause (vii) by striking ''; or'' and inserting a semicolon;

(D) in clause (viii)—

(i) by striking ''accelerate'' and inserting ''prepare for''; and

(ii) by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(ix) reduce greenhouse gas emissions and limit the effects of climate change.'';

(3) in subparagraph (C)—

(A) in clause (ii)(II)(aa) by striking ''congestion'' and inserting ''congestion and delays, greenhouse gas emissions''; and

(B) by adding at the end the following:

''(iii) CONSIDERATIONS.—An application submitted under this paragraph may include a description of how the proposed project would support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), or the improvement of transportation system access consistent with section 150(f), including through—

''(I) the congestion and on-road mobile-source emissions performance measures established under section 150(c)(5); or

''(II) the greenhouse gas emissions performance measures established under section 150(c)(7).'';

(4) in subparagraph (D) by adding at the end the following:

''(iv) PRIORITIZATION.—In awarding a grant under this paragraph, the Sec-

retary shall prioritize projects that, in accordance with the criteria described in subparagraph (B)—

"(I) improve person throughput and mobility, including through the optimization of existing transportation capacity;

"(II) deliver environmental benefits;

"(III) reduce the number and severity of traffic crashes and increase driver, passenger, bicyclist, and pedestrian safety; or

"(IV) reduce greenhouse gas emissions and limit the effects of climate change.

"(v) GRANT DISTRIBUTION.—In each fiscal year, the Secretary shall award not fewer than 3 grants under this paragraph based on the potential of the project to reduce the number and severity of traffic crashes and increase, driver, passenger, bicyclist, and pedestrian safety.";

(5) in subparagraph (E)—

(A) in clause (vi)—

(i) by inserting ", vehicle-to-pedestrian," after "vehicle-to-vehicle"; and

(ii) by inserting "systems to improve vulnerable road user safety," before "technologies associated with" ;

(B) in clause (viii) by striking "; or" and inserting a semicolon;

(C) in clause (ix) by striking "disabled individuals." and inserting "disabled individuals, including activities under section 5316 of title 49; or"; and

(D) by adding at the end the following:

"(x) measures to safeguard surface transportation system technologies under this subparagraph from cybersecurity threats.".

(6) by striking subparagraph (G) and inserting the following:

"(G) REPORTING.—

"(i) APPLICABILITY OF LAW.—The program under this paragraph shall be subject to the accountability and oversight requirements in section 106(m).

"(ii) REPORT.—Not later than 3 years after the date that the first grant is

awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on a website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has provided benefits, such as how the program has—

"(I) reduced traffic-related fatalities and injuries;

"(II) reduced traffic congestion and improved travel time reliability;

"(III) reduced transportation-related emissions;

"(IV) optimized multimodal system performance;

"(V) improved access to transportation alternatives;

"(VI) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

"(VII) provided cost savings to transportation agencies, businesses, and the traveling public;

"(VIII) created or maintained transportation jobs and supported transportation workers; or

"(IX) provided other benefits to transportation users and the general public.

"(iii) CONSIDERATIONS.—If applicable, the Secretary shall ensure that the activities described in subclauses (I) and (IV) of clause (ii) reflect—

"(I) any information described in subparagraph (C)(iii) that is included by an applicant; or

"(II) the project prioritization guidelines under subparagraph (D)(iv).";

(7) in subparagraph (I) by striking "FUNDING" and all that follows through "the Secretary may set aside" and inserting the following: "FUNDING.—Of the amounts made available to carry out this paragraph, the Secretary may set aside";

(8) in subparagraph (J) by striking the period at the end and inserting ", except that the Federal share of the cost of a project for which a grant is awarded under this paragraph shall not exceed 80 percent.";

(9) in subparagraph (K) by striking "amount described under subparagraph (I)" and inserting "funds made available to carry out this paragraph";

(10) by striking subparagraph (M) and inserting the following:

"(M) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this paragraph for a fiscal year, the Secretary shall transfer to the technology and innovation deployment program—

"(i) any of the funds made available to carry out this paragraph in a fiscal year that the Secretary has not yet awarded under this paragraph; and

"(ii) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under clause (i)."; and

(11) in subparagraph (N)—

(A) in clause (i) by inserting ''an urbanized area with'' before ''a population of''; and

(B) in clause (iii) by striking ''a any'' and inserting ''any''.

SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.

(a) USE OF FUNDS FOR ITS ACTIVITIES.—Section 513(c)(1) of title 23, United States Code, is amended by inserting ''greenhouse gas emissions reduction,'' before ''and congestion management''.

(b) GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (6) by striking ''national freight policy goals'' and inserting ''national multimodal freight policy goals and activities described in subtitle IX of title 49'';

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) reduction of greenhouse gas emissions and mitigation of the effects of climate change;''.

(c) GENERAL AUTHORITIES AND REQUIREMENTS.—Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''20 members'' and inserting ''25 members'';

(B) in subparagraph (A) by striking ''State highway department'' and inserting ''State department of transportation'';

(C) in subparagraph (B) by striking ''local highway department'' and inserting ''local department of transportation'';

(D) by striking subparagraphs (E), (F), (G), (H), (I), and (J) and inserting the following:

''(E) a private sector representative of the intelligent transportation systems industry;

''(F) a representative from an advocacy group concerned with safety, including bicycle and pedestrian interests;

''(G) a representative from a labor organization; and'';

(E) by redesignating subparagraph (K) as subparagraph (H); and

(F) by striking subparagraph (L);

(2) in paragraph (3)—

(A) in subparagraph (A) by striking ''section 508'' and inserting ''section 6503 of title 49'';

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by inserting ''in both urban and rural areas'' after ''by users''; and

(II) by striking ''; and'' and inserting a semicolon;

(ii) in clause (iii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) assess how Federal transportation resources, including programs under this title, are being used to advance intelligent transportation systems.''; and

(C) by adding at the end the following:

''(C) Convene not less frequently than twice each year, either in person or remotely.'';

(3) in paragraph (4) by striking ''May 1'' and inserting ''April 1''; and

(4) in paragraph (5) by inserting ", except that section 14 of such Act shall not apply" before the period at the end.

(d) RESEARCH AND DEVELOPMENT.—Section 516(a) of title 23, United States Code, is amended by inserting "including through grants to entities or groups of entities, such as institutions of higher education," after "research and development,".

(e) RESEARCH AND DEVELOPMENT PRIORITY AREAS.—Section 516(b) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively;

(2) by inserting after paragraph (4) the following:

"(5) demonstrate reductions in greenhouse gas emissions;";

(3) in paragraph (7), as so redesignated, by striking "; or" and inserting a semicolon;

(4) in paragraph (8), as so redesignated, by striking the period and inserting a semicolon; and

(5) by adding at the end the following:

"(9) integrate existing observational networks and data management systems for road weather applications; or

"(10) facilitate the interconnectivity of data and information technology systems across different observational networks and different users.".

SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

"§ 5507. National highly automated vehicle and mobility innovation clearinghouse

"(a) IN GENERAL.—The Secretary shall make a grant to an institution of higher education engaged in research on the secondary impacts of highly automated vehicles and mobility innovation to—

"(1) operate a national highly automated vehicle and mobility innovation clearinghouse;

"(2) collect, conduct, and fund research on the secondary impacts of highly automated vehicles and mobility innovation;

"(3) make such research available on a public website; and

"(4) conduct outreach and dissemination of the information described in this subsection to assist communities.

"(b) DEFINITIONS.—In this section:

"(1) HIGHLY AUTOMATED VEHICLE.—The term 'highly automated vehicle' means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

"(2) MOBILITY INNOVATION.—The term 'mobility innovation' means an activity described in section 5316, including mobility on demand and mobility as a service (as such terms are defined in such section).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(4) SECONDARY IMPACTS.—The term 'secondary impacts' means the impacts on land use, urban design, transportation systems, real estate, accessibility, municipal budgets, social equity, avail-

ability and quality of jobs, air quality and climate, energy consumption, and the environment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5506, as added by this Act, the following:

''5507. National highly automated vehicle and mobility innovation clearinghouse.''.

(c) DEADLINE FOR CLEARINGHOUSE.—The Secretary of Transportation shall ensure that the institution of higher education that receives the grant described in section 5507(a)(1) of title 49, United States Code, as added by subsection (a), shall establish the national highly automated vehicle clearinghouse described in such section not later than 180 days after the date of enactment of this Act.

SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTOMATED VEHICLES AND ROAD USERS.

(a) PURPOSE.—The purpose of this section shall be to ensure that the increasing deployment of automated vehicles does not jeopardize the safety of road users.

(b) STUDY.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a study on

the ability of automated vehicles to safely interact with other road users.

(2) CONTENTS.—In carrying out the study under paragraph (1), the Secretary shall—

(A) examine the ability of automated vehicles to safely interact with general road users, including vulnerable road users;

(B) identify barriers to improving the safety of interactions between automated vehicles and general road users; and

(C) issue recommendations to improve the safety of interactions between automated vehicles and general road users, including, at a minimum—

(i) technology advancements with the potential to facilitate safer interactions between automated vehicles and general road users given the safety considerations in paragraph (3);

(ii) road user public awareness; and

(iii) improvements to transportation planning and road design.

(3) CONSIDERATIONS.—In carrying out the study under paragraph (1), the Secretary shall take into consideration whether automated vehicles can

safely operate within the surface transportation system, including—

(A) the degree to which ordinary human behaviors make it difficult for an automated vehicle to safely, reliably predict human actions;

(B) unique challenges for automated vehicles in urban and rural areas;

(C) the degree to which an automated vehicle is capable of uniformly recognizing and responding to individuals with disabilities and individuals of different sizes, ages, races, and other varying characteristics;

(D) for bicyclist, motorcyclist, and pedestrian road users—

(i) the varying and non-standardized nature of bicyclist and pedestrian infrastructure in different locations;

(ii) the close proximity to motor vehicles within which bicyclists often operate, including riding in unprotected bike lanes and crossing lanes to make a left turn, and the risk of such close proximity; and

(iii) roadways that lack marked bicyclist infrastructure, particularly in

midsized and rural areas, on which bicyclists often operate;

(E) for motorcyclist road users, the close proximity to other motor vehicles within which motorcyclists operate, including operating between lanes of slow or stopped traffic; and

(F) depending on the level of automation of the vehicle, the degree to which human intervention remains necessary to safely operate an automated vehicle to ensure the safety of general road users in circumstances including—

(i) dangerous weather;

(ii) an electronic or system malfunction of the automated vehicle; and

(iii) a cybersecurity threat to the operation of the vehicle.

(4) PUBLIC COMMENT.—Before conducting the study under paragraph (1), the Secretary shall provide an opportunity for public comment on the study proposal.

(c) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a work-

ing group to assist in the development of the study and recommendations under subsection (b).

(2) MEMBERSHIP.—The working group established under paragraph (1) shall include representation from—

(A) the National Highway Traffic Safety Administration;

(B) State departments of transportation;

(C) local governments (other than metropolitan planning organizations, as such term is defined in section 134(b) of title 23, United States Code);

(D) transit agencies;

(E) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(F) bicycle and pedestrian safety groups;

(G) highway and automobile safety groups;

(H) truck safety groups;

(I) law enforcement officers and first responders;

(J) motor carriers and independent owner-operators;

(K) the road construction industry;

(L) labor organizations;

(M) academic experts on automated vehicle technologies;

(N) manufacturers and developers of both passenger and commercial automated vehicles;

(O) a motorcyclist rights group; and

(P) other industries and entities as the Secretary determines appropriate.

(3) DUTIES.—The working group established under paragraph (1) shall assist the Secretary by, at a minimum—

(A) assisting in the development of the scope of the study under subsection (b);

(B) reviewing the data and analysis from such study;

(C) provide ongoing recommendations and feedback to ensure that such study reflects the contents described in paragraphs (2) and (3) of subsection (b); and

(D) providing input to the Secretary on recommendations required under subsection (b)(2)(C).

(4) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The working group under this subsection shall be subject to the Federal Advisory

Committee Act (5 U.S.C. App.), except that section 14 of such Act shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, the study initiated under subsection (b), including recommendations for ensuring that automated vehicles safely interact with general road users.

(e) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) GENERAL ROAD USERS.—The term ''general road users'' means—

(A) motor vehicles driven by individuals;

(B) bicyclists and pedestrians;

(C) motorcyclists;

(D) workers in roadside construction zones;

(E) emergency response vehicles, including first responders;

(F) vehicles providing local government services, including street sweepers and waste collection vehicles;

(G) law enforcement officers;

(H) personnel who manually direct traffic, including crossing guards;

(I) users of shared micromobility (including bikesharing and shared scooter systems); and

(J) other road users that may interact with automated vehicles, as determined by the Secretary of Transportation.

(3) VULNERABLE ROAD USER.—The term ''vulnerable road user'' has the meaning given such term in section 148(a) of title 23, United States Code.

SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPORTATION TECHNOLOGY COUNCIL.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 118. Nontraditional and Emerging Transportation Technology Council

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Nontraditional and Emerging Transportation Technology Council (hereinafter referred to as the 'Council') in accordance with this section.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall be composed of the following officers of the Department of Transportation:

''(A) The Secretary of Transportation.

''(B) The Deputy Secretary of Transportation.

''(C) The Under Secretary of Transportation for Policy.

''(D) The General Counsel of the Department of Transportation.

''(E) The Chief Information Officer of the Department of Transportation.

''(F) The Assistant Secretary for Research and Technology.

"(G) The Assistant Secretary for Budget and Programs.

"(H) The Administrator of the Federal Aviation Administration.

"(I) The Administrator of the Federal Highway Administration.

"(J) The Administrator of the Federal Motor Carrier Safety Administration.

"(K) The Administrator of the Federal Railroad Administration.

"(L) The Administrator of the Federal Transit Administration.

"(M) The Administrator of the Federal Maritime Administration.

"(N) The Administrator of the National Highway Traffic Safety Administration.

"(O) The Administrator of the Pipeline and Hazardous Materials Safety Administration.

"(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members of the Department to serve as at-large members of the Council.

"(3) CHAIR AND VICE CHAIR.—The Secretary may designate officials to serve as the Chair and

Vice Chair of the Council and of any working groups of the Council.

''(c) DUTIES.—The Council shall—

''(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department to eliminate, so far as practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to safety regulation and oversight, environmental review, and funding issues;

''(2) coordinate the Department's internal oversight of nontraditional and emerging transportation technologies, modes, or projects and engagement with external stakeholders;

''(3) within applicable statutory authority other than this paragraph, develop and establish department-wide processes, solutions, and best practices for identifying, managing and resolving issues regarding emerging transportation technologies, modes, or projects pending or brought before the Department; and

"(4) carry out such additional duties as the Secretary may prescribe, to the extent consistent with this title, including subsections (f)(2) and (g) of section 106.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"118. Nontraditional and Emerging Transportation Technology Council.".

SEC. 5306. SURFACE TRANSPORTATION WORKFORCE RETRAINING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible entities to develop a curriculum for, and establish, transportation workforce training programs in urban and rural areas to train, retrain, or upgrade the skills of surface transportation workers—

(1) whose employment may be changed or worsened by automation;

(2) who have been separated from employment; or

(3) who have received notice of impending employment loss as a result of being replaced by the use of automated vehicles.

(b) ELIGIBLE ENTITIES.—The following entities shall be eligible to receive grants under this section:

(1) Institutions of higher education.

(2) Consortia of institutions of higher education.

(3) Nonprofit organizations with a demonstrated capacity to develop and provide career pathway programs through labor-management partnerships, pre-apprenticeships, or registered apprenticeships on a nationwide basis.

(4) Local governments.

(c) LIMITATION ON AWARDS.—An entity may only receive one grant in a fiscal year under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A recipient of a grant under this section may only use grant amounts for developing and carrying out training programs, including—

(A) identifying and testing new duties for existing jobs impacted by the use of automated vehicles, including mechanical work, diagnostic work, and fleet operations management;

(B) educational programs, including—

(i) coursework or curricula through which participants may pursue a degree or certification; and

(ii) tuition and direct education expenses, excluding salaries, in connection

with the education and training of surface transportation workers whose jobs have been affected by the use of automated vehicles; and

(C) employee professional development, including worker training or retraining, including train-the-trainer programs, to upgrade the skills of surface transportation workers whose jobs have been affected by the use of automated vehicles.

(2) REPORTING.—A recipient of a grant under this section shall report to the Secretary the following information:

(A) The sectors of the surface transportation system from which workers are being displaced.

(B) The skills and professions for which workers are being retrained.

(C) How many workers have benefitted from a grant awarded under this section.

(D) Relevant demographic information of impacted workers.

(3) LIMITATION.—Funds made available under this section may not be used to evaluate the effectiveness of automated vehicle technologies.

(e) SELECTION CRITERIA.—In selecting grant recipients under this section, the Secretary shall consider the extent to which an applicant—

(1) demonstrates the capability to develop curricula and provide training, provide retraining, or upgrade the skills of individuals described in subsection (a);

(2) will provide program participants with practical experience and on-the-job training; and

(3) demonstrates a commitment to carry out a surface transportation workforce development program through degree-granting programs or programs that provide other industry-recognized credentials.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a grant under this section shall be 100 percent.

(2) AVAILABILITY OF FUNDS.—For a recipient of a grant under this section carrying out activities under such grant in partnership with a public transportation agency that is receiving funds under section 5307, 5337, or 5339 of title 49, United States Code, up to 0.5 percent of amounts made available

under any such section may qualify as the non-Federal share under paragraph (1).

(g) REPORT REQUIREMENTS.—Not later than 60 days after grants are awarded in a fiscal year under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, and Environment and Public Works of the Senate, and make publicly available, a report that includes—

(1) a list of all grant recipients for such fiscal year;

(2) an explanation of why each recipient was chosen in accordance with the selection criteria under subsection (e);

(3) a summary of activities planned to be carried out by each recipient and how such activities relate to the goals established under subsection (a);

(4) the grant amount awarded to each recipient; and

(5) the information required to be provided to the Secretary under subsection (d)(2).

(h) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle that is de-

signed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended standards published in April 2021, by the Society of Automotive Engineers International (J3016l9 202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning given such term in section 5302 of title 49, United States Code.

(4) PRE-APPRENTICESHIP.—The term ''pre-apprenticeship'' means a training model or program that prepares individuals for acceptance into a registered apprenticeship and has a demonstrated partnership with one or more registered apprenticeships.

(5) REGISTERED APPRENTICESHIP.—The term ''registered apprenticeship'' means an apprenticeship program registered under the Act of August 16,

1937 (29 U.S.C. 50 et seq.; commonly known as the "National Apprenticeship Act"), that satisfies the requirements of parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2023 through 2026 to carry out this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

SEC. 5307. THIRD-PARTY DATA INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the "program") to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third

parties to implement integrated traffic management systems which leverage real-time data to provide dynamic and efficient traffic-flow management for purposes of—

(1) adjusting traffic light cycle times to optimize traffic management and decrease congestion;

(2) expanding or contracting lane capacity to meet traffic demand;

(3) enhancing traveler notification of service conditions;

(4) prioritizing high-priority vehicles such as emergency response and law enforcement within the transportation system; and

(5) any other purposes which the Secretary deems an appropriate use of anonymous user data.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety

of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b);

(3) policy recommendations to improve integration of systems between public and private entities; and

(4) a description of costs associated with equipping and maintaining systems.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5308. THIRD-PARTY DATA PLANNING INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the ''program'') to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third parties to—

(1) utilize private-user data to inform infrastructure planning decisions for the purposes of—

(A) reducing congestion;

(B) decreasing miles traveled;

(C) increasing safety;

(D) improving freight efficiency;

(E) enhancing environmental conditions; and

(F) other purposes as the Secretary deems necessary.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b); and

(3) policy recommendations to improve the implementation of anonymous crowdsourced data into planning decisions.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5309. AUTOMATED COMMERCIAL VEHICLE REPORTING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Trans-

portation shall establish a repository for submitting entities to submit information to the Secretary on operations of automated commercial motor vehicles in interstate commerce.

(b) PURPOSES.—The purpose of this section shall be to ensure automated commercial motor vehicle safety and transparency in developing and maintaining the repository under this section.

(c) INFORMATION REQUIRED.—

(1) SUBMISSIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a process for submitting entities operating automated commercial motor vehicles in interstate commerce to provide the following information in accordance with paragraph (2):

(A) The name of the submitting entity responsible for the operation of an automated commercial motor vehicle or vehicles.

(B) The make, model, and weight class of such vehicle or vehicles.

(C) The intended level of automation of such vehicle or vehicles, according to the taxonomy described in subsection (f)(1).

(D) The Department of Transportation number or operating authority assigned to the

submitting entity described in subparagraph (A), if applicable.

(E) A list of States in which the operation of such vehicle or vehicles will occur and a list of Federal-aid highways (as defined in section 101(a) of title 23, United States Code) on which the operation will occur, as well as total miles traveled in the previous year on a biannual basis.

(F) Any cargo classifications or passengers to be transported in such vehicle or vehicles, including whether the submitting entity is transporting such cargo or passengers under contract with another entity.

(G) Documentation of training or certifications provided to any drivers, or other individuals directly involved in the performance of the dynamic driving task or fallback during operation of the vehicle, if any.

(H) Any fatigue management plans or work hour limitations applicable to drivers, if any, consistent with such standards of the Department regarding automated commercial motor vehicle drivers.

(I) Law enforcement interaction plans for automated commercial motor vehicles submitted to State transportation agencies or State and local law enforcement agencies.

(J) Proof of insurance coverage.

(2) SUBMISSION AND UPDATES.—

(A) IN GENERAL.—A submitting entity responsible for the operation of an automated commercial motor vehicle shall provide the information required under this subsection not later than 60 days after the Secretary has published the notice establishing the process described in paragraph (1).

(B) MATERIAL CHANGE OF INFORMATION.—The submitting entity responsible for the operation of an automated commercial motor vehicle shall notify the Secretary of any material changes to the information previously provided pursuant to this subsection on an annual basis, or on a more frequent basis specified by the Secretary.

(C) AMENDMENT AND CORRECTION.—If a submitting entity responsible for the operation of an automated commercial motor vehicle submits incomplete or inaccurate information pur-

suant to subsection (c), the submitting entity shall be given an opportunity to amend or correct the submission within a reasonable timeframe to be established by the Secretary.

(d) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available on a publicly accessible website of the Department of Transportation the following information on automated commercial motor vehicles:

(A) The prevalence of planned operations of such vehicles.

(B) The characteristics of such operations.

(C) The geographic location of such operations in a safe manner that reflects only the most significant public road or roads on which the majority of the route takes place, as determined appropriate by the Secretary.

(2) PROTECTION OF INFORMATION.—Any data collected under subsection (c) and made publicly available pursuant to this subsection shall be made available in a manner that—

(A) precludes the connection of the data to any individual motor carrier, shipper, company, vehicle manufacturer, or other submitting entity submitting data;

(B) protects the safety, privacy, and confidentiality of individuals, operators, and submitting entities submitting the data; and

(C) protects from disclosing—

(i) trade secrets; and

(ii) information obtained from a submitting entity that is commercial or financial and privileged or confidential, in accordance with section 552(b)(4) of title 5, United States Code.

(e) CRASH DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require submitting entities to submit information regarding collisions which occur during the operation of an automated commercial motor vehicle on public roads while the vehicle's automated driving system is engaged, including—

(A) fatalities or bodily injury to persons who, as a result of the injury, immediately receive medical treatment away from the scene of a collision involving the automated commercial motor vehicle;

(B) collisions or damage to property involving an automated commercial motor vehicle

that results in an automated commercial motor vehicle or a motor vehicle being transported away from the scene by a tow truck or other motor vehicle;

(C) a full description of how the collision or damage to property occurred, including, if applicable, the role of the automated driving system; and

(D) the mode of transportation used by any road users involved in the collision, including general road users, as such term is defined under section 5304 of this Act.

(2) DATA AVAILABILITY.—The Secretary shall ensure that any submitting entity submitting information under this subsection that has a Department of Transportation number or operating authority from the Federal Motor Carrier Safety Administration—

(A) shall be subject to safety monitoring and oversight under the Compliance, Safety, and Accountability program of the Federal Motor Carrier Safety Administration; and

(B) shall be included when the Secretary restores the public availability of relevant safety

data under such program under section 4202(b) of this Act.

(3) RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to define the term ''safety incident'', including collisions, with respect to automated commercial motor vehicle safety.

(B) UPDATE.—Notwithstanding paragraph (1), the Secretary shall carry out this subsection to require submitting entities to submit information regarding safety incidents instead of collisions upon issuing a final rule under subparagraph (A).

(C) VOLUNTARY REPORTING.—

(i) IN GENERAL.—To support the rulemaking under this paragraph, the Secretary shall establish a mechanism through which entities may voluntarily report safety data or other information regarding automated commercial motor vehicles.

(ii) USE OF DATA.—The data collected under this subparagraph may only

be used to support the rulemaking under this paragraph.

(iii) PROTECTION FROM DISCLOSURE.—Data or other information submitted under this subparagraph—

(I) shall not be made publicly available; and

(II) shall not be disclosed to the public by the Secretary pursuant to section 552(b)(4) of title 5, United States Code, if the data or other information is submitted to the Secretary voluntarily and is not required to be submitted to the Secretary under any other provision of law.

(f) DEFINITIONS.—In this section:

(1) AUTOMATED COMMERCIAL MOTOR VEHICLE.—The term ''Automated commercial motor vehicle'' means a commercial motor vehicle (as such term is defined in section 31132 of title 49, United States Code) that is designed to be operated by a level 3 or level 4 automated driving system for trips within its operational design domain or a level 5 automated driving system for all trips according to the recommended taxonomy published in April 2021,

by the Society of Automotive Engineers International (J3016__202104) or, when adopted, equivalent standards established by the Secretary under chapter 301 of title 49, United States Code, with respect to automated motor vehicles.

(2) BROKER.—The term ''broker'' has the meaning given such term under section 13102 of title 49, United States Code.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term under section 31132 of title 49, United States Code.

(4) FREIGHT FORWARDER.—The term ''freight forwarder'' has the meaning given such term in section 13102 of title 49, United States Code.

(5) MOTOR CARRIER.—The term ''motor carrier'' has the meaning given such term in section 13102 of title 49, United States Code.

(6) SUBMITTING ENTITY.—The term ''submitting entity'' means either—

(A) a motor carrier; or

(B) a technology company that is carrying out motor carrier-related operations in interstate commerce on public roads or an employer thereof, such as a motor carrier, freight forwarder, or broker.

(7) TRUCK PLATOONING.—The term ''truck platooning'' means a series of commercial motor vehicles traveling in a unified manner with electronically coordinated braking, acceleration, and steering with a driver in the lead commercial motor vehicle.

(g) DUPLICATIVE REPORTING.—

(1) IN GENERAL.—The Secretary may not require duplicative reporting.

(2) JOINT SUBMISSIONS.—Submitting entities working in partnership on the same automated commercial motor vehicle operational trips shall make 1 submission of the information required under this section for each general route, as determined appropriate by the Secretary.

(3) INFORMATION.—In developing the reporting process required under subsection (c), the Secretary shall ensure, to the extent practicable, that submitting entities are not required to submit information previously reported to the Secretary under chapters 139 or 311 of title 49, United States Code.

(h) SAVINGS PROVISION.—Nothing in this section shall add to or detract from any existing—

(1) enforcement authority of the Department of Transportation; or

(2) authority to operate automated commercial motor vehicles in interstate commerce on public roads.

(i) PENALTIES.—An entity that violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(B), of title 49, United States Code, and criminal penalties under section 521(b)(6)(A) of such title, and any other applicable civil and criminal penalties, as determined by the Secretary.

(j) TREATMENT.—In carrying out this section, the Secretary shall treat truck platooning operations the same as automated commercial motor vehicles.

Subtitle D—Surface Transportation Funding Pilot Programs

SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOTS.

Section 6020 of the FAST Act (23 U.S.C. 503 note) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ELIGIBILITY.—

"(1) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form

and containing such information as the Secretary may require.

"(2) ELIGIBLE PROJECTS.—The Secretary may provide grants to States or a group of States under this section for the following projects:

"(A) STATE PILOT PROJECTS.—

"(i) IN GENERAL.—A pilot project to demonstrate a user-based alternative revenue mechanism in a State.

"(ii) LIMITATION.—If an applicant has previously been awarded a grant under this section, such applicant's proposed pilot project must be comprised of core activities or iterations not substantially similar in manner or scope to activities previously carried out by the applicant with a grant for a project under this section.

"(B) STATE IMPLEMENTATION PROJECTS.—A project—

"(i) to implement a user-based alternative revenue mechanism that collects revenue to be expended on projects for the surface transportation system of the State; or

"(ii) that demonstrates progress towards implementation of a user-based alternative revenue mechanism, with consideration for previous grants awarded to the applicant under this section.";

(2) in subsection (c)—

(A) in paragraph (1) by striking "2 or more future"; and

(B) by adding at the end the following:

"(6) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.";

(3) in subsection (d) by striking "to test the design, acceptance, and implementation of a user-based alternative revenue mechanism" and inserting "to test the design and acceptance of, or implement, a user-based alternative revenue mechanism";

(4) in subsection (g) by striking "50 percent" and inserting "80 percent";

(5) in subsection (i) by inserting "and containing a determination of the characteristics of the most successful mechanisms with the highest potential for future widespread deployment" before the period at the end; and

(6) by striking subsections (j) and (k) and inserting the following:

"(j) FUNDING.—Of amounts made available to carry out this section—

"(1) for fiscal year 2023, $17,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $17,500,000 shall be used to carry out projects under subsection (b)(2)(B);

"(2) for fiscal year 2024, $15,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $20,000,000 shall be used to carry out projects under subsection (b)(2)(B);

"(3) for fiscal year 2025, $12,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $22,500,000 shall be used to carry out projects under subsection (b)(2)(B); and

"(4) for fiscal year 2026, $10,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $25,000,000 shall be used to carry out projects under subsection (b)(2)(B).

"(k) FUNDING FLEXIBILITY.—Funds made available in a fiscal year for making grants for projects under subsection (b)(2) that are not obligated in such fiscal year may be made available in the following fiscal year for projects under such subsection or for the national surface

transportation system funding pilot under section 5402 of the INVEST in America Act.''.

SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

(2) OBJECTIVES.—The objectives of the pilot program are to—

(A) test the design, acceptance, implementation, and financial sustainability of a national per-mile user fee;

(B) address the need for additional revenue for surface transportation infrastructure and a national per-mile user fee; and

(C) provide recommendations regarding adoption and implementation of a national per-mile user fee.

(b) PARAMETERS.—In carrying out the pilot program established under subsection (a), the Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) provide different methods that volunteer participants can choose from to track motor vehicle miles traveled;

(2) solicit volunteer participants from all 50 States and the District of Columbia;

(3) ensure an equitable geographic distribution by population among volunteer participants;

(4) include commercial vehicles and passenger motor vehicles in the pilot program; and

(5) use components of, and information from, the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(c) METHODS.—

(1) TOOLS.—In selecting the methods described in subsection (b)(1), the Secretary of Transportation shall coordinate with entities that voluntarily provide to the Secretary for use in the program any vehicle-miles-traveled collection tools, which may include the following:

(A) Third-party on-board diagnostic (OBD–II) devices.

(B) Smart phone applications.

(C) Telemetric data collected by automakers.

(D) Motor vehicle data obtained by car insurance companies.

(E) Data from the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(F) Motor vehicle data obtained from fueling stations, electric vehicle charging infrastructure, or alternative fueling infrastructure.

(G) Any other method that the Secretary considers appropriate.

(2) COORDINATION.—

(A) SELECTION.—The Secretary shall determine which methods under paragraph (1) are selected for the pilot program.

(B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers appropriate, the Secretary shall provide each selected method to each volunteer participant.

(d) PER-MILE USER FEES.—For the purposes of the pilot program established in subsection (a), the Secretary of the Treasury shall establish on an annual basis—

(1) for passenger vehicles and light trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of the Internal Revenue Code of 1986 with respect to gasoline or any other fuel used in a motor vehicle (other than aviation gasoline or diesel fuel), divided by

(B) the total vehicle miles traveled by passenger vehicles and light trucks; and

(2) for medium- and heavy-duty trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of such Code with respect to diesel fuel, divided by

(B) the total vehicle miles traveled by medium- and heavy-duty trucks.

Taxes shall only be taken into account under the preceding sentence to the extent taken into account in determining appropriations to the Highway Trust Fund under section 9503(b) of such Code, and the amount so determined shall be reduced to account

for transfers from such fund under paragraphs (3), (4), and (5) of section 9503(c) of such Code.

(e) VOLUNTEER PARTICIPANTS.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) ensure, to the extent practicable, that an appropriate number of volunteer participants participate in the pilot program; and

(2) issue policies to—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(f) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish an advisory board to advise the Secretary on—

(A) advancing and implementing the pilot program under this section;

(B) carrying out the public awareness campaign under subsection (g); and

(C) developing the report under subsection (m).

(2) MEMBERS.—The advisory board shall, at a minimum, include the following entities, to be appointed by the Secretary—

(A) State departments of transportation;

(B) any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114–94) (as in effect on the day before the date of enactment of this Act);

(C) representatives of the trucking industry, including owner-operator independent drivers;

(D) data security experts with expertise in personal privacy;

(E) academic experts on surface transportation;

(F) consumer advocates; and

(G) advocacy groups focused on equity.

(g) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Transportation, with guidance from the advisory board under subsection (f), may carry out a public awareness campaign to increase public awareness regarding a national per-mile user fee, including distributing information related to the pilot program carried out under this section, information from the State surface transportation system funding pilot program

under section 6020 of the FAST Act (23 U.S.C. 503 note), and information related to consumer privacy.

(2) CONSIDERATIONS.—In carrying out the public awareness campaign under this subsection, the Secretary shall consider issues unique to each State.

(h) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall establish a mechanism to collect per-mile user fees established under subsection (d) from volunteer participants. Such mechanism—

(1) may be adjusted as needed to address technical challenges; and

(2) may allow third-party vendors to collect the per-mile user fees and forward such fees to the Treasury.

(i) AGREEMENT.—The Secretary of Transportation may enter into an agreement with a volunteer participant or an owner of data or technologies, as describe under paragraph (c)(1) containing such terms and conditions as the Secretary considers necessary for participation in the pilot program.

(j) LIMITATION.—Any revenue collected through the mechanism established in subsection (h) shall not be con-

sidered a toll under section 301 of title 23, United States Code.

(k) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (h) is deposited into the Highway Trust Fund.

(l) REFUND.—Not more than 45 days after the end of each calendar quarter in which a volunteer participant has participated in the pilot program, the Secretary of the Treasury shall calculate and issue an equivalent refund to volunteer participants for applicable Federal motor fuel taxes under section 4041 and section 4081 of the Internal Revenue Code of 1986, the applicable battery tax under section 4111 of such Code, or both, if applicable.

(m) REPORT TO CONGRESS.—Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary of Transportation and the Secretary of the Treasury shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes an analysis of—

(1) whether the objectives described in subsection (a)(2) were achieved;

(2) how volunteer protections in subsection (e)(2) were complied with;

(3) whether per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system;

(4) how the personal privacy of volunteers was maintained; and

(5) equity effects of the pilot program, including the effects of the program on low-income commuters.

(n) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(o) SUNSET.—The pilot program established under this section shall expire on the date that is 4 years after the date on which volunteer participants begin participating in such program.

(p) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL VEHICLE.—The term ''commercial vehicle'' has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

(2) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986.

(3) LIGHT TRUCK.—The term ''light truck'' has the meaning given the term in section 523.2 of title 49, Code of Federal Regulations.

(4) MEDIUM- AND HEAVY-DUTY TRUCK.—The term ''medium- and heavy-duty truck'' has the meaning given the term ''commercial medium- and heavy-duty on-highway vehicle'' in section 32901(a) of title 49, United States Code.

(5) PER-MILE USER FEE.—The term ''per-mile user fee'' means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(6) VOLUNTEER PARTICIPANT.—The term ''volunteer participant'' means—

(A) an owner or lessee of an individual private motor vehicle who volunteers to participate in the pilot program;

(B) a commercial vehicle operator who volunteers to participate in the pilot program; or

(C) an owner of a motor vehicle fleet who volunteers to participate in the pilot program.

Subtitle E—Miscellaneous

SEC. 5501. ERGONOMIC SEATING WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group to examine the seating standards for commercial drivers.

(2) MEMBERS.—At a minimum, the working group shall include—

(A) seat manufacturers;

(B) commercial vehicle manufacturers;

(C) transit vehicle manufacturers;

(D) labor representatives for the trucking industry;

(E) representatives from organizations engaged in collective bargaining on behalf of transit workers in not fewer than three States; and

(F) musculoskeletal health experts.

(b) OBJECTIVES.—The Secretary shall pursue the following objectives through the working group:

(1) To identify health issues, including musculoskeletal health issues, that afflict commercial drivers due to sitting for long periods of time while on duty.

(2) To identify the impact that commercial vehicle sizing, design, and safety measures have on women in comparison to men, and to identify designs that may improve the health and safety of women drivers.

(3) To identify research topics for further development and best practices to improve seating.

(4) To determine ways to incorporate improved seating into manufacturing standards for public transit vehicles and commercial vehicles.

(c) REPORT.—

(1) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Sen-

ate a report on the findings of the working group under this section and any recommendations for the adoption of better ergonomic seating for commercial drivers.

(2) PUBLICATION.—Upon receipt of the report in paragraph (1), the Secretary shall publish the report on a publicly accessible website of the Department.

(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 6314 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE ANALYSIS.—The analysis for chapter 63 of title 49, United States Code, is amended by striking the item relating to section 6314.

(2) SECTION 6307.—Section 6307(b) of title 49, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking "or section 6314(b)";

(ii) in subparagraph (B) by striking "or section 6314(b)"; and

(iii) in subparagraph (C) by striking "or section 6314(b)"; and

(B) in paragraph (2)(A) by striking "or section 6314(b)".

SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

"§ 5508. Transportation workforce outreach program

"(a) IN GENERAL.—The Secretary shall establish and administer a transportation workforce outreach program that carries out a series of public service announcement campaigns during fiscal years 2023 through 2026.

"(b) PURPOSE.—The purpose of each campaign carried out under the program shall be to achieve the following objectives:

"(1) Increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, maritime transportation workers, air traffic controllers, flight attendants, truck drivers, engineers, tran-

sit workers, railroad workers, and other transportation professionals.

"(2) Increase diversity, including race, gender, ethnicity, and socioeconomic status, of professionals in the transportation sector.

"(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out the program for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out campaigns under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each fiscal years 2023 through 2026.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of subchapter I of title 49, United States Code, is further amended by inserting after the item relating to section 5507, as added by this Act, the following:

"5508. Transportation workforce outreach program.".

SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

Section 6305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking "The Director" and all that follows to the period and inserting "Notwithstanding section 418 of the FAA Reauthor-

ization Act of 2018 (Public Law 115–254), not later than 6 months after the date of enactment of the INVEST in America Act, the Director shall establish and consult with an advisory council on transportation statistics.''; and

(2) by striking subsection (d)(3).

SEC. 5505. GAO REVIEW OF DISCRETIONARY GRANT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate a review of the extent to which the Secretary is considering the needs of and awarding funding through covered discretionary grant programs to projects that serve—

(1) low-income communities;

(2) minority communities; and

(3) populations that are underserved or have limited transportation choices.

(b) RECOMMENDATIONS.—The Comptroller General shall include as part of the review under subsection (a)

recommendations to the Secretary on possible means to improve consideration of projects that serve the unique needs of communities described in subsection (a)(1).

(c) DEFINITION OF COVERED DISCRETIONARY GRANT PROGRAM.—For purposes of this section, the term ''covered discretionary grant programs'' means the Projects of National and Regional Significance program under section 117 of title 23, the Community Transportation Investment Grant program under section 173 of such title, and the Community Climate Innovation Grant program under section 172 of such title.

TITLE VI—MULTIMODAL TRANSPORTATION

SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.

Section 70101(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting ''in rural and urban areas'' after ''freight transportation'';

(2) in paragraph (7)—

(A) in subparagraph (B) by striking ''; and'' and inserting a semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) travel within population centers; and";

(3) in paragraph (9) by striking "; and" and inserting the following: "including—

"(A) greenhouse gas emissions;

"(B) local air pollution;

"(C) minimizing, capturing, or treating stormwater runoff or other adverse impacts to water quality; and

"(D) wildlife habitat loss;";

(4) by redesignating paragraph (10) as paragraph (11); and

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

"(10) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and".

SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.

Section 70102(c) of title 49, United States Code, is amended by striking "shall" and all that follows through the end and inserting the following: "shall—

"(1) update the plan and publish the updated plan on the public website of the Department of Transportation; and

"(2) include in the update described in paragraph (1)—

"(A) each item described in subsection (b); and

"(B) best practices to reduce the adverse environmental impacts of freight-related—

"(i) greenhouse gas emissions;

"(ii) local air pollution;

"(iii) stormwater runoff or other adverse impacts to water quality; and

"(iv) wildlife habitat loss.".

SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Section 70103 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C) by striking "of the United States that have" and inserting the following: "of the United States that—

"(i) have a total annual value of cargo of at least $1,000,000,000, as identified by United States Customs and Border Protection and reported by the Bureau of the Census; or

"(ii) have"; and

(2) in subsection (c)—

(A) in paragraph (1) by striking ''Not later than 1 year after the date of enactment of this section,'' and inserting the following:

''(A) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing a plan to designate a final National Multimodal Freight Network, including a detailed summary of the resources within the Office of the Secretary that will be dedicated to carrying out such plan.

''(B) DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 60 days after the submission of the report described in subparagraph (A),'';

(B) in paragraph (3)(C)—

(i) by inserting ''and metropolitan planning organizations'' after ''States''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (5)'';

(C) in paragraph (4)—

(i) in the header by inserting ''AND METROPOLITAN PLANNING ORGANIZATION'' after ''STATE'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by striking subparagraph (C) and inserting the following:

''(C) CRITICAL URBAN FREIGHT FACILITIES AND CORRIDORS.—

''(i) AREA WITH A POPULATION OF OVER 500,000.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a freight facility or corridor within the borders of the State as a critical urban freight facility or corridor.

''(ii) AREA WITH A POPULATION OF LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a freight facil-

ity or corridor within the borders of the State as a critical urban freight corridor.

"(iii) DESIGNATION.—A designation may be made under subparagraph (i) or (ii) if the facility or corridor is in an urbanized area, regardless of population, and such facility or corridor—

"(I) provides access to the primary highway freight system, the Interstate system, or an intermodal freight facility;

"(II) is located within a corridor of a route on the primary highway freight system and provides an alternative option important to goods movement;

"(III) serves a major freight generator, logistics center, or manufacturing and warehouse industrial land;

"(IV) connects to an international port of entry;

"(V) provides access to a significant air, rail, water, or other freight facility in the State; or

"(VI) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

"(D) LIMITATION.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is—

"(i) for a highway project, not more than 20 percent of the total mileage designated by the Under Secretary in the State; and

"(ii) for a non-highway project, using a limitation determined by the Under Secretary."; and

(D) by adding at the end the following:

"(5) REQUIRED NETWORK COMPONENTS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall ensure that the National Multimodal Freight Network includes the components described in subsection (b)(2).".

SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.

Section 70201(a) of title 49, United States Code, is amended by striking "and local governments" and insert-

ing ''local governments, metropolitan planning organizations, and the departments with responsibility for environmental protection and air quality of the State''.

SEC. 6005. STATE FREIGHT PLANS.

Section 70202(b) of title 49, United States Code, is amended—

(1) in paragraph (3)(A) by inserting ''and urban'' after ''rural'';

(2) in paragraph (9) by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (12); and

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

''(10) strategies and goals to decrease freight-related—

''(A) greenhouse gas emissions;

''(B) local air pollution;

''(C) stormwater runoff or other adverse impacts to water quality; and

''(D) wildlife habitat loss;

''(11) strategies and goals to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and''.

SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Treasury and the Commissioner of the Internal Revenue Service, shall establish a joint task force to study the establishment and administration of a fee on multimodal freight surface transportation services.

(b) CONTENTS.—The study required under subsection (a) shall include the following:

(1) An estimation of the revenue that a fee of up to 1 percent on freight transportation services would raise.

(2) An identification of the entities that would be subject to such a fee paid by the owners or suppliers of cargo.

(3) An analysis of the administrative capacity of Federal agencies and freight industry participants to collect such a fee and ensure compliance with fee requirements.

(4) Policy options to prevent avoidance of such a fee, including diversion of freight services to foreign countries.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and In-

frastructure and the Committee on Ways and Means of the House of Representatives and the Committee on Environment and Public Works and the Committee on Finance of the Senate the study required under subsection (a).

SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

Section 116 of title 49, United States Code, is amended—

(1) in subsection (b) by striking paragraph (1) and inserting the following:

"(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1), including by—

"(A) conducting proactive outreach to communities located outside of metropolitan or micropolitan statistical areas (as such areas are defined by the Office of Management and Budget) using data from the most recent decennial Census; and

"(B) coordinating with the Office of Rural Development of the Department of Agriculture, the Office of Community Revitalization of the Environmental Protection Agency, and any other agencies that provide technical assistance

for rural communities, as determined by the Executive Director;'';

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following:

''(j) ANNUAL PROGRESS REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

''(1) the use of funds authorized under section 605(f) of title 23; and

''(2) the progress of the Bureau in carrying out the purposes described in subsection (b).''.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) CREDITWORTHINESS.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking ''a rating'' and inserting ''an investment grade rating''; and

(B) by striking ''$75,000,000'' and inserting ''$150,000,000''; and

(2) in subparagraph (B)—

(A) by striking ''the senior debt'' and inserting ''senior debt''; and

(B) by striking ''credit instrument is for an amount less than $75,000,000'' and inserting ''total amount of other senior debt and the Federal credit instrument is less than $150,000,000''.

(b) BUY AMERICA APPLICATION.—Section 602(c)(1) of title 23, United States Code, is amended by striking ''of title 49'' inserting ''and section 22905(a) of title 49, subject to the requirements of section 5320(o) of title 49,''.

(c) NON-FEDERAL SHARE.—Section 603(b) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53

of title 49, if the loan is repayable from non-Federal funds.''.

(d) EXEMPTION OF FUNDS FROM TIFIA FEDERAL SHARE REQUIREMENT.—Section 603(b)(9) of title 23, United States Code, is amended by adding at the end the following:

''(C) TERRITORIES.—Funds provided for a territory under section 165(c) shall not be considered Federal assistance for purposes of subparagraph (A).''.

(e) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

''(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

''(i) the terms under paragraph (2); and

''(ii) the additional criteria described in subparagraph (B).

"(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

"(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

"(ii) The secured loan is rated in the A category or higher.

"(iii) The TIFIA program share of eligible project costs is 33 percent or less.

"(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

"(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.".

(f) ASSISTANCE TO SMALL PROJECTS.—Section 605(f)(1) of title 23, United States Code, is amended by striking "$2,000,000" and inserting "$3,000,000".

(g) ADMINISTRATIVE FUNDS.—Section 608(a)(5) of title 23, United States Code, is amended by striking "$6,875,000" and all that follows through the period and inserting "2.5 percent for the administration of the TIFIA program.".

(h) APPLICATION PROCESS REPORT.—Section 609(b)(2)(A) of title 23, United States Code, is amended—

(1) in clause (iv) by striking "and";

(2) in clause (v) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(vi) whether the project is located in a metropolitan statistical area, micropolitan statistical area, or neither (as such areas are defined by the Office of Management and Budget).".

(i) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

"(c) STATUS REPORTS.—

"(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

"(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

"(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

"(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

"(A) the name of the party submitting the letter of interest or application;

"(B) the name of the project;

"(C) the date on which the letter of interest or application was received;

"(D) the estimated project eligible costs;

"(E) the type of credit assistance sought; and

"(F) the anticipated fiscal year and quarter for closing of the credit assistance.".

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 8001. SHORT TITLE.

This division may be cited as the "Improving Hazardous Materials Safety Act of 2021".

TITLE I—AUTHORIZATIONS

SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

"(1) $75,000,000 for fiscal year 2022;

"(2) $70,000,000 for fiscal year 2023;

"(3) $71,000,000 for fiscal year 2024;

"(4) $73,000,000 for fiscal year 2025; and

"(5) $74,000,000 for fiscal year 2026;";

(2) in subsection (b)—

(A) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2026''; and

(B) by striking ''$21,988,000'' and inserting ''$24,025,000'';

(3) in subsection (c) by striking ''$4,000,000 for each of fiscal years 2016 through 2020'' and inserting ''$5,000,000 for each of fiscal years 2022 through 2026'';

(4) in subsection (d) by striking ''$1,000,000 for each of fiscal years 2016 through 2020'' and inserting ''$4,000,000 for each of fiscal years 2022 through 2026'';

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following:

''(e) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend $1,800,000 for each of fiscal years 2022 through 2026 to carry out the grant program under section 5107(j).''.

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED TO LITHIUM CELLS AND BATTERIES.

(a) REPEAL.—Section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(b) CONFORMING AMENDMENTS.—Section 333 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(A) IN GENERAL.—'' and all that follows through ''the Secretary'' and inserting ''The Secretary''; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2) by striking ''Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary'' and inserting ''The Secretary'';

(2) by striking paragraph (4) of subsection (b); and

(3) by striking paragraph (1) of subsection (h) and inserting the following:

"(1) ICAO TECHNICAL INSTRUCTIONS.—The term 'ICAO Technical Instructions' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air.".

(c) LITHIUM BATTERY SAFETY EVALUATION AND REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration, in coordination with the Administrator of the Federal Aviation Administration, shall evaluate outstanding recommendations of the National Transportation Safety Board regarding transportation of lithium batteries by air.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce,

Science, and Transportation of the Senate, a report on the evaluation described in paragraph (1).

SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS BY RAIL TANK CAR.

(a) STAY OF AUTHORIZATION FOR TRANSPORTATION OF LIQUEFIED NATURAL GAS BY TANK CAR.—

(1) IN GENERAL.—Any regulation authorizing the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act shall have no force or effect until—

(A) the Secretary of Transportation conducts the evaluation, testing, and analysis required in subsections (b), (c), and (d);

(B) the Secretary issues the report required by subsection (e);

(C) the Comptroller General of the United States completes the evaluation and report required under subsection (g); and

(D) the Secretary issues a final rule updating the regulation described in this paragraph that incorporates the additional data, research, and analysis required under this section.

(2) PERMIT OR APPROVAL.—The Secretary shall rescind any special permit or approval for the

transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act.

(b) EVALUATION.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration, in coordination with the Administrator of the Federal Railroad Administration, shall initiate an evaluation of the safety, security, and environmental risks of transporting liquefied natural gas by rail.

(c) TESTING.—In conducting the evaluation under subsection (a), the Administrator of the Pipeline and Hazardous Materials Safety shall—

(1) perform physical testing of rail tank cars, including, at a minimum, the DOT–113C120–W9 specification, to evaluate the performance of such rail tank cars in the event of an accident or derailment, including evaluation of the extent to which design and construction features such as steel thickness and valve protections prevent or mitigate the release of liquefied natural gas;

(2) analyze multiple release scenarios, including derailments, front-end collisions, rear-end collisions, side-impact collisions, grade-crossing collisions, punctures, and impact of an incendiary device, at a minimum of three speeds of travel with a sufficient

range of speeds to evaluate the safety, security, and environmental risks posed under real-world operating conditions; and

(3) examine the effects of exposure to climate conditions across rail networks, including temperature, humidity, and any other factors that the Administrator of the Federal Railroad Administration determines could influence performance of rail tank cars and components of such rail tank cars.

(d) OTHER FACTORS TO CONSIDER.—In conducting the evaluation under subsection (b), the Administrator of the Pipeline and Hazardous Materials Safety shall evaluate the impact of a discharge of liquefied natural gas from a rail tank car on public safety and the environment, and consider—

(1) the safety benefits of route restrictions, speed restrictions, enhanced brake requirements, personnel requirements, rail tank car technological requirements, and other operating controls;

(2) the inclusion of consist restrictions, including limitations on the arrangement and quantity of rail tank cars carrying liquefied natural gas in any given consist;

(3) the identification of potential impact areas, and the number of homes and structures potentially

endangered by a discharge in rural, suburban, and urban environments;

(4) the impact of discharge on the environment, including air quality impacts;

(5) the benefits of advanced notification to the Department of Transportation, State Emergency Response Commissions, and Tribal Emergency Response Commissions of routes for moving liquefied natural gas by rail tank car;

(6) how first responders respond to an incident, including the extent to which specialized equipment or training would be required and the cost to communities for acquiring any necessary equipment or training;

(7) whether thermal radiation could occur from a discharge;

(8) an evaluation of the rail tank car authorized by the Secretary of Transportation for liquefied natural gas or similar cryogenic liquids, and a determination of whether specific safety enhancements or new standards are necessary to ensure the safety of rail transport of liquefied natural gas; and

(9) the risks posed by the transportation of liquefied natural gas by International Organization for

Standardization containers authorized by the Federal Railroad Administration.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public—

(1) a report based on the evaluation and testing conducted under subsections (b) and (c), which shall include the results of the evaluation and testing and recommendations for mitigating or eliminating the safety, security, environmental, and other risks of an accident or incident involving the transportation of liquefied natural gas by rail; and

(2) a complete list of all research related to the transportation of liquefied natural gas by rail conducted by the Federal Railroad Administration, the Pipeline and Hazardous Materials Safety Administration, or any other entity of the Federal Government since 2010 that includes, for each research item—

(A) the title of any reports or studies produced with respect to the research;

(B) the agency, entity, or organization performing the research;

(C) the names of all authors and co-authors of any report or study produced with respect to the research; and

(D) the date any related report was published or is expected to publish.

(f) DATA COLLECTION.—The Administrator of the Federal Railroad Administration and the Administrator of the Pipeline and Hazardous Materials Safety Administration shall collect any relevant data or records necessary to complete the evaluation required by subsection (b).

(g) GAO REPORT.—After the evaluation required by subsection (b) has been completed, the Comptroller General shall conduct an independent evaluation to verify that the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration complied with the requirements of this Act, and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such independent evaluation.

(h) FUNDING.—From the amounts made available for fiscal year 2022 under section 5128(a) of title 49, United States Code, the Secretary shall expend not less

than $4,000,000 and not more than $6,000,000 to carry out the evaluation under subsection (a).

SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIREMENTS AND GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

''(j) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING.—The Secretary shall establish a program to make grants, on a competitive basis, to nonprofit organizations to develop hazardous materials response training for emergency responders and make such training available electronically or in person.''.

SEC. 8204. LITHIUM BATTERY APPROVAL.

(a) IN GENERAL.—Chapter 51 of title 49, United States Code, is amended by adding at the end the following:

''§ 5129. Lithium battery approval

''(a) APPROVAL TO TRANSPORT CERTAIN BATTERIES IN COMMERCE.—A person may not transport in commerce a specified lithium battery that is determined by the Secretary to be a high safety or security risk unless—

''(1) the manufacturer of such battery receives an approval from the Secretary; and

"(2) the manufacture of such battery meets the requirements of this section and the regulations issued under subsection (d).

"(b) TERM OF APPROVAL.—An approval granted to a manufacturer under this section shall not exceed 5 years.

"(c) APPROVAL PROCESS.—To receive an approval for a specified lithium battery under this section, a manufacturer shall—

"(1) allow the Secretary, or an entity designated by the Secretary, to inspect the applicant's manufacturing process and procedures;

"(2) bear the cost of any inspection carried out under paragraph (1); and

"(3) develop and implement, with respect to the manufacture of such battery—

"(A) a comprehensive quality management program; and

"(B) appropriate product identification, marking, documentation, lifespan, and tracking measures.

"(d) REGULATIONS REQUIRED.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue regulations to carry out this section. Such regulations shall include—

"(1) parameters for, and a process for receiving, an approval under this section; and

"(2) a determination of the types of specified lithium batteries that pose a high safety or security risk in transport, including battery or cell type, size, and energy storage capacity.

"(e) SPECIFIED LITHIUM BATTERY DEFINED.—In this section, the term 'specified lithium battery' means—

"(1) a lithium ion cell or battery; or

"(2) a lithium metal cell or battery.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 51 of title 49, United States Code, is amended by adding at the end the following:

"5129. Lithium battery approval.".

DIVISION D—RAIL

SEC. 9001. SHORT TITLE.

This division may be cited as the "Transforming Rail by Accelerating Investment Nationwide Act" or the "TRAIN Act".

Sec. 9001. Short title.

TITLE I—AUTHORIZATIONS

Sec. 9101. Authorization of appropriations.
Sec. 9102. Passenger rail improvement, modernization, and expansion grants.
Sec. 9103. Consolidated rail infrastructure and safety improvement grants.
Sec. 9104. Railroad rehabilitation and improvement financing.
Sec. 9105. Bridges, stations, and tunnels (BeST) grant program.
Sec. 9106. Buy America.

TITLE II—AMTRAK REFORMS

Sec. 9201. Amtrak findings, mission, and goals.
Sec. 9202. Amtrak status.

Sec. 9203. Board of Directors.
Sec. 9204. Amtrak preference enforcement.
Sec. 9205. Use of facilities and providing services to Amtrak.
Sec. 9206. Prohibition on mandatory arbitration.
Sec. 9207. Amtrak ADA assessment.
Sec. 9208. Prohibition on smoking on Amtrak trains.
Sec. 9209. State-supported routes operated by Amtrak.
Sec. 9210. Amtrak Police Department.
Sec. 9211. Amtrak food and beverage.
Sec. 9212. Clarification on Amtrak contracting out.
Sec. 9213. Amtrak staffing.
Sec. 9214. Special transportation.
Sec. 9215. Disaster and emergency relief program.
Sec. 9216. Access to recreational trails.
Sec. 9217. Amtrak cybersecurity enhancement and resiliency grant program.
Sec. 9218. Amtrak and private cars.
Sec. 9219. Amtrak Office of Community Outreach.
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TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 9301. Northeast Corridor Commission.
Sec. 9302. Northeast Corridor planning.
Sec. 9303. Protective arrangements.
Sec. 9304. Interstate rail compacts.
Sec. 9305. High-speed rail updates.
Sec. 9306. State rail planning formula funds.

TITLE IV—COMMUTER RAIL POLICY

Sec. 9401. Surface Transportation Board mediation of trackage use requests.
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TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

Sec. 9501. Study on safety impact of long trains.
Sec. 9502. FRA safety reporting.
Sec. 9503. Waiver notice requirements.
Sec. 9504. Notice of FRA comprehensive safety culture assessments.
Sec. 9505. FRA accident and incident investigations.
Sec. 9506. Freight train crew size safety standards.
Sec. 9507. Border crossings.
Sec. 9508. Yardmasters hours of service.
Sec. 9509. Leaking brakes.
Sec. 9510. Report on PTC system failures.
Sec. 9511. Fatigue reduction management plans.
Sec. 9512. Assault prevention and response plans.
Sec. 9513. Critical incident stress plans.
Sec. 9514. Crewmember certification and qualification.
Sec. 9515. Safety management team communication.
Sec. 9516. GAO study on reorganization of Office of Railroad Safety.
Sec. 9517. Open-top rail car public input.
Sec. 9518. New passenger service pre-revenue safety validation plan.

Sec. 9519. Safety oversight of nontraditional and emerging rail technologies.

Subtitle B—Grade Crossing Safety

Sec. 9551. Highway-rail grade crossing separation grants.
Sec. 9552. Rail safety public awareness grant.
Sec. 9553. Establishment of 10-minute time limit for blocking public highway-rail grade crossings.
Sec. 9554. National blocked crossing database.
Sec. 9555. Railroad point of contact for blocked crossing matters.
Sec. 9556. National highway-rail crossing inventory review.
Sec. 9557. Railroad trespassing enforcement grants.
Sec. 9558. Railroad trespassing suicide prevention grants.
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Sec. 9560. Report on safety measures required for Quiet Zones.

TITLE VI—MISCELLANEOUS

Sec. 9601. Rail network climate change vulnerability assessment.
Sec. 9602. Advance acquisition.
Sec. 9603. University rail climate innovation grant program.
Sec. 9604. Workforce diversity and development.
Sec. 9605. Requirements for railroad freight cars entering service in United States.

TITLE I—AUTHORIZATIONS

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF GRANTS TO AMTRAK.—

(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

(A) For fiscal year 2022, $2,500,000,000.

(B) For fiscal year 2023, $2,600,000,000.

(C) For fiscal year 2024, $2,700,000,000.

(D) For fiscal year 2025, $2,800,000,000.

(E) For fiscal year 2026, $2,900,000,000.

(2) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

(A) For fiscal year 2022, $3,500,000,000.

(B) For fiscal year 2023, $3,600,000,000.

(C) For fiscal year 2024, $3,700,000,000.

(D) For fiscal year 2025, $3,800,000,000.

(E) For fiscal year 2026, $3,900,000,000

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one-half of one percent annually from the amounts made available under subsection (a) for oversight.

(c) AMTRAK COMMON BENEFIT COSTS FOR STATE-SUPPORTED ROUTES.— For fiscal year 2022, if funds are made available under subsection (a)(2) in excess of the amounts authorized for fiscal year 2020 under section 11101(b) of the FAST Act (Public Law 114–94), Amtrak shall use up to $250,000,000 of the excess funds to defray the share of operating costs of Amtrak's national assets (as such term is defined in section 24320(c)(5) of title 49, United States Code) and corporate services (as such term is defined pursuant to section 24317(b) of title 49, United States Code) that is allocated to the State-supported services. After the update of the cost methodology

policy required under section 24712(a)(7)(B) of title 49, United States Code, is implemented, there are authorized to be appropriated to the Secretary for the use of Amtrak such sums as may be necessary for each of the fiscal years 2023 through 2026 for the implementation of the updated policy.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the funds made available under subsection (a)(2), the Secretary may make available up to $4,000,000 for each fiscal year for the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—Of the funds made available under subsection (a)(1), the Secretary may make available up to $6,000,000 for each fiscal year for the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.—There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2022, $26,500,000.

(2) For fiscal year 2023, $27,000,000.

(3) For fiscal year 2024, $27,500,000.

(4) For fiscal year 2025, $28,000,000.

(5) For fiscal year 2026, $28,500,000.

(g) PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EXPANSION GRANTS.—

(1) There are authorized to be appropriated to the Secretary to carry out section 22906 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $4,800,000,000.

(B) For fiscal year 2023, $4,900,000,000.

(C) For fiscal year 2024, $5,000,000,000.

(D) For fiscal year 2025, $5,100,000,000.

(E) For fiscal year 2026, $5,200,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22906 of title 49, United States Code.

(3) HIGH-SPEED RAIL CORRIDOR PLANNING.—The Secretary shall withhold at least 4 percent of funding in paragraph (1) for the purposes described in section 22906(a)(1)(B) of title 49, United States Code. Any funds withheld by this paragraph that remain unobligated at the end of the fiscal year following the fiscal year in which such funds are made

available may be used for any eligible project under section 22906 of such title.

(h) CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22907 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $1,200,000,000.

(B) For fiscal year 2023, $1,300,000,000.

(C) For fiscal year 2024, $1,400,000,000.

(D) For fiscal year 2025, $1,500,000,000.

(E) For fiscal year 2026, $1,600,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 2 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22907 of title 49, United States Code.

(3) RAIL SAFETY PUBLIC AWARENESS.—Of the amounts made available under paragraph (1), the Secretary may make available up to $5,000,000 for each of fiscal years 2022 through 2026 to make

grants under section 22907(o) of title 49, United States Code.

(4) RAILROAD TRESPASSING ENFORCEMENT.—Of the amounts made available under paragraph (1), the Secretary may make available up to $250,000 for each of fiscal years 2022 through 2026 to make grants under section 22907(p) of title 49, United States Code.

(5) RAILROAD TRESPASSING SUICIDE PREVENTION.—Of the amounts made available under paragraph (1), the Secretary may make available up to $1,000,000 for each of fiscal years 2022 through 2026 to make grants under section 22907(q) of title 49, United States Code.

(i) BRIDGES, STATIONS, AND TUNNELS GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22909 of title 49, United States Code, the following amounts:

(A) For fiscal year 2022, $4,800,000,000.

(B) For fiscal year 2023, $4,900,000,000.

(C) For fiscal year 2024, $5,000,000,000.

(D) For fiscal year 2025, $5,100,000,000.

(E) For fiscal year 2026, $5,200,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the total amount appropriated under paragraph (1) for the costs of program management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 22909 of title 49, United States Code.

(j) RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for payment of credit risk premiums in accordance with section 502(f)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(1)) the following amounts, to remain available until expended:

(A) For fiscal year 2022, $160,000,000.

(B) For fiscal year 2023, $170,000,000.

(C) For fiscal year 2024, $180,000,000.

(D) For fiscal year 2025, $190,000,000.

(E) For fiscal year 2026, $200,000,000.

(2) REFUND OF PREMIUM.—There are authorized to be appropriated to the Secretary $70,000,000 to repay the credit risk premium under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) for each

loan in cohort 3, as defined by the memorandum to the Office of Management and Budget of the Department of Transportation dated November 5, 2018, with interest accrued thereon, not later than 60 days after the date on which all obligations attached to each such loan have been satisfied. For each such loan for which obligations have been satisfied as of the date of enactment of this Act, the Secretary shall repay the credit risk premium of each such loan, with interest accrued thereon, not later than 60 days after the date of the enactment of this Act.

(k) RESTORATION AND ENHANCEMENT GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22908 of title 49, United States Code, $20,000,000 for each of fiscal years 2022 through 2026.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the total amounts appropriated under paragraph (1) for the costs of project management oversight of grants carried out under section 22908 of title 49, United States Code.

(l) GRADE CROSSING SEPARATION GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 20171 of title 49, United States Code, (as added by section 9551 of this Act) the following amounts:

(A) For fiscal year 2022, $450,000,000.

(B) For fiscal year 2023, $475,000,000.

(C) For fiscal year 2024, $500,000,000.

(D) For fiscal year 2025, $525,000,000.

(E) For fiscal year 2026, $550,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 2 percent from the total amounts appropriated under paragraph (1) for the costs of project management oversight, including providing technical assistance and project planning guidance, of grants carried out under section 20171 of title 49, United States Code.

(m) AUTHORIZATION OF APPROPRIATIONS TO THE FEDERAL RAILROAD ADMINISTRATION.—Section 20117 of title 49, United States Code, is amended to read as follows:

"§ 20117. Authorization of appropriations

''(a) SAFETY AND OPERATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the operations of the Federal Railroad Administra-

tion and to carry out railroad safety activities authorized or delegated to the Administrator—

"(A) $290,500,000 for fiscal year 2022;

"(B) $303,300,000 for fiscal year 2023;

"(C) $316,100,000 for fiscal year 2024;

"(D) $324,400,000 for fiscal year 2025; and

"(E) $332,900,000 for fiscal year 2026.

"(2) AUTOMATED TRACK INSPECTION PROGRAM AND DATA ANALYSIS.—From the funds made available under paragraph (1) for each of fiscal years 2022 through 2026, not more than $17,000,000 may be expended for the Automated Track Inspection Program and data analysis related to track inspection. Such funds shall remain available until expended.

"(3) STATE PARTICIPATION GRANTS.—Amounts made available under paragraph (1) for grants under section 20105(e) shall remain available until expended.

"(4) REGIONAL PLANNING GUIDANCE.—The Secretary may withhold up to $20,000,000 from the amounts made available for each fiscal year under paragraph (1) to facilitate and provide guidance for

regional planning processes, including not more than $500,000 annually for each interstate rail compact.

"(5) RAILROAD SAFETY INSPECTORS.—

"(A) IN GENERAL.—The Secretary shall ensure that the number of full-time equivalent railroad safety inspection personnel employed by the Office of Railroad Safety of the Federal Railroad Administration does not fall below the following:

"(i) 379 for fiscal year 2022;

"(ii) 403 for fiscal year 2023;

"(iii) 422 for fiscal year 2024;

"(iv) 424 for fiscal year 2025; and

"(v) 426 for fiscal year 2026.

"(B) CONSIDERATION.—In meeting the minimum railroad safety inspector levels under subparagraph (A), the Secretary shall consider the ability of railroad safety inspectors to analyze railroad safety data.

"(C) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

"(i) $3,244,104 for fiscal year 2022.

"(ii) $6,488,208 for fiscal year 2023.

"(iii) $9,056,457 for fiscal year 2024.

"(iv) $9,326,799 for fiscal year 2025.

"(v) $9,597,141 for fiscal year 2026.

"(6) OTHER SAFETY PERSONNEL.—

"(A) INCREASE IN NUMBER OF SUPPORT EMPLOYEES.—The Secretary shall, for each of fiscal years 2022 and 2023, increase by 10 the total number of full-time equivalent employees working as specialists, engineers, or analysts in the field supporting inspectors compared to the number of such employees employed in the previous fiscal year.

"(B) FUNDING.—From the amounts made available to the Secretary under subsection (a)(1), the Secretary shall use the following amounts to carry out subparagraph (A):

"(i) $1,631,380 for fiscal year 2022.

"(ii) $3,262,760 for fiscal year 2023.

"(iii) $3,262,760 for fiscal year 2024.

"(iv) $3,262,760 for fiscal year 2025.

"(v) $3,262,760 for fiscal year 2026.

"(b) RAILROAD RESEARCH AND DEVELOPMENT.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for necessary expenses for

carrying out railroad research and development activities the following amounts which shall remain available until expended:

"(A) $67,000,000 for fiscal year 2022.

"(B) $69,000,000 for fiscal year 2023.

"(C) $71,000,000 for fiscal year 2024.

"(D) $73,000,000 for fiscal year 2025.

"(E) $75,000,000 for fiscal year 2026.

"(2) SHORT LINE SAFETY.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may expend not more than $4,000,000—

"(A) for grants to improve safety practices and training for Class II and Class III freight, commuter, and intercity passenger railroads; and

"(B) to develop safety management systems for Class II and Class III freight, commuter, and intercity passenger railroads through the continued development of safety culture assessments, transportation emergency response plans, training and education, outreach activities, best practices for trespassing prevention and employee trauma response, and technical assistance.

"(3) UNIVERSITY RAIL CLIMATE INNOVATION GRANT PROGRAM.—Of the amounts made available under paragraph (1), the Secretary may make available up to $20,000,000 for each of fiscal years 2022 through 2026 to make grants under section 22912.

"(4) SUICIDE PREVENTION RESEARCH FUNDING.—From funds made available under paragraph (1) for each of fiscal years 2022 through 2026, the Secretary may make available not less than $1,000,000 for human factors research undertaken by the Federal Railroad Administration, including suicide countermeasure evaluation, data exploration and quality improvement, and other initiatives as appropriate.".

(n) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Funds provided under this section and the amendments made by this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the

Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term ''otherwise related legally or financially'' does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

(o) RAIL TRUST FUND.—

(1) IN GENERAL.—

(A) FUNDING.—Beginning on the date on which a rail trust fund is established, any amounts made available under subsections (a),

(g), (h), (i), (j)(1), (k), and (l) shall be derived from such fund.

(B) RAIL TRUST FUND DEFINED.—In this subsection, the term ''rail trust fund'' means a trust fund established under the Internal Revenue Code of 1986 for making certain expenditures for the benefit of rail and for crediting certain taxes and penalties collected relating to rail.

(2) SENSE OF COMMITTEE ON NEED FOR RAIL TRUST FUND.—The following is the sense of the Committee on Transportation and Infrastructure of the House of Representatives:

(A) There is a discrepancy in historical Federal investment between highways, aviation, and intercity passenger rail. Between 1949 and 2017, the Federal Government invested more than $2 trillion in our nation's highways and over $777 billion in aviation. The Federal Government has invested $96 billion in intercity passenger rail, beginning in 1971 with the creation of the National Railroad Passenger Corporation. Intercity passenger rail Federal investment is only 12 percent of Federal aviation

investment and less than 5 percent of Federal highway investment.

(B) Congress has recognized the value and importance of a predictable, dedicated funding source through a trust fund for all other modes of transportation including for aviation, highways, transit, and waterways. The Highway Trust Fund was created in 1956. The Airport and Aviation Trust Fund was created in 1970. The Inland Waterways Trust Fund was created in 1978. Mass transit was added to the Highway Trust Fund in 1983. The Harbor Maintenance Trust Fund was created in 1986. With regard to Federal transportation investment, only intercity passenger and freight rail do not have a predictable, dedicated funding source through a trust fund.

(C) The Federal Railroad Administration has identified more than $300 billion worth of investment needed to develop both high-speed and higher speed intercity passenger rail corridors around the United States. In addition, a Federal Railroad Administration report from 2014 found that shortline and regional railroads need $7 billion of investment. The feder-

ally owned Northeast Corridor has a $40 billion state of good repair backlog.

(D) A rail trust fund would provide a predictable, dedicated funding source to high-speed and intercity passenger rail projects and for the public benefits of shortline and regional railroad freight rail projects. A trust fund provides essential longer term funding certainty to allow the United States to develop quality intercity passenger rail service in corridors across the country, eliminate the state of good repair backlog on the Northeast Corridor, allow for accessible equipment and stations for passengers with disabilities, move more freight on rail, redevelop an American passenger rail car manufacturing base, create good paying, middle class jobs, and reduce our nation's transportation carbon emissions.

SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EXPANSION GRANTS.

(a) IN GENERAL.—Section 22906 of title 49, United States Code, is amended to read as follows:

"§ 22906. Passenger rail improvement, modernization, and expansion grants

''(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible applicants for—

"(A) capital projects that—

"(i) provide high-speed rail or intercity rail passenger transportation;

"(ii) improve high-speed rail or intercity rail passenger performance, including congestion mitigation, reliability improvements, achievement of on-time performance standards established under section 207 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 24101 note), reduced trip times, increased train frequencies, higher operating speeds, electrification, and other improvements, as determined by the Secretary; and

"(iii) expand or establish high-speed rail or intercity rail passenger transportation and facilities; or

"(B) corridor planning activities for high-speed rail described in section 26101(b).

"(2) PURPOSES.—Grants under this section shall be for projects that improve mobility, oper-

ational performance, or growth of high-speed rail or intercity rail passenger transportation.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a State;

"(B) a group of States;

"(C) an Interstate Compact;

"(D) a public agency or publicly chartered authority established by 1 or more States;

"(E) a political subdivision of a State;

"(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

"(G) an Indian Tribe.

"(2) CAPITAL PROJECT.—The term 'capital project' means—

"(A) a project or program for acquiring, constructing, or improving—

"(i) passenger rolling stock;

"(ii) infrastructure assets, including tunnels, bridges, stations, track and track structures, communication and signalization improvements; and

"(iii) a facility of use in or for the primary benefit of high-speed or intercity rail passenger transportation;

"(B) project planning, development, design, engineering, location surveying, mapping, environmental analysis or studies;

"(C) acquiring right-of-way or payments for rail trackage rights agreements;

"(D) making highway-rail grade crossing improvements related to high-speed rail or intercity rail passenger transportation service;

"(E) electrification;

"(F) mitigating environmental impacts; or

"(G) a project relating to other assets determined appropriate by the Secretary.

"(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term 'intercity rail passenger transportation' has the meaning given such term in section 24102.

"(4) HIGH-SPEED RAIL.—The term 'high-speed rail' has the meaning given such term in section 26105.

"(5) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(6) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term 'socially disadvantaged individuals' has the meaning given the term 'socially and economically disadvantaged individuals' in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(c) PROJECT REQUIREMENTS.—

"(1) REQUIREMENTS.—To be eligible for a grant under this section, an eligible applicant shall demonstrate that such applicant has or will have—

"(A) the legal, financial, and technical capacity to carry out the project;

"(B) satisfactory continuing control over the use of the equipment or facilities that are the subject of the project; and

"(C) an agreement in place for maintenance of such equipment or facilities.

"(2) HIGH-SPEED RAIL REQUIREMENTS.—

"(A) CORRIDOR PLANNING ACTIVITIES.—Notwithstanding paragraph (1), the Secretary shall evaluate projects described in subsection (a)(1)(B) based on the criteria under section 26101(c).

"(B) HIGH-SPEED RAIL PROJECT REQUIREMENTS.—To be eligible for a grant for a high-speed rail project, an eligible applicant

shall demonstrate compliance with section 26106(e)(2)(A).

"(d) PROJECT SELECTION CRITERIA.—

"(1) PRIORITY.—In selecting a project for a grant under this section, the Secretary shall give preference to projects that—

"(A) are supported by multiple States or are included in a multi-state regional plan or planning process;

"(B) achieve environmental benefits such as a reduction in greenhouse gas emissions or an improvement in local air quality; or

"(C) improve service to and investment in socially disadvantaged individuals.

"(2) ADDITIONAL CONSIDERATIONS.—In selecting an applicant for a grant under this section, the Secretary shall consider—

"(A) the proposed project's anticipated improvements to high-speed rail or intercity rail passenger transportation, including anticipated public benefits on the—

"(i) effects on system and service performance;

"(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

"(iii) overall transportation system, including efficiencies from improved integration with other modes of transportation or benefits associated with achieving modal shifts;

"(iv) ability to meet existing, anticipated, or induced passenger or service demand; and

"(v) projected effects on regional and local economies along the corridor, including increased competitiveness, productivity, efficiency, and economic development;

"(B) the eligible applicant's past performance in developing and delivering similar projects;

"(C) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

"(D) if applicable, agreements between all stakeholders necessary for the successful delivery of the project.

"(3) ADDITIONAL SCREENING FOR HIGH-SPEED RAIL.—In selecting an applicant for a grant under this section, for high-speed rail projects, the Secretary shall, in addition to the application of paragraphs (1) and (2), apply the selection and consideration criteria described in subparagraphs (B) and (C) of section 26106(e)(2).

"(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COST ESTIMATE.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share of total project costs under this section shall not exceed 90 percent.

"(3) TREATMENT OF REVENUE.—Applicants may use ticket and other revenues generated from operations and other sources to satisfy the non-Federal share requirements.

"(f) LETTERS OF INTENT.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

"(A) announces an intention to obligate, for a project under this section, an amount that is not more than the amount stipulated as the financial participation of the Secretary in the project, regardless of authorized amounts; and

"(B) states that the contingent commitment—

"(i) is not an obligation of the Federal Government; and

"(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

"(2) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Appropriations of the House of Representatives;

"(iii) the Committee on Appropriations of the Senate; and

"(iv) the Committee on Commerce, Science, and Transportation of the Senate.

"(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

"(i) a copy of the letter of intent;

"(ii) the criteria used under subsection (d) for selecting the project for a grant; and

"(iii) a description of how the project meets such criteria.

"(g) APPROPRIATIONS REQUIRED.—An obligation may be made under this section only when amounts are appropriated for such purpose.

"(h) AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

"(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 22905, except that the domestic

buying preferences of section 24305(f) shall apply to Amtrak in lieu of the requirements of section 22905(a).''.

(b) CLERICAL AMENDMENT.—The item relating to section 22906 in the analysis for chapter 229 of title 49, United States Code, is amended to read as follows:

''22906. Passenger rail improvement, modernization, and expansion grants.''.

SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENT GRANTS.

Section 22907 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1) by striking ''The following'' and inserting ''Except as provided in subsections (o), (p), and (q), the following'';

(B) in paragraph (1) by inserting ''or the District of Columbia'' before the period;

(C) in paragraph (10) by striking ''transportation center''; and

(D) by adding at the end the following:

''(12) A commuter authority (as such term is defined in section 24102).

''(13) An Indian Tribe.'';

(2) in subsection (c)—

(A) in paragraph (1) by inserting ''and upgrades'' after ''Deployment'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(D) in paragraph (2), as so redesignated, by inserting ''or safety'' after ''address congestion'';

(E) in paragraph (3), as so redesignated, by striking ''identified by the Secretary'' and all that follows through ''rail transportation'' and inserting ''to improve service or facilitate ridership growth in intercity rail passenger transportation or commuter rail passenger transportation (as such term is defined in section 24102'';

(F) in paragraph (4), as so redesignated, by inserting ''to establish new quiet zones or'' after ''engineering improvements'';

(G) in paragraph (9), as so redesignated, by inserting '', including for suicide prevention and other rail trespassing prevention'' before the period;

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall give preference to—

"(A) projects that will maximize the net benefits of the funds made available for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2); and

"(B) projects that improve service to, or provide direct benefits to, socially disadvantaged individuals (as defined in section 22906(b)), including relocating or mitigating infrastructure that limits community connectivity, including mobility, access, or economic development of such individuals."; and

(B) in paragraph (3) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)";

(4) in subsection (h)(2) by inserting ", except that a grant for a capital project involving zero-emission locomotive technologies shall not exceed an

amount in excess of 90 percent of the total project costs'' before the period.

(5) by redesignating subsections (i), (j), and (k) as subsections (l), (m), and (n) respectively; and

(6) by inserting after subsection (h) the following:

''(i) LARGE PROJECTS.—Of the amounts made available under this section, at least 25 percent shall be for projects that have total project costs of greater than $100,000,000.

''(j) COMMUTER RAIL.—

''(1) ADMINISTRATION OF FUNDS.—The amounts awarded under this section for commuter rail passenger transportation projects shall be transferred by the Secretary, after selection, to the Federal Transit Administration for administration of funds in accordance with chapter 53.

''(2) GRANT CONDITION.—

''(A) IN GENERAL.—Notwithstanding section 22905(f)(1) and 22907(j)(1), as a condition of receiving a grant under this section that is used to acquire, construct, or improve railroad right-of-way or facilities, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Railroad Retirement Act

of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements established under section 22905(e).

"(B) APPLICATION OF PROTECTIVE ARRANGEMENT.—The grant recipient and the successors, assigns, and contractors of such recipient shall be bound by the protective arrangements required under subparagraph (A). Such recipient shall be responsible for the implementation of such arrangement and for the obligations under such arrangement, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

"(3) APPLICATION OF LAW.—Subsection (g) of section 22905 shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

"(k) DEFINITION OF CAPITAL PROJECT.—In this section, the term 'capital project' means a project or program for—

"(1) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility, expenses incidental to acquisition or construction (including project-level planning, designing, engineering, location surveying, mapping, environmental studies, and acquiring right-of-way), payments for rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

"(3) costs associated with developing State or multi-State regional rail plans; and

"(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904."; and

(7) by striking subsection (l).

SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) IN GENERAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting ''civil works such as cuts and fills, stations, tunnels,'' after ''components of track,''; and

(ii) in subparagraph (D) by inserting '', permitting,'' after ''reimburse planning''; and

(B) by striking paragraph (3);

(2) by striking subsection (e)(1) and inserting the following:

''(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the direct loan on the date of execution of the loan agreement.'';

(3) in subsection (f)—

(A) in paragraph (1) by adding ''The Secretary shall only apply appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, in whole or in part,

for entities described in paragraphs (1) through (3) of subsection (a).'' at the end;

(B) in paragraph (3) by striking subparagraph (C) and inserting the following:

''(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, if the total amount of the direct loan or loan guarantee is less than $100,000,000.

''(D) In the case of a total amount of a direct loan or loan guarantee greater than $100,000,000, an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee, or an investment-grade rating on the direct loan or loan guarantee and a projection of freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project.''; and

(C) by adding at the end the following:

''(5) REPAYMENT OF CREDIT RISK PREMIUMS.—The Secretary shall return credit risk premiums paid, and interest accrued thereon, to the original source when all obligations of a loan or loan guarantee have been satisfied. This paragraph applies to any project that has been granted assistance

under this section after the date of enactment of the TRAIN Act.''; and

(4) by adding at the end the following:

''(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs under this title or chapter 53 of title 49 if such loan is repayable from non-Federal funds.

''(o) BUY AMERICA.—

''(1) IN GENERAL.—In awarding direct loans or loan guarantees under this section, the Secretary shall require each recipient to comply with section 22905(a) of title 49, United States Code.

''(2) SPECIFIC COMPLIANCE.—Notwithstanding paragraph (1), the Secretary shall require—

''(A) Amtrak to comply with section 24305(f) of title 49, United States Code; and

''(B) a commuter authority (as defined in section 24102 of title 49, United States Code) to comply with section 5320 of title 49, United States Code.''.

(b) GUIDANCE.—Not later than 9 months after the date of enactment of this Act, the Secretary shall publish guidance that provides applicants for assistance under section 502 of the Railroad Revitalization and Regulatory Re-

form Act of 1976 (45 U.S.C. 822) information regarding the types of data, assumptions, and other factors typically used to calculate credit risk premiums required under subsection (f) of such section. Such guidance shall include information to help applicants understand how different factors may increase or decrease such credit risk premiums.

SEC. 9105. BRIDGES, STATIONS, AND TUNNELS (BEST) GRANT PROGRAM.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"§ 22909. Bridges, stations, and tunnels (BeST) grant program

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program (in this section referred to as the 'BeST Program') to provide grants to eligible entities for major capital projects included in the BeST Inventory established under subsection (b) for rail bridges, stations, and tunnels that are publicly owned or owned by Amtrak to enable safety, capacity, and mobility improvements.

''(b) INVENTORY.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TRAIN Act, the Secretary shall establish, and publish on the website of the Department of Transportation an inventory

(in this section referred to as the 'BeST Inventory') for publicly owned and Amtrak owned major capital projects designated by the Secretary to be eligible for funding under this section. The BeST Inventory shall include major capital projects to acquire, refurbish, rehabilitate, or replace rail bridges, stations, or tunnels and any associated and co-located projects.

"(2) CONSIDERATIONS.—In selecting projects for inclusion in the BeST Inventory, the Secretary shall give priority to projects that provide the most benefit for intercity passenger rail service in relation to projected costs and that are less likely to secure all of the funding required from other sources.

"(3) UPDATES TO BEST INVENTORY.—Every 2 years after the establishment of the BeST Inventory under paragraph (1), the Secretary shall update the Inventory in its annual budget justification.

"(4) ELIGIBILITY FOR BEST INVENTORY.—Projects included in the BeST Inventory—

"(A) shall be—

"(i) consistent with the record of decision issued by the Federal Railroad Administration in July 2017 titled 'NEC FUTURE: A Rail Investment Plan for the

Northeast Corridor' (known as the 'Selected Alternative');

"(ii) consistent with the most recent service development plan under section 24904(a) (hereinafter in this section referred to as the 'Service Development Plan'); and

"(iii) located in a territory for which a cost allocation policy is maintained pursuant to section 24905(c) of such title; or

"(B) shall be consistent with a multi-state regional planning document equivalent to the document referred to in subparagraph (A)(i) with a completed Tier I environmental review of such document pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(5) PROJECT FUNDING SEQUENCING.—The Secretary shall determine the order of priority for projects in the BeST Inventory based on projects identified in paragraph (4) and project management plans as described in subsection (d). The Secretary may alter the BeST Inventory as necessary if applicants are not carrying out the schedule identified in the Inventory.

"(6) TERMS.—The Secretary shall ensure the BeST Inventory establishes, for each project included in such Inventory—

"(A) the roles and terms of participation by any rail bridge, station, or tunnel owners and railroad carriers in the project; and

"(B) the timeline for such project that ensures efficient completion of the project.

"(7) SPECIAL FINANCIAL RULES.—

"(A) IN GENERAL.—Projects listed in the BeST Inventory may include an agreement with a commitment, contingent on future amounts to be specified in law for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(B) STATEMENT OF CONTINGENT COMMITMENT.—An obligation or administrative commitment under this paragraph may be made only when amounts are appropriated. An agreement shall state that any contingent commitment is not an obligation of the Federal Government, and is subject to the availability of appropriations under Federal law and to Federal

laws in force or enacted after the date of the contingent commitment.

"(C) FINANCING COSTS.—Financing costs of carrying out the project may be considered a cost of carrying out the project under the BeST Inventory.

"(e) EXPENDITURE OF FUNDS.—

"(1) APPLICATION OF LAW.—The non-Federal share for a grant provided under this section shall be calculated in accordance with section 24905(c) or section 24712(a)(7) if either such section are applicable to the railroad territory at the project location.

"(2) FEDERAL SHARE OF TOTAL PROJECT COSTS.—The Federal share for the total cost of a project under this section shall be 90 percent. A recipient of funds under this section may use any source of funds, including other Federal financial assistance to satisfy the non-Federal funds requirement.

"(3) AVAILABILITY OF FUNDS.—Funds made available under this section shall remain available for obligation by the Secretary for a period of 10 years after the last day of the fiscal year for which the funds are appropriated, and remain available for

expenditure by the recipient of grant funds without fiscal year limitation.

"(4) ELIGIBLE USES.—Funds made available under this section may be used for projects contained in the most recent BeST Inventory, including pre-construction expenses and the acquisition of real property interests.

"(5) FUNDS AWARDED TO AMTRAK.—Grants made to Amtrak shall be provided in accordance with the requirements of section 24319.

"(6) GRANT CONDITIONS.—Except as provided in this section, the use of any amounts made available for grants under this section shall be subject to the grant requirements in section 22905.

"(d) PROGRAM MANAGEMENT.—

"(1) SUBMISSION OF PROJECT MANAGEMENT PLANS.—The Secretary shall establish a process, including specifying formats, methods, and procedures, for applicants to submit a project management plan to the Secretary for a project in the BeST Inventory. Consistent with requirements in section 22903, project management plans shall—

"(A) describe the schedules, management actions, workforce availability, interagency agreements, permitting, track outage avail-

ability, and other factors that will determine the entity's ability to carry out a project included in the BeST Inventory; and

"(B) be updated and resubmitted in accordance with this subsection every 2 years according to the schedule in the most recent Service Development Plan, or equivalent multi-state regional planning document with a completed Tier I environmental review conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) NORTHEAST CORRIDOR PROJECTS.—For projects on the Northeast Corridor, an applicant shall submit such project management plan to the Northeast Corridor Commission. Upon receipt of such plan, the Northeast Corridor Commission shall submit to the Secretary an updated Service Development Plan that describes the schedule and sequencing of all capital projects on the Northeast Corridor, including estimates of the amount each sponsor entity will need in program funding for each of the next 2 fiscal years to carry out the entity's projects according to the Service Development Plan.

"(e) COST METHODOLOGY POLICY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall ensure that recipients of funds under this section adhere to the policies established pursuant to 24905(c) or section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), or any updates to any such cost methodology policy.

"(2) PENALTY FOR NONCOMPLIANCE.—If such recipient does not maintain adherence to the policies described in paragraph (1), the Secretary may withhold funds under this subsection from such recipient up to the amount of the recipient's shortfall, and, if the shortfall is not remedied after a reasonable period, may permanently reallocate such funds to other recipients.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a group of States;

"(C) an Interstate Compact;

"(D) a public agency or publicly chartered authority established by one or more States;

"(E) a political subdivision of a State;

"(F) Amtrak acting on its own behalf or in partnership with 1 or more States; or

"(G) any combination of the entities listed in subparagraphs (A) through (F).

"(2) MAJOR CAPITAL PROJECT.—The term 'major capital project' means a rail bridge, station, or tunnel project related to intercity passenger rail service that has a total project cost of at least $500,000,000.

"(3) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' has the meaning given the term in section 24904(e).

"(4) PUBLICLY OWNED.—The term 'publicly owned' means major capital projects that are at least partially owned or planned to be owned by the Federal Government or an eligible entity.

"(5) CO-LOCATED PROJECT.—The term 'co-located project' means a capital project that is adjacent to a major capital project and can be carried out during the same period.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is amended by adding at the end the following:

"22909. Bridges, stations, and tunnels (BeST) grant program.".

SEC. 9106. BUY AMERICA.

Section 22905(a) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by adding ''or'' at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraph (4) and inserting the following:

''(4)(A) If the Secretary receives a request for a waiver under paragraph (2), the Secretary shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

''(B) A notice provided under subparagraph (A) shall—

''(i) include the information available to the Secretary concerning the request, including whether the request is being made under subparagraph (A), (B), or (C) of paragraph (2); and

''(ii) be provided by electronic means, including on the official public website of the Department of Transportation.'';

(3) in paragraph (5)—

(A) by striking ''2012'' and inserting ''2020, and each year thereafter''; and

(B) by inserting ''during the preceding fiscal year'' before the period; and

(4) by adding at the end the following:

''(12) The requirements of this subsection apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decisions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source for activities carried out pursuant to such contracts, if at least 1 contract for the project is funded with amounts made available to carry out a provision specified in paragraph (1).''.

TITLE II—AMTRAK REFORMS

SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.

Section 24101 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking '', to the extent its budget allows,''; and

(ii) by striking ''between crowded urban areas and in other areas of'' and inserting ''throughout'';

(B) in paragraph (2) by striking the period and inserting '', thereby providing additional

capacity for the traveling public and widespread air quality benefits.'';

(C) in paragraph (4)—

(i) by striking ''greater'' and inserting ''high''; and

(ii) by striking ''to Amtrak to achieve a performance level sufficient to justify expending public money'' and inserting ''in order to meet the intercity passenger rail needs of the United States'';

(D) in paragraph (5)—

(i) by inserting ''intercity and'' after ''efficient''; and

(ii) by striking ''the energy conservation and self-sufficiency'' and inserting ''addressing climate change, energy conservation, and self-sufficiency'';

(E) in paragraph (6) by striking ''through its subsidiary, Amtrak Commuter,''; and

(F) by adding at the end the following:

''(9) Long-distance intercity passenger rail provides economic benefits to rural communities and offers intercity travel opportunities where such options are often limited, making long-distance intercity pas-

1 senger rail an important part of the national trans-
2 portation system.
3 ''(10) The Northeast Corridor, long-distance
4 routes, and State-supported routes are inter-
5 connected and collectively provide national rail pas-
6 senger transportation.
7 ''(11) Investments in intercity and commuter
8 rail passenger transportation support jobs that pro-
9 vide a pathway to the middle class.'';
10 (2) in subsection (b) by striking ''The'' and all
11 that follows through ''consistent'' and inserting
12 ''The mission of Amtrak is to provide a safe, effi-
13 cient, and high-quality national intercity passenger
14 rail system that is trip-time competitive with other
15 intercity travel options, consistent'';
16 (3) in subsection (c)—
17 (A) by striking paragraph (1) and insert-
18 ing the following:
19 ''(1) use its best business judgment in acting to
20 maximize the benefits of public funding;'';
21 (B) in paragraph (2)—
22 (i) by striking ''minimize Government
23 subsidies by encouraging'' and inserting
24 ''work with''; and

(ii) by striking the semicolon and inserting ''and improvements to service;'';

(C) by striking paragraph (3) and inserting the following:

''(3) manage the passenger rail network in the interest of public transportation needs, including current and future Amtrak passengers;'';

(D) in paragraph (7) by striking ''encourage'' and inserting ''work with'';

(E) in paragraph (11) by striking ''and'' the last place it appears; and

(F) by striking paragraph (12) and inserting the following:

''(12) utilize and manage resources with a long-term perspective, including sound investments that take into account the overall lifecycle costs of an asset;

''(13) ensure that service is accessible and accommodating to passengers with disabilities; and

''(14) maximize the benefits Amtrak generates for the United States by creating quality jobs and supporting the domestic workforce.''; and

(4) by striking subsection (d).

SEC. 9202. AMTRAK STATUS.

Section 24301(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''20102(2)'' and inserting ''20102''; and

(2) in paragraph (2) by inserting ''serving the public interest in reliable passenger rail service'' after ''for-profit corporation''.

SEC. 9203. BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking ''President of Amtrak'' and inserting ''Chief Executive Officer of Amtrak''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with a record of support for national intercity passenger rail service. Of the individuals appointed—

''(i) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service on the Northeast Corridor;

"(ii) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service that is not on the Northeast Corridor;

"(iii) 1 shall be a representative of Amtrak employees;

"(iv) 1 shall be an individual with a history of regular Amtrak ridership and an understanding of the concerns of intercity rail passengers;

"(v) 1 shall be an individual with—

"(I) demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network; and

"(II) industry experience or qualifications in transportation, freight and passenger rail transportation, travel, or passenger air transportation; and

"(vi) 1 shall be an individual with general business and financial experience who has demonstrated experience or demonstrated interest in the Northeast Corridor and the National Network.";

(B) in paragraph (2) by inserting ''users of Amtrak, including the elderly and individuals with disabilities, and'' after ''and balanced representation of'';

(C) in paragraph (3)—

(i) by striking ''Not more than 5'' and inserting ''Not more than 4''; and

(ii) by adding at the end the following: ''A member of the Board appointed under clause (i) or (ii) of paragraph (1)(C) shall serve for a term of 5 years or until such member leaves the elected office such member occupied at the time such member was appointed, whichever is first.'';

(D) in paragraph (4) by striking ''President'' and inserting ''Chief Executive Officer''; and

(E) by striking paragraph (5) and inserting the following:

''(5) The Secretary and any Governor of a State may be represented at a Board meeting by a designee.'';

(2) in subsection (b)—

(A) by striking ''PAY AND EXPENSES'' and inserting ''DUTIES, PAY, AND EXPENSES''; and

(B) by inserting ''Each director must consider the well-being of current and future Amtrak passengers, the public interest in sustainable national passenger rail service, and balance the preceding considerations with the fiduciary responsibilities of the director and the mission and goals of Amtrak.'' before ''Each director not employed by the United States Government or Amtrak''; and

(3) by adding at the end the following:

''(g) GOVERNOR DEFINED.—In this section, the term 'Governor' means the Governor of a State or the Mayor of the District of Columbia and includes a designee of the Governor.''.

(b) TIMING OF NEW BOARD REQUIREMENTS.—The appointment and membership requirements under section 24302 of title 49, United States Code (as amended by this Act), shall apply to any member of the Board appointed pursuant to subsection (a)(1)(C) of such section who is appointed on or after the date of enactment of this Act.

SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.

(a) IN GENERAL.—Section 24308(c) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding section 24103(a) and section 24308(f), Amtrak shall have the right to bring an action

for equitable or other relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 24103 of title 49, United States Code, is amended by inserting ''and section 24308(c)'' before '', only the Attorney General''.

SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES TO AMTRAK.

Section 24308(e) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) When a rail carrier does not agree to allow Amtrak to operate additional trains in accordance with proposed schedules over any rail line of the carrier on which Amtrak is operating or seeks to operate, Amtrak may submit an application to the Board for an order requiring the carrier to allow for the operation of the requested trains. Not later than 90 days after receipt of such application, the Board shall determine whether the additional trains would unreasonably impair freight transportation and—

''(i) upon a determination that such trains do not unreasonably impair freight transportation, order the rail carrier to allow for the op-

eration of such trains on a schedule established by the Board; or

"(ii) upon a determination that such trains do unreasonably impair freight transportation, initiate a proceeding to determine any additional infrastructure investments required by, or on behalf of, Amtrak.

"(B) If Amtrak seeks to resume operation of a train that Amtrak operated during the 5-year period preceding an application described in subparagraph (A), the Board shall apply a presumption that the resumed operation of such train will not unreasonably impair freight transportation unless the Board finds that there are substantially changed circumstances.";

(2) in paragraph (2)—

(A) by striking "The Board shall consider" and inserting "The Board shall";

(B) by striking subparagraph (A) and inserting the following:

"(A) in making the determination under paragraph (1), take into account any infrastructure investments previously made by, or on behalf of, Amtrak, or proposed in Amtrak's application, with the rail carrier having the burden of demonstrating that

the additional trains will unreasonably impair the freight transportation; and''; and

(C) in subparagraph (B) by inserting ''consider investments described in subparagraph (A) and'' after ''times,''; and

(3) by adding at the end the following:

''(4) In a proceeding initiated by the Board under paragraph (1)(A)(ii), the Board shall solicit the views of the parties and require the parties to provide any necessary data or information. Not later than 180 days after the date on which the Board makes a determination under paragraph (1)(A)(ii), the Board shall issue an order requiring the rail carrier to allow for the operation of the requested trains provided that any conditions enumerated by the Board are met. In determining the necessary level of additional infrastructure or other investments needed to mitigate unreasonable interference, the Board shall use any criteria, assumptions, and processes it considers appropriate.

''(5) The provisions of this subsection shall be in addition to any other statutory or contractual remedies Amtrak may have with respect to operating the additional trains.''.

SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.

(a) IN GENERAL.—Section 28103 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

''(1) IN GENERAL.—Amtrak may not impose a choice-of-forum clause that attempts to preclude a passenger, or a person who purchases a ticket for rail transportation on behalf of a passenger, from bringing a claim against Amtrak in any court of competent jurisdiction, including a court within the jurisdiction of the residence of such passenger in the United States (provided that Amtrak does business within that jurisdiction).

''(2) COURT OF COMPETENT JURISDICTION.—Under this subsection, a court of competent jurisdiction may not include an arbitration forum.''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to any claim that arises on or after the date of enactment of this Act.

SEC. 9207. AMTRAK ADA ASSESSMENT.

(a) ASSESSMENT.—Amtrak shall conduct an assessment and review of all Amtrak policies, procedures, proto-

cols, and guidelines for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under subsection (a).

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) a summary of the policies, procedures, protocols, and guidelines reviewed;

(2) any necessary changes to such policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including full compliance under such Act for stations and facilities for which Amtrak has responsibility under such Act and consideration of the needs of individuals with disabilities when procuring rolling stock and setting ticket fares; and

(3) an implementation plan and timeline for making any such necessary changes.

(d) ENGAGEMENT.—Amtrak shall engage with a range of advocates for individuals with disabilities during the assessment conducted under subsection (a), and develop an ongoing and standardized process for engagement with advocates for individuals with disabilities.

(e) PERIODIC EVALUATION.—At least once every 2 years, Amtrak shall review and update, as necessary, Amtrak policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24323. Prohibition on smoking on Amtrak trains

''(a) PROHIBITION.—Beginning on the date of enactment of the TRAIN Act, Amtrak shall prohibit smoking on board Amtrak trains.

''(b) ELECTRONIC CIGARETTES.—

''(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

''(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine or other substances to

a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24323. Prohibition on smoking on Amtrak trains.''.

SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AMTRAK.

Section 24712 of title 49, United States Code, is amended to read as follows:

''§ 24712. State-supported routes operated by Amtrak

''(a) STATE-SUPPORTED ROUTE COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the current and future rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall consist of—

"(i) members representing Amtrak;

"(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and

"(iii) members representing States.

"(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.

"(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—

"(A) there are 3 separate voting blocs to represent the Committee's voting members, including—

"(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

"(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

"(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

"(B) each voting bloc has 1 vote;

"(C) the votes of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc's members; and

"(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

"(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—If all members of a voting bloc described in paragraph (3) abstain from a Committee decision, agreement between the other voting blocs consistent with the procedures set forth in paragraph (3) shall be deemed unanimous consent.

"(5) MEETINGS; RULES AND PROCEDURES.—The Committee shall define and periodically update the rules and procedures governing the Committee's proceedings. The rules and procedures shall—

"(A) incorporate and further describe the decisionmaking procedures to be used in accordance with paragraph (3); and

"(B) be adopted in accordance with such decisionmaking procedures.

"(6) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Commit-

tee's rules and procedures, once established, are binding on all Committee members.

"(7) COST METHODOLOGY POLICY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(B) REVISIONS TO COST METHODOLOGY POLICY.—

"(i) REQUIREMENT TO REVISE AND UPDATE.—Subject to the requirements of clause (iii), the Committee shall, not later than March 31, 2022, update the cost methodology policy required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note). Such update shall be consistent with the principles for revision of the Committee pursuant to such section and consistent with any subsequent changes to such principles approved by the Committee. The Committee shall implement the updated policy begin-

ning in fiscal year 2023 and shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report documenting and explaining any changes to the policy and plans for implementation not later than 30 days after the adoption of the updated policy.

"(ii) IMPLEMENTATION IMPACTS ON FEDERAL FUNDING.—To the extent that a policy implemented pursuant to clause (i) assigns to Amtrak costs that were previously allocated to States, Amtrak shall request such costs in the general and legislative annual report required by section 24315 or in any appropriate subsequent Federal funding request for the fiscal year in which the revised policy is implemented.

"(iii) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (5) shall include procedures for changing the cost methodology policy under this subparagraph, notwithstanding section 209(b)

of the Passenger Rail Investment and Improvement Act (49 U.S.C. 22 24101 note), and procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, and data sharing and governance.

"(C) REQUIREMENTS.—The cost methodology policy shall—

"(i) ensure equal treatment in the provision of like services of all States and groups of States;

"(ii) assign to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route; and

"(iii) promote increased efficiency in Amtrak's operating and capital activities.

"(b) INVOICES AND REPORTS.—

"(1) MONTHLY INVOICE.—Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs.

"(2) PLANNING AND DEMAND REPORTS.—A State shall provide to the Committee and Amtrak planning and demand reports with respect to a planned or existing State-supported route.

"(3) FINANCIAL AND PERFORMANCE REPORTS.—The Committee shall require Amtrak to provide to the States and the Committee financial and performance reports at a frequency, and containing such information, as determined appropriate by the Committee.

"(c) DISPUTE RESOLUTION.—

"(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(5), an invoice or a report provided under subsection (b), implementation or compliance with the cost methodology policy developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(7) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

"(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolu-

tion of disputes brought before it under this subsection, which may include provision of professional mediation services.

"(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

"(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount related to a State-supported route that a State sponsors that is not in dispute.

"(d) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

"(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

"(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

"(B) administrative expenses that the Secretary determines necessary.

"(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak

and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance, including incentives to—

"(1) increase revenue;

"(2) reduce costs;

"(3) finalize contracts by the beginning of the Federal fiscal year; and

"(4) require States to promptly make payments for services delivered.

"(f) STATEMENT OF GOALS AND OBJECTIVES.—

"(1) IN GENERAL.—The Committee shall develop and annually review and update, as necessary, a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The statement shall include a list of capital projects, including infrastructure, fleet, station, and facility initiatives, needed to support the growth of State-supported routes. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

"(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than March 31 of each year, the Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the most recent annual update to the statement developed under paragraph (1).

"(g) NEW OR EXPANDED STATE-SUPPORTED ROUTES.—

"(1) COORDINATION AND CONSULTATION.—In developing a new State-supported route or expanding an existing State-supported route, Amtrak shall closely coordinate with all States in which such route operates, and shall consult with the following:

"(A) The local municipalities in which the proposed route operates.

"(B) Commuter authorities and regional transportation authorities (as such terms are defined in section 24102) in the areas proposed to be served by such route.

"(C) The owner of any rail infrastructure over which the proposed route operates.

"(D) Administrator of the Federal Railroad Administration.

"(E) Other stakeholders, as appropriate.

"(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated or expanded on or after the date of enactment of the TRAIN Act, Amtrak shall enter into an agreement with the State in which the proposed route operates for sharing ongoing fully allocated operating costs and capital costs in accordance with—

"(A) the cost methodology policy described under subsection (a)(7); or

"(B) the alternative cost methodology schedule described in paragraph (3).

"(3) ALTERNATIVE COST METHODOLOGY.—Under the cost methodology schedule described in this paragraph, with respect to costs not covered by revenues for the operation of a State-supported route, Amtrak shall pay—

"(A) the share Amtrak otherwise would have paid under the cost methodology under subsection (a); and

"(B) a percentage of the share that the State otherwise would have paid under the cost

methodology policy under subsection (a) according to the following:

"(i) Amtrak shall pay up to 100 percent of the capital costs and planning costs necessary to initiate a new State-supported route or expand an existing State-supported route, including planning and development, design, and environmental analysis costs, prior to beginning operations on the new route.

"(ii) For the first 2 years of operation, Amtrak shall pay for 100 percent of operating costs and capital costs.

"(iii) For the third year of operation, Amtrak shall pay 90 percent of operating costs and capital costs and the State shall pay the remainder.

"(iv) For the fourth year of operation, Amtrak shall pay 80 percent of operating costs and capital costs and the State shall pay the remainder

"(v) For the fifth year of operation, Amtrak shall pay 50 percent of operating costs and capital costs and the State shall pay the remainder.

"(vi) For the sixth year of operation and thereafter, operating costs and capital costs shall be allocated in accordance with the cost methodology policy described under subsection (a) as applicable.

"(4) DEFINITIONS.—In this subsection, the terms 'capital cost' and 'operating cost' shall apply in the same manner as such terms apply under the cost methodology policy developed under subsection (a).

"(h) COST METHODOLOGY UPDATE AND IMPLEMENTATION REPORT.—Not later than 18 months after an updated cost methodology policy required under subsection (a)(7)(B) is implemented, the Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the implementation of the updated policy.

"(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall provide an update in the general and legislative annual report required by 24315(b) of planned or proposed changes to State-supported routes, including the introduction of new State-supported routes. In identifying routes to be considered planned or proposed under this subsection, Amtrak shall—

"(1) identify the timeframe in which such changes could take effect and whether Amtrak has entered into a commitment with a State under subsection (g)(2); and

"(2) consult with the Committee and any additional States in which a planned or proposed route may operate, not less than 120 days before an annual grant request is transmitted to the Secretary.

"(j) RULE OF CONSTRUCTION.—The decisions of the Committee—

"(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and

"(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

"(k) DEFINITION OF STATE.—In this section, the term 'State' means any of the 50 States, including the District of Columbia, that sponsor or propose to sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors or proposes to sponsor such operation on such a route.".

SEC. 9210. AMTRAK POLICE DEPARTMENT.

(a) DEPARTMENT MISSION.—Not later than 180 days after the date of enactment of this Act, Amtrak shall

identify the mission of the Amtrak Police Department (in this section referred to as the ''Department''), including the scope of the role and priorities of the Department, in mitigating risks to and ensuring the safety and security of Amtrak passengers, employees, trains, stations, facilities, and other infrastructure. In identifying such mission, Amtrak shall consider—

(1) the unique needs of maintaining the safety and security of Amtrak's network; and

(2) comparable passenger rail systems and the mission of the police departments of such rail systems.

(b) WORKFORCE PLANNING PROCESS.—Not later than 120 days after identifying the mission of the Department under subsection (a), Amtrak shall develop a workforce planning process that—

(1) ensures adequate employment levels and allocation of sworn and civilian personnel, including patrol officers, necessary for fulfilling the Department's mission; and

(2) sets performance goals and metrics for the Department that align with the mission of the Department and monitors and evaluates the Department's progress toward such goals and metrics.

(c) CONSIDERATIONS.—In developing the workforce planning process under subsection (b), Amtrak shall—

(1) identify critical positions, skills, and competencies necessary for fulfilling the Department's mission;

(2) analyze employment levels and ensure that—

(A) an adequate number of civilian and sworn personnel are allocated across the Department's 6 geographic divisions, including patrol officers, detectives, canine units, special operations unit, strategic operations, intelligence, corporate security, the Office of Professional Responsibilities, and the Office of Chief of Polices; and

(B) patrol officers have an adequate presence on trains and route segments, and in stations, facilities, and other infrastructure;

(3) analyze workforce gaps and develop strategies to address any such gaps;

(4) consider risks, including those identified by Amtrak's triannual risk assessments;

(5) consider variables, including ridership levels, miles of right-of-way, crime data, call frequencies, interactions with vulnerable populations, and work-

load, that comparable passenger rail systems with similar police departments consider in the development of the workforce plans of such systems; and

(6) consider collaboration or coordination with local, State, Tribal, and Federal agencies, and public transportation agencies to support the safety and security of the Amtrak network.

(d) CONSULTATION.—In carrying out this section, Amtrak shall consult with the Amtrak Police Department Labor Committee, public safety experts, foreign or domestic entities providing passenger rail service comparable to Amtrak, and any other relevant entities, as determined by Amtrak.

(e) REPORTS.—

(1) REPORT ON MISSION OF DEPARTMENT.—Not later than 10 days after Amtrak identifies the mission of the Department under subsection (a), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a description of the mission of the Department and the reasons for the content of such mission.

(2) REPORT ON WORKFORCE PLANNING PROCESS.—Not later than 10 days after Amtrak completes the workforce planning process under subsection (b), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the workforce planning process, the underlying data used to develop such process, and how such process will achieve the Department's mission.

SEC. 9211. AMTRAK FOOD AND BEVERAGE.

(a) AMTRAK FOOD AND BEVERAGE.—Section 24321 of title 49, United States Code, is amended to read as follows:

"§ 24321. Amtrak food and beverage

''(a) ENSURING ACCESS TO FOOD AND BEVERAGE SERVICES.—On all long-distance routes, Amtrak shall ensure that all passengers who travel overnight on such route shall have access to purchasing the food and beverages that are provided to sleeping car passengers on such route.

''(b) FOOD AND BEVERAGE WORKFORCE.—

''(1) WORKFORCE REQUIREMENT.—Amtrak shall ensure that any individual onboard a train who

prepares or provides food and beverages is an Amtrak employee.

"(2) SAVINGS CLAUSE.—No Amtrak employee holding a position as of the date of enactment of the TRAIN Act may be involuntarily separated because of any action taken by Amtrak to implement this section, including any employees who are furloughed as a result of the COVID–19 pandemic.

"(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of the development and implementation of the plan required by the amendments made by section 11207 of such Act.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS.—The item relating to section 24321 in the analysis for chapter 243 of title 49, United States Code, is amended to read as follows:

"24321. Amtrak food and beverage.".

(2) AMTRAK AUTHORITY.—Section 24305(c)(4) of title 49, United States Code, is amended by striking "only if revenues from the services each year at least equal the cost of providing the services".

(3) CONTRACTING OUT.—Section 121(c) of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by

striking ", other than work related to food and beverage service,".

(c) AMTRAK FOOD AND BEVERAGE WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, Amtrak shall establish a working group (in this subsection referred to as the "Working Group") to provide recommendations on Amtrak onboard food and beverage services.

(2) MEMBERSHIP.—The Working Group shall consist of—

(A) an equal number of individuals representing—

(i) Amtrak;

(ii) the labor organizations representing Amtrak employees who prepare or provide onboard food and beverage services;

(iii) the State-Supported Route Committee established by section 24712; and

(iv) nonprofit organizations representing Amtrak passengers; and

(B) an individual with culinary or hospitality expertise agreed to by the members under clauses (i) through (iv) of subparagraph (A).

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The Working Group shall develop recommendations to increase ridership and improve customer satisfaction by—

(i) promoting collaboration and engagement between Amtrak, Amtrak passengers, and Amtrak employees preparing or providing onboard food and beverage services, prior to Amtrak implementing changes to onboard food and beverage services;

(ii) improving onboard food and beverage services; and

(iii) improving solicitation, reception, and consideration of passenger feedback regarding onboard food and beverage services.

(B) CONSIDERATIONS.—In developing the recommendations under subparagraph (A), the Working Group shall consider—

(i) the healthfulness of onboard food and beverages offered, including the ability

of passengers to address dietary restrictions;

(ii) the preparation and delivery of on-board food and beverages;

(iii) the differing needs of passengers traveling on long-distance routes, State-supported routes, and the Northeast Corridor;

(iv) the reinstatement of the dining car service on long-distance routes;

(v) Amtrak passenger survey data about the food and beverages offered on Amtrak trains; and

(vi) any other issue the Working Group determines appropriate.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than 1 year after the date on which the Working Group is established, the Working Group shall submit to the Board of Directors of Amtrak, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report con-

taining the recommendations developed under paragraph (3).

(B) SUBSEQUENT REPORT.—Not later than 30 days after the date on which the Working Group submits the report required under subparagraph (A), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on whether Amtrak agrees with the recommendations of the Working Group and describing any plans to implement such recommendations.

(5) PROHIBITION ON FOOD AND BEVERAGE SERVICE CHANGES.—During the period beginning on the date of enactment of this Act and ending 30 days after the date on which Amtrak submits the report required under paragraph (4)(B), Amtrak may not make large-scale, structural changes to existing onboard food and beverage services, except that Amtrak shall reverse any changes to onboard food and beverage service made in response to the COVID–19 pandemic as Amtrak service is restored.

(6) TERMINATION.—The Working Group shall terminate on the date on which Amtrak submits the

report required under paragraph (4)(B), except that Amtrak may extend such date by up to 1 year if Amtrak determines that the Working Group is beneficial to Amtrak in making decisions related to on-board food and beverage services. If Amtrak extends such date, Amtrak shall include notification of the extension in the report required under paragraph (4)(B).

(7) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Working Group established under this section.

(8) LONG-DISTANCE ROUTE; NORTHEAST CORRIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the terms ''long-distance route'', ''Northeast Corridor'', and ''State-supported route'' have the meaning given those terms in section 24102 of title 49, United States Code.

SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING OUT.

(a) FURLOUGHED WORK.—Section 121 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by striking subsection (d) and inserting the following:

"(d) FURLOUGHED WORK.—Amtrak may not contract out work within the scope of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period of time such employee has been laid off involuntarily if such employee—

"(1) is eligible and qualified under the agreement to perform such work in accordance with the seniority of such employee; and

"(2) has not been provided an opportunity to be recalled to perform such work.

"(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

"(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

"(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).".

(b) WORKFORCE PLAN.—Section 24320(c)(2) of title 49, United State Code, is amended—

(1) in subparagraph (C)(iii)(III) by striking "and" at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) a summary of Amtrak's plan to meet the workforce needs of each asset category, which shall—

"(i) identify any gaps in Amtrak's workforce, including any vacancy, skill gap, or shortage of qualified personnel;

"(ii) summarize any action Amtrak is taking to address any such gaps; and

"(iii) summarize any anticipated change to the size of the Amtrak workforce and any cause for such change; and".

SEC. 9213. AMTRAK STAFFING.

Section 24312 of title 49, United States Code, is amended by adding at the end the following:

"(c) CALL CENTER STAFFING.—

"(1) OUTSOURCING.—Amtrak may not renew or enter into a contract to outsource call center customer service work on behalf of Amtrak, including through a business process outsourcing group.

"(2) TRAINING.—Amtrak shall make available appropriate training programs to any Amtrak call center employee carrying out customer service activities using telephone or internet platforms.

"(d) STATION AGENT STAFFING.—

"(1) IN GENERAL.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building where at least one Amtrak ticket agent was employed on or after October 1, 2017.

"(2) LOCATIONS.—Amtrak shall ensure that at least one Amtrak ticket agent is employed at each station building—

"(A) that Amtrak owns, or operates service through, as part of a passenger service route; and

"(B) for which the number of passengers boarding or deboarding an Amtrak long-distance train in the previous fiscal year exceeds the average of at least 40 passengers per day over all days in which the station was serviced by Amtrak, regardless of the number of Amtrak vehicles servicing the station per day. For fiscal year 2021, ridership from fiscal year 2019 shall be used to determine qualifying stations.

"(3) EXCEPTION.—This subsection does not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.

"(4) AMTRAK TICKET AGENT.—For purposes of this section, the term 'Amtrak ticket agent' means an Amtrak employee with authority to sell Amtrak tickets onsite and assist in the checking of Amtrak passenger baggage.

"(3) EFFECTIVE DATE.—This subsection shall take effect on the earlier of—

"(A) the date of the expiration of the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)); or

"(B) the day after the period that is the first 6 consecutive months within a calendar year for which Amtrak ridership exceeds the Amtrak ridership for the same 6 consecutive calendar months in 2019.".

SEC. 9214. SPECIAL TRANSPORTATION.

Section 24307(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''for the following:'' and inserting ''of at least a 10 percent discount on full-price coach class rail fares for, at a minimum—'';

(2) in paragraph (1) by striking the period at the end and inserting a semicolon; and

(3) by striking paragraph (2) and inserting the following:

''(2) individuals of 12 years of age or younger;

''(3) individuals with a disability, as such term is defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

''(4) members of the Armed Forces on active duty (as those terms are defined in section 101 of title 10) and their spouses and dependents with valid identification;

''(5) veterans (as that term is defined in section 101 of title 38) with valid identification; and

''(6) individuals attending federally accredited postsecondary education institutions with valid student identification cards.''.

SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"§ 24324. Disaster and emergency relief program

''(a) IN GENERAL.—The Secretary of Transportation may make grants to Amtrak for—

''(1) capital projects to repair, reconstruct, or replace equipment, infrastructure, stations, and other facilities that the Secretary determines are in danger of suffering serious damage, or have suffered serious damage, as a result of an emergency event;

''(2) offset revenue lost as a result of such an event; and

''(3) support continued operations following emergency events.

''(b) COORDINATION OF EMERGENCY FUNDS.—Funds made available to carry out this section shall be in addition to any other funds available and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law.

''(c) GRANT CONDITIONS.—Grants made under this subsection (a) shall be subject to section 22905(c)(2)(A) and other such terms and conditions as the Secretary determines necessary.

''(d) DEFINITION OF EMERGENCY EVENT.—In this section, the term 'emergency event' has the meaning given such term in section 20103.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24324. Disaster and emergency relief program.".

SEC. 9216. ACCESS TO RECREATIONAL TRAILS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following:

"(i) ACCESS TO RECREATIONAL TRAILS.—At least 30 days before implementing a new policy, structure, or operation that impedes access to recreational trails, Amtrak shall work with potentially affected communities, making a good-faith effort to address local concerns about such access. Not later than February 15 of each year, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any such engagement in the preceding calendar year, and any changes to policies, structures, or operations affecting access to recreational trails that were considered or made as a result. The report shall include Amtrak's plans to mitigate the impact to such access.".

SEC. 9217. AMTRAK CYBERSECURITY ENHANCEMENT AND RESILIENCY GRANT PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"§ 24325. Amtrak cybersecurity enhancement and resiliency grant program

"(a) IN GENERAL.—The Secretary of Transportation shall make grants to Amtrak for improvements in information technology systems, including cyber resiliency improvements for Amtrak information technology assets.

"(b) APPLICATION OF BEST PRACTICES.—Any cyber resiliency improvements carried out with a grant under this section shall be consistent with cybersecurity industry best practices and publications issued by the National Institute of Standards and Technology.

"(c) COORDINATION OF CYBERSECURITY FUNDS.—Funds made available to carry out this section shall be in addition to any other Federal funds and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law for purposes of enhancing the cybersecurity architecture of Amtrak.

"(d) GRANT CONDITIONS.—In carrying out this section—

"(1) to the extent practicable, the Secretary shall provide grants consistent with the process established under section 24319;

"(2) the Secretary shall ensure that a grant made available under this section shall be administered and disbursed as part of Amtrak's annual

grant agreement as authorized by section 24319(d)(1)(B); and

"(3) a grant made under this section shall be subject to such terms and conditions as the Secretary determines necessary.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24325. Amtrak cybersecurity enhancement and resiliency grant program.".

SEC. 9218. AMTRAK AND PRIVATE CARS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that private cars and charter trains can—

(1) improve Amtrak's financial performance, particularly on the long-distance routes;

(2) have promotional value for Amtrak that results in future travel on Amtrak trains by passengers made aware of Amtrak as a result;

(3) support private-sector jobs, including for mechanical work and on-board services; and

(4) provide good-will benefits to Amtrak.

(b) POLICY REVIEW.—Amtrak shall review the policy changes since January 1, 2018, that have caused significant changes to the relationship between Amtrak and private car owners and charter train services and evaluate opportunities to strengthen these services, including by reinstating some access points and restoring flexibility to

charter-train policies. For charter trains, private cars, and package express carried on regular Amtrak trains, consistent with sound business practice, Amtrak should recover direct costs plus a reasonable profit margin.

SEC. 9219. AMTRAK OFFICE OF COMMUNITY OUTREACH.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 24326. Amtrak Office of Community Outreach

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall establish an Office of Community Outreach to engage with communities impacted by Amtrak operations.

''(b) RESPONSIBILITIES.—The Office of Community Outreach shall be responsible for—

''(1) outreach and engagement with—

''(A) local officials before capital improvement project plans are finalized; and

''(B) local stakeholders and relevant organizations on projects of community significance;

''(2) clear explanation and publication of how community members can communicate with Amtrak;

''(3) the use of virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

"(4) making publicly available on the website of Amtrak, planning documents for proposed and implemented capital improvement projects.

"(c) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Office of Community Outreach, and annually thereafter, Amtrak shall submit to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

"(1) describes the community outreach efforts undertaken by the Amtrak Office of Community Outreach for the previous year; and

"(2) identifies changes Amtrak made to capital improvement project plans after engagement with affected communities.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24326. Amtrak Office of Community Outreach.".

SEC. 9220. LONG-DISTANCE CUSTOMER ENHANCEMENT PROGRAM.

(a) AUTHORIZATION.—Amtrak shall expend not less than 2.5 percent of the amounts appropriated in each fiscal year pursuant to section 9101(a)(2) to enhance the customer experience on Amtrak long-distance routes.

(b) ELIGIBILITY.—Projects and initiatives to serve the following purposes, including planning and development, are eligible to be implemented by Amtrak under this section:

(1) Rolling stock interior refreshes and redesigns.

(2) Food and beverage service improvements consistent with section 24321 of title 49, United States Code.

(3) Wi-Fi service expansion and improvement.

(4) Enhanced customer experience at stations.

(5) Other customer enhancement initiatives developed by Amtrak, including initiatives developed in accordance with subsection (c).

(c) CONSULTATION.—Not later than 90 days after the date of enactment of this Act, and subsequently on a periodic basis, Amtrak shall consult with appropriate States, local governments, labor organizations representing railroad employees, and national associations that represent rail passengers on ways to enhance the customer experience on long-distance routes.

(d) USE OF FUNDS FOR OTHER PURPOSES.—Amtrak may use funds provided under this section for purposes related to long-distance route service other than those listed in subsection (b) if—

(1) Amtrak determines the use of funds is necessary to—

(A) improve the safety of long-distance route operations; or

(B) maintain continued operation or service levels of any such route; and

(2) not later than 10 days of the repurposing of such funds, Amtrak submits to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, and the Committee on Appropriations of the Senate, a report that includes—

(A) the amount of funds repurposed for a use described in this subsection, and

(B) the reason for the repurposing of such funds.

(e) LONG-DISTANCE ROUTE DEFINED.—In this section, the term ''long-distance route'' has the meaning given the term in section 24102 of title 49, United States Code.

SEC. 9221. AMTRAK CARBON-FREE AND RENEWABLE ENERGY INITIATIVES.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 24327. Amtrak carbon-free and renewable energy initiatives

''(a) EMISSIONS REDUCTION AND ENERGY PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall—

''(A) develop a greenhouse gas emissions reduction and energy plan that sets forth a goal of, a strategy for achieving, and potential timelines and funding requirements for—

''(i) becoming a net-zero carbon emissions transportation provider; and

''(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor;

''(B) submit the plan to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate; and

''(C) publish the plan on Amtrak's website.

"(2) ADDITIONAL REQUIREMENTS.—The plan developed under paragraph (1) shall contain—

"(A) at least 1 option for becoming a net-zero carbon emissions transportation provider not later than January 1, 2035; and

"(B) at least 1 option for achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor not later than January 1, 2030.

"(3) ANNUAL PROGRESS REPORTS.—

"(A) IN GENERAL.—After submission and publication of the plan developed under paragraph (1), Amtrak shall include in each general and legislative annual report required under section 24315(b), an update on Amtrak's progress towards—

"(i) becoming a net-zero carbon emissions transportation provider; and

"(ii) achieving net-zero carbon emissions with respect to Amtrak operations within the Northeast Corridor.

"(B) LEGISLATIVE RECOMMENDATIONS.—The update required under subparagraph (A) may include recommendations for legislative

changes or changes to funding levels likely to increase the rate of Amtrak's progress.

"(b) CARBON-FREE AND RENEWABLE ENERGY USE.—

"(1) ENERGY SOURCE REQUIREMENT.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall ensure that any new or renewed contract between Amtrak and a provider of electricity that is used to meet the needs of train traction power or rail facility power requires that an amount equal to or greater that 25 percent of such electricity is derived from carbon-free or renewable energy sources.

"(2) INCREASED ENERGY SOURCE GOALS.—Amtrak shall establish goals for increasing the energy source requirements described in paragraph (1), including a goal of requiring—

"(A) at least 50 percent of electricity derived from such sources for new or renewed contracts entered into beginning 5 years after the date of enactment of the TRAIN Act; and

"(B) 100 percent of electricity derived from such sources for new or renewed contracts entered into on or after January 1, 2030.

"(3) EXCEPTIONS.—The requirements of paragraph (1) shall not apply in any case in which—

"(A) no provider of electricity is able to provide the necessary levels of carbon-free or renewable energy;

"(B) compliance with such requirements would adversely affect Amtrak's operations or quality of service to an unreasonable degree; or

"(C) compliance with such requirements would cause an increase of at least 50 percent in total cost of electricity, as compared to the total cost of electricity Amtrak would otherwise have acquired.

"(4) REPORT.—Not later than 1 year after the date of enactment of the TRAIN Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies opportunities to further increase Amtrak's use of carbon-free and renewable energy for train traction power needs and facility power needs.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"24327. Amtrak carbon-free and renewable energy initiatives.".

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 9301. NORTHEAST CORRIDOR COMMISSION.

Section 24905 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A) by striking ''members'' and inserting ''4 members'';

(B) in subparagraph (B) by striking ''members'' and inserting ''5 members''; and

(C) in subparagraph (D) by striking ''and commuter railroad carriers using the Northeast Corridor selected by the Secretary'' and inserting ''railroad carriers and commuter authorities using the Northeast Corridor, as determined by the Commission'';

(2) by striking paragraph (2) of subsection (a) and inserting the following:

''(2) At least two of the members described in paragraph (1)(B) shall be career appointees, as such term is defined in section 3132(a) of title 5.'';

(3) in subsection (b)(3)(B)—

(A) in clause (i) by inserting '', including ridership trends,'' before ''along the Northeast Corridor'';

(B) in clause (ii) by striking ''capital investment plan described in section 24904.'' and inserting ''first year of the capital investment plan described in section 24904; and''; and

(C) by adding at the end the following:

''(iii) progress in assessing and eliminating the state-of-good-repair backlog.'';

(4) in subsection (c)—

(A) by striking ''(1) DEVELOPMENT'' and all that follows through ''standardized policy'' and inserting the following:

''(1) POLICY.—The Commission shall—

''(A) maintain and update, as appropriate, the 'Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy' approved on September 17, 2015,'';

(B) in paragraph (1)—

(i) in subparagraph (B) by striking ''a proposed timetable for implementing'' and inserting ''timetables for implementing and maintaining'';

(ii) in subparagraph (C) by striking ''the policy and the timetable'' and inserting ''updates to the policy and the timetables''; and

(iii) by striking subparagraph (D) and inserting the following:

''(D) support the efforts of the members of the Commission to implement the policy in accordance with such timetables; and'';

(C) in paragraph (2)—

(i) by striking the first sentence and inserting ''In accordance with the timetable developed in paragraph (1), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in agreements for usage of facilities or services.'';

(ii) by striking ''fail to implement such new agreements'' and inserting ''fail to implement the policy''; and

(iii) by striking ''paragraph (1)(A), as applicable'' and inserting ''paragraph (1)''; and

(D) in paragraph (4) by striking ''public authorities providing commuter rail passenger transportation'' and inserting ''commuter authorities'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (1)(D) of subsection (d) (as redesignated by paragraph (6)) by striking ''commuter rail agencies'' and inserting ''commuter authorities''.

SEC. 9302. NORTHEAST CORRIDOR PLANNING.

(a) IN GENERAL.—Section 24904 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by striking subsection (c);

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(4) by inserting before subsection (b), as so redesignated, the following:

''(a) SERVICE DEVELOPMENT PLAN.—

''(1) REQUIREMENT.—Not later than December 31, 2021, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall submit to Congress a service development plan that identifies key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor, to upgrade aging infrastructure and improve

the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the Northeast Corridor.

''(2) CONTENTS.—The service development plan required under paragraph (1) shall—

''(A) provide a coordinated and consensus-based plan covering a period of 15 years;

''(B) identify service objectives and capital investments needs;

''(C) provide a delivery-constrained strategy that identifies capital investment phasing, an evaluation of workforce needs, and strategies for managing resources and mitigating construction impacts on operations;

''(D) describe the anticipated outcomes of each project or program, including an assessment of improved capacity, travel time, and other benefits and costs of proposed investments;

''(E) include a financial strategy that incorporates available funding and identifies funding needs and potential sources of such funding; and

''(F) be updated at least every 5 years.'';

(5) in subsection (b) (as redesignated by paragraph (3))—

(A) by striking ''Not later than'' and all that follows through ''shall'' and inserting ''Not later than November 1 of each year, the Commission shall'';

(B) in paragraph (1)—

(i) in subparagraph (A) by striking ''a capital investment plan'' and inserting ''an annual capital investment plan''; and

(ii) in subparagraph (B) by inserting ''for the Northeast Corridor'' after ''capital investment plan'';

(C) in paragraph (2)—

(i) in subparagraph (A) by striking ''and network optimization'';

(ii) in subparagraph (B) by striking ''and service'';

(iii) in subparagraph (C) by striking ''first fiscal year after the date on which'' and inserting ''fiscal year during which'';

(iv) in subparagraph (D)—

(I) by striking ''identify, prioritize,'' and all that follows through ''and consider'' and inserting

"document the projects and programs being undertaken to achieve the service outcomes identified in the Northeast Corridor service development plan, once available, and the asset condition needs identified in the Northeast Corridor asset management system described in subsection (e) and consider"; and

(II) in clause (i) by inserting "overall estimated" before "benefits";

(v) in subparagraph (E)(i) by striking "normalized capital replacement and";

(vi) in subparagraph (F) by adding "and" at the end;

(vii) by striking subparagraph (G); and

(viii) by redesignating subparagraph (H) as subparagraph (G); and

(D) in paragraph (3)—

(i) by striking "paragraph (2)(H)" and inserting "paragraph (2)(G)";

(ii) in subparagraph (A)—

(I) by inserting "anticipated" before "funding sources"; and

(II) by inserting ''and, in the absence of an authorization or appropriation of funds for a fiscal year, be based on the amount of funding available in the previous fiscal year, plus inflation'' after ''methods'';

(iii) in subparagraph (B) by striking ''expected allocated shares of costs'' and inserting ''status of cost sharing agreements'';

(iv) in subparagraph (C) by striking ''and'' at the end;

(v) by redesignating subparagraph (D) as subparagraph (E); and

(vi) by inserting after subparagraph (C) the following:

''(D) include any funding needs in excess of amounts authorized or otherwise available in a fiscal year; and'';

(6) in subsection (c) (as redesignated by paragraph (3)) by striking ''may be spent only on'' and all that follows through the end and inserting ''may be spent only on capital projects and programs contained in the Commission's capital investment plan from the previous year.''; and

(7) by striking subsection (d) and inserting the following:

"(d) REVIEW AND COORDINATION.—The Commission shall gather information from Amtrak, the States in which the Northeast Corridor is located, and commuter rail authorities to support development of the capital investment plan. The Commission may specify a format and other criteria for the information submitted. Submissions to the plan from Amtrak, States in which the Northeast Corridor are located, and commuter rail authorities shall be provided to the Commission in a manner that allows for a reasonable period of review by, and coordination with, affected agencies.

"(e) NORTHEAST CORRIDOR ASSET MANAGEMENT.—With regard to existing infrastructure, Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system, and use and update such system as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b). Such system shall—

"(1) be timed consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

"(2) include, at a minimum—

"(A) an inventory of all capital assets owned by the developer of the plan;

"(B) an assessment of asset condition;

"(C) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair; and

"(D) a description of changes in asset condition since the previous version of the plan.".

(b) CONFORMING AMENDMENTS.—

(1) ACCOUNTS.—Section 24317(d)(1) of title 49, United States Code, is amended—

(A) in subparagraph (B) by striking "24904(a)(2)(E)" and inserting "24904(b)(2)(E)"; and

(B) in subparagraph (F) by striking "24904(b)" and inserting "24904(c)".

(2) FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.—Section 24911(e)(2) of title 49, United States Code, is amended by striking "24904(a)" and inserting "24904(b)".

SEC. 9303. PROTECTIVE ARRANGEMENTS.

Section 22905 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B) by striking "that are equivalent to the protective arrangements established

under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)'' and inserting ''established by the Secretary under subsection (e)(1)'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following:

''(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Federal Railroad Administration shall establish protective arrangements equivalent to those established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836), and require such protective arrangements to apply to employees described under subsection (c)(2)(B) and as required under subsection (j) of section 22907.

''(2) PUBLICATION.—The Administrator shall make available on a publicly available website the protective arrangements established under paragraph (1).''.

SEC. 9304. INTERSTATE RAIL COMPACTS.

(a) IDENTIFICATION.—Section 410 of the Amtrak Reform and Accountability Act of 1997 (Public Law 105–134; 49 U.S.C. 24101 note) is amended—

(1) in subsection (b)(2) by striking ''(except funds made available for Amtrak)''; and

(2) by adding at the end the following:

''(c) INTERSTATE RAIL COMPACTS PROGRAM.—The Secretary of Transportation shall—

''(1) make available on a publicly accessible website a list of interstate rail compacts established in accordance with subsection (a);

''(2) provide information to the public regarding interstate rail compacts, including how States may establish interstate rail compacts under subsection (a); and

''(3) annually update the information provided under paragraph (2).''.

(b) GRANTS AUTHORIZED.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

''§ 22910. Interstate rail compacts support program

''(a) IN GENERAL.—The Secretary shall develop and implement a program for providing administrative assistance grants to an applicant, on a competitive basis, to support interstate and regional efforts—

"(1) to improve the safety, efficiency, or reliability of intercity passenger rail; and

"(2) to promote and develop intercity passenger rail service, including through initiating, restoring, or enhancing intercity passenger rail service.

"(b) APPLICANT SELECTION CRITERIA.—

"(1) IN GENERAL.—In awarding grants under this section, the Secretary shall consider—

"(A) the amount of funding received (including funding from railroads) or other significant participation by State, local, and regional governmental and private entities;

"(B) the applicant's work to facilitate and encourage regional planning for passenger rail improvement, enhancement, and development;

"(C) the applicant's work to foster, through rail transportation systems, economic development, particularly in rural communities, for socially disadvantaged individuals, and for disadvantaged populations;

"(D) the applicant's efforts to provide guidance to local communities on public and private resources relate to community concerns, such as congestion, rail and grade crossing

safety, trespasser prevention, quiet zones, idling, and rail line relocations;

"(E) whether the applicant seeks to restore service over routes formerly operated by Amtrak, including routes described in section 11304(a) of the Passenger Rail Reform and Investment Act of 2015 (title XI of division A of Public Law 114–94);

"(F) the applicant's dedication to providing intercity passenger rail service to regions and communities that are underserved or not served by other intercity public transportation;

"(G) whether the applicant is enhancing connectivity and geographic coverage of the existing national network of intercity rail passenger service;

"(H) the applicant's efforts to engage with entities to deploy railroad safety technology or programs, including trespassing prevention, rail integrity inspection systems, or grade crossing safety;

"(I) whether the applicant prepares regional rail and corridor service development plans and corresponding environmental analysis; and

"(J) whether the applicant has engaged with the Federal, local, or State government and transportation planning agencies to identify projects necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service, commercial air service, or commuter rail service.

"(2) PREFERENCE.—In selecting grant recipients, the Secretary shall give preference to applicants that are initiating, restoring, or enhancing intercity rail passenger transportation.

"(c) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing applications under this section.

"(d) PERFORMANCE MEASURES.—

"(1) IN GENERAL.—The Secretary shall establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives.

"(2) ANNUAL REPORT.— The Secretary shall require grant recipients to submit an annual report of the activities of such recipient and information re-

lated to applicable performance measures, which may include—

"(A) a demonstration of progress to achieve or advance the relevant criteria described in subsection (c); and

"(B) receipt of non-Federal matching funds from each member State at least once during each fiscal year.

"(e) FEDERAL SHARE OF TOTAL PROJECT COST.—The Secretary shall require each recipient of a grant under this subsection to provide a non-Federal match of not less than 50 percent of the administrative costs of the interstate rail compact.

"(f) APPLICABLE REQUIREMENTS.—The use of any amounts appropriated for grants under this section shall be subject to the applicable requirements under this chapter.

"(g) APPLICABILITY.—Amounts appropriated to carry out this section shall remain available until expended.

"(h) LIMITATIONS.—

"(1) MAXIMUM FUNDING PER APPLICANT.—The Secretary may not award a grant under this section in an amount exceeding $500,000 for each applicant in any fiscal year.

"(2) NUMERIC LIMITATION.—The Secretary may not provide grants under this section to more than 10 interstate rail compacts in any fiscal year.

"(i) USE OF INTERSTATE RAIL COMPACT GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an interstate rail compact grant under this section may use such grant in combination with other Federal grants awarded that would benefit the applicable use.

"(j) DEFINITIONS.—In this section:

"(1) APPLICANT.—The term 'applicant' means an interstate rail compact or an interstate commission composed of 2 or more States that has been established to promote, develop, or operate intercity passenger rail transportation systems.

"(2) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' has the meaning given the term 'intercity rail passenger transportation' in section 24102.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"22910. Interstate rail compacts support program.".

SEC. 9305. HIGH-SPEED RAIL UPDATES.

(a) HIGH-SPEED RAIL CORRIDOR PLANNING.—Section 26101 of title 49, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A) by striking ", or if it is an activity described in subparagraph (M)";

(B) in subparagraph (J) by striking "right-of-way improvements" and inserting "right-of-way acquisition or improvement needs";

(C) in subparagraph (K) by inserting "and" at the end; and

(D) by striking subparagraphs (L) and (M) and inserting the following:

"(L) public costs in the creation of public private partnerships."; and

(2) in subsection (c)—

(A) by striking paragraphs (1) through (3) and inserting the following:

"(1) the extent to which the proposed planning focuses on systems which will provide for high-speed rail;

"(2) the integration of the corridor into metropolitan area and statewide transportation planning, including State rail plans;

"(3) the use of rail stations within urbanized areas that are located in a geographic area with a

greater density population than the urbanized area as a whole;'';

(B) in paragraph (4) by inserting before the semicolon '', passenger rail, transit, and other multimodal options'';

(C) in paragraph (6) by inserting ''and reduce greenhouse gas emissions'' before the semicolon; and

(D) in paragraph (11) by inserting '', including access to affordable housing'' before the semicolon.

(b) DEFINITIONS.—Section 26105(2) of title 49, United States Code, is amended—

(1) by inserting ''made available to members of the general public as passengers and reasonably expected to reach speeds of'' after ''service which is'';

(2) in subparagraph (A) by striking ''reasonably expected to reach sustained speeds of more than 125 miles per hour; and'' and inserting ''160 miles per hour or more on shared-use right-of-way; or''; and

(3) in subparagraph (B) by striking ''made available to members of the general public as passengers'' and inserting ''186 miles per hour or more on dedicated right-of-way''.

(c) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—Section 26106(e)(2) of title 49, United States Code, is amended—

(1) in subparagraph (A)(i) by striking ''section 211 of the Passenger Rail Investment and Improvement Act of 2008'' and inserting ''section 24904(a)''; and

(2) in subparagraph (C)(i)—

(A) by striking subclause (III);

(B) by redesignating subclause (II) as subclause (III);

(C) by inserting after subclause (I) the following:

''(II) connectivity to rail stations within urbanized areas that are located in an geographic area with a greater density population than the urbanized area as a whole;''; and

(D) by striking subclause (IV) and inserting the following:

''(IV) environmental benefits, including projects that—

''(aa) reduce greenhouse gas emissions; and

"(bb) involve electrification or the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment;".

SEC. 9306. STATE RAIL PLANNING FORMULA FUNDS.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"§ 22911. State rail planning formula funds

"(a) IN GENERAL.—In carrying out this chapter, the Secretary shall allocate an appropriate portion of 1.5 percent of the amounts made available for programs under this chapter to provide grants to States—

"(1) for State or multi-State regional intercity passenger rail corridor planning or project-specific, intercity passenger rail planning purposes; or

"(2) for funding rail projects otherwise eligible under section 22907 if no intercity passenger rail planning is feasible.

"(b) LIMITATION OF FUNDS.—Any unobligated balances of a grant under this section remaining after 3 years from the fiscal year in which the grant was made shall be redistributed in an appropriate portion.

"(c) DEFINITIONS.—In this section:

"(1) APPROPRIATE PORTION.—The term 'appropriate portion' means a share, for each State—

"(A) one quarter of which is comprised of the ratio that the total railroad route miles in such State bears to the total railroad route miles in the United States, excluding from each such total the route miles used exclusively for tourist excursions;

"(B) one quarter of which is comprised of the ratio that the population in such State bears to the total population of the United States, as determined by the Bureau of the Census; and

"(C) half of which is comprised of the ratio that the Amtrak ridership for fiscal year 2019 in each State bears to the total Amtrak ridership for fiscal year 2019.

"(2) STATE.—The term 'State' means each of the 50 States and the District of Columbia.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the end the following:

"22911. State rail planning formula funds.".

TITLE IV—COMMUTER RAIL POLICY

SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION OF TRACKAGE USE REQUESTS.

Section 28502 of title 49, United States Code, is amended to read as follows:

"§ 28502. Surface Transportation Board mediation of trackage use requests

''A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to trackage and provision of related services. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the trackage owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the

TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.''.

SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION OF RIGHTS-OF-WAY USE REQUESTS.

Section 28503 of title 49, United States Code, is amended to read as follows:

''§ 28503. Surface Transportation Board mediation of rights-of-way use requests

''A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to rail right-of-way for the construction and operation of a segregated fixed guideway facility. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for

the relevant trackage is controlled by a rail carrier other than the right-of-way owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act. During such mediation process, the Board shall determine whether the consideration a rail carrier provided to a request was in good faith and whether the request from a provider of commuter rail passenger transportation was reasonable. The determinations made in the preceding sentence shall have no effect on the nonbinding nature of the mediation.''.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

SEC. 9501. STUDY ON SAFETY IMPACT OF LONG TRAINS.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the safety impacts of the operation of long trains.

(b) CONTENTS.—The study conducted under subsection (a) shall include—

(1) an examination of any potential risks of the operation of long trains and recommendations on mitigation of any such risks;

(2) among other safety factors with respect to the operation of such trains, an evaluation of any—

(A) potential risk of loss of communications between an end-of-train device, or a distributed power unit, and the locomotive cab, including communications over differing terrains and conditions;

(B) potential risk of loss of radio communications between crewmembers after a crewmember alights from a train, including communications over differing terrains and conditions;

(C) potential risk of derailments, including any risks associated with in-train compressive forces and slack action, or other safety risks in differing terrains and conditions;

(D) changes in risks or benefits to safety associated with the deployment of multiple distributed power units in the consists of such trains; and

(E) impacts of the length of trains on braking and locomotive performance and track wear and tear; and

(3) an evaluation of whether additional engineer and conductor training is required for safely operating such trains.

(c) COLLABORATION.—In conducting the study required under subsection (a), the Secretary shall collaborate with railroad carriers, labor organizations representing railroad employees, and railroad safety technology manufacturers.

(d) RESULTS OF STUDY.—

(1) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains—

(A) the results of the study required by subsection (a);

(B) any recommendations for mitigating safety risks caused by long trains; and

(C) a description of any action the Secretary intends to take to address any safety risk identified in the study.

(2) SHARING STUDY RESULTS.—After submitting the report required by paragraph (1), the Sec-

retary shall share the results of the study with railroad carriers, labor organizations representing railroad employees, and safety technology organizations.

(e) SECRETARY ACTION.—Not later than 180 days after the date on which the report required by subsection (d)(1) is submitted, the Secretary shall implement any proposed actions described in such report.

(f) DEFINITION.—In this section, the term ''long train'' means a freight train composed of more than 150 rail cars.

(g) FUNDING.—From the amounts made available for fiscal year 2021 to carry out section 20117(a) of title 49, United States Code, the Secretary shall expend not less than $1,000,000 and not more than $2,000,000 to carry out this section.

SEC. 9502. FRA SAFETY REPORTING.

(a) IN GENERAL.—Section 20901 of title 49, United States Code, is amended by inserting ''(including the train length, the number of crew members in the controlling locomotive cab, and the duties of such crew members)'' after ''reported accident or incident''.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(c) TREND ANALYSIS.—

(1) IN GENERAL.—Chapter 209 of title 49, United States Code, is amended by adding at the end the following:

"§ 20904. Trend analysis

''(a) ANNUAL REVIEW AND ANALYSIS.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than annually thereafter, the Secretary shall review the reports filed by a railroad carrier subject to section 20901(a) and analyze the data contained in such reports for trends or patterns of potential safety risks.

''(b) SECRETARY ACTION.—If the Secretary identifies any such trends or patterns, the Secretary shall—

''(1) take such actions as are necessary to address the potential safety risk; and

''(2) if appropriate, communicate any such trends or patterns to a representative of any relevant railroad carrier and a representative of the employees of such railroad carrier, including any nonprofit employee labor organization representing a craft or class of employees subject to the potential safety risk.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 209 of title 49, United States Code, is amended by adding at the end the following:

"20904. Trend analysis.".

(d) ACCIDENT AND INCIDENT REPORTING.—Section 209 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20901 note) is amended by inserting ", and other events required to be reported under part 225 of title 49, Code of Federal Regulations," after "collisions and fatalities".

SEC. 9503. WAIVER NOTICE REQUIREMENTS.

Section 20103(d) of title 49, United States Code, is amended to read as follows:

"(d) NONEMERGENCY WAIVERS.—

"(1) IN GENERAL.—The Secretary may waive or suspend compliance with any part of a regulation prescribed or order issued under this chapter if the waiver or suspension is in the public interest and consistent with railroad safety.

"(2) NOTICE REQUIRED.—The Secretary shall—

"(A) provide timely public notice of any request for a waiver or suspension under this subsection;

"(B) make the application for such waiver or suspension and any related underlying data available to interested parties;

"(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver or suspension under this subsection before making a final decision; and

"(D) make public the reasons for granting a waiver or suspension under this subsection.

"(3) INFORMATION PROTECTION.—Nothing in this subsection shall be construed to require the release of information protected by law from public disclosure.".

SEC. 9504. NOTICE OF FRA COMPREHENSIVE SAFETY CULTURE ASSESSMENTS.

(a) INITIAL NOTICE.—If the Federal Railroad Administration initiates a comprehensive safety culture assessment of an entity providing regularly scheduled intercity or commuter rail passenger transportation, the Administration shall notify in electronic format the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such comprehensive safety culture assessment not later than 10 business days after the date on which commencement of

any field investigation activity that is part of such assessment occurs.

(b) FINDINGS.—Not later than 180 days after completion of a comprehensive safety culture assessment described in subsection (a), the Federal Railroad Administration shall transmit in electronic format to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a summary report of the findings of such assessment.

(c) DEFINITION OF COMPREHENSIVE SAFETY CULTURE ASSESSMENT.—In this section, the term ''comprehensive safety culture assessment'' means a focused review initiated and managed by the Federal Railroad Administration based on findings from an accident investigation and involving at least 2 technical disciplines, with the purpose of examining the safety culture of an entity providing regularly scheduled intercity or commuter rail passenger transportation.

SEC. 9505. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.

Section 20902 of title 49, United States Code, is amended—

(1) in subsection (b) by striking ''subpena'' and inserting ''subpoena'';

(2) in subsection (c) by inserting ''The Secretary shall develop a process to make available to a representative of the railroad carrier that is the subject of an accident or incident investigation, and to a representative of the employees of such railroad carrier, including a nonprofit employee labor organization representing railroad workers, a draft investigation report for timely review and comment.'' after the period at the end; and

(3) by adding at the end the following:

''(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

''(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section to—

''(A) gather information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others determined relevant by the Secretary; and

''(B) consult with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad car-

riers, and others determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

''(2) CONFIDENTIALITY.—In developing the process under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

''(A) such entity requests confidentiality;

''(B) such entity was not involved in the accident or incident; and

''(C) maintaining such entity's confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

''(3) APPLICATION OF LAW.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.''.

SEC. 9506. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''§ 20169. Freight train crew size safety standards

''(a) MINIMUM CREW SIZE.—No freight train may be operated unless such train has a 2-person crew of at least 1 appropriately qualified and certified conductor and one appropriately qualified and certified locomotive engineer.

"(b) EXCEPTIONS.—Except as provided in subsection (d), the prohibition in subsection (a) shall not apply in any of the following circumstances:

"(1) Train operations on track that is not a main line track.

"(2) A train operated—

"(A) by a railroad carrier that has fewer than 400,000 total employee work hours annually and less than $40,000,000 annual revenue (adjusted for inflation as measured by the Surface Transportation Board Railroad Inflation-Adjusted Index);

"(B) at a speed of not more than 25 miles per hour; and

"(C) on a track with an average track grade of less than 2 percent for any segment of track that is at least 2 continuous miles.

"(3) Locomotives performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including traveling to or from the location where assistance is provided.

"(4) Locomotives that—

"(A) are not attached to any equipment or attached only to a caboose; and

"(B) do not travel farther than 30 miles from the point of origin of such locomotive.

"(5) Train operations staffed with fewer than a two-person crew at least 1 year prior to the date of enactment of this section, if the Secretary determines that the operation achieves an equivalent level of safety.

"(c) TRAINS INELIGIBLE FOR EXCEPTION.—The exceptions under subsection (b) may not be applied to—

"(1) a train transporting 1 or more loaded cars carrying material toxic by inhalation, as defined in section 171.8 of title 49, Code of Federal Regulations;

"(2) a train carrying 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid throughout the train consist; or

"(3) a train with a total length of 7,500 feet or greater.

"(d) WAIVER.—A railroad carrier may seek a waiver of the requirements of this section pursuant to section 20103(d).".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"20169. Freight train crew size safety standards.".

SEC. 9507. BORDER CROSSINGS.

(a) BORDER CROSSINGS.—The Secretary of Transportation shall require that—

(1) any railroad carrier that is operating a freight train across the southern border into the United States operates the train continually until the last car of the train passes through the scanning facility used for nonintrusive inspection by U.S. Customs and Border Protection located at such border;

(2) when the last car of such train passes through such facility, the railroad carrier shall stop such train to conduct a crew interchange and any federally-mandated safety testing; and

(3) the railroad carrier ensures that the only individuals that operate such trains after carrying out the activities described in paragraph (2) are individuals—

(A) who are United States nationals or aliens lawfully admitted for permanent residence in the United States; and

(B) whose primary reporting point is in the United States.

(b) FUNDING.—

(1) SET-ASIDE.—From the amounts made available to carry out section 22907 of title 49, United States Code, the Secretary shall set aside, for each of fiscal years 2022 through 2026, $60,000,000 for projects to prevent blocked crossing incidents as a result of operations made necessary by subsection (a). Projects eligible for funding under this paragraph are—

(A) highway-rail grade crossing separation projects eligible under such section that are located not further than 1.5 miles from a scanning facility described in subsection (a)(1); and

(B) projects eligible under such section to relocate a rail line to prevent blocked crossing incidents resulting from trains crossing the southern border.

(2) UNOBLIGATED FUNDS.—Any funds provided under paragraph (1) that are unobligated at the end of the second fiscal year following the fiscal year in which such funds are set aside may be used for any eligible project under section 22907.

(c) AGREEMENT.—The Secretary shall ensure that a recipient of funds made available under subsection (b)(1)(A) has a written agreement with any railroad car-

rier operating over the infrastructure constructed or improved with such funds that includes a requirement that any such railroad carrier may not operate trains over such infrastructure that, due to the length of the train, are likely to cause blocked crossing incidents.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending any safety regulation of the Federal Railroad Administration or amending or revoking any waivers such Administration has granted under section 20103 of title 49, United States Code.

(e) DEFINITIONS.—In this section:

(1) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given such term in section 20102 of title 49, United States Code.

(2) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

(3) BLOCKED CROSSING INCIDENT.—The term ''blocked crossing incident'' has the meaning given such term in section 20174(f) of title 49, United States Code.

SEC. 9508. YARDMASTERS HOURS OF SERVICE.

(a) LIMITATIONS ON DUTY HOURS OF YARDMASTER EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—

(1) in the section heading by inserting ''**AND YARDMASTER EMPLOYEES**'' after ''**TRAIN EMPLOYEES**'';

(2) by inserting ''or yardmaster employee'' after ''train employee'' each place it appears; and

(3) in subsection (e) by inserting ''or yardmaster employee's'' after ''During a train employee's''.

(b) DEFINITIONS.—Section 21101 of title 49, United States Code, is amended—

(1) in paragraph (3) by inserting ''a yardmaster employee,'' after ''dispatching service employee,''; and

(2) by adding at the end the following:

''(6) 'yardmaster employee' means an individual responsible for supervising and coordinating the control of trains and engines operating within a rail yard.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 211 of title 49, United States Code, is amended by striking the item relating to section 21103 and inserting the following:

''21103. Limitations on duty hours of train employees and yardmaster employees.''.

SEC. 9509. LEAKING BRAKES.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall take such actions as are necessary to prohibit the use of any service air brake control valve or emergency air brake control valve in any location north of the 37th parallel during the period beginning on November 1 and ending on March 31 of any year if—

(1) the period between the date on which the air brake control valve is in use and the date of the manufacture or recondition of such valve exceeds 15 years; and

(2) the air brake control valve is operated in—

(A) a unit train on or after August 1, 2023;

(B) a train transporting 1 or more materials poisonous by inhalation, as such term is defined in section 171.8 of title 49, Code of Federal Regulations, on or after August 1, 2023; or

(C) a non-unit train on or after August 1, 2025.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until air brake control valves described in subsection (a) are no longer operating in trains as required under subparagraphs (A) and (B) of subsection (a)(1), the Adminis-

trator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies—

(1) the estimated number of such air brake control valves in use on—

(A) unit trains operating north of the 37th parallel between November 1 and April 1; and

(B) trains transporting 1 or more material poisonous-by-inhalation operating north of the 37th parallel during the period beginning on November 1 and ending on March 31;

(2) any issues affecting the industry's progress toward ensuring that such air brake control valves are phased out in accordance with the requirements of subsection (a); and

(3) efforts the Administrator has taken since the previous report to ensure such air brake control valves are phased out in accordance with the requirements of subsection (a).

SEC. 9510. REPORT ON PTC SYSTEM FAILURES.

Section 20157 of title 49, United States Code, is amended by adding at the end the following:

"(m) REPORT OF SYSTEM FAILURES.—The Secretary shall require railroad carriers and other entities

subject to subsection (a) to regularly report to the Secretary failures of positive train control systems. The Secretary shall prescribe the type of failure, format, interval, and detail required for reports submitted under this subsection.''.

SEC. 9511. FATIGUE REDUCTION MANAGEMENT PLANS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations on fatigue management plans based on the notice of proposed rulemaking published on December 22, 2020, titled ''Fatigue Risk Management Programs for Certain Passenger and Freight Railroads'' (85 Fed. Reg. 83484; Docket No. FRA–2015–0122).

(b) MONITORING.—

(1) FATIGUE AS CAUSE OR CONTRIBUTING FACTOR.—If a Federal Railroad Administration railroad accident or incident investigation conducted under section 20902 of title 49, United States Code, identifies that fatigue was a casual or contributing factor to an accident or incident, the Secretary may reopen a fatigue management plan of a passenger railroad operation or a railroad subject to part 270 or part 271, respectively, of title 49, Code of Federal Regulations.

(2) FATIGUE AS SYSTEMIC ISSUE.—If the Secretary determines that fatigue is a systemic issue for a passenger railroad operation or railroad, the Secretary shall reopen a fatigue management plan of such passenger railroad operation or a railroad subject to part 270 or part 271, respectively, of title 49, Code of Federal Regulations.

(3) REOPENING OF FATIGUE MANAGEMENT PLAN.—If the Secretary reopens a fatigue management plan under paragraph (1) or (2), the Secretary shall—

(A) consider whether any statement filed under sections 270.208(e) and 271.207(e) of title 49, Code of Federal Regulations, addressed such plan; and

(B) consult with employees, including labor organizations representing railroad employees, of the passenger railroad operation or railroad that has a reopened fatigue management plan.

SEC. 9512. ASSAULT PREVENTION AND RESPONSE PLANS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20170. Assault prevention and response plans

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, any entity that provides regularly scheduled intercity or commuter rail passenger transportation shall submit to the Secretary of Transportation for review and approval an assault prevention and response plan (in this section referred to as the 'Plan') to address transportation assaults.

''(b) CONTENTS OF PLAN.—The Plan required under subsection (a) shall include—

''(1) procedures that—

''(A) facilitate the reporting of a transportation assault, including the notification of on-site personnel, rail law enforcement, and local law enforcement;

''(B) personnel should follow up on the reporting of a transportation assault, including actions to protect affected individuals from continued assault;

''(C) may be taken to remove the passenger or personnel who has committed a transportation assault from the train or related area or facility as soon as practicable when appropriate;

"(D) include protections and safe reporting practices for passengers who may have been assaulted by personnel; and

"(E) may limit or prohibit, to the extent practicable, future travel with the entity described in subsection (a) by any passenger or personnel who commits a transportation assault against personnel or passengers;

"(2) a policy that ensures an employee who is a victim or witness of a transportation assault may participate in the prosecution of a criminal offense of such assault without any adverse effect on the victim's or witnesses' employment status; and

"(3) a process and timeline for conducting an annual review and update of the Plan.

"(c) NOTICE TO PASSENGERS.—An entity described under subsection (a) shall display onboard trains and in boarding areas, as appropriate, a notice stating the entity's abilities to restrict future travel under subsection (b)(1)(E).

"(d) PERSONNEL TRAINING.—An entity described under subsection (a) shall provide initial and annual training for all personnel on the contents of the Plan, including training regarding—

"(1) the procedures described in subsection (b);

1 "(2) methods for responding to hostile situa-
2 tions, including de-escalation training; and
3 "(3) rights and responsibilities of personnel
4 with respect to a transportation assault on them-
5 selves, other personnel, or passengers.
6 "(e) PERSONNEL PARTICIPATION.—The Plan re-
7 quired under subsection (a) shall be developed and imple-
8 mented with the direct participation of personnel, and, as
9 applicable, labor organizations representing personnel.
10 "(f) REPORTING.—
11 "(1) INCIDENT NOTIFICATION.—
12 "(A) IN GENERAL.—Not later than 10
13 days after a transportation assault incident, the
14 applicable entity described in subsection (a)
15 shall notify personnel employed at the location
16 in which the incident occurred. In the case of
17 an incident on a vehicle, such entity shall notify
18 personnel regularly scheduled to carry out em-
19 ployment activities on the service route on
20 which the incident occurred.
21 "(B) CONTENT OF INCIDENT REPORT.—
22 The notification required under paragraph (1)
23 shall—
24 "(i) include a summary of the inci-
25 dent; and

"(ii) be written in a manner that protects the confidentiality of individuals involved in the incident.

"(2) ANNUAL REPORT.—For each calendar year, each entity with respect to which a transportation assault incident has been reported during such year shall submit to the Secretary a report that describes—

"(A) the number of assault incidents reported to the entity, including—

"(i) the number of incidents committed against passengers; and

"(ii) the number of incidents committed against personnel; and

"(B) the number of assault incidents reported to rail or local law enforcement by personnel of the entity.

"(3) PUBLICATION.—The Secretary shall make available to the public on the primary website of the Federal Railroad Administration the data collected under paragraph (2).

"(4) DATA PROTECTION.—Data made available under this subsection shall be made available in a manner that protects the confidentiality of individuals involved in transportation assault incidents.

"(g) DEFINITION OF TRANSPORTATION ASSAULT.—In this section, the term 'transportation assault' means the occurrence, or reasonably suspected occurrence, of an act that—

"(1) constitutes assault;

"(2) is committed by a passenger or member of personnel of an entity that provides regularly scheduled intercity or commuter rail passenger transportation against another passenger or member of personnel of such entity; and

"(3) takes place—

"(A) within a vehicle of such entity; or

"(B) in an area in which passengers are entering or exiting a vehicle described in subparagraph (A); or

"(C) at a station or facility where such entity operates, regardless of ownership of the station or facility.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"20170. Assault prevention and response plans.".

SEC. 9513. CRITICAL INCIDENT STRESS PLANS.

The Secretary of Transportation shall issue such regulations as are necessary to amend part 272 of title 49, Code of Federal Regulations, to ensure that—

(1) the coverage of a critical incident stress plan under section 272.7 of such part includes directly involved employees of commuter railroads and intercity passenger railroads, as such terms are defined in section 272.9 of such part; and

(2) assault and the witnessing of an assault against an employee or train passenger is included in the definition of critical incident under section 272.9 of such part.

SEC. 9514. CREWMEMBER CERTIFICATION AND QUALIFICATION.

(a) AUDIT OF PROGRAMS.—

(1) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20171. Audit of qualification and certification programs

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the TRAIN Act, and not less frequently than every 5 years thereafter, the Secretary shall conduct an audit of—

"(1) the qualification and certification program of locomotive engineers of each Class I railroad carrier subject to the requirements of part 240 of title 49, Code of Federal Regulations; and

"(2) the qualification and certification program of conductors of each Class I railroad carrier subject to the requirements of part 242 of title 49, Code of Federal Regulations.

"(b) CONTENTS OF AUDIT.—In carrying out the audit required under subsection (a), the Secretary shall—

"(1) consider whether the training, qualification, and continuing education components of the programs described in subsection (a) comply with regulations in parts 240 and 242 of title 49, Code of Federal Regulations;

"(2) assess the quality of the training that railroad carriers provide locomotive engineers and conductors under such programs;

"(3) determine whether such programs provide locomotive engineers and conductors the knowledge, skill, and ability to safely operate the types of locomotives or trains a railroad carrier may require a locomotive engineer and conductor to operate, including all associated technology used on such locomotives or trains;

"(4) determine whether the training, qualification, and continuing education components of such programs reflect the operating practices of the railroad carrier carrying out such components;

"(5) assess whether a railroad carrier conducting such programs provides locomotive engineers or conductors adequate at-controls training before certification; and

"(6) address any other safety issues the Secretary determines appropriate for preparing locomotive engineers and conductors.

"(c) DEFICIENCY IN QUALIFICATION AND CERTIFICATION PROGRAM.—If, in conducting the audit required under this section, the Secretary identifies a deficiency in a railroad carrier's qualification and certification program of locomotive engineers or the qualification and certification program of conductors, the Secretary shall require the railroad carrier to update such program to eliminate the deficiency.

"(d) CONSULTATION.—In conducting the audit required under this section, the Secretary shall consult with representatives of each railroad carrier and representatives of the employees of the railroad carrier, including any nonprofit employee labor organization representing engineers or conductors of the railroad carrier.

1 "(e) COOPERATION.—

2 "(1) IN GENERAL.—A railroad carrier and em-
3 ployees of the railroad carrier, including any non-
4 profit employee labor organization representing engi-
5 neers or conductors of the railroad carrier, shall co-
6 operate fully with the Secretary during an audit re-
7 quired under this section.

8 "(2) DOCUMENTS; INTERVIEWS.—A railroad
9 carrier shall provide any documents requested by the
10 Secretary or make available any employee for inter-
11 view with the Secretary without undue delay or ob-
12 struction.

13 "(f) REPORT TO CONGRESS.—Not later than 90 days
14 after the date on which the Secretary completes an audit
15 under subsection (a), the Secretary shall submit to the
16 Committee on Transportation and Infrastructure of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate a report
19 that summarizes the results of the audit.".

20 (2) CLERICAL AMENDMENT.—The analysis for
21 subchapter II of chapter 201 of title 49, United
22 States Code, as amended by this division, is further
23 amended by adding at the end the following:

"20171. Audit of qualification and certification programs.".

24 (b) REVIEW OF REGULATIONS.—

(1) IN GENERAL.—The Secretary of Transportation shall determine whether any update to part 240 or 242, of title 49, Code of Federal Regulations, is necessary to prepare locomotive engineers and conductors to safely operate trains.

(2) REQUIREMENTS.—In making a determination under paragraph (1), the Secretary shall—

(A) evaluate, taking into account the requirements of section 20169 of title 49, United States Code, whether such parts establish Federal standards for railroad carriers to—

(i) provide locomotive engineers and conductors the knowledge, skill and ability to safely operate trains under conditions that reflect industry practices;

(ii) adequately address locomotive engineer and conductor situational awareness;

(iii) require adequate at-controls training before a locomotive engineer or conductor is certified;

(iv) adequately prepare locomotive engineers and conductors to understand all locomotive operating characteristics;

(v) sufficiently require locomotive engineers and conductors to demonstrate knowledge on the physical characteristics of a territory under various conditions and using various resources; and

(vi) address any other safety issue the Secretary determines appropriate for better preparing locomotive engineers and conductors; and

(B) consider the results of the audit required by section 20171 of title 49, United States Code.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date on which the Secretary submits the report required under section 20171(f) of title 49, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the findings of the review required under paragraph (1) and a description of any action the Secretary intends to take to improve, or increase the effectiveness of the requirements of, part 240 or 242 of title 49, Code of Federal Regulations.

(4) RULEMAKING.—If the Secretary determines under paragraph (1) that any update to part 240 or 242 is necessary to prepare locomotive engineers or conductors to safely operate locomotives or trains, the Secretary shall issue a rulemaking to carry out such update.

(5) APPLICATION OF LAW.—Any action the Secretary takes as a result of a determination made under paragraph (1) shall be consistent with section 20169 of title 49, United States Code.

(6) DEFINITION OF RAILROAD CARRIER.—In this subsection, the term ''railroad carrier'' has the meaning given such term in section 20102 of title 49, United States Code.

SEC. 9515. SAFETY MANAGEMENT TEAM COMMUNICATION.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20172. Safety management team communication

''The Administrator of the Federal Railroad Administration shall implement a process for the communication of information between safety management teams of the Administration and railroad employees, including any nonprofit employee labor organization representing railroad employees. Such process shall include a reasonable time-

frame for a safety management team to respond to communication from such railroad employees.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''20172. Safety management team communication.''.

SEC. 9516. GAO STUDY ON REORGANIZATION OF OFFICE OF RAILROAD SAFETY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing the Office of Railroad Safety of the Federal Railroad Administration before and after the reorganization of such Office that took effect on June 8, 2020.

(b) CONTENTS.—The study conducted under subsection (a) shall evaluate—

(1) the differences in the structure of the Office before and after such reorganization;

(2) any differences in the communication between the Office and railroad carriers and the employees of railroad carriers before and after such reorganization;

(3) any differences in the communication between Federal Railroad Administration safety inspectors and other specialists before and after such reorganization, and the impacts of such differences;

(4) whether the structure before or after such reorganization better protects against regulatory capture;

(5) whether the structure before or after such reorganization is better at promoting and ensuring safety;

(6) whether the structure before or after such reorganization more closely resembles the structure of other Department of Transportation modal agencies that have enforcement authority similar to the Federal Railroad Administration; and

(7) any other issues the Comptroller General determines are relevant.

(c) INFORMATION COLLECTION.—In conducting the study required under this section, the Comptroller General shall collect information from the following entities:

(1) The Federal Railroad Administration.

(2) Freight rail carriers and passenger rail carriers.

(3) Employees of freight rail carriers and passenger rail carriers.

(4) Other entities the Comptroller General determines are relevant.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall

transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the findings of the study conducted under subsection (a) and any recommendations for improving safety and communication between the Office of Railroad Safety and the entities identified in paragraphs (2) and (3) of subsection (c).

SEC. 9517. OPEN-TOP RAIL CAR PUBLIC INPUT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall initiate a public process to seek input on addressing safety risks, spills, emissions, odors, and other public nuisances associated with top loading rail cars, open-top hoppers, and gondolas, including evaluating the feasibility of a requirement that such rail cars be covered while in transportation, including while being held, delayed, or transferred.

SEC. 9518. NEW PASSENGER SERVICE PRE-REVENUE SAFETY VALIDATION PLAN.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"§ 20122. New passenger service pre-revenue safety validation plan

''(a) SAFETY VALIDATION PLAN.—

''(1) IN GENERAL.—The Secretary of Transportation shall require a covered entity to submit to the Secretary a safety validation plan to ensure the safe operation of—

''(A) a new intercity rail passenger transportation or commuter rail passenger transportation service;

''(B) an intercity rail passenger transportation or commuter rail passenger transportation route that has not been in revenue service for a period of more than 180 days; or

''(C) an extension of an existing intercity rail passenger transportation or commuter rail passenger transportation route.

''(2) SUBMISSION.—A covered entity shall submit a safety validation plan required under paragraph (1) not later than 30 days before the date on which such entity begins revenue service of a service or route described in paragraph (1).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall establish the requirements of the

safety validation plan described under subsection (a), including adequate training of all relevant personnel and a minimum period of simulated service to ensure operational readiness.

"(2) PROHIBITION OF SERVICE.—The Secretary shall prohibit a covered entity from beginning a service described in subsection (a)(1) until the entity is in full compliance with the safety validation plan required by such subsection.

"(c) AMENDMENT TO SAFETY VALIDATION PLAN.—

"(1) IN GENERAL.—The Secretary shall require a covered entity to submit to the Secretary for review and approval any proposed amendment to a safety validation plan required under subsection (a).

"(2) REVIEW AND APPROVAL.—Not later than 5 working days after the date on which the Secretary receives a proposed amendment submitted under paragraph (1), the Secretary shall review and approve or deny such proposed amendment.

"(3) NOTIFICATION.—If the Secretary does not approve a proposed amendment submitted under this subsection, the Secretary shall provide written notice to the covered entity of the specific areas in which the proposed amendment is deficient. An enti-

ty may correct such deficiencies and reapply for review and approval under this subsection.

"(d) DEFINITIONS.—In this section:

"(1) COVERED ENTITY.—The term 'covered entity' means an entity providing regularly scheduled railroad transportation that is intercity rail passenger transportation or commuter rail passenger transportation.

"(2) INTERCITY RAIL PASSENGER TRANSPORTATION; COMMUTER RAIL PASSENGER TRANSPORTATION.—The terms 'intercity rail passenger transportation' and 'commuter rail passenger transportation' have the meanings given such terms in section 24102.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

"20122. New passenger service pre-revenue safety validation plan.".

SEC. 9519. SAFETY OVERSIGHT OF NONTRADITIONAL AND EMERGING RAIL TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a review of the safety regulations of the Federal Railroad Administration to determine the applicability of such regulations to nontraditional and emerging rail technologies and to identify any gaps in such regulations

or any challenges to ensuring the safety of such technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the review conducted under subsection (a).

(c) CONTENTS.—The report required under subsection (b) shall include a description of—

(1) the applicability of safety regulations in effect on the date of enactment of this Act to nontraditional and emerging rail technologies;

(2) whether gaps in the regulations or other challenges exist that should be addressed in order to ensure the safety of nontraditional and emerging rail technologies;

(3) any additional regulations that are necessary to ensure the safety of nontraditional and emerging rail technologies; and

(4) any additional research that may be needed to further evaluate and regulate the safety of nontraditional and emerging rail technologies.

(d) PUBLIC NOTICE AND COMMENT.—In conducting the review process under subsection (a), the Secretary shall provide notice and an opportunity for public comment for not less than 60 days.

(e) NONTRADITIONAL AND EMERGING RAIL TECHNOLOGIES DEFINED.—In this section, the term ''nontraditional and emerging rail technologies'' means nonhighway ground transportation that runs on electromagnetic guideways in a tube, or system of tubes, that operates in a low-pressure environment.

Subtitle B—Grade Crossing Safety

SEC. 9551. HIGHWAY-RAIL GRADE CROSSING SEPARATION GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20173. Highway-rail grade crossing separation grants

''(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make grants under this section to eligible entities to assist in funding the cost of highway-rail grade crossing separation projects.

''(b) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such

manner, and containing such information as the Secretary may require, including—

"(1) an agreement between the entity that owns or controls the railroad right-of-way and the applicant addressing access to the railroad right-of-way throughout the project; and

"(2) a cost-sharing agreement with the funding amounts that the entity that owns or controls the railroad right-of-way shall contribute to the project, which shall be not less than 10 percent of the total project cost.

"(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive a grant under this section:

"(1) Installation, repair, or improvement of highway-rail grade crossing separations.

"(2) Highway-rail grade crossing elimination incidental to eligible grade crossing separation projects.

"(3) Project planning, development, and environmental work related to a project described in paragraph (1) or (2).

"(d) PROJECT SELECTION CRITERIA.—In awarding grants under this section, the Secretary—

"(1) shall give priority to projects that maximize the safety benefits of Federal funding; and

"(2) may evaluate applications on the safety profile of the existing crossing, 10-year history of accidents at such crossing, inclusion of the proposed project on a State highway-rail grade crossing action plan required under section 11401(b) of the FAST Act (49 U.S.C. 22501(b)), average daily vehicle traffic, total number of trains per day, average daily number of crossing closures, the challenges of grade crossings located near international borders, proximity to established emergency evacuation routes, and proximity of community resources, including schools, hospitals, fire stations, police stations, and emergency medical service facilities.

"(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analysis, and information on the expected use of equipment or facilities.

"(2) FEDERAL SHARE.—The Federal share for a project carried out under this section shall not exceed 85 percent.

"(f) GRANT CONDITIONS.—An eligible entity may not receive a grant for a project under this section unless such project is in compliance with section 22905.

"(g) TWO-YEAR LETTERS OF INTENT.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

"(A) announces an intention to obligate for no more than 2 years for a project an amount that is not more than the amount stipulated as the financial participation of the Secretary for the project; and

"(B) states that the contingent commitment—

"(i) is not an obligation of the Federal Government; and

"(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

"(2) CONGRESSIONAL NOTIFICATION.—

"(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under para-

graph (1), the Secretary shall submit written notification to—

"(i) the Committee on Transportation and Infrastructure of the House of Representatives;

"(ii) the Committee on Appropriations of the House of Representatives;

"(iii) the Committee on Appropriations of the Senate; and

"(iv) the Committee on Commerce, Science, and Transportation of the Senate.

"(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

"(i) a copy of the letter of intent;

"(ii) the criteria used under subsection (d) for selecting the project for a grant; and

"(iii) a description of how the project meets such criteria.

"(h) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under subsection (g) only after amounts are appropriated for such purpose.

"(i) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a public agency or publicly chartered authority;

"(C) a metropolitan planning organization;

"(D) a political subdivision of a State; and

"(E) a Tribal government.

"(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' has the meaning given such term in section 134(b) of title 23.

"(3) STATE.—The term 'State' means a State of the United States or the District of Columbia.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"20173. Highway-rail grade crossing separation grants.".

SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.

Section 22907 of title 49, United States Code (as amended by this Act), is further amended by adding at the end the following new subsection:

"(o) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

"(1) GRANT.—Of the amounts made available to carry out this section, the Secretary shall make grants to nonprofit organizations to carry out public information and education programs to help prevent

and reduce rail-related pedestrian, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad right-of-way and at railway-highway grade crossings.

"(2) SELECTION.—Programs eligible for a grant under this subsection—

"(A) shall include, as appropriate—

"(i) development, placement, and dissemination of public service announcements in appropriate media;

"(ii) school presentations, driver and pedestrian safety education, materials, and public awareness campaigns; and

"(iii) disseminating information to the public on how to identify and report to the appropriate authorities—

"(I) unsafe or malfunctioning highway-rail grade crossings and equipment; and

"(II) high-risk and unsafe behavior and trespassing around railroad right-of-way; and

"(B) may include targeted and sustained outreach in communities at greatest risk to develop measures to reduce such risk.

"(3) COORDINATION.—Eligible entities shall coordinate program activities with local communities, law enforcement and emergency responders, and railroad carriers, as appropriate, and ensure consistency with State highway-rail grade crossing action plans required under section 11401(b) of the FAST Act (49 U.S.C. 22501 note) and the report titled 'National Strategy to Prevent Trespassing on Railroad Property' issued by the Federal Railroad Administration in October 2018.

"(4) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications for programs that—

"(A) are nationally recognized;

"(B) are targeted at schools in close proximity to railroad right-of-way;

"(C) partner with nearby railroad carriers; or

"(D) focus on communities with a recorded history of repeated pedestrian and motor vehicle accidents, incidents, injuries, and fatalities at highway-rail grade crossings and along railroad right-of-way.

"(5) APPLICABILITY.—Section 22905 shall not apply to contracts and agreements made under this subsection.".

SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR BLOCKING PUBLIC HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20174. Time limit for blocking public highway-rail grade crossing

"(a) TIME LIMIT.—A railroad carrier may not cause a blocked crossing incident that is longer than 10 minutes in duration, unless the blocked crossing incident is caused by—

"(1) a casualty or serious injury;

"(2) an accident;

"(3) a track obstruction;

"(4) actions necessary to comply with Federal rail safety laws, regulations, or orders issued thereunder unless the action to comply could reasonably occur at a different time or location;

"(5) actions necessary to adhere to section 24308;

"(6) a train fully contained within rail yard limits or fully contained in a rail siding;

"(7) an act of God; or

"(8) a derailment or a safety appliance equipment failure that prevents the train from advancing.

"(b) INVESTIGATION OF FREQUENTLY BLOCKED CROSSINGS.—For any public highway-rail grade crossing that has had 3 or more blocked crossing incidents that exceed the time limit set forth in subsection (a) and are reported to the blocked crossing database, and such incidents have occurred on at least 3 calendar days within a 30-day period, the Secretary shall—

"(1) provide an electronic notice of the number of reported blocked crossing incidents to the railroad carrier that owns the public highway-rail grade crossing; and

"(2) investigate the causes of the blocked crossing incidents; and

"(3) investigate possible measures to reduce the frequency and duration of blocked crossing incidents at such grade crossing.

"(c) RECORDKEEPING.—

"(1) IN GENERAL.—A railroad carrier shall, upon receiving a notice under subsection (b), maintain train location data records for the public high-

way-rail grade crossing that was the subject of the notice.

"(2) CONTENTS OF RECORDS.—The train location data records required under paragraph (1) shall include—

"(A) a list of all blocked crossing incidents at the public highway-rail grade crossing that is the subject of the report exceeding 10 minutes;

"(B) the cause of the blocked crossing incident (to the extent available);

"(C) train length; and

"(D) the estimated duration of each blocked crossing incident.

"(3) CONSULTATION.—Beginning on the date on which a railroad carrier receives a notice under subsection (b), the Secretary may consult with the carrier for a period of 60 days to address concerns with blocked crossing incidents at the public highway-rail grade crossing that is the subject of the notice.

"(4) EXPIRATION OF DATA COLLECTION.—The requirement to maintain records under paragraph (1) shall cease with respect to a public highway-rail grade crossing noticed under subsection (b)(2) if there are no reports submitted to the blocked cross-

ing database for blocked crossing incidents reported to occur at such grade crossing during the previous 365 consecutive calendar days.

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may issue civil penalties in accordance with section 21301 to railroad carriers for violations of subsection (a) occurring 60 days after the date of submission of a notice under subsection (b).

"(2) RELEASE OF RECORDS.—Upon the request of, and under requirements set by, the Secretary, railroad carriers shall provide the records maintained pursuant to subsection (c)(1) to the Administrator of the Federal Railroad Administration.

"(3) ALTERNATE ROUTE EXEMPTION.—Civil penalties may not be issued for violations of subsection (a) that occur at a public highway-rail grade crossing if no alternate route created by a public highway-rail grade separation exists within a half mile by road of such public highway-rail grade crossing.

"(4) GRADE SEPARATION PROJECT.—Civil penalties may not be issued for violations of subsection (a) if the violation occurs at a public highway-rail

grade crossing for which there is a proposed grade separation project—

"(A) that has received written agreement from the relevant local authorities; and

"(B) for which railroad carrier and project funding from all parties has been budgeted.

"(5) CONSIDERATIONS.—In determining civil penalties under this section, the Secretary shall consider increased penalties in a case in which a pattern of the blocked crossing incidents continue to cause delays to State or local emergency services.

"(e) APPLICATION TO AMTRAK AND COMMUTER RAILROADS.—This section shall not apply to Amtrak or commuter authorities, including Amtrak and commuter authorities' operations run or dispatched by a Class I railroad.

"(f) DEFINITIONS.—In this section:

"(1) BLOCKED CROSSING DATABASE.—The term 'blocked crossing database' means the national blocked crossing database established under section 20174.

"(2) BLOCKED CROSSING INCIDENT.—The term 'blocked crossing incident' means a circumstance in which a train, locomotive, rail car, or other rail

equipment is stopped in a manner that obstructs travel at a public highway-rail grade crossing.

"(3) PUBLIC HIGHWAY-RAIL GRADE CROSSING.—The term 'public highway-rail grade crossing' means a location within a State in which a public highway, road, or street, including associated sidewalks and pathways, crosses 1 or more railroad tracks at grade.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is further amended by adding at the end the following new item:

"20174. Time limit for blocking public highway-rail grade crossing.".

SEC. 9554. NATIONAL BLOCKED CROSSING DATABASE.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

"§ 20175. National blocked crossing database

"(a) DATABASE.—Not later than 45 days after the date of enactment of the TRAIN Act, the Secretary of Transportation shall establish a national blocked crossings database for the public to report blocked crossing incidents.

"(b) PUBLIC AWARENESS.—Not later than 60 days after the date of enactment of the TRAIN Act, the Secretary shall require each railroad carrier to publish the

active link to report blocked crossing incidents on the website of the national blocked crossings database described in subsection (a) on the home page of the publicly-available website of the railroad carrier.

"(c) BLOCKED CROSSING INCIDENT; PUBLIC HIGHWAY-RAIL GRADE CROSSING.—In this section, the terms 'blocked crossing incident' and 'public highway-rail grade crossing' have the meanings given the terms in section 20174.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is further amended by adding at the end the following new item:

"20175. National blocked crossing database.".

SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED CROSSING MATTERS.

Section 20152 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C) by striking "or" at the end;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting the following after subparagraph (C):

"(D) blocked crossing incident, as defined in section 20174; or";

(B) in paragraph (4)—

(i) by striking "paragraph (1)(C) or (D)" and inserting "subparagraph (C), (D), or (E) of paragraph (1)"; and

(ii) by striking "and" at the end;

(C) in paragraph (5) by striking the period at the end and inserting a semicolon ; and

(D) by adding at the end the following:

"(6) upon receiving a report of a blocked crossing pursuant to paragraph (1)(D), the railroad carrier shall, within 14 days of receipt of the report—

"(A) verify that the public highway-rail grade crossing, as defined in section 20174, was blocked for a period of at least 10 minutes; and

"(B) upon positive verification of the report, enter the report into the national blocked crossings database established in section 20174; and

"(7) promptly inform the Secretary of any update to the number maintained under paragraph (1)."; and

(2) by adding at the end the following:

"(c) PUBLICATION OF TELEPHONE NUMBERS.—The Secretary shall make any telephone number established under subsection (a) publicly available on the website of the Department of Transportation.".

SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall expend such sums as are necessary to conduct a comprehensive review of the national highway-rail crossing inventory of the Department of Transportation established under section 20160 of title 49, United States Code.

(b) CONTENTS.—In conducting the review required under subsection (a), the Secretary shall—

(1) verify the accuracy of the data contained in the inventory described in subsection (a) using mapping technologies and other methods; and

(2) correct erroneous data in such inventory.

(c) REPORT.—Not later than 30 days after the completion of the review required under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing corrections made to the inventory described in subsection (a) and the Sec-

retary's plans to ensure continued accuracy of such inventory.

SEC. 9557. RAILROAD TRESPASSING ENFORCEMENT GRANTS.

Section 22907 of title 49, United States Code, is further amended by adding at the end the following:

"(p) RAILROAD TRESPASSING ENFORCEMENT GRANTS.—

"(1) IN GENERAL.—Of the amounts made available under this section, the Secretary may make grants to public law enforcement agencies engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way to pay wages of law enforcement personnel to patrol railroad right-of-way located in communities at risk for rail trespassing incidents and fatalities.

"(2) PRIORITIZATION.—In awarding grants under this subsection, the Administrator shall give priority to applications from entities that have jurisdiction within the boundaries of the 10 States with the highest incidence of rail trespass related casualties as reported in the previous fiscal year, as reported by the National Rail Accident Incident Reporting System.

"(3) LIMITATION.—The Secretary shall not award more than 3 annual grants under this subsection to the same entity.".

SEC. 9558. RAILROAD TRESPASSING SUICIDE PREVENTION GRANTS.

Section 22907 of title 49, United States Code, is further amended by adding at the end the following:

"(q) RAILROAD TRESPASSING SUICIDE GRANTS.—

"(1) IN GENERAL.—Of the amounts made available to carry out this section, the Secretary may make grants to eligible entities to implement a public outreach campaign to reduce the number of railroad suicides.

"(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit mental health organization engaged in, or seeking to engage in, suicide prevention efforts along railroad right-of-way in partnership with a railroad carrier, as defined in section 20102.".

SEC. 9559. INCLUDING RAILROAD SUICIDES.

(a) IN GENERAL.—Not less than 180 days after the enactment of this Act, the Secretary of Transportation shall revise any regulations, guidance, or other relevant agency documents to include the number of suicides on

a railroad crossing or railroad right-of-way in the total number of rail fatalities the Secretary reports each year.

(b) AUTHORITY OF THE SECRETARY.—In carrying out subsection (a), the Secretary may require Federal, State, and local agencies, railroads, or other entities to submit such data as necessary.

(c) APPLICABILITY OF RULEMAKING REQUIREMENTS.—The requirements of section 553 of title 5, United States Code, shall not apply to the modification required by subsection (a).

SEC. 9560. REPORT ON SAFETY MEASURES REQUIRED FOR QUIET ZONES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) submit to Congress a report on any supplementary safety measures and alternative safety measures not contained in part 222 of title 49, Code of Federal Regulations, that can be used to qualify for a Quiet Zone or Partial Quiet Zone; and

(2) include in the report submitted under paragraph (1)—

(A) a summary of the supplementary safety measures and alternative safety measures for

which a public authority has requested approval from the Administrator to implement; and

(B) an explanation for why such requests were not granted.

TITLE VI—MISCELLANEOUS

SEC. 9601. RAIL NETWORK CLIMATE CHANGE VULNERABILITY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall seek to enter into an agreement with the National Academies to conduct an assessment of the potential impacts of climate change on the national rail network.

(b) ASSESSMENT.—At a minimum, the assessment conducted pursuant to subsection (a) shall—

(1) cover the entire freight and intercity passenger rail network of the United States;

(2) evaluate risk to the network over 5-, 30-, and 50-year outlooks;

(3) examine and describe potential effects of climate change and extreme weather events on passenger and freight rail infrastructure, trackage, and facilities, including facilities owned by rail shippers;

(4) identify and categorize the assets described in paragraph (3) by vulnerability level and geographic area; and

(5) recommend strategies or measures to mitigate any adverse impacts of climate change, including—

(A) emergency preparedness measures;

(B) resiliency best practices for infrastructure planning; and

(C) coordination with State and local authorities.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the assessment conducted pursuant to subsection (a).

(d) FURTHER COORDINATION.—The Secretary shall make the report publicly available on the website of the Department of Transportation and communicate the results of the assessment with stakeholders.

(e) REGULATORY AUTHORITY.—If the Secretary finds in the report required under subsection (c) that regulatory measures are warranted and such measures are otherwise under the existing authority of the Secretary, the Secretary may issue such regulations as are necessary to implement such measures.

(f) FUNDING.—From the amounts made available for fiscal year 2022 under section 20117(b) of title 49, United States Code, the Secretary shall expend not less than $1,500,000 to carry out the study required under subparagraph (a).

SEC. 9602. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 242 of title 49, United States Code, is amended by inserting the following after section 24202:

"SEC. 24203. ADVANCE ACQUISITION.

"(a) RAIL CORRIDOR PRESERVATION.—The Secretary of Transportation may assist a recipient of Federal financial assistance provided by the Secretary for an intercity passenger rail project in acquiring a right-of-way and adjacent real property interests before or during the completion of the environmental reviews for a project that may use such property interests if the acquisition is otherwise permitted under Federal law.

"(b) CERTIFICATION.—Before authorizing advance acquisition under this section, the Secretary shall verify that—

"(1) the recipient has authority to acquire the real property interest;

"(2) the acquisition of the real property interest—

"(A) is for a transportation purpose;

"(B) will not cause significant adverse environmental impact;

"(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the project;

"(D) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered;

"(E) complies with other applicable Federal laws and regulations; and

"(F) will not result in elimination or reduction of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(c) ENVIRONMENTAL REVIEWS.—

"(1) COMPLETION OF NEPA REVIEW.—Before reimbursing or approving the expenditure of Federal funding for an acquisition of a real property interest, the Secretary shall complete all review processes

otherwise required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) with respect to the acquisition.

"(2) TIMING OF DEVELOPMENT ACQUISITION.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.

"(d) INCLUSION IN NON-FEDERAL SHARE OF PROJECT COSTS.—Non-Federal funds used to acquire right-of-way and adjacent real property interests under this section before or during the environmental review, or before the award of a grant by the Secretary, shall be included in determining the non-Federal share of the costs of the underlying intercity passenger rail project.

"(e) SAVINGS CLAUSE.—The advance acquisition process described in this section—

"(1) is in addition to processes in effect on or before the date of enactment of the TRAIN Act; and

"(2) does not affect—

"(A) any right of the recipient described in subsection (a) to acquire property; or

"(B) any other environmental review process, program, agreement, or funding arrangement related to the acquisition of real property, in effect on the date of enactment of the TRAIN Act.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 242 of title 49, United States Code, is amended by inserting after the item relating to section 24202 the following new item:

"Sec. 24203. Advance acquisition.".

SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION GRANT PROGRAM.

(a) IN GENERAL.—Chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"§ 22912. University rail climate innovation grant program

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a university rail climate innovation grant program (in this section referred to as the 'Program') to make grants to institutions of higher education for the research and development of low- and zero-emission rail technologies.

"(b) QUALIFICATIONS.—To be eligible for a grant under the Program, an institution of higher education

shall have an active research program to study the development of low- and zero-emission rail technologies.

"(c) APPLICATIONS.—To be eligible for a grant under the Program, an institution of higher education shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

"(d) ELIGIBLE PROJECTS.—The Secretary may award grants under the Program to applicants that submit a comprehensive proposal for a low- and zero-emission rail project that includes activities to carry out the research, design, development, and demonstration of 1 or more of the following:

"(1) Hydrogen-powered locomotives and associated locomotive technologies.

"(2) Battery-powered locomotives and associated locomotive technologies.

"(3) Rail technologies that significantly reduce greenhouse gas emissions, as determined appropriate by the Secretary.

"(e) FUNDING REQUIREMENT.—The Federal share of the total cost of a project for which a grant is awarded under this section shall not exceed 50 percent.

"(f) PROJECT PRIORITIZATION.—In making grants for projects under the Program, the Secretary shall give

priority to institutions of higher education that enter into a cost-sharing agreement for purposes of the Program with a railroad or rail supplier.

"(g) CONSIDERATIONS.—In making grants for projects under the Program, the Secretary shall consider—

"(1) the extent to which a project maximizes greenhouse gas reductions;

"(2) the potential of a project to increase the use of low- and zero- emission rail technologies among the United States freight and passenger rail industry; and

"(3) the anticipated public benefits of a project.

"(h) NOTIFICATION.—

"(1) NOTICE.—Not later than 3 days after grants are awarded in any fiscal year under the Program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

"(A) a list of all grant recipients under the Program; and

"(B) a summary of activities to be carried out by each recipient.

"(2) REPORT.—Not later than 1 year after grants are awarded for projects under the Program, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the projects on low- and zero-emission rail technologies.

"(i) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent of the total amount appropriated under this section for the costs of program management oversight.

"(j) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 229 of title 49, United States Code, is further amended by adding at the end the following:

"22912. University rail climate innovation grant program.".

SEC. 9604. WORKFORCE DIVERSITY AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall carry out at least one workforce development pilot program with a railroad carrier or an entity providing regularly scheduled intercity rail passenger transportation.

(b) TYPES OF PILOT PROGRAMS.—A workforce development pilot program described in subsection (a) may be in the form of—

(1) an outreach program to increase employment opportunities for socially disadvantaged individuals;

(2) the development of a partnership with high schools, vocational schools, community colleges, or secondary education institutions to address future workforce needs; and

(3) an apprenticeship program to train railroad employees in needed skills.

(c) APPRENTICESHIP.—In carrying out a workforce development pilot program described in subsection (b)(3), the Secretary shall partner with an entity providing intercity rail passenger transportation.

(d) REPORT TO CONGRESS.—For a workforce development pilot program carried out under this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

(1) the activities carried out under the pilot program;

(2) the diversity of individuals participating in the pilot program;

(3) an evaluation of the pilot program;

(4) employment outcomes, including job placement, job retention, and wages, using performance metrics established by the Secretary of Transportation, in consultation with the Secretary of Labor, and consistent with performance indicators used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), as applicable; and

(5) any recommendations for increasing diversity in the railroad workforce, addressing future workforce needs, or enhancing workforce skills.

(e) DEFINITION.—In this section:

(1) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term ''intercity rail passenger transportation'' has the meaning given such term in section 24102 of title 49, United States Code.

(2) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given such term in section 20102 of title 49, United States Code.

(3) SOCIALLY DISADVANTAGED INDIVIDUALS.—The term ''socially disadvantaged individuals'' has the meaning given the term ''socially and economi-

cally disadvantaged individuals'' in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(f) FUNDING.—From the amounts made available under section 20117(b) of title 49, United States Code, the Secretary may expend up to $1,300,000 for fiscal year 2022 and $1,300,000 for 2023 to carry out this section.

SEC. 9605. REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN UNITED STATES.

(a) IN GENERAL.—Chapter 207 of title 49, United States Code, is amended by adding at the end the following:

"§ 20704. Requirements for railroad freight cars entering service in United States

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMPONENT.—The term 'component' means a part or subassembly of a railroad freight car.

''(2) CONTROL.—The term 'control' means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity,

a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

"(3) COST OF SENSITIVE TECHNOLOGY.—The term 'cost of sensitive technology' means the aggregate cost of the sensitive technology located on a railroad freight car.

"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

"(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the TRAIN Act;

"(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

"(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C.2416).

"(5) NET COST.—The term 'net cost' has the meaning given the term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(6) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that is not owned or under the control of a state-owned enterprise.

"(7) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

"(8) RAILROAD FREIGHT CAR.—The term 'railroad freight car' means a car designed to carry freight or railroad personnel by rail, including—

"(A) box car;

"(B) refrigerator car;

"(C) ventilator car;

"(D) intermodal well car;

"(E) gondola car;

"(F) hopper car;

"(G) auto rack car;

"(H) flat car;

"(I) special car;

"(J) caboose car;

"(K) tank car; and

"(L) yard car.

"(9) SENSITIVE TECHNOLOGY.—The term 'sensitive technology' means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

"(A) onboard telematics;

"(B) remote monitoring software;

"(C) firmware;

"(D) analytics;

"(E) GPS satellite and cellular location tracking systems;

"(F) event status sensors;

"(G) predictive component condition and performance monitoring sensors; and

"(H) similar sensitive technologies embedded into freight railcar components and subassemblies.

"(10) STATE-OWNED ENTERPRISE.—The term 'state-owned enterprise' means—

"(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

"(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

"(11) SUBSTANTIALLY TRANSFORMED.—The term 'substantially transformed' means a component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related Annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(12) USMCA.—The term 'USMCA' has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

"(b) REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN THE UNITED STATES.—

"(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car manufactured on or after the date that is 1 year after the date of enactment of the TRAIN Act, may only operate on the United States freight railroad interchange system if—

"(A) the railroad freight car is manufactured, assembled, and substantially trans-

formed, as applicable, by a qualified manufacturer in a qualified facility;

"(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from state-owned enterprise; and

"(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

"(2) IMMEDIATE LIMITATION.—

"(A) PERCENTAGE LIMITATION.—Not later than 12 months after the date of enactment of the TRAIN Act and ending on the date

on which paragraph (1) takes effect, a railroad freight car manufactured may operate on the United States freight railroad interchange system only if—

"(i) not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise;

"(ii) not later than 24 months after the date of enactment of the TRAIN Act, the percentage described in clause (i) shall be no more than 15 percent; and

"(B) CONFLICT.—The percentages specified in this paragraph apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

"(c) REGULATIONS AND PENALTIES.—

"(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of the TRAIN Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out this sec-

tion, including for the monitoring, enforcement, and sensitive technology requirements of this section.

"(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States freight railroad interchange system, the manufacturer of such car shall certify to the Secretary annually that any railroad freight cars to be so provided meet the requirements of this section.

"(3) COMPLIANCE.—

"(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States freight railroad interchange system, the manufacturer of such railroad freight car shall have valid certification describe under paragraph (2) for the year in which such car begins operation.

"(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements of this section in the Association of American Railroad's Umler system.

"(4) CIVIL PENALTIES.—

"(A) IN GENERAL.—A railroad freight car manufacturer that has manufactured a railroad freight car for operation on the United States freight railroad interchange system that the Secretary of Transportation determines, after written notice and an opportunity for a hearing, has violated this section is liable to the United States Government for a civil penalty of at least $100,000 but not more than $250,000 for each violation for each railroad freight car.

"(B) PROHIBITION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States freight railroad interchange system until the Secretary determines—

"(i) such manufacturer is in compliance with this section; and

"(ii) all civil penalties assessed to such manufacturer under subparagraph (A) have been paid in full.".

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 207 of title 49, United States Code, is amended by
3 adding at the end the following:

"20704. Requirements for railroad freight cars entering service in United States.".

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