

Union Calendar No. 49

117TH CONGRESS
1ST SESSION

H. R. 3684

[Report No. 117–70]

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

JUNE 22, 2021

Additional sponsors: Mr. GARAMENDI, Ms. WILSON of Florida, and Ms. WILLIAMS of Georgia

JUNE 22, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 4, 2021]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Investing in a New Vi-*
 5 *sion for the Environment and Surface Transportation in*
 6 *America Act” or the “INVEST in America Act”.*

7 **SEC. 2. TABLE OF CONTENTS.**

8 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

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1 **SEC. 3. REFERENCES.**

2 *Except as expressly provided otherwise, any reference*
 3 *to “this Act” contained in any division of this Act shall*
 4 *be treated as referring only to the provisions of that divi-*
 5 *sion.*

6 **DIVISION A—FEDERAL SURFACE** 7 **TRANSPORTATION PRO-** 8 **GRAMS FOR FISCAL YEAR 2022**

9 **SEC. 101. DEFINITIONS.**

10 *In this division, the following definitions apply:*

11 (1) *HIGHWAY ACCOUNT.*—*The term “Highway*
 12 *Account” means the portion of the Highway Trust*
 13 *Fund that is not the Mass Transit Account.*

14 (2) *MASS TRANSIT ACCOUNT.*—*The term “Mass*
 15 *Transit Account” means the portion of the Highway*
 16 *Trust Fund established under section 9503(e)(1) of*
 17 *the Internal Revenue Code of 1986.*

18 (3) *MEMBER DESIGNATED PROJECT.*—*The term*
 19 *“member designated project” means a project listed in*
 20 *the table in section 107.*

21 (4) *MEMBER DESIGNATED PROJECT FUNDS.*—
 22 *The term “member designated project funds” means*

1 *funds reserved under subsections (d)(1)(B)(i),*
 2 *(f)(1)(A), and (g)(1)(A) to carry out member des-*
 3 *ignated projects listed in the table in section 107(c).*

4 (5) *SECRETARY.*—*The term “Secretary” means*
 5 *the Secretary of Transportation.*

6 (6) *STATE.*—*The term “State” means the 50*
 7 *States and the District of Columbia.*

8 (7) *TERRITORY.*—*The term “territory” means*
 9 *any of the following territories of the United States:*

10 (A) *American Samoa.*

11 (B) *The Commonwealth of the Northern*
 12 *Mariana Islands.*

13 (C) *Guam.*

14 (D) *The United States Virgin Islands.*

15 **SEC. 102. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
 16 **TATION PROGRAMS.**

17 (a) *EXTENSION OF FEDERAL SURFACE TRANSPOR-*
 18 *TATION PROGRAMS.*—

19 (1) *IN GENERAL.*—*Unless otherwise provided in*
 20 *this division, the requirements, authorities, condi-*
 21 *tions, eligibilities, limitations, and other provisions*
 22 *authorized under the covered laws, which would other-*
 23 *wise expire on or cease to apply after September 30,*
 24 *2021, are incorporated by reference and shall con-*
 25 *tinue in effect through September 30, 2022.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2 (A) *HIGHWAY TRUST FUND.*—

3 (i) *HIGHWAY ACCOUNT.*—

4 (I) *IN GENERAL.*—*Except as pro-*
5 *vided in subclause (II), there is author-*
6 *ized to be appropriated from the High-*
7 *way Account for fiscal year 2022, for*
8 *each program under the covered laws*
9 *with respect to which amounts are au-*
10 *thorized to be appropriated from such*
11 *account for fiscal year 2021, an*
12 *amount equal to the amount author-*
13 *ized for appropriation with respect to*
14 *the program from such account for fis-*
15 *cal year 2021.*

16 (II) *ADMINISTRATIVE EX-*
17 *PENSES.*—*Notwithstanding any other*
18 *provision of this division, there is au-*
19 *thorized to be appropriated from the*
20 *Highway Account for fiscal year*
21 *2022—*

22 (aa) *\$516,000,000 for admin-*
23 *istrative expenses of the Federal*
24 *Highway Administration, as de-*

scribed in section 104(a) of title
23, United States Code; and

(bb) \$30,086,000 for grant
administrative expenses of the Na-
tional 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 au-
thorized to be appropriated from the
Mass Transit Account for fiscal year
2022, for each program under the cov-
ered laws with respect to which
amounts are authorized to be appro-
priated 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 APPORTION-
MENT.—No funds authorized in this
division or any other Act may be used
to adjust Mass Transit Account appor-
tionments or withhold funds from Mass

1 *Transit Account apportionments pur-*
2 *suant to section 9503(e)(4) of the In-*
3 *ternal Revenue Code of 1986 in fiscal*
4 *year 2022.*

5 *(B) GENERAL FUND.—*

6 *(i) IN GENERAL.—Except as provided*
7 *in clauses (ii) and (iii), there is authorized*
8 *to be appropriated for fiscal year 2022, for*
9 *each program under covered laws with re-*
10 *spect to which amounts are authorized to be*
11 *appropriated for fiscal year 2021 from an*
12 *account other than the Highway Account or*
13 *the Mass Transit Account, an amount not*
14 *less than the amount authorized for appro-*
15 *priation with respect to the program under*
16 *the covered laws for fiscal year 2021.*

17 *(ii) ADMINISTRATIVE EXPENSES.—Not-*
18 *withstanding any other provision of this di-*
19 *vision, there is authorized to be appro-*
20 *priated from the general fund of the Treas-*
21 *ury for fiscal year 2022 \$131,500,000 for*
22 *necessary administrative expenses of the*
23 *Federal Transit Administration.*

24 *(iii) CAPITAL INVESTMENT GRANTS.—*
25 *Notwithstanding any other provision of this*

1 *division, there is authorized to be appro-*
2 *priated from the general fund of the Treas-*
3 *ury for fiscal year 2022 \$3,250,000,000 to*
4 *carry out section 5309 of title 49, United*
5 *States Code.*

6 (3) *USE OF FUNDS.—Except as otherwise pro-*
7 *vided in this division, amounts authorized to be ap-*
8 *propriated for fiscal year 2022 with respect to a pro-*
9 *gram under paragraph (2) shall be distributed, ad-*
10 *ministered, limited, and made available for obligation*
11 *in the same manner as amounts authorized to be ap-*
12 *propriated with respect to the program for fiscal year*
13 *2021 under the covered laws.*

14 (4) *OBLIGATION LIMITATION.—*

15 (A) *IN GENERAL.—Except as provided in*
16 *subparagraph (B), a program for which amounts*
17 *are authorized to be appropriated under para-*
18 *graph (2)(A) shall be subject to a limitation on*
19 *obligations for fiscal year 2022 in the same*
20 *amount and in the same manner as the limita-*
21 *tion applicable with respect to the program for*
22 *fiscal year 2021 under the title I of the Trans-*
23 *portation, Housing and Urban Development,*
24 *and Related Agencies Appropriations Act, 2021*
25 *(Public Law 116–260).*

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

3 (i) *IN GENERAL.*—*Notwithstanding*
4 *any other provision of this section, section*
5 *1102 of the FAST Act (Public Law 114–*
6 *94), section 1101 of title I of division B of*
7 *the Continuing Appropriations Act, 2021*
8 *and Other Extensions Act (Public Law*
9 *116–159), or title I of the Transportation,*
10 *Housing and Urban Development, and Re-*
11 *lated Agencies Appropriations Act, 2021*
12 *(Public Law 116–260), for fiscal year 2022,*
13 *the obligations for Federal-aid highway and*
14 *highway safety construction programs shall*
15 *not exceed \$46,400,294,311.*

16 (ii) *LIMITATION ON FEDERAL HIGHWAY*
17 *ADMINISTRATION ADMINISTRATIVE EX-*
18 *PENSES.*—*Notwithstanding any other provi-*
19 *sion of this section, of the amount described*
20 *in clause (i), for fiscal year 2022 an*
21 *amount not to exceed \$492,000,000 together*
22 *with advances and reimbursements received*
23 *by the Federal Highway Administration,*
24 *shall be obligated for necessary expenses for*
25 *administration and operation of the Federal*

1 *Highway Administration or transferred to*
 2 *the Appalachian Regional Commission for*
 3 *administrative activities associated with the*
 4 *Appalachian Development Highway Sys-*
 5 *tem.*

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

9 (1) *by striking “\$600,000,000” and inserting*
 10 *“\$700,000,000”; and*

11 (2) *by striking “2021” and inserting “2022”.*

12 (c) *DISADVANTAGED BUSINESS ENTERPRISES.*—*Sec-*
 13 *tion 1101(b) of the FAST Act (Public Law 114–94) (except*
 14 *for the requirements related to gross receipts under para-*
 15 *graph (2)(A)(ii) of such section) shall apply to amounts*
 16 *made available under sections 102, 103, 104 of this divi-*
 17 *sion.*

18 (d) *DEFINITIONS.*—*In this section, the term “covered*
 19 *laws” means the following:*

20 (1) *Section 1101 of title I of division B of the*
 21 *Continuing Appropriations Act, 2021 and Other Ex-*
 22 *tensions Act (Public Law 116–159).*

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

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

4 (4) *Titles I, II, and III of the SAFETEA–LU*
5 *Technical Corrections Act of 2008 (Public Law 110–*
6 *244).*

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

9 (6) *Titles I, II, III, IV, and V of the Transpor-*
10 *tation Equity Act for the 21st Century (Public Law*
11 *105–178).*

12 (7) *Titles II, III, and IV of the National High-*
13 *way System Designation Act of 1995 (Public Law*
14 *104–59).*

15 (8) *Title I, part A of title II, title III, title IV,*
16 *title V, and title VI of the Intermodal Surface Trans-*
17 *portation Efficiency Act of 1991 (Public Law 102–*
18 *240).*

19 (9) *Title 23, United States Code.*

20 (10) *Sections 116, 117, 330, and 5505 and chap-*
21 *ters 53, 139, 303, 311, 313, 701, and 702 of title 49,*
22 *United States Code.*

1 **SEC. 103. ADDITIONAL AMOUNTS FOR THE FEDERAL-AID**
2 **HIGHWAY PROGRAM AND MEMBER DES-**
3 **IGNATED PROJECTS.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

5 (1) *IN GENERAL.—In addition to amounts au-*
6 *thorized under section 102, there is authorized to be*
7 *appropriated from the Highway Account for fiscal*
8 *year 2022, for activities under this section,*
9 *\$14,742,808,640.*

10 (2) *CONTRACT AUTHORITY.—Amounts authorized*
11 *to be appropriated under paragraph (1) shall be*
12 *available for obligation as if apportioned under chap-*
13 *ter 1 of title 23, United States Code.*

14 (b) *OBLIGATION AUTHORITY.—*

15 (1) *IN GENERAL.—*

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

20 (B) *PERIOD OF AVAILABILITY.—*

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

24 (I) *remain available until Sep-*
25 *tember 30, 2025; and*

1 (II) be in addition to the amount
2 of any limitation imposed on obliga-
3 tions for Federal-aid highway and
4 highway safety construction programs
5 for fiscal year 2022 under section 102
6 or future fiscal years under any other
7 provision of law.

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

12 (2) *DISTRIBUTION OF OBLIGATION AUTHORITY.*—

13 (A) *IN GENERAL.*—Of the obligation author-
14 ity provided under paragraph (1), the Secretary
15 shall make available to States, Tribes, Puerto
16 Rico, the territories, and Federal land manage-
17 ment agencies, during the period of fiscal year
18 2022, amounts of obligation authority equal to
19 the amounts described in paragraphs (1) through
20 (5) of subsection (c), respectively.

21 (B) *FURTHER DISTRIBUTION.*—Each State,
22 each Tribe, Puerto Rico, each territory, and each
23 Federal land management agency receiving
24 funds under paragraphs (1) through (5) of sub-
25 section (c), respectively, shall receive an amount

1 *of obligation authority equal to the funds re-*
 2 *ceived under any of such paragraphs.*

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

6 *(1) \$14,343,545,973 to the States.*

7 *(2) \$167,481,814 to Tribes.*

8 *(3) \$52,400,251 to Puerto Rico.*

9 *(4) \$55,012,918 to the territories.*

10 *(5) \$124,367,684 to Federal land management*
 11 *agencies.*

12 *(d) SUPPLEMENTAL STATE FUNDS.—*

13 *(1) DISTRIBUTION.—*

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

19 *(B) WITHIN A STATE.—Of the amount dis-*
 20 *tributed to a State under subparagraph (A)—*

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

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

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

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

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

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

12 (1) available for activities eligible under the trib-
13 al transportation program under section 202 of title
14 23, United States Code; and

15 (2) administered as if allocated under section
16 202 of title 23, United States Code, except that the
17 set-aside described in subparagraph (C) of section
18 202(b)(3) of such title and subsections (a)(6), (c), (d),
19 and (e) of section 202 of such title shall not apply to
20 such funds.

21 (f) *PUERTO RICO FUNDS.*—

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

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

4 (B) any remaining amount shall be avail-
 5 able to Puerto Rico under paragraph (2).

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

8 (A) administered as if allocated under sec-
 9 tion 165(b) of title 23, United States Code;

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

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

14 (g) *TERRITORIAL FUNDS.*—

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

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

20 (B) of amounts remaining after the dis-
 21 tribution under subparagraph (A), not more
 22 than \$1,392,918 shall be made available to
 23 American Samoa; and

1 (C) any remaining amount shall be avail-
 2 able to the territories as described under para-
 3 graph (2).

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

9 (h) *FEDERAL LAND MANAGEMENT AGENCY FUNDS.*—

10 (1) *DISTRIBUTION.*—Amounts distributed under
 11 subsection (c)(5) shall be distributed among the Fed-
 12 eral land management agencies as follows:

13 (A) \$99,494,147 for the National Park Serv-
 14 ice.

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

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

19 (D) \$8,622,826 to be allocated to the re-
 20 maining Federal land management agencies de-
 21 scribed in section 203(b) of title 23, United
 22 States Code.

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

1 (A) available for activities eligible under the
2 Federal lands transportation program under sec-
3 tion 203 of title 23, United States Code; and

4 (B) administered as if allocated under sec-
5 tion 203 of title 23, United States Code.

6 (i) *MEMBER DESIGNATED PROJECTS.*—

7 (1) *TREATMENT.*—

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

11 (B) *REQUIREMENTS.*—

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

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

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

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

1 (ii) *FEDERAL SHARE.*—*Notwith-*
 2 *standing any other provision of law, the*
 3 *Federal share of the cost of a project as-*
 4 *sisted with member designated project funds*
 5 *shall be determined in accordance with sec-*
 6 *tion 120 of title 23, United States Code, or,*
 7 *in the case of a transit capital project, may*
 8 *be determined in accordance with section*
 9 *5323(i)(1) of title 49, United States Code, if*
 10 *applicable.*

11 (iii) *TRANSIT PROJECTS.*—

12 (I) *TRANSFERS.*—*Member des-*
 13 *ignated project funds made available*
 14 *for transit capital and planning*
 15 *projects may be transferred to, and ad-*
 16 *ministered by, the Secretary in accord-*
 17 *ance with section 104(f) of title 23,*
 18 *United States Code.*

19 (II) *DESIGNATED RECIPIENTS.*—
 20 *Member designated project authoriza-*
 21 *tions specified in section 107 distrib-*
 22 *uted to a State for transit capital and*
 23 *planning projects shall be made avail-*
 24 *able for obligation to a designated or*
 25 *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,

1 *or territory may submit to the Secretary*
 2 *certification that such project has been com-*
 3 *pleted (and the Secretary shall verify such*
 4 *completion). Upon verification, the State,*
 5 *Puerto Rico, or territory, respectively, may*
 6 *use, under subparagraph (B)—*

7 *(I) the unobligated amount re-*
 8 *served for the member designated*
 9 *project; and*

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

12 *(B) CONSIDERATIONS.—In making the de-*
 13 *termination under subparagraph (A)(i), the Sec-*
 14 *retary shall—*

15 *(i) consider whether the member des-*
 16 *ignated project can be completed with the*
 17 *amount reserved for the member designated*
 18 *project and other committed funds;*

19 *(ii) determine whether the public enti-*
 20 *ty serving as the project sponsor listed in*
 21 *the Committee Report, or any subsequent*
 22 *report superceding such Committee Report,*
 23 *accompanying this Act supports the pro-*
 24 *posed repurposing; and*

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

4 (C) *TREATMENT.*—Funds for which the Sec-
 5 retary approves a request or verifies a completed
 6 project under subparagraph (A)—

7 (i) may be used and shall be treated—

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

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

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

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

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

1 (iv) notwithstanding paragraph
2 (1)(A)(ii), shall remain available for obliga-
3 tion for a period of 3 fiscal years after the
4 last day of the fiscal year in which the Sec-
5 retary approves the request.

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

9 (i) for funds specified in section 107 to
10 be used within a metropolitan planning
11 area (as such term is defined in section
12 134(b) of title 23, United States Code), ap-
13 plied to an activity within or predomi-
14 nantly serving such metropolitan area;

15 (ii) for funds specified in section 107
16 to be used within a political subdivision of
17 a State, applied to an activity within or
18 predominantly serving such political sub-
19 division;

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

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

1 (E) *OBLIGATION AUTHORITY.*—*Notwith-*
 2 *standing subsection (b)(1)(B)(ii), obligation au-*
 3 *thority that is repurposed under this paragraph*
 4 *shall remain available for obligation for a period*
 5 *of 3 fiscal years after the last day of the fiscal*
 6 *year in which the Secretary approves the request*
 7 *or verifies the completed project under subpara-*
 8 *graph (A).*

9 **SEC. 104. FEDERAL TRANSIT ADMINISTRATION.**

10 (a) *ALL STATIONS ACCESSIBILITY PROGRAM.*—

11 (1) *IN GENERAL.*—*The Secretary may make*
 12 *grants under this subsection to assist eligible entities*
 13 *in financing capital projects to upgrade accessibility*
 14 *for persons with disabilities by increasing the number*
 15 *of covered stations that meet (including exceeding) the*
 16 *new construction standards of title II of the Ameri-*
 17 *cans with Disabilities Act of 1990 (42 U.S.C. 12131*
 18 *et seq.).*

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

22 (A) *for a project to repair, improve, or relo-*
 23 *cate station infrastructure at a covered station;*

1 (B) to develop or modify a plan for pur-
2 suing public transportation accessibility projects;
3 or

4 (C) to carry out other projects at covered
5 stations that meet (including exceeding) the new
6 construction standards of title II of the Ameri-
7 cans with Disabilities Act of 1990 (42 U.S.C.
8 12131 et seq.).

9 (3) *ELIGIBLE FACILITIES.*—*The Secretary—*

10 (A) may not provide a grant awarded
11 under this subsection to upgrade a station that
12 is accessible to and usable by individuals with
13 disabilities, including individuals who use wheel-
14 chairs, consistent with current new construction
15 standards under title II the Americans with Dis-
16 abilities Act of 1990 (42 U.S.C. 1231 et seq.);
17 and

18 (B) may provide a grant to upgrade a sta-
19 tion that is not accessible and usable as described
20 in paragraph (1), even if related services, pro-
21 grams, or activities, when viewed in entirety, are
22 readily accessible and usable as so described.

23 (4) *APPLICATION.*—*To apply for a grant under*
24 *this subsection, an applicant shall provide to the Sec-*

1 *retary such information as the Secretary may re-*
2 *quire, including, at a minimum, information on—*

3 *(A) the extent to which the proposed project*
4 *will increase the accessibility of a covered sys-*
5 *tem;*

6 *(B) projected improvements in access to*
7 *jobs, community activities, and essential destina-*
8 *tions provided by such project;*

9 *(C) the applicant's plans to—*

10 *(i) enhance the customer experience*
11 *and maximize accessibility of rolling stock*
12 *and stations for individuals with disabil-*
13 *ities;*

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

18 *(iii) address equity of service to all*
19 *riders regardless of ability, including for*
20 *riders of differing abilities that are low-in-*
21 *come, seniors, or riders from communities of*
22 *color; and*

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

1 (5) *FEDERAL SHARE.*—*The Federal share of the*
 2 *net project cost of a grant provided under this sub-*
 3 *section shall be 90 percent. The recipient may provide*
 4 *additional local matching amounts.*

5 (6) *GRANT REQUIREMENTS.*—*Except as other-*
 6 *wise provided under this subsection, a grant provided*
 7 *under this subsection shall be subject to the require-*
 8 *ments of section 5307 of title 49, United States Code.*

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

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

16 (9) *AVAILABILITY OF AMOUNTS.*—*Amounts made*
 17 *available under this subsection—*

18 (A) *shall remain available for 4 fiscal years*
 19 *after the fiscal year for which the amount is*
 20 *made available; and*

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

24 (10) *DEFINITIONS.*—*In this section:*

1 (A) *COVERED STATION*.—The term “covered
2 station” means a rail fixed guideway public
3 transportation station for passenger use con-
4 structed prior to the date of enactment of this
5 Act.

6 (B) *COVERED SYSTEM*.—The term “covered
7 system” means a rail fixed guideway public
8 transportation system that was in operation be-
9 fore July 26, 1990.

10 (C) *DISABILITY*.—The term “disability” has
11 the meaning given such term in section 3 of the
12 Americans with Disabilities Act of 1990 (42
13 U.S.C. 12102).

14 (D) *ELIGIBLE ENTITY*.—The term “eligible
15 entity” means a State or local governmental au-
16 thority that operates a rail fixed guideway pub-
17 lic transportation system that was in operation
18 before July 26, 1990.

19 (b) *REDUCING TRANSIT DESERTS*.—

20 (1) *IN GENERAL*.—The Secretary may make
21 grants under this subsection to eligible recipients for
22 eligible projects to establish new bus service or in-
23 crease the frequency of bus service.

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

1 (A) to establish or enhance bus service with
2 headways equal to or shorter than 20 minutes for
3 at least 18 hours per day in neighborhoods lack-
4 ing such service;

5 (B) to establish or increase express lane
6 transit service that connects communities to jobs
7 and essential destinations, as long as such serv-
8 ice will improve mobility or expand affordable
9 transportation options in underserved commu-
10 nities; or

11 (C) to establish or enhance high-quality bus
12 service to community colleges and Minority
13 Serving Institutions, including Historically
14 Black Colleges and Universities.

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

17 (A) acquisition of vehicles;

18 (B) acquisition, installation, and construc-
19 tion of bus stops, stations, and related infra-
20 structure;

21 (C) construction or expansion of mainte-
22 nance facilities to support the new or enhanced
23 service;

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

1 (E) operating expenses for up to 2 years be-
 2 ginning on the first day of revenue service.

3 (4) *APPLICATION.*—*To apply for a grant under*
 4 *this subsection, an applicant shall provide to the Sec-*
 5 *retary such information as the Secretary may re-*
 6 *quire, including information on the extent to which*
 7 *the project will—*

8 (A) *provide reliable and frequent connec-*
 9 *tions to jobs, education and workforce training,*
 10 *and essential destinations;*

11 (B) *reduce air pollution and greenhouse gas*
 12 *emissions; and*

13 (C) *support unserved and underserved pop-*
 14 *ulations and communities.*

15 (5) *FEDERAL SHARE.*—

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

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

25 (6) *GRANT REQUIREMENTS.*—

1 (A) *IN GENERAL.*—A grant under this sub-
 2 section shall be subject to the requirements of sec-
 3 tion 5307 of title 49, United States Code, for eli-
 4 gible recipients, except operating expenses shall
 5 be eligible for funding under this subsection for
 6 2 years beginning on the first day of revenue
 7 service in urbanized areas with populations
 8 greater than 200,000.

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

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

15 (8) *JUSTICE40 INITIATIVE.*—In making competi-
 16 tive grants under this subsection, the Secretary shall,
 17 to the extent practicable, have a goal that 40 percent
 18 of the overall benefits of the Federal investment flow
 19 to disadvantaged communities, consistent with sec-
 20 tions 219 and 223 of Executive Order 14008 and re-
 21 lated regulations, Executive Orders, and administra-
 22 tive guidance.

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

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

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

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

11 (11) *DEFINITIONS.*—In this subsection:

12 (A) *ELIGIBLE AREA.*—The term “eligible
 13 area” means a neighborhood or service area, as
 14 defined by the Secretary, within an urbanized
 15 area that has a population of more than 100,000
 16 where fewer than 45,000 annual fixed route bus
 17 vehicle revenue miles per square mile are oper-
 18 ated.

19 (B) *ELIGIBLE RECIPIENT.*—The term “eligi-
 20 ble recipient” means—

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

1 (ii) *State or local governmental enti-*
 2 *ties that operate or propose to operate fixed*
 3 *route bus service or express lane transit.*

4 (C) *EXPRESS LANE TRANSIT.*—*The term*
 5 *“express lane transit” means an integrated com-*
 6 *bination of bus rapid transit and tolled managed*
 7 *lanes that allows for limited access entry of toll*
 8 *paying vehicles to restricted lanes, while*
 9 *prioritizing transit’s need and use of available*
 10 *capacity in order to improve transit perform-*
 11 *ance.*

12 (c) *FEDERAL SHARE ADJUSTMENTS.*—

13 (1) *IN GENERAL.*—*In addition to amounts made*
 14 *available under section 5338(b) of title 49, United*
 15 *States Code, and section 102(a)(2)(B)(iii) of this di-*
 16 *vision, there are authorized to be appropriated for fis-*
 17 *cal year 2022 such sums as may be necessary to in-*
 18 *crease the Federal share, at the request of the project*
 19 *sponsor, of a new fixed guideway, a core capacity im-*
 20 *provement, or a small starts project that is not open*
 21 *to revenue service and that has received an allocation*
 22 *of funding in fiscal years 2019, 2020, or 2021.*

23 (2) *CRITERIA.*—*In making allocations under*
 24 *subparagraph (1), the Secretary shall take into con-*
 25 *sideration the extent to which the project sponsor*

1 *demonstrates a need for a higher Federal share, in-*
 2 *cluding the extent to which—*

3 *(A) a project sponsor made a local financial*
 4 *commitment that exceeded the required non-Fed-*
 5 *eral share of the cost of the project; and*

6 *(B) a project sponsor has experienced, as a*
 7 *result of the coronavirus public health emer-*
 8 *gency.*

9 (3) *ADJUSTMENT.*—*Notwithstanding any other*
 10 *provision of law, if a project meets 1 or both of the*
 11 *criteria in paragraph (2), the Secretary shall increase*
 12 *the Federal share of a project under this section by*
 13 *up to 30 percent, up to a maximum of an 80 percent*
 14 *Federal share.*

15 (4) *AMOUNT.*—*Amounts distributed under this*
 16 *subsection shall be provided notwithstanding the limi-*
 17 *tation of any calculation of the maximum amount of*
 18 *Federal financial assistance for the project for a new*
 19 *fixed guideway, a core capacity improvement, or a*
 20 *small start project.*

21 **SEC. 105. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
 22 **TRATION.**

23 (a) *SPECIAL FUNDING FOR FISCAL YEAR 2022.*—

24 (1) *IN GENERAL.*—

1 (A) *AUTHORIZATION OF APPROPRIA-*
2 *TIONS.—In addition to amounts authorized*
3 *under section 102, there is authorized to be ap-*
4 *propriated from the Highway Account for fiscal*
5 *year 2022, for activities under this subsection,*
6 *\$244,514,000.*

7 (B) *CONTRACT AUTHORITY.—Amounts au-*
8 *thorized under subparagraph (A) shall be avail-*
9 *able for obligation in the same manner as if such*
10 *funds were apportioned under chapter 1 of title*
11 *23, United States Code.*

12 (C) *OBLIGATION LIMITATION.—Notwith-*
13 *standing any other provision of law, for fiscal*
14 *year 2022, obligations for activities authorized*
15 *under this paragraph and obligations for activi-*
16 *ties authorized under section*
17 *102(a)(2)(A)(i)(II)(bb) that exceed amounts au-*
18 *thorized under section 4001(a)(6) of the FAST*
19 *Act (Public Law 114–94) shall not exceed*
20 *\$247,783,000.*

21 (2) *DISTRIBUTION OF FUNDS.—Amounts author-*
22 *ized to be appropriated for fiscal year 2022 under*
23 *paragraph (1) shall be distributed as follows:*

24 (A) *\$105,000,000 for carrying out section*
25 *402 of title 23, United States Code.*

1 (B) \$15,312,000 for carrying out section
2 403 of title 23, United States Code.

3 (C) \$19,202,000 for carrying out section
4 404 of title 23, United States Code.

5 (D) \$105,000,000 for carrying out section
6 405 of title 23, United States Code.

7 (b) *COOPERATIVE RESEARCH AND EVALUATION.*—Not-
8 withstanding the apportionment formula set forth in section
9 402(c)(2) of title 23, United States Code, and section
10 403(f)(1) of title 23, United States Code, \$2,500,000 of the
11 total amount available for apportionment to the States for
12 highway safety programs under section 402(c)(2) of title 23,
13 United States Code, fiscal year 2022, shall be available for
14 expenditure by the Secretary, acting through the Adminis-
15 trator of the National Highway Traffic Safety Administra-
16 tion, for a cooperative research and evaluation program to
17 research and evaluate priority highway safety counter-
18 measures.

19 **SEC. 106. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
20 **TION.**

21 (a) *SPECIAL FUNDING FOR FISCAL YEAR 2022.*—

22 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

23 (A) *IN GENERAL.*—In addition to amounts
24 authorized under section 102, there is authorized
25 to be appropriated from the Highway Account

1 *for fiscal year 2022, for activities under this sub-*
2 *section, \$209,900,000.*

3 *(B) OBLIGATION LIMITATION.—Notwith-*
4 *standing any other provision of law, for fiscal*
5 *year 2022, obligations for activities authorized*
6 *under this paragraph shall not exceed*
7 *\$209,900,000.*

8 *(2) DISTRIBUTION OF FUNDS.—Amounts author-*
9 *ized to be appropriated for fiscal year 2022 under*
10 *paragraph (1) shall be distributed as follows:*

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

13 *(i) \$80,512,000 for carrying out sec-*
14 *tion 31102 (except subsection (l)) of title 49,*
15 *United States Code);*

16 *(ii) \$14,208,000 for carrying out sec-*
17 *tion 31102(l) of title 49, United States*
18 *Code; and*

19 *(iii) \$23,680,000 for carrying out sec-*
20 *tion 31313 of title 49, United States Code.*

21 *(B) \$91,500,000 for carrying out section*
22 *31110 of title 49, United States Code.*

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

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

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

8 *(1) the acceleration of planned investments to*
 9 *modernize the Administration’s information tech-*
 10 *nology and information management systems;*

11 *(2) the completion of outstanding statutory man-*
 12 *dates required by MAP–21 (112–141) and the FAST*
 13 *Act (114–94); and*

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

16 **SEC. 107. MEMBER DESIGNATED PROJECT AUTHORIZA-**
 17 **TIONS.**

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

23 **(b) SAVINGS CLAUSE.**—

24 **(1) ADDITIONAL INFORMATION.**—*In admin-*
 25 *istering member designated projects, the Secretary*

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

5 (2) *SUBSEQUENT PHASES.—*

6 (A) *IN GENERAL.—Subject to subparagraph*
7 *(B), nothing in the table in subsection (c), or in*
8 *the Committee Report, or any subsequent report*
9 *superceding such Committee Report, accom-*
10 *panying this Act, shall prevent the Secretary, at*
11 *the discretion of the Secretary, from allowing a*
12 *subsequent phase of a member designated project*
13 *to be carried out with funds reserved for such*
14 *project under subsection (c).*

15 (B) *PROJECT SPONSOR CONCURRENCE.—*

16 *The Secretary shall only allow under this para-*
17 *graph a subsequent phase of a member des-*
18 *ignated project to be carried out with funds re-*
19 *served for such project under subsection (c) with*
20 *the concurrence of the project sponsor for such*
21 *project listed in the Committee Report, or any*
22 *subsequent report superseding such Committee*
23 *Report, accompanying this Act.*

24 (3) *REPURPOSING.—Nothing in the table in sub-*
25 *section (c), or the Committee Report, or any subse-*

1 *quent report superceding such Committee Report, ac-*
 2 *companying this Act, shall prevent funds reserved for*
 3 *a member designated project from being repurposed as*
 4 *described in section 103(i)(2), provided that all re-*
 5 *quirements in such section are satisfied.*

6 *(c) PROJECT DESIGNATIONS.—The table in this sub-*
 7 *section is as follows:*

No.	Project Name	City	State/Ter- ritory	Amount
1	Cowles Street Reconstruction	Fairbanks	AK	7,955,000
2	Replace Bridge 114.3	Anchorage	AK	6,421,200
3	Seldon Road Ex- tension, Phase 2	Wasilla	AK	5,623,800
4	Alabama State Highway 77 Northbound Bridge Re- placement Project	Southside	AL	2,396,200
5	Lighting and Landscaping on I-85 at Exit 57	Auburn	AL	1,840,000
6	Realignment of SR-22 to US- 431	Roanoke	AL	8,005,000
7	Red Bay Inter- change Light- ing at SR-24 (Corr V) and SR-19	Red Bay	AL	860,000
8	Widening of Hwy 411	Moody	AL	509,000
9	Bridge Replace- ment on CR- 39	Montgomery	AL	2,339,717
10	Bridge Replace- ment over Sipsey River	Greene and Pickens Coun- ties	AL	3,296,963

No.	Project Name	City	State/Territory	Amount
11	Dallas County— Bridge Re- placement on SR-14	Dallas County	AL	6,239,939
12	Resurfacing on US-43	Marengo County	AL	1,616,000
13	Resurfacing on US-84	Choctaw County	AL	1,616,000
14	Streetscape— Civil Rights District Free- dom Trail	Birmingham	AL	2,000,000
15	Streetscape— Richard Arrington Blvd Safety Improvements	Birmingham	AL	1,969,664
16	Future I-57	Clay County	AR	20,000,000
17	56th Street Roadway Mo- bility and Safety Im- provements	Phoenix	AZ	5,000,000
18	5th/6th Street Complete Streets Project	Tucson	AZ	7,000,000
				3,500,000
				3,500,000
19	77th Street Ac- cess Improve- ments	Scottsdale	AZ	1,102,748
20	Chino Road Ex- tension Phase II	Douglas	AZ	2,910,000
21	Cool Pavement Program	Phoenix	AZ	3,200,000
22	Davis Road Mileposts 5 & 13	Tombstone and McNeal	AZ	4,000,000
23	Downtown Elec- tric Vehicle Charging Sta- tions	Phoenix	AZ	2,400,000
24	Drexel Road Ex- tension and Bridge Project	Tucson	AZ	5,000,000
25	Electric Bus In- frastructure	Flagstaff	AZ	1,485,000
26	Flashing Yellow Arrow (FYA) Phase III	Glendale	AZ	800,000

No.	Project Name	City	State/Territory	Amount
27	Grand Canalscape Improvements Phase IV: 47th Avenue to Interstate 17	Phoenix	AZ	5,000,000
28	Highline Canal Recreational Path Lighting Replacement	Guadalupe	AZ	501,824
29	I-10, Loop 202 to SR 387	Phoenix	AZ	5,000,000
30	Intersection Safety Improvements at Six High-Crash Locations in Phoenix	Phoenix	AZ	5,760,000
31	Kyrene Branch Canal Shared Use Path	Chandler	AZ	1,758,000
32	Lone Tree Corridor	Flagstaff	AZ	8,000,000
33	Pathway Project, Baffert Dr to Nogales High School	Nogales	AZ	1,220,169
34	Peters Road Widening	Casa Grande	AZ	5,000,000
35	San Xavier Road Pedestrian Pathway Project	Tucson	AZ	814,000
36	Sonoran Corridor Tier II EIS	Tucson	AZ	5,000,000
37	South Campbell Avenue Complete Streets Project	Tucson	AZ	6,209,831
38	Tempe/Mesa Streetcar Rio Salado East Extension	Tempe and Mesa	AZ	4,000,000
39	Tucson Regional North-South Bus Rapid Transit (BRT) Corridor	Tucson	AZ	6,512,000
				3,256,000

No.	Project Name	City	State/Territory	Amount
				3,256,000
40	US89/ Lake Powell Blvd Roundabout	Page	AZ	5,000,000
				2,500,000
				2,500,000
41	California State Route 57/60 Confluence Chokepoint Relief Program	Diamond Bar	CA	18,000,000
42	Cohasset Road Widening and Fire Safety Project	Cohasset	CA	900,000
43	Commerce Center Drive Bridge, Los Angeles County	Unincorporated Los Angeles County	CA	3,666,666
44	Creating the Next-Generation Santa Ana Regional Transportation Center	Santa Ana	CA	1,280,000
45	First Avenue Bridges Replacement over Mojave River and Overflows	Barstow	CA	7,000,000
46	First Street Pedestrian Improvements	Santa Ana	CA	4,000,000
47	Fix 5 Cascade Gateway	Redding	CA	15,000,000
48	Harbor Boulevard Street Improvements	Garden Grove	CA	6,248,303
49	Intersection Safety Improvements Projects	Anaheim	CA	750,000
50	Interstate 10/ Wildwood Canyon Road Interchange Project	Yucaipa	CA	1,000,000

No.	Project Name	City	State/Territory	Amount
51	Interstate 15 (I-15)/State Route 78 (SR-78) Managed Lanes Project	Escondido	CA	20,000,000
52	Interstate 15 Corridor Operations Project	Corona	CA	3,000,000
53	National Trail Highway Widening	Victorville	CA	5,000,000
54	Plant 42 Access and Safety Enhancements	Palmdale	CA	8,666,666
55	Quick Fix Circulation Improvement Project	Santa Clarita	CA	3,666,666
56	Roe Road Extension Project—Phase 1	Paradise	CA	1,800,000
57	Scott Road/Bundy Canyon Road Widening Project	Menifee	CA	12,000,000
58	Sequoia Avenue Railroad Grade Crossing Upgrade	Simi Valley	CA	4,000,000
59	Southgate Interchange (EIR Only)	Chico	CA	1,800,000
60	SR-210 5th Street Interchange	Highland	CA	3,000,000
61	State Route 41 Excelsior Corridor Project	Fresno County	CA	20,000,000
62	Temescal Canyon Road Widening Project (El Cerrito Segment)	Corona	CA	5,000,000
63	The Anaheim Way: Night Owl Transit Service	Anaheim	CA	650,000

No.	Project Name	City	State/Territory	Amount
64	Transit Security & Operations Center	Anaheim	CA	5,000,000
65	US395 Olancho-Cartago 4 Lane Project	Olancho, Cartago	CA	2,000,000
66	"I" Street Operating Maintenance Facility Rehabilitation Project	San Bernardino	CA	2,000,000
67	Street Resurfacing Project	Daly City	CA	1,000,000
68	5 and 134 Freeway Electric Vehicle DC Fast Charging Network	Burbank	CA	1,000,000
				500,000
				500,000
69	7th Street Bridge	Modesto	CA	6,500,000
70	ADA Curb-Ramp and Sidewalk Improvements	Long Beach	CA	1,450,000
71	Additional Mini Highways at Caltrain Stations	San Francisco, Burlingame, San Mateo, Belmont, Palo Alto, Mountain View, Sunnyvale, San Jose, Morgan Hill, San Martin, and Gilroy	CA	856,000
				306,000
				550,000
72	Agnew Siding Track Infrastructure Project	Santa Clara	CA	6,610,000
73	Alder Avenue Improvements at SR-210	Rialto	CA	2,380,000
74	Altadena Community Safe Routes to School Plan	Altadena	CA	480,000

No.	Project Name	City	State/Territory	Amount
75	<i>Amar Road Complete Streets from Baldwin Park Boulevard to Unruh Avenue, Unincorporated West Puente Valley, CA</i>	<i>La Puente</i>	<i>CA</i>	<i>2,250,000</i>
76	<i>Anaheim Street Corridor Improvements</i>	<i>Long Beach</i>	<i>CA</i>	<i>12,000,000</i>
77	<i>Antioch Bicycle Garden</i>	<i>Antioch</i>	<i>CA</i>	<i>2,000,000</i>
78	<i>Appian Way Pedestrian Crossing Enhancements</i>	<i>El Sobrante</i>	<i>CA</i>	<i>2,000,000</i>
79	<i>Arcade-Cripple Creek Trail (formerly Electric Greenway Trail)</i>	<i>Citrus Heights and Orangevale</i>	<i>CA</i>	<i>1,100,000</i>
80	<i>Arrow Highway Median Island Installation Project from Azusa Avenue to Citrus Avenue</i>	<i>Azusa</i>	<i>CA</i>	<i>3,000,000</i>
81	<i>Arrow Highway Rehabilitation Project from East City Limit to West City Limit</i>	<i>San Dimas</i>	<i>CA</i>	<i>1,600,000</i>
82	<i>Artesia Great Boulevard</i>	<i>Long Beach</i>	<i>CA</i>	<i>8,000,000</i>
83	<i>At-grade Caltrain Crossing Safety Project—E. Bellevue Avenue and Villa Terrace</i>	<i>San Mateo</i>	<i>CA</i>	<i>3,000,000</i>
84	<i>Atlantic Avenue Improvements</i>	<i>Los Angeles</i>	<i>CA</i>	<i>5,200,000</i>

No.	Project Name	City	State/Territory	Amount
85	<i>Atwater-Merced Expressway (AME) Phase 1B Right of Way acquisition</i>	<i>Merced</i>	<i>CA</i>	<i>2,000,000</i>
86	<i>Azusa Avenue Pedestrian Handicap Accessibility & Signal Synchronization Improvements Project</i>	<i>West Covina</i>	<i>CA</i>	<i>3,000,000</i>
87	<i>Bay Bridge Forward – I-80/Powell Street Transit Access and I-80 Westbound Bus Lane Extension</i>	<i>Emeryville and Oakland</i>	<i>CA</i>	<i>3,000,000</i>
88	<i>Bay Trail at Shoreline Park</i>	<i>San Leandro</i>	<i>CA</i>	<i>3,000,000</i>
89	<i>Bay Trail Connectivity—Vista Point Bay Trail</i>	<i>Sausalito</i>	<i>CA</i>	<i>1,300,000</i>
90	<i>Belmont Alameda de las Pulgas Corridor Project</i>	<i>Belmont</i>	<i>CA</i>	<i>2,400,000</i>
91	<i>Beverly and Robertson Boulevards Complete Street Improvements</i>	<i>West Hollywood</i>	<i>CA</i>	<i>3,000,000</i>
92	<i>Boulder Creek Complete Streets Improvements Project</i>	<i>Boulder Creek</i>	<i>CA</i>	<i>1,500,000</i>
93	<i>Broadway Rehabilitation Project</i>	<i>Glendale</i>	<i>CA</i>	<i>2,008,000</i>

No.	Project Name	City	State/Territory	Amount
94	Build a non-motorized multi-use path along State Route 1, connecting the communities of Morro Bay and Cayucos in San Luis Obispo County	Cayucos	CA	4,000,000
95	Bus/Rail Support Facilities and Equipment (Trolley Yard Expansion Project)	San Diego	CA	2,000,000
96	Cabrillo Mole Phase II	Avalon	CA	6,700,000
97	Caltrain Crossing Optimization Project	San Jose	CA	315,000
98	Camino Pablo Pathway Rehabilitation Project	Orinda	CA	528,000
99	Capital South-East Connector—Segment D3 Class 1 Multi-Use Path and Broadband	Folsom	CA	2,000,000
100	Central Avenue Safety Improvement Project – Additional Roundabout	Alameda	CA	1,800,000
101	Central Mobility Hub Pre-Construction Project	San Diego	CA	25,000,000
				12,500,000
				12,500,000
102	Chandler Blvd Bike Path Gap Closure	Los Angeles	CA	400,000
103	Chapman Avenue/Lamplighter Street Traffic Signal	Garden Grove	CA	400,000

No.	Project Name	City	State/Territory	Amount
104	Chip Seal Program	Lakeport	CA	2,288,000
105	City of Ojai Electric Trolley	Ojai	CA	440,000
106	City of San Fernando Fixed Trolley Service – Electric Buses	City of San Fernando	CA	1,340,000
107	City of San Fernando Sidewalk Repair Project	City of San Fernando	CA	844,800
108	City of Vista Sidewalk Improvement Project on Nevada Avenue and Lemon Avenue	Vista	CA	820,368
109	Community Beautification Project	Glendale	CA	2,400,000
110	Cool Neighborhood Projects	Los Angeles	CA	1,000,000
111	Covina Grade Crossing Safety Projects throughout Metrolink Corridor	Covina	CA	3,000,000
112	Cudahy City-wide Complete Streets Improvement Project	Cudahy	CA	1,700,000
113	CUFC—Washington Street Widening Project	Stockton	CA	1,200,000
114	Culver CityBus Fleet Electrification Facility Infrastructure	Culver City	CA	3,500,000
115	Del Amo Boulevard Bridge Replacement and Signal Enhancements Project	Cerritos	CA	18,000,000

No.	Project Name	City	State/Territory	Amount
116	<i>Destination Crenshaw Streetscape Improvement Project</i>	<i>Los Angeles</i>	<i>CA</i>	<i>7,600,000</i>
117	<i>Downtown Mobility Phase 3A</i>	<i>San Diego</i>	<i>CA</i>	<i>5,600,000</i>
118	<i>Duarte—Donald & Bernice Watson Multi-Use Pathway Improvement Project</i>	<i>Duarte</i>	<i>CA</i>	<i>1,225,000</i>
119	<i>East Bayshore Road Safety Improvements</i>	<i>East Palo Alto</i>	<i>CA</i>	<i>1,000,000</i>
120	<i>East Los Angeles Community Mobility</i>	<i>Los Angeles</i>	<i>CA</i>	<i>800,000</i>
121	<i>East Oakland Hydrogen Fueling Upgrade</i>	<i>Oakland</i>	<i>CA</i>	<i>2,000,000</i>
122	<i>East San Fernando Valley Traffic Signals on the High Injury Network</i>	<i>Van Nuys and North Hollywood</i>	<i>CA</i>	<i>1,797,312</i>
123	<i>East San Fernando Valley Transit Corridor (ESFVTC) Transit-Oriented Community (TOC) Plan</i>	<i>Van Nuys, Arleta, Pacoima</i>	<i>CA</i>	<i>1,236,000</i>
124	<i>East San Fernando Valley Transit Corridor Project</i>	<i>City of San Fernando to Van Nuys</i>	<i>CA</i>	<i>10,000,000</i>
125	<i>East San Jose Corridor Safety Improvement Project</i>	<i>San Jose</i>	<i>CA</i>	<i>4,700,000</i>
126	<i>El Camino Real to Via De LaValle</i>	<i>San Diego</i>	<i>CA</i>	<i>2,500,000</i>

No.	Project Name	City	State/Territory	Amount
127	El Cerrito del Norte Area TOD Complete Streets Improvements Project	El Cerrito	CA	2,244,000
128	Electric Vehicle Car Share Program	San Pedro	CA	120,650
129	Elm Avenue Road Diet Reconstruction and Class IV-Ventura/California to North Avenue	Fresno	CA	3,750,000
130	Embarcadero Station Platform Elevator Capacity and Redundancy Project	San Francisco	CA	6,250,000
131	Emerald Necklace Quarry Clasp Peck Park Trail	Arcadia	CA	1,548,800
132	Evelyn Avenue Multi-Use Trail	Sunnyvale	CA	3,800,000
133	Flint Canyon Trail Repair/Restoration	La Cañada Flintridge	CA	4,800,000
134	Florence A Line FLM Improvements	Los Angeles	CA	4,000,000
135	Francisquito Avenue Metrolink At-Grade Safety Improvements	Baldwin Park	CA	2,300,000
136	Gardena GTrans Zero-Emission Bus Project	Gardena	CA	4,400,000
137	Garfield Avenue Complete Streets	San Pedro	CA	1,500,000
138	Glendora People Movement	Glendora	CA	5,000,000
139	Gold Line Light Rail Low Floor Station Conversion	Folsom and Rancho Cordova	CA	1,913,788

No.	Project Name	City	State/Territory	Amount
140	Golden Gate Bridge Physical Suicide Deterrent System (SDS) Project	San Francisco	CA	6,550,000
141	Hale Avenue/Santa Teresa Expressway Extension Phase 2A	Morgan Hill	CA	800,000
142	Harbor Drive 2.0	San Diego and National City	CA	800,000
				400,000
				400,000
143	Hawthorne—120th Street Improvement Project	Hawthorne	CA	950,000
144	High Voltage Conversion Fed Program Unit 2	City of Los Angeles	CA	347,200
145	Highland Avenue and Wabash Avenue Intersection Improvement Project	Redlands	CA	400,000
146	Highway 1 North Bicycle/Pedestrian Improvements Project	Half Moon Bay	CA	1,000,000
147	Highway 116/West Cotati Intersection Safety Improvement Project	Cotati	CA	2,000,000
148	Highway 24 LaMorinda Smart Signal System project	Orinda and Lafayette	CA	2,000,000
149	Highway 9 Safety Improvement Project	Monte Sereno	CA	520,000
150	Highways to Boulevards	Los Angeles	CA	480,000

No.	Project Name	City	State/Territory	Amount
151	<i>I Street Bridge Replacement Project</i>	<i>Sacramento and West Sacramento</i>	<i>CA</i>	<i>15,000,000</i>
152	<i>I-405 Sepulveda Pass (Phase 1) ExpressLanes</i>	<i>Los Angeles</i>	<i>CA</i>	<i>5,000,000</i>
153	<i>I-505 Vaca Valley Parkway Corridor Multimodal Improvements Project</i>	<i>Vacaville</i>	<i>CA</i>	<i>4,000,000</i>
154	<i>Inglewood Transit Connector (ITC)</i>	<i>Inglewood</i>	<i>CA</i>	<i>9,200,000</i>
155	<i>Interstate 15 Northern Extension (I-15 NEXT)</i>	<i>Jurupa Valley and Eastvale</i>	<i>CA</i>	<i>20,000,000</i>
156	<i>Jepson Parkway Vanden Road Complete Streets Project to Travis Air Force Base</i>	<i>Fairfield</i>	<i>CA</i>	<i>7,460,000</i>
157	<i>LA Streetcar Power Utility Relocations</i>	<i>Los Angeles</i>	<i>CA</i>	<i>2,000,000</i>
158	<i>Lawndale—Redondo Beach Blvd Project</i>	<i>Lawndale</i>	<i>CA</i>	<i>1,000,000</i>
159	<i>Leesdale Passing Siding Extension and Upgrade, Ventura County, CA</i>	<i>Camarillo</i>	<i>CA</i>	<i>6,000,000</i>
160	<i>Leucadia Streetscape Phase 2 (Shown in the TransNet as North Coast Highway 101 Beautification)</i>	<i>Encinitas</i>	<i>CA</i>	<i>4,000,000</i>
161	<i>Liberty Canyon (Crossing)</i>	<i>Agoura Hills</i>	<i>CA</i>	<i>5,000,000</i>
162	<i>Link Union Station</i>	<i>Los Angeles</i>	<i>CA</i>	<i>5,000,000</i>

No.	Project Name	City	State/Territory	Amount
163	Los Nietos Sunshine Shuttle Electric Bus Replacement	Unincorporated Los Nietos	CA	480,000
164	LOSSAN Corridor Improvements	Del Mar	CA	12,500,000
165	Malaga Bridge Project	Fontana	CA	15,000,000
166	Market Avenue Complete Street	N. Richmond	CA	2,170,000
167	Melrose Avenue Complete Street Improvements	West Hollywood	CA	4,944,149
168	Metro Purple Line Beverly/Wilshire North Portal Project	City Beverly Hills	CA	5,000,000
169	Middle Avenue Pedestrian/Bicycle Rail Crossing Project	Menlo Park	CA	6,500,000
170	Mission Bl/ Pine St Safety Improvement Project	Fremont	CA	2,000,000
171	Mobility for All Project	N. Richmond and Bay Point	CA	2,000,000
172	Mobility Wallet Demonstration and Research Study	Los Angeles County	CA	4,000,000
173	Monroe Street Interchange Project	Indio	CA	20,000,000
174	Napa Valley Vine Trail—Yountville to St. Helena	St. Helena	CA	3,000,000
175	New Traffic Signal at Morri-son and Sepulveda	Los Angeles	CA	710,000
176	New Traffic Signal at Plummer and White Oak Avenue	Los Angeles	CA	710,400

No.	Project Name	City	State/Territory	Amount
177	New Traffic Signal at Scott Creek Rd/Zinfandel St	Fremont	CA	950,000
178	New Transit Maintenance Facility	Commerce	CA	2,000,000
179	North San Jose Bike Plan Implementation	San Jose	CA	3,838,348
180	Oakland 7th St Bike/Ped Improvements	Oakland	CA	2,500,000
181	Oakland Alameda Access Project	Oakland and Alameda	CA	2,996,000
182	Ojai Avenue Pedestrian Crossing Safety Lighting Improvements	Ojai	CA	440,000
183	Old I Street Bridge Deck Conversion for Active Transportation Project	West Sacramento	CA	4,150,000
184	Old Town Streetscape Phase 2	Elk Grove	CA	2,000,000
185	Olive/Magnolia Bridge Safety Barrier Rail Project	Burbank	CA	2,000,000
186	Otay Mesa Truck Route Phase 4	San Diego	CA	1,300,000
187	Overlook and Viewpoint Improvements to end of Mouth of Smith River Road	Smith River	CA	500,000
188	Pacific Coast Highway at Crenshaw Boulevard Intersection Capacity Enhancements	City of Torrance	CA	652,800

No.	Project Name	City	State/Territory	Amount
189	Parkway Drive and Merced Street Bicycle and Pedestrian Improvements	El Monte	CA	2,600,000
190	Pedestrian, ADA, Traffic Signal and Pavement Improvements along Bus Routes	Temple City	CA	6,200,000
191	Pine Avenue Extension	Chino	CA	5,000,000
192	Port of Hueneme Intermodal Improvement Project to Modernize the Port Wharf and Pier and Cargo Facilities	Oxnard	CA	3,000,000
193	Port of Oakland Solar, Battery Storage and Electric Vehicle Truck Charger Deployment	Oakland	CA	1,000,000
194	Puddingstone Drive Bicycle and Pedestrian Project	La Verne	CA	998,000
195	Purchase of eleven Battery-Electric Buses—SLORTA	San Luis Obispo	CA	5,000,000
196	Quint-Jerrold Connector Road	San Francisco	CA	7,200,000
197	Rail to Rail/River Active Transportation Corridor Project	Los Angeles	CA	5,000,000
198	Reche Canyon Road Alignment	Colton	CA	4,452,000

No.	Project Name	City	State/Territory	Amount
199	Replacement of 2nd Street Bridge over Warm Creek	San Bernardino	CA	2,000,000
200	Resilient State Route 37 Corridor Enhancement Program	Sonoma	CA	7,000,000
201	Richmond Parkway Transit Center and Freeway Access Improvements	Richmond	CA	1,000,000
202	San Fernando Road Bike Path Phase III	Sun Valley and North Hollywood	CA	594,027
203	San Francisco Bay Area Rapid Transit (BART) Station Restroom and Lighting Enhancements	Oakland, San Leandro, Berkeley	CA	3,000,000
204	San Francisco Bay Area regional advance mitigation program	Alameda, Contra Costa, and Santa Clara counties	CA	5,000,000
205	San Pablo Avenue Rehabilitation, City Limits to Pinole Shores	Pinole	CA	742,000
206	San Rafael Channel Crossing Swing Bridge	San Rafael	CA	2,000,000
207	Santa Cruz METRO Bus Replacements	Santa Cruz	CA	1,840,000
208	Santa Cruz Paratransit Vans Replacement Project	Santa Cruz	CA	505,750
209	Saratoga Pedestrian Walkway Project	Saratoga	CA	1,200,000

No.	Project Name	City	State/Territory	Amount
210	Scotts Creek Coastal Resiliency Project	Unincorporated Santa Cruz County north of Davenport	CA	3,500,000
211	Sepulveda Transit Corridor	City of Los Angeles	CA	10,000,000
				5,000,000
				5,000,000
212	Serramonte Boulevard and Serramonte Center Drive-way Traffic Signal	Colma	CA	400,000
213	Sharp Park Priority Development Area (PDA) Access Resurfacing Project	Pacifica	CA	960,000
214	Slauson Avenue Congestion	Huntington Park	CA	1,000,000
215	SMART Russian River Rail Bridge Rehabilitation	Healdsburg	CA	13,606,840
216	Solar Energy Project (Phase 2)	Stockton	CA	5,300,000
217	SR 86 Improvement Project	Imperial	CA	3,000,000
218	SR128/I-505 Overcrossing (Br. 22-0110)/ Russell Blvd Bicycle and Pedestrian Improvements	Winters	CA	8,540,000
219	State Route 11/ Otay Mesa East Port of Entry	San Diego	CA	12,500,000
220	State Route 132 West Project	Modesto	CA	12,000,000
221	State Route 25 Expressway Conversion and State Route 25/156 Interchange Project	Hollister	CA	10,000,000

No.	Project Name	City	State/Territory	Amount
222	State Route 37 and Fairgrounds Drive Interchange Improvements	Vallejo	CA	4,000,000
223	State Route 99 Madera South—Operational Improvement Project	Madera	CA	10,000,000
224	Stockton Rail Maintenance Facility Expansion	Stockton	CA	6,715,000
225	Sustainable Mobility Expansion Project	Redlands	CA	1,756,630
226	Tarzana Crossing Great Streets Project	Tarzana—Los Angeles	CA	500,000
227	The Highway 101 Multimodal Corridor Project from Santa Barbara to Montecito with improvements on Highway 101 (SB-101-PM 9.1/12.3) and Adjacent Local Streets including the Cabrillo Boulevard Bicycle and Pedestrian Improvement Project	Santa Barbara	CA	11,000,000
228	Thornton Avenue Pavement Rehabilitation	Newark	CA	2,000,000
229	Torrance to Florence Bus Service	Torrance	CA	4,432,924

No.	Project Name	City	State/Territory	Amount
230	Track Rehabilitation of the San Bernardino Line	City of Rancho Cucamonga, California spanning to the City of Montclair, California including the cities of Rancho Cucamonga, Upland, and Montclair	CA	2,000,000
231	Traffic Signal System Upgrades on I-680 Project	Danville, Walnut Creek, Concord, Pleasant Hill	CA	6,000,000
232	Tri MyRide Fleet Expansion Project	Antioch	CA	1,760,000
				880,000
				880,000
233	TRI-CONNECT, SoCal Freight Initiative	Los Angeles	CA	3,357,895
234	U.S. 101 and Del Norte Boulevard Interchange	Ornard	CA	3,000,000
235	Union Street Protected Bike Lanes	Pasadena	CA	1,600,000
236	US 101 / Woodside Interchange Improvement	Redwood City	CA	2,500,000
237	US 101 Safety Improvements—South of Salinas	Salinas and Chualar (Monterey County)	CA	2,000,000
238	US 101/SR 25 Interchange Phase 2—Santa Teresa Boulevard Extension	Gilroy	CA	5,000,000
239	US-101 Managed Lane Project North of I-380	San Mateo	CA	10,000,000

No.	Project Name	City	State/Territory	Amount
240	Valley Link— Implementation of Sustainability Blueprint	Livermore	CA	20,000,000
241	Vasco Road Safety Improvements Phase II	Byron	CA	3,905,000
242	Vermont Transit Corridor Improvements	Los Angeles	CA	10,000,000
				3,900,000
				6,100,000
243	Walnut Park Bus Stop Improvements	Walnut Park	CA	1,200,000
244	Walnut Park Pedestrian Plan Implementation	Walnut Park	CA	1,200,000
245	Warm Springs Grade Crossing Improvements	San Jose	CA	7,703,100
246	West Berkeley Bicycle and Pedestrian Improvements	Berkeley	CA	704,000
247	West San Jose Priority Bikeways Implementation Project	San Jose	CA	3,285,680
248	West Santa Ana Branch Transit Corridor	Los Angeles	CA	5,000,000
249	West Valley Connector Bus Rapid Transit—Phase 1, and Zero-Emission Bus Initiative	San Bernardino	CA	5,000,000
250	White Rock Road—0.5 Miles East of Rancho Cordova Parkway to the Easterly City Limits	Rancho Cordova	CA	12,307,000

No.	Project Name	City	State/Territory	Amount
251	Widen Central Ave to add new Class II Bike Lanes near U.S. 101 to the north-west city limits	Camarillo	CA	4,000,000
252	Wilmington Waterfront-Avalon Pedestrian Bridge	Wilmington	CA	1,000,000
253	Woodman Ave. Pedestrian Improvement Project	Panorama City	CA	3,256,591
254	Ygnacio Valley Road Project	Walnut Creek	CA	1,000,000
255	Yosemite Area Regional Transportation System	Merced	CA	2,250,000
256	Zero Emission Bus Replacements, Charging Infrastructure and Zero Emissions Job Training	Oxnard	CA	1,675,000
257	Zero Emission Buses and Charging Infrastructure	Wilmington	CA	5,000,000
258	Zero Emissions Bus Purchase—Pasadena, CA	Pasadena	CA	2,100,000
259	16th St Mall Reconstruction Program	Denver	CO	6,530,000
260	Aurora Bicycle and Pedestrian Master Plan Update	Aurora	CO	800,000
261	Big Barnes Ditch Trail Improvements	Loveland	CO	500,000
262	Cameron Peak Post-Fire Emergency Funding	Larimer County	CO	2,000,000

No.	Project Name	City	State/Territory	Amount
263	Central Corridor Rail Replacement	Denver	CO	7,930,000
264	CO 9 Widening from Iron Springs to Frisco	Summit County	CO	1,000,000
265	Easter/Havana Intersection Improvements	Centennial	CO	6,000,000
266	Eisenhower Johnson Memorial Tunnel (EJMT) Repairs and Upgrades	Dillon	CO	4,000,000
267	Expansion of Gun Club Road	Aurora	CO	1,500,000
268	Federal Parkway Multimodal Transportation Improvements	Westminster	CO	4,107,114
269	Frisco Transit Center	Frisco	CO	6,650,000
270	I-25 Valley Highway: Phases 3 and 4 ROW Acquisition	Denver	CO	5,530,000
271	I-25/Belleview Avenue Interchange Improvements	Greenwood Village	CO	10,000,000
272	I-70 and 32nd Ave. Bridge Replacement	Wheat Ridge	CO	2,000,000
273	SH-72 (Indiana St) Widening at UPRR	Arvada	CO	1,095,872
274	State Highway 119 and State Highway 52 Multimodal Intersection Improvements	Boulder County	CO	5,000,000
275	US 36 and Community Drive Roundabout	Estes Park	CO	850,000

No.	Project Name	City	State/Territory	Amount
276	Wadsworth Widening: 35th Avenue to I-70	Wheat Ridge	CO	10,000,000
277	West Colfax Pedestrian Safety and Infrastructure Project	Lakewood	CO	1,750,000
278	Branchville Transit Oriented Development Pedestrian/Bicycle Improvement	Ridgefield	CT	1,853,120
279	Comstock Brook Bridge (No. 04975) Replacement	Wilton	CT	2,400,000
280	Coventry Main Street Sidewalk Project Final Extension	Coventry	CT	1,200,000
281	CT-195 (Storrs Road) Pedestrian Safety Improvements	Mansfield	CT	2,240,000
282	East Haddam/Haddam Swing Bridge Rehabilitation Project	East Haddam	CT	5,000,000
283	Essex River Road Bridge and Sidewalk Project	Essex	CT	2,400,000
284	Five Mile River Bridge (No. 04152) Replacement	Norwalk	CT	2,860,000
285	Greater Hartford Mobility Study – Planning and Preliminary Engineering	Hartford and East Hartford	CT	16,000,000
286	Greenwich Creek Bridge (No. 01872) Replacement	Greenwich	CT	2,530,000

No.	Project Name	City	State/Territory	Amount
287	Harbor Brook Bridge (No. 04185) Replacement Project	Meriden	CT	2,800,000
288	Intersection Improvements on Route 39 at Beckerle Street and East Gate Road	Danbury	CT	3,332,000
289	Mill River Bridge (No. 04953) Replacement	Fairfield	CT	2,700,000
290	New Haven Downtown Crossing Phase 4 – Temple Street Crossing	New Haven	CT	20,000,000
291	New London Pedestrian Bridge and Public Access Project	New London	CT	4,860,000
292	Park Avenue Traffic Signals	Bridgeport	CT	2,686,000
293	Quinebaug River Trail – Plainfield Section	Plainfield	CT	2,179,953
294	Route 10 Hop Brook Bridge (No. 00653) Replacement Project	Simsbury	CT	2,400,000
295	Route 109 Bridge (No. 05417) Replacement Project	Morris	CT	1,520,000
296	Route 202 Intersection Improvement Project	Brookfield	CT	7,400,000
297	Route 25 Bridge (No. 06750) Rehabilitation	Trumbull	CT	1,464,000

No.	Project Name	City	State/Territory	Amount
298	Stamford Transportation Center Improvement	Stamford	CT	3,500,000
299	20 x 22 Protected Bike Lanes	Washington	DC	3,000,000
300	Arboretum Bridge and Trail	Washington	DC	4,000,000
301	Bus Priority Program	Washington	DC	4,000,000
302	H Street Bridge	Washington	DC	3,000,000
303	Metropolitan Branch Trail—Fort Totten to Takoma	Washington	DC	3,000,000
304	Pavement Restoration, National Highway Performance Program	Washington	DC	3,000,000
305	US 113/SR 20 Grade Separated Intersection	Millsboro	DE	10,000,000
306	West Camden Bypass	Camden	DE	10,000,000
307	Approach Road at Cecil Air and Space Port	Jacksonville	FL	600,000
308	Card Sound Bridge Replacement Planning and Design Project	Key Largo	FL	4,200,000
309	City of South Miami Pedestrian Bridge	South Miami	FL	4,330,000
310	Commodore Trail Missing Link	Miami / Coral Gables	FL	999,205
311	Dunedin Causeway Bridge Project	Dunedin	FL	8,000,000
				5,000,000
				3,000,000

No.	Project Name	City	State/Territory	Amount
312	Harborview Road from Melbourne Street to I-75	Port Charlotte	FL	20,000,000
313	Marlin Road Roadway Improvements Project	Cutler Bay	FL	8,800,000
314	Miami River Greenway—Curtis Park East	Miami	FL	2,392,000
315	Midway Road Multimodal/Freight Improvements and Florida's Turnpike Connection	Port St. Lucie	FL	15,000,000
316	North Bay Village 79th Street Complete Streets Project	North Bay Village	FL	1,000,000
317	Port St. Lucie Boulevard South—Segment 2.2 (Alcantarra Boulevard to Paar Drive)	Port St. Lucie	FL	5,000,000
318	PortMiami Shore Power Pilot Program	Miami	FL	2,000,000
319	Reconstruction of State Road 33/Interstate 4 Interchange (Exit 38)	Lakeland	FL	20,000,000
320	Ridge Road Extension Phase 2B	Unincorporated Pasco County	FL	15,000,000
321	Alleyways Drainage Improvement Project	Miami Gardens	FL	240,000
322	Breakers Avenue Streetscape Project	City of Fort Lauderdale	FL	5,200,000
323	Cass Street Bridge Rehabilitation	Tampa	FL	5,116,000

No.	Project Name	City	State/Territory	Amount
324	Central Florida Regional Transportation Electronic Contactless Payment System	Orlando	FL	1,032,500
325	City of West Palm Beach Grand View Heights Street Pedestrian Safety Improvements Phase 2	West Palm Beach	FL	1,200,000
326	Corrine Drive Complete Streets Project	Orlando	FL	6,900,000
327	County Line Road Improvement Project	West Park	FL	944,000
328	Crystal Lake Drive Project	City of Deerfield Beach	FL	389,088
329	E.E. Williamson Road Trail Connect	Longwood	FL	4,346,000
330	Econlockhatchee Trail Multimodal Corridor Improvements	Orlando	FL	8,193,500
331	Flavor Pict Road from Lyons Road to Hagen Ranch Road	Delray Beach	FL	4,780,000
332	Gulf to Bay (SR60) Duke Energy Trail Overpass	Clearwater	FL	6,000,000
333	HART Bus Shelter Revitalization and Expansion	Tampa	FL	6,990,100
334	Hinson Avenue Widening Project	Haines City	FL	1,375,000

No.	Project Name	City	State/Territory	Amount
335	International Drive and Sand Lake Road (SR 482) Pedestrian Bridge	Orlando	FL	7,000,000
336	InVision Tampa Streetcar	Tampa	FL	7,700,000
337	Johnson Street Bridge Replacement Project	Hollywood	FL	2,904,000
338	JTA's Sustainability and Renewable Energy Transit Facility (Project ID 425454-2)	Jacksonville	FL	2,315,840
339	Lake Monroe Loop Trail	Sanford	FL	3,313,181
340	Lowson Boulevard from Dover Road to Federal Highway	Delray Beach	FL	1,106,296
341	Loxahatchee Rd. from Arthur Marshall Loxahatchee Refuge to SR-7/US-441	City of Parkland	FL	5,000,000
342	Lyons Road Pedestrian Mobility Lighting and Safety Project	City of Coconut Creek	FL	2,700,000
343	Magnolia Drive Trail – Phase 1, 2, & 4 (Project ID: 4098037)	Tallahassee	FL	5,000,000
344	Marigold Ave from San Lorenzo Rd to Peabody Rd (4 Roundabouts)	Poinciana	FL	4,731,586
345	Neptune Road Widening and Improvement Project	Kissimmee	FL	5,000,000

No.	Project Name	City	State/Territory	Amount
346	NW 183rd to 191st Street and NW 27th to 42nd Avenue Road and Sidewalk Project	Miami Gardens	FL	1,200,000
347	NW 187th Street to NW 199th Street, from NW Sunshine State Parkway East to NW 12th Avenue Area-Road Resurfacing, Sidewalks, and Drainage Improvement Project	Miami Gardens	FL	960,000
348	NW 191st to 199th Street and NW 2nd to 7th Avenue Roadway and Sidewalk Project	Miami Gardens	FL	600,000
349	NW 199th to 202nd Street between NW 3rd and 15th Avenue-Road Resurfacing and Sidewalks Improvement Project	Miami Gardens	FL	960,000
350	NW/NE 87th Street Corridor	Village of El Portal	FL	1,320,551
351	Opa-locka Railroad Crossing Repair	Opa-Locka	FL	2,400,000
352	Orange Blossom Trail Sidewalks Phase 2A	Orlando	FL	3,012,472
353	Palm Beach County Bus Shelter Infrastructure	Palm Beach County	FL	8,300,000
				300,000

No.	Project Name	City	State/Territory	Amount
				8,000,000
354	Palm Springs, FL, Park Connector Pathway System	Palm Springs	FL	854,550
355	Pine Hills Trail Phase 2 from Silver Star Road (SR 438) to Clarcona-Ocoee Road	Orlando	FL	557,000
356	President Barack Obama Parkway, Phase 2, Orlando, Florida	Orlando	FL	8,360,000
357	Rolling Stock	Hallandale Beach, Hollywood, Dania Beach, Fort Lauderdale, Wilton Manors, Oakland Park, Pompano Beach, Deerfield Beach and Palm Beach County	FL	9,000,000
				5,000,000
				4,000,000
358	SMART Plan Beach Express (BERT) North Capital Bus Purchase	Miami	FL	9,100,000
359	Solar-Powered Zero-Emission Bus and Facility Charging Infrastructure	St. Petersburg	FL	6,000,000
360	South City Transit Capital Project StarMetro Modernization	Tallahassee	FL	2,400,000
361	Southcot Drive Sidewalk	Casselberry	FL	189,357

No.	Project Name	City	State/Territory	Amount
362	SR 50 (Colonial) from Thornton Ave to Mills Ave	Orlando	FL	917,933
363	SR 63 (US 27) Monroe Street from John Knox Road to Lakeshore Drive (Project ID 4450531)	Tallahassee	FL	2,400,000
364	SR-5/US-1/Federal Hwy from Johnson St. to SR-822/Sheridan St.	Hollywood	FL	1,899,308
365	SR-820/Pines Blvd from W of SW 136th Ave to E of NW 118th Ave	Pembroke Pines	FL	5,000,000
366	SR-A1A from Hallandale Beach Boulevard to Dania Beach Boulevard Drainage Improvement Project	Hallandale Beach, Hollywood, and Dania Beach	FL	1,075,350
367	StarMetro Bus Replacement	Tallahassee	FL	1,800,000
368	SW 36th Street Complete Street Improvements Project	West Park	FL	1,600,000
369	SW 52nd Avenue Complete Street Improvements Project	West Park	FL	602,400
370	Treasure Island Causeway Bridge Project	Treasure Island	FL	4,480,000
371	University Boulevard at Dean Road Intersection Improvement	Orlando	FL	1,000,000

No.	Project Name	City	State/Territory	Amount
372	University Drive from NW 40th St. to Sawgrass Expressway	City of Coral Springs	FL	5,000,000
373	West Warren Avenue Complete Street	Longwood	FL	400,000
374	Atlanta Beltline	Atlanta	GA	5,000,000
375	Big Creek Greenway Phase 2 Renovation-Replacement	Cumming	GA	3,000,000
376	Brennan Road Improvements	Columbus	GA	7,360,000
377	Buford Highway Pedestrian Improvements	Doraville	GA	1,373,859
378	Bus/Paratransit Vehicle Acquisition for Local Route 70	Snellville/Northern Dekalb	GA	6,000,000
379	Cascade Multimodal Corridor	Atlanta	GA	1,000,000
380	Cherokee Area Transportation System Headquarters	Canton	GA	2,400,000
381	City of Forest Park Pedestrian Bridge	Forest Park	GA	2,000,000
382	City of Sugar Hill's Highway 20 Pedestrian Bridge	Sugar Hill	GA	5,000,000
383	Clayton Justice Center Transit Hub – Phase II	Jonesboro	GA	4,960,000
384	Cobb Parkway at McCollum Parkway Road Realignment	Kennesaw	GA	3,500,000
385	Cumberland Core Loop	Atlanta	GA	1,700,000

No.	Project Name	City	State/Territory	Amount
386	East West Connector Corridor Improvement, Cobb County GA	Smyrna	GA	4,500,000
387	Emory-CDC Intersection Project	Atlanta	GA	550,000
388	GDOT Project No. 0013752	Americus	GA	1,216,958
389	GDOT Project No. 0015563	Cuthbert	GA	2,405,280
390	GDOT Project No. 0015638	Reynolds	GA	1,608,000
391	GDOT Project No. 0015651	Arabi	GA	568,000
392	GDOT Project No. 0015652	Talbotton	GA	984,000
393	Global Gateway Connector	College Park	GA	3,542,355
394	Gwinnett Place Transit Center/Mall of Georgia local bus service	Gwinnett County	GA	5,000,000
395	I-20 Diverging Diamond Interchange at Chapel Hill Road	Douglasville	GA	5,000,000
396	Lawrenceville Area Park and Ride Lot	Lawrenceville	GA	4,800,000
397	Macon Transit Authority Electric Transit and Paratransit Vehicle Purchases	Macon	GA	2,600,000
398	MARTA Route 115—Covington Highway	Decatur	GA	2,000,000
399	McDaniel Farm Park Connector multi-use path	Gwinnett County	GA	2,000,000
400	Metropolitan Parkway Arterial Rapid Transit (ART)	Atlanta	GA	3,000,000

No.	Project Name	City	State/Territory	Amount
401	New Bus Rapid Transit Service along US 78	Snellville/Stone Mountain	GA	5,000,000
402	North Avondale Road Complete Streets Project	Avondale Estates	GA	1,975,560
403	Peachtree Creek Greenway	Brookhaven	GA	3,382,000
404	Project DeRenne	Savannah	GA	20,000,000
405	Safety Improvements—Intersection of N Westover Blvd at Nottingham Way	Albany	GA	368,791
406	South Barrett Parkway Reliever	Kennesaw	GA	2,000,000
407	South Cobb Drive Corridor	Smyrna	GA	250,000
408	SR 120 (Abbotts Bridge Road) Operational and Safety Improvements	Johns Creek	GA	13,800,000
409	SR234 and Westover Blvd—Add Westbound Right Turn and Southbound Left	Albany	GA	349,295
410	Stonecrest Transit Hub	Stonecrest	GA	5,000,000
411	Widen and Realign Intersection of Sands Drive and Radium Springs	Albany	GA	2,509,319
412	Windy Hill Boulevard	Smyrna	GA	500,000
413	Guam Public Transit Modernization—Bus Shelters	Hagatna	GU	20,000,000

No.	Project Name	City	State/Territory	Amount
414	Bus and Handi Van Acquisition Program (Battery Electric Buses; Electrification of Route 40)	Honolulu	HI	7,398,400
				3,699,200
				3,699,200
415	Hanapepe Road Resurfacing	Hanapepe	HI	3,680,000
416	Hawaii Recreational Trails Program (Hawaii Integrated Trail System)	Multiple Cities	HI	4,000,000
417	Interstate Route H-1 Improvements, East-bound, Ola Lane Overpass to Vineyard Boulevard	Honolulu	HI	6,150,000
418	Leeward Bikeway, Philippine Sea Road to Waipahu Depot Street	Honolulu	HI	6,150,000
419	Papalaia Street (RTS 3020, MP 0.13–MP0.17) Traffic Signal Upgrade at Wainee Street (Route 3015, MP 0.3–MP0.34)	Maui	HI	1,154,000
420	Waianuenue Avenue Rehabilitation	Hilo	HI	7,277,499
421	Waimea to Kekaha Shared Use Path	Hanapepe	HI	2,000,000

No.	Project Name	City	State/Territory	Amount
422	Wakea Avenue (Route 3920, MP 0.70-MP 0.71) and Ka- mehameha Av- enue (Route 3940, MP 0.91-MP0.92) Intersection Improvements	Maui	HI	2,186,000
423	HIRTA Regional Transit Facil- ity	Wauke	IA	2,321,000
424	In the City of Iowa City, on Dodge Street, from Bur- lington Street north to Gov- ernor Street.	Iowa City	IA	9,943,600
425	Iowa 136 bridge replacement over Elwood Creek 3.1 miles west of US 61 in Clinton Coun- ty	Clinton Coun- ty	IA	1,144,800
426	Marion Coun- ty—County Road G28 cor- ridor	Marion Coun- ty	IA	2,000,000
427	Red Rock Prarie Trail (Iowa 117 to Co Rd S27)	Prairie City	IA	900,000
428	Bus Replace- ments Across the District	Des Moines	IA	5,000,000
429	Mills Civic Parkway Im- provements	West Des Moines	IA	2,000,000
430	Red Oak Bridge Replacement	Red Oak	IA	700,000
431	Southeast Con- nector	Des Moines	IA	7,000,000
432	Traffic Incident Management Center at Camp Dodge—Phase I	Johnston	IA	4,880,000

No.	Project Name	City	State/Territory	Amount
433	1st Street Reconstruction	Ammon	ID	5,375,700
434	Center Street Railroad Bridge Underpass	Pocatello	ID	4,277,000
435	Fort Hall Connect- Upgrade of Ross Fork Road	Fort Hall	ID	3,500,000
436	I-15B (US-30) McCammon IC TO Old US-91	McCammon	ID	1,716,660
437	State Street Premium Corridor, Part 2, Boise Area, Valley Regional Transit	Boise and Garden City	ID	2,000,000
438	Alton Avenue Reconstruction	Madison	IL	624,000
439	Alton Road Reconstruction Phase I & II	Carlinville	IL	616,000
440	Brush College Road and Faries Parkway Grade Separation	Decatur	IL	2,000,000
441	Calhoun Street Bridge Replacement	City of Morris	IL	1,200,000
442	Candy Lane	Macomb	IL	3,500,000
443	Centennial Park Shared Use Path	Heyworth	IL	963,540
444	Cloverleaf and East Madison Subdivisions Improvements	Madison	IL	296,000
445	Curtis Road Grade Separation & Complete Streets Project	Savoy	IL	3,293,700
446	Dix Irvington Road Safety Project	Centralia	IL	600,000
447	Dupo Interchange	Dupo	IL	1,700,000

No.	Project Name	City	State/Territory	Amount
448	Edwardsville Road Resurfacing Project	Wood River	IL	668,000
449	Frank Scott Parkway East Extension	Shiloh	IL	12,512,000
450	Hamilton Road East-West Connection Project	Bloomington	IL	7,000,000
				3,500,000
				3,500,000
451	Hilltop Road Multi-Use Trail Extension Project	Springfield	IL	440,000
452	Lincoln Prairie Trail Bridge Replacement Project	Taylorville	IL	487,161
453	Madison Avenue from 23rd Street to 27th Street Resurfacing	Granite City	IL	759,420
454	Main Street Reconstruction Project	Roscoe	IL	3,880,000
455	Marissa—Main St. Resurfacing	Marissa	IL	476,000
456	Pioneer Parkway Reconstruction	Peoria	IL	5,000,000
457	Prospect Road Revitalization	Peoria Heights	IL	6,000,000
458	Reas Bridges Replacement Project over Lake Decatur	Decatur	IL	3,500,000
459	Reconstruction of Main Street from Elm Street to Madison Street	Staunton	IL	1,569,456
460	Resurfacing of County Highway 16 in Williamson County	Williamson County	IL	352,000

No.	Project Name	City	State/Territory	Amount
461	Resurfacing of Main Street, Bainbridge Trail, and Penecost Streets	Marion	IL	572,000
462	Riverside Boulevard Reconstruction and Widening (Phase II and III)	Loves Park and Rockford	IL	14,920,000
463	Royal Lakes Road Rehabilitation Project	Royal Lakes	IL	23,408
464	Spotsylvania Street Improvements	New Athens	IL	452,000
465	Stanford Avenue Reconstruction from 11th Street to Fox Bridge Road	Springfield	IL	1,279,035
466	Structure Replacement Over Piles Fork Creek	Carbondale	IL	504,000
467	US 67 Widening from Delhi Bypass Project to Crystal Lake Rd.	Jerseyville	IL	1,200,000
468	West Main Cross Street Improvements from Webster Street to Shumway Street	Taylorville	IL	1,127,700
469	Western Road—Marshall County	Henry	IL	2,000,000
470	118 N Clark Pedway Extension	Chicago	IL	2,700,000
471	143rd St Expansion—West Ave to SW Highway	Orland Park	IL	9,247,702

No.	Project Name	City	State/Territory	Amount
472	143rd St from IL 59 to IL 126	Plainfield	IL	6,200,000
				3,700,000
				2,500,000
473	34th Street Road Modernization and Stormwater Management Improvements Phase I De- sign	Berwyn	IL	5,022,323
474	606 Extension – Ashland Ave to Elston Ave	Chicago	IL	1,440,000
475	75th Street from Milbrook Drive to Greene Road	Naperville	IL	648,560
476	80th Ave from 191st to 183rd St Lane Im- provements	Tinley Park	IL	1,500,000
477	9th Street Two- Way Conver- sion (Whit- man Inter- change)	Rockford	IL	4,050,000
478	Algonquin Road (Various Intersections) and Wilmot Road at Main Street Inter- section Im- provements	Spring Grove	IL	2,400,000
479	All Stations Ac- cessibility Program— Blue Line Ir- ving Park	Chicago	IL	4,330,000
480	Arterial Resur- facing	Chicago	IL	9,357,677
481	Berkeley Indus- trial Pedes- trian Con- nector	Chicago	IL	424,500
482	Bike Path along Quentin Road	Hawthorn Woods/Lake Zurich	IL	1,000,000

No.	Project Name	City	State/Territory	Amount
483	Bliss Rd/Fabyan from Fabyan to Bliss Rd	Geneva	IL	7,000,000
484	Butler Drive	Chicago	IL	4,500,000
485	Central Road: Barrington Rd to Huntington Blvd	Hoffman Es- tates	IL	2,000,000
486	City of Berwyn, 16th Street Rehabilitation Project	Chicago	IL	1,967,468
487	City of Peoria Adams/Jefferson 2-Way Conversion	Peoria	IL	5,000,000
488	Columbia Bridge	Chicago	IL	2,000,000
489	CTA—ASAP (Belmont Sta- tion)	Chicago	IL	3,370,000
490	CTA Red Line— Loyola Sta- tion Improve- ments	Chicago	IL	3,600,000
491	DeKalb Traffic Signal Up- grades	DeKalb	IL	570,000
492	Division Street Resurfacing	Oak Park	IL	2,000,000
493	Dundee Ave Re- construction	Elgin	IL	5,900,000
494	East Branch DuPage River Trail	Lombard	IL	1,200,000
495	East New York Street from North Farnsworth Ave to Welsh Drive	Aurora	IL	1,138,300
496	Fullerton Avenue between N Schmale Rd and Bloomingdale Rd	Glendale Heights	IL	696,500
497	Gougar Road from Laraway Road to Francis Road	Joliet and New Lenox	IL	2,700,000

No.	Project Name	City	State/Territory	Amount
498	Greater Down-town Master Plan Phase 4A	East Moline	IL	4,946,000
499	Hobson Rd 63rd St from Woodridge Dr to Janes Ave	Woodridge	IL	490,000
500	Homan Corridor Improvements	Chicago	IL	500,000
501	I-294 103rd Street Inter-change	Chicago Ridge	IL	5,000,000
502	I-294 Crestwood/Robbins Inter-change	Crestwood and Robbins	IL	4,800,000
503	I-57 Interchange near Mile Marker 332 (Between Harlem Avenue and Pauling Road)	Unincorporated Will County	IL	4,500,000
504	IL 171 (State Street) Pedestrian Safety Improvements	Lockport	IL	1,400,000
505	IL 38/Roosevelt Road at Naperville Road	Wheaton	IL	4,800,000
506	IL 50 from S of Brookmont Blvd to N of US 45/52 & Indiana Ave to Fair St in Kankakee	Kankakee	IL	5,000,000
507	IL-21 Milwaukee Ave Improvements (Glenview)	Glenview	IL	2,000,000
508	IL-62 Algonquin Rd at New Wilke Rd Intersection Improvements	Rolling Meadows	IL	226,935
509	Jackson Blvd Resurfacing (Desplaines to Harlem Ave)	Chicago	IL	800,000

No.	Project Name	City	State/Territory	Amount
510	Kedzie and Lake improvements	Chicago	IL	500,000
511	Lake Cook Road (IL-53 to Raupp Blvd)	Mount Prospect and Desplains	IL	3,000,000
512	Lombard Rd Resurfacing and Improvements	Addison	IL	900,000
513	Madison Street Resurfacing	Bellwood	IL	1,107,200
514	Main Street Reconstruction from Randall Road to Van Nortwick Avenue	Batavia	IL	600,000
515	McConnell Road Intersection and Roadway Improvements	Freeport	IL	2,528,200
516	Metra Zero Emission Vehicle Pilot	Chicago Region	IL	12,000,000
				1,000,000
				5,000,000
				6,000,000
517	Midway Bus Terminal Electrification Concept Design	Chicago	IL	550,000
518	N Lake Shore Drive Improvements	Chicago	IL	2,000,000
519	North Chicago Pace Route Access	North Chicago	IL	508,080
520	Oak Park Avenue—111th St to 107th St	Worth	IL	520,000
521	Pace Cermak Road Transit Signal Priority	Westchester, Oak Brook and Oakbrook Terrace	IL	390,000
522	Pace Pulse Line—Harlem Avenue Traffic Signal Improvements	Morton Grove	IL	400,000
523	Pace Pulse South Halsted Line	Chicago, Riverdale, and Harvey	IL	900,000

No.	Project Name	City	State/Territory	Amount
524	<i>PACE Transit Signal Priority</i>	<i>Chicago</i>	<i>IL</i>	<i>900,000</i>
525	<i>Park Blvd Resurfacing</i>	<i>Streamwood</i>	<i>IL</i>	<i>220,783</i>
526	<i>Patriot Path</i>	<i>Lake County</i>	<i>IL</i>	<i>9,794,640</i>
527	<i>Proposed Mid-west Medical Center Entrance and Highway Improvements</i>	<i>Galena</i>	<i>IL</i>	<i>2,000,000</i>
528	<i>Pulaski Corridor Improvements</i>	<i>Chicago</i>	<i>IL</i>	<i>500,000</i>
529	<i>Pulaski Road: 127th St to 159th St</i>	<i>Alsip, Crestwood, Midlothian, Markham, and Robbins</i>	<i>IL</i>	<i>2,500,000</i>
530	<i>Rand US-12 / Kensington / IL-83 Intersection Improvements</i>	<i>Mount Prospect</i>	<i>IL</i>	<i>4,500,000</i>
531	<i>Rand/Central/Mt Prospect Road Intersection Improvements</i>	<i>Mount Prospect and Desplains</i>	<i>IL</i>	<i>371,000</i>
532	<i>Randall and Hopps Road Intersection</i>	<i>Elgin</i>	<i>IL</i>	<i>5,000,000</i>
533	<i>Randall Road from Alexandra Blvd to Polaris Dr/Acorn Ln</i>	<i>Lake in the Hills</i>	<i>IL</i>	<i>2,000,000</i>
534	<i>Rehabilitative Resurfacing of Belmont Avenue—25th Ave to W of Elm St, Fran</i>	<i>Franklin Park</i>	<i>IL</i>	<i>588,000</i>
535	<i>Rehabilitative Resurfacing of Ill 64 North Ave—I-294 to Harlem Ave & N Frontage Rd - 7th Ave to 5th Ave</i>	<i>Elmwood Park, Melrose Park, Northlake, River Forest, River Grove</i>	<i>IL</i>	<i>7,920,000</i>

No.	Project Name	City	State/Territory	Amount
536	Rodenburg Road Corridor Improvement Project	Roselle	IL	928,000
537	Schick Road Resurfacing	Hanover Park	IL	257,045
538	Skokie Valley Trail Path Improvements	Skokie	IL	3,526,800
539	Spring Street Resurfacing	South Elgin	IL	171,264
540	Study of S. Chicago/79th St/Stony Island Intersection	Chicago	IL	800,000
541	Tonne Road Reconstruction—Northern Section	Elk Grove Village	IL	4,300,000
542	Traffic Signal Modernization—City of Chicago	Chicago	IL	1,350,000
543	US Route 20 and Reinking Road Roundabout	Elgin	IL	1,200,000
544	US Route 30 at Illinois Route 50	Matteson	IL	4,000,000
545	Washington Boulevard Improvements – 21st Avenue to 9th Avenue	Maywood	IL	1,424,000
546	Weber Road from 135th Street to Airport Road	Romeoville	IL	2,100,000
				1,000,000
				1,100,000
547	West Branch DuPage River Trail Connection from West DuPage Woods Forest Preserve to Blackwell Forest Preserve	West Chicago	IL	500,000

No.	Project Name	City	State/Territory	Amount
548	Western Avenue Grade Separations	Blue Island, Posen, and Dixmoor	IL	4,500,000
549	Wolfs Crossing Road from US 34 Chicago Road to Eola Road – Douglas Road Intersection	Oswego	IL	4,822,000
				3,616,500
				1,205,500
550	Woodstock Railyard Re- location & Ex- pansion	Woodstock	IL	4,000,000
551	Zero Emission Locomotive Commuter Rail Pilot	Blue Island, Chicago, Jo- liet, Midlothian, Mokena, New Lenox, Oak Forest, Rob- bins, Tinley Park	IL	7,000,000
				2,000,000
				5,000,000
552	Zion 27th Street Resurfacing	Zion	IL	920,320
553	Added Travel Lanes at 45th Avenue	Unincor- porated Lake County	IN	1,500,000
554	Central Avenue Road Recon- struction	Portage	IN	2,000,000
555	IndyGo EV Charging Sta- tions	Indianapolis	IN	774,000
556	Kennedy Avenue Bridge Re- placement	Highland and Hammond	IN	8,100,000
557	Monument Cir- cle/Market Street Recon- struction	Indianapolis	IN	12,864,000
558	Willowcreek Road Exten- sion	Unincor- porated Por- ter County	IN	7,411,200

No.	Project Name	City	State/Territory	Amount
559	Bridge Replacement on 151st Street West over the Ninnescah River (B485)	Sedgwick County	KS	3,600,000
560	Centennial Bridge Replacement	Leavenworth	KS	1,000,000
561	K-7 Bourbon County	Fort Scott	KS	2,000,000
562	K-7 Crawford County	Girard	KS	2,000,000
563	Reconstruction of 151st St West between 53rd St North and Highway K-96 (R356)	Sedgwick County	KS	3,200,000
564	Reconstruction of the South Half Mile of 135th Street West between 53rd and 61st Streets North (R348)	Sedgwick County	KS	880,000
565	Route 458 Improvements	Lawrence	KS	750,000
566	SW Topeka Boulevard (21st to 29th) Street Resurfacing	Topeka	KS	1,480,000
567	Topeka Metropolitan Bus Replacement	Topeka	KS	3,000,000
568	US-169 Neosho County	Thayer	KS	3,000,000
569	US-400 Cherokee County	Cherokee	KS	2,000,000
570	US-400 Greenwood County (KDOT Project Number 400-037 KA-5790-01)	Greenwood County	KS	5,000,000
571	US-56 Douglas County	Baldwin City	KS	3,000,000
572	Wakarusa Drive Reconstruction	Lawrence	KS	1,000,000

No.	Project Name	City	State/Territory	Amount
573	Washington Creek Bridge Replacement	Lawrence	KS	400,000
574	West Kellogg/US-54/400 Expansion	Wichita	KS	1,800,000
575	U.S. 69/167th St. Inter-change Im-provement Project	Overland Park	KS	15,000,000
576	Congestion re-duction and traffic im-provement project on KY-17/Scott Boulevard/Greenup Street	Covington	KY	2,000,000
577	Extend KY 3155 from the southern Intersection at KY 259 west-erly to KY 54	Leitchfield, Grayson County	KY	3,200,000
578	I-65 SB Ramp to Brook St	Louisville	KY	9,600,000
579	Improve KY 54 from west of the US 60 By-pass to CR 1021	Owensboro, Daviess County	KY	4,600,000
580	Improve KY 461 from US 150 to US 25	Mount Vernon, Rockcastle County	KY	18,200,000
581	Improve US 421 near the Vir-ginia State Line	Cranks, Har-lan County	KY	960,000
582	Improve west-bound lanes of US 60 from KY 1957 to KY 6106	Lewisport, Hancock County	KY	3,200,000
583	KY 335 improve-ments from US 31W south of KY 218 to I-65	Horse Cave, Hart County	KY	3,200,000

No.	Project Name	City	State/Territory	Amount
584	KYCT project 6–80101, KY–18 / Super-street construction	Boone County	KY	5,200,000
585	KYTC Project 6–162.40, KY–536 from Williamswood Rd. to Calvery Dr. to KY–17	Kenton County	KY	12,064,000
586	Newtown Pike Extension Project—Phase III Scott Street Connector	Lexington	KY	20,000,000
587	Reconstruction of KY 44 from US 31E to KY 1319	Mount Washington, Bullitt County	KY	4,800,000
588	Reimagine 9th Street	Louisville	KY	5,000,000
589	Smart Signal Network	Louisville	KY	2,900,000
590	Traffic Calming Measures for Shelby Park and Smoketown Neighborhoods	Louisville	KY	2,400,000
591	Audubon Ave OVLY:LA 1 to Terrebonne P/L	Thibodaux	LA	468,510
592	I–10 (Calcasieu River Bridge / Approach)	Lake Charles	LA	10,000,000
593	I–49 Lafayette Connector	Lafayette	LA	10,000,000
594	LA 3127	St. James Parish	LA	10,000,000
595	LA 428, General Meyer Blvd	New Orleans	LA	8,560,000
596	MRB South GBR: LA 1 to LA 30 Connector-Environmental Evaluation	Baton Rouge	LA	1,600,000

No.	Project Name	City	State/Territory	Amount
597	MRB South GBR: LA 1 to LA 30 Con- nector (Pre- Engineering Design)	Baton Rouge	LA	8,000,000
598	Amherst Town Common Transportation and Mobility Im- provements	Amherst	MA	1,344,000
599	Barker Road Bridge Project	Pittsfield	MA	1,000,000
600	Beacon Street Bridle Path	Brookline	MA	2,000,000
601	Belmont Com- munity Path	Belmont	MA	3,500,000
602	Blackstone Val- ley Multi-Use Path Phase 1, Segment – 2	Blackstone	MA	8,130,842
603	Blue Line Signal Program	Revere, Bos- ton	MA	6,000,000
604	Bourne Rail Trail	Bourne	MA	14,728,680
605	Brockton Area Transit—Buy Replacement 35' Bus (6)	Brockton	MA	2,920,000
606	Brockton Area Transit—Buy Replacement 35' Electric Bus (5)	Brockton	MA	3,160,000
607	Brockton Area Transit—Pur- chase Misc. Electric Power Equipment	Brockton	MA	480,000
608	Christina Street Rail Bridge	Newton	MA	1,600,000
609	Columbian Square Inter- section Im- provements	Weymouth	MA	3,000,000
610	Court and Cher- ry Street Intersection Improvement	Plymouth	MA	2,000,000

No.	Project Name	City	State/Territory	Amount
611	Davis Square Transit Signal Priority Project	Somerville	MA	100,000
612	Division Street Bridge Project	Great Barrington	MA	2,000,000
613	Double-Tracking on Haverhill Line in Massachusetts	Andover and Wilmington	MA	5,800,000
				2,900,000
				2,900,000
614	Drift Road at Kirby Brooke Replacement Project	Westport	MA	600,000
615	Fiske Street and Andover Street Sidewalk and Street Improvements	Tecksbury	MA	456,000
616	Glendale Street Bridge Project	Easthampton	MA	1,000,000
617	Intersection Improvements at Central Street, Foster St, Hook St, Hamilton St	Southbridge	MA	1,000,000
618	Intersection improvements at Greenville Road (Rte 31) and Turnpike Road	Ashby	MA	1,000,000
619	Intersection Improvements at Massachusetts Avenue (Route 111) and Main Street (Route 27) (Kelley's Corner)	Acton	MA	1,100,000
620	Intersection improvements at Riverside Drive and Burnham Road	Methuen	MA	1,000,000

No.	Project Name	City	State/Territory	Amount
621	Intersection Improvements at Route 140/Route 62	Sterling	MA	320,000
622	Intersection Improvements on Route 2A at Willow Road and Bruce Street	Ayer and Littleton	MA	1,000,000
623	Intersection reconstruction on Rte 108 (Newton Road) at Rte 110 (Kenoza Ave. and Amesbury Road)	Haverhill	MA	1,000,000
624	James Street Project	Chicopee	MA	2,000,000
625	Lake Cochituate Path	Natick	MA	3,078,722
626	Leyden Road Sidewalk Construction	Greenfield	MA	1,840,000
627	Lynn Commuter Rail Station Rehabilitation	Lynn	MA	10,000,000
628	McGrath Highway Road Diet / Protected Bike Lane Project	Somerville	MA	500,000
629	Merrymount Bridge Reconstruction Project	Quincy	MA	6,000,000
630	MetroWest Regional Transit Authority Blandin Back Entrance (MWRTA BEB Project)	Framingham	MA	1,600,000
631	New vans for elderly and those with disabilities	Haverhill	MA	375,000
632	North Adams Adventure Trail	North Adams	MA	2,000,000

No.	Project Name	City	State/Territory	Amount
633	Peabody Canal Riverwalk Construction	Peabody	MA	6,642,980
634	Planning and Design for protecting critical transportation infrastructure and improving pedestrian access to the Northern Avenue Bridge and along the Fort Point Channel	Boston	MA	2,500,000
635	Reconstruction and Related Work Along Revere Street Corridor	Winthrop	MA	5,058,493
636	Reconstruction and related work on VFW Highway	Lowell	MA	3,000,000
637	Reconstruction of Foster Street	Littleton	MA	2,000,000
638	Regional Bike and Walking Trail (North Attleborough Branch)	North Attleborough	MA	1,500,000
639	Rehab Fitchburg Intermodal Center	Fitchburg	MA	400,000
640	Rehabilitation & Box Widening on Route 20, from Route 9 to South Street	Shrewsbury	MA	8,000,000
641	Rehabilitation of Boston Road	Westford	MA	2,000,000
642	Replace diesel bus with hybrid bus	Lowell	MA	624,800
643	Replace fueling station at 100 Hale Street	Lowell	MA	775,200

No.	Project Name	City	State/Territory	Amount
644	Riverbank stabilization construction at MVRTA bus garage and administration building	Haverhill	MA	725,000
645	Roadway rehabilitation on route 101 south (Ashburnham)	Ashburnham	MA	1,000,000
646	Route 131 Bridge Project	Dudley	MA	1,000,000
647	Route 28 / Route 38 Intersection Safety Improvements Project	Somerville	MA	3,000,000
648	Ruggles Station State of Good Repair Improvements	Roxbury	MA	3,000,000
649	Stoughton Intersection Improvements at Canton St. (Route 27), School St., and Summer St.	Stoughton	MA	1,840,000
650	Sturbridge Roundabout Construction	Sturbridge	MA	1,000,000
651	Sudbury-Concord Bike Path Construction (Bruce Freeman Trail)	Concord	MA	1,000,000
652	Taunton River Trail	Taunton	MA	4,800,000
653	Union Station Regreening & Lighting Project	Springfield	MA	6,000,000
654	Walnut Street Signalization Project	Foxborough	MA	2,000,000

No.	Project Name	City	State/Territory	Amount
655	Warren Street / Blue Hill Avenue Multi-modal Corridor Phase I	Boston	MA	12,000,000
656	West Rodney French Improvement Project	New Bedford	MA	2,373,680
657	West Street/Route 27 Intersection Reconstruction	Medfield	MA	1,440,000
658	Baltimore Greenway Trails Network: Critical Corridor Advancements	Baltimore City	MD	13,200,000
				4,400,000
				4,400,000
				4,400,000
659	Bicycle-Pedestrian Priority Area Improvements—Purple Line (TIP 3642 Pedestrian Safety Program)	Montgomery County	MD	6,500,000
660	Dobbin Road Pathway	Columbia	MD	3,200,000
661	Dual Locomotives for Commuter Rail Service in the Future B&P Tunnel	Baltimore City	MD	2,000,000
				1,000,000
				1,000,000
662	East-West Priority Corridor	Baltimore	MD	15,000,000
				5,000,000
				5,000,000
				5,000,000
663	Electric Bus Grants	Rockville, Silver Spring	MD	4,992,000
				1,937,000
				1,780,000
				1,275,000

No.	Project Name	City	State/Territory	Amount
664	Fayette Street Bridge Replacement	Cumberland	MD	4,800,000
665	Frederick and Pennsylvania Railroad Trail	City of Frederick and Walkersville	MD	2,560,000
666	Howard County Flash Extension	Columbia	MD	3,200,000
667	I-81 Phase 2 Reconstruction	Hagerstown	MD	4,620,000
668	Interstate 95/ Greenbelt METRO/ MARC Station Access and Redevelopment Project	Greenbelt	MD	20,000,000
669	MicroTransit & Demand Response Electric Transit Vehicles and Infrastructure	Owings Mills	MD	2,019,012
670	New Carrollton Metro/MARC/ Amtrak/Purple Line Multimodal Transit District Right-of-Way Improvements	Landover	MD	18,480,000
671	Northwest Expressway (I-795) at Dolfield Boulevard Interchange Redesign	Owings Mills	MD	800,000
672	Parole Transportation Center	Annapolis	MD	2,000,000
673	US 1 Safety Projects	North Laurel, Savage, Jessup, Elkridge	MD	3,200,000
674	US 15 Frederick Freeway Reconstruction	Frederick	MD	8,800,000

No.	Project Name	City	State/Territory	Amount
675	US 29 Rapid Transit Improvements—Phase 2 Design	Silver Spring	MD	4,000,000
676	Veirs Mill /Randolph Bicycle & Pedestrian Priority Improvements	Rockville	MD	6,000,000
677	Woodley Road Extension to MD 715	Aberdeen	MD	5,000,000
678	Berwick Route 9—Intersection Improvements	Berwick	ME	800,000
679	Casco Bay Lines Replacement Ferry	Portland	ME	7,500,000
680	Maine State Ferry Vessel Replacement	Rockland	ME	7,500,000
681	Milo, Sebec River Bridge Replacements and Village Improvements	Milo	ME	8,000,000
682	New Transit Hub	Bangor	ME	327,600
683	Sanford SRTS Multi-Use Trail	Sanford	ME	400,000
684	Sanford US Route 202/State Route 4A	Sanford	ME	3,600,000
685	U.S. Route 1 Improvements	Van Buren	ME	10,700,000
686	10 Mile Signal Modernization	Center Line	MI	550,068
687	14 Mile Rd Rehabilitation, Lahser to Evergreen	Beverly Hills	MI	1,208,080
688	14 Mile Road	Roseville	MI	3,100,000
689	21 Mile Road Bridge Replacement over the Gloede Drain	Macomb Township	MI	1,616,800

No.	Project Name	City	State/Territory	Amount
690	Airport Road Rehabilitation Project	Blackman Township, Jackson County	MI	4,930,000
691	Beck Road Business Corridor Railroad Grade Crossing Safety Project	Wixom	MI	18,612,000
692	Bridge and Pedestrian Facility Upgrades on the Detroit Riverwalk	Detroit	MI	1,838,812
693	Bristol Road and Van Slyke Road Concrete Pavement Reconstruction Project	Flint Township	MI	700,000
694	Bristol Road: Mill and Resurface	Burton	MI	1,248,000
695	Burcham Dr.	East Lansing	MI	1,017,838
696	Center Road Reconstruction Project	Genesee Township	MI	600,000
697	Coolidge Rd (Road Rehabilitation and Bike Lanes)	East Lansing	MI	883,359
698	Division Avenue Project	Grand Rapids	MI	4,200,000
699	E Michigan Avenue	Lansing	MI	2,589,121
700	Feher Drive Reconstruction & Pedestrian Improvement Project	Montrose	MI	680,000
701	Fenton Road Bridge over the Thread Creek	Flint	MI	400,000

No.	Project Name	City	State/Territory	Amount
702	Flint Mass Transportation Authority (MTA) Rides to Wellness Facility Expansion/Renovation	Flint	MI	1,062,387
703	Genesee Street Bridge over Farmers Creek	Lapeer	MI	1,896,750
704	Grandville Avenue Project	Grand Rapids	MI	4,000,000
705	Haist Road over Pigeon River Preventive Maintenance	Winsor Township	MI	194,000
706	Hubbard Street Rehabilitation	Mount Clemens	MI	942,400
707	Inkster Road Bridge Over the Lower Rouge River— Capital Preventative Maintenance	Inkster	MI	329,600
708	Intelligent Transportation Systems Capital Investments in Traffic Signals on M-59	Pontiac	MI	2,240,000
709	Iron Belle Trail	Burton	MI	1,200,000
710	Joe Louis Greenway Hamtramck Drive Shared Use Path	City of Hamtramck	MI	3,920,000
711	Kalamazoo US-131/US-131BR	Kalamazoo	MI	14,745,600
712	Kelly Road	Fraser	MI	3,500,000
713	King Road Bridge Replacement over the Belle River	China Township	MI	2,299,800
714	Kuhl Road over Shebeon Drain Bridge Replacement	Fairhaven Township	MI	1,282,400

No.	Project Name	City	State/Territory	Amount
715	Lake Shore Drive, Houghton County, Michigan	Calumet and Hancock Township	MI	1,040,000
716	M-143W	Lansing	MI	597,767
717	M-46 and M-19 Reconstruction	Elmer Township	MI	10,073,042
718	Marlette Road Bridge over South Branch of the Cass River	Marlette	MI	1,406,000
719	Miller Road and Rotunda Drive Bridges	Dearborn	MI	20,000,000
720	Mound Road Industrial Corridor Technology and Innovation Project	Macomb County, Warren	MI	11,000,000
				1,000,000
				10,000,000
721	Mt. Vernon Street Reconstruction	Southfield	MI	4,400,000
722	N Cedar St	Mason	MI	2,543,083
723	N Putnam St	Williamston	MI	375,000
724	N. Leroy Streetscape and Resurfacing Project	Fenton	MI	1,600,000
725	North Beech Daily Road Rehabilitation Project	Dearborn Heights	MI	1,417,226
726	Oakland Avenue Road Rehabilitation Project	Highland Park	MI	1,212,169
727	Oakville Waltz Road	London Township	MI	3,728,000
728	Orchard Lake Road from 13 Mile to 14 Mile	Farmington Hills	MI	1,076,085

No.	Project Name	City	State/Territory	Amount
729	Orchard Lake Road from Middlebelt to Pontiac City Limits	City of Sylvan Lake, West Bloomfield and Bloomfield Township in Oakland County	MI	2,000,000
730	Ottawa Avenue Project	Grand Rapids	MI	845,000
731	Pedestrian Improvements on US-12	Wayne	MI	828,000
732	Pennsylvania Road Grade Separation	On border of City of Romulus and Huron Township	MI	15,000,000
733	Pierson Road Reconstruction Project	Mt. Morris Township	MI	2,400,000
734	Plank Road over US-23	Milan	MI	4,335,618
735	Reid Road Downtown Streetscape and Rehabilitation Spur Community Project	Grand Blanc	MI	700,000
736	Resurfacing of 12 Mile Road in Southfield from Northwester Hwy to Telegraph Road	Southfield	MI	750,000
737	S Pennsylvania Ave	Lansing	MI	1,472,000
738	Saginaw Street Road Reconstruction Project	Flint	MI	1,600,000
739	Saginaw Transit Authority Regional Services (STARS) Bus Replacement	Saginaw	MI	2,388,456

No.	Project Name	City	State/Territory	Amount
740	Saginaw Transit Authority Regional Services (STARS) Potter Street Station Study	Saginaw	MI	200,000
741	Silver Lake Road Connector Trail	Fenton and Linden	MI	868,682
742	Skaneec Road Improvements (from Jentoft Road to Town Road)	L'Anse and Arvon Townships	MI	7,530,000
743	Skaneec Road Improvements (from Town Road to Portice Road)	Arvon Township	MI	4,000,000
744	Snyder Rd.	East Lansing	MI	263,500
745	St. Ignace Road Reconstruction	Marquette Township	MI	800,000
746	State Park Drive Reconstruction	Charter Township of Bangor and Bay City	MI	2,000,000
747	US-12 over the Coldwater River Reconstruction	Coldwater	MI	645,360
748	US-127 and US-223 Resurfacing	Addison	MI	4,800,000
749	W Grand River Rd	Howell	MI	296,826
750	W Silver Bell Rd	Auburn Hills and Orion Township	MI	4,200,000
751	Waverly Rd	Lansing	MI	744,762
752	Wealthy Street-Fuller Ave to East City Limits	Grand Rapids	MI	7,250,000
753	Wenona Avenue Reconstruction	Bay City	MI	2,325,000
754	Apple Valley Transit Station Modernization	Apple Valley	MN	800,000
755	Bottineau LRT Project	Minneapolis to Brooklyn Park	MN	20,000,000

No.	Project Name	City	State/Territory	Amount
				10,000,000
				10,000,000
756	Burnsville Bus Garage Modernization	Burnsville	MN	2,400,000
757	City of Wabasha Highway 60 Realignment	Wabasha	MN	3,975,000
758	E-Line Bus Rapid Transit (BRT)	Minneapolis to Edina	MN	5,000,000
				2,500,000
				2,500,000
759	F-Line Bus Rapid Transit (BRT)	Columbia Heights	MN	4,500,000
760	Goodhue County CSAH 2 Bridge Replacement	Red Wing	MN	640,000
761	I-35/CSAH 50 Interchange Preliminary Engineering	Lakeville	MN	700,000
762	I-94 Expansion	St. Paul	MN	20,000,000
763	Kellogg-Third Street Bridge	St. Paul	MN	7,500,000
764	Pedestrian Bridge Over I-94	Minneapolis	MN	3,000,000
765	Reconnect Rondo Land Bridge	Saint Paul	MN	5,200,000
766	Rice Street Revitalization Project	Saint Paul	MN	6,864,000
767	University of Minnesota Arboretum Access and Egress Improvements	Chaska	MN	5,840,000
768	US 169/TH 282/CH 9 Interchange Project	Jordan	MN	2,300,000
769	US Highway 8 Reconstruction	Chisago City, Wyoming, Forest Lake	MN	20,000,000
770	Veterans Memorial Greenway	Eagan	MN	5,000,000

No.	Project Name	City	State/Territory	Amount
771	Adding signing and striping for wrong way counter-measures at various ramp locations throughout the St. Louis District	St. Louis	MO	708,800
772	Bridge improvement and widening over Elkhorn Creek 1.6 miles south of Rte. CC near Buell	Montgomery County	MO	720,000
773	Bridge Rehab at Pitman Ave, I-70, and I-64 in Wentzville	Wentzville	MO	3,088,000
774	Bridge Rehabilitation and Pavement Repairs	St. Louis	MO	2,576,000
775	Chadwick Flyer Central Greenway Trail	Springfield	MO	4,000,000
776	Cliffs Drive State Scenic Byway Improvements	Kansas City	MO	2,160,000
777	Downtown Odessa Infrastructure Improvements	Odessa	MO	900,000
778	Expand I-44 to 6 lanes in the Springfield area	Springfield	MO	1,800,000
779	Grand Street Pedestrian Underpass and Streetscape Improvements	Springfield	MO	3,000,000
780	Hydraulic Study for causeway north of Washington	Washington	MO	240,000

No.	Project Name	City	State/Territory	Amount
781	<i>I-44: Bridge rehabilitation over Gasconade overflow. Project involves bridge L0753</i>	<i>Laclede County</i>	<i>MO</i>	<i>331,200</i>
782	<i>I-70: Bridge improvements over Chouteau Creek. Project involves bridge A5118 and A5119</i>	<i>Cooper County</i>	<i>MO</i>	<i>246,400</i>
783	<i>Improve bridge conditions at Rt. C in Audrain County</i>	<i>Audrain County</i>	<i>MO</i>	<i>548,800</i>
784	<i>Improve pavement condition Rt. BB Randolph County</i>	<i>Randolph County</i>	<i>MO</i>	<i>600,800</i>
785	<i>Improve pavement condition Rt. K Randolph County</i>	<i>Randolph County</i>	<i>MO</i>	<i>763,200</i>
786	<i>Interstate 35 and 19th Street Interchange</i>	<i>Kearney</i>	<i>MO</i>	<i>5,500,000</i>
787	<i>Jazz District Pedestrian Plaza at 18th & Vine</i>	<i>Kansas City</i>	<i>MO</i>	<i>6,000,000</i>
788	<i>Kansas City Regional Zero Emission Electric Bus Program</i>	<i>Kansas City</i>	<i>MO</i>	<i>10,500,000</i>
				<i>6,000,000</i>
				<i>4,500,000</i>
789	<i>Little Blue Trace—Rock Island Trail Connector</i>	<i>Kansas City</i>	<i>MO</i>	<i>500,000</i>
790	<i>MM Highway Expansion from I-44 to US 60</i>	<i>Republic</i>	<i>MO</i>	<i>3,200,000</i>

No.	Project Name	City	State/Territory	Amount
791	MO 100: Bridge improvements over Cedar Creek Project involves A1848	Osage County	MO	917,600
792	MO 100: Upgrade pedestrian facilities to comply with ADA Transition Plan and pavement resurfacing from Rte. 61 to Big Bend Blvd, bridge replacement over Black Creek, signal replacement	St. Louis	MO	2,500,000
793	MO 127: Bridge rehabilitation over Basin Fork Creek 0.6 mile south of Dove Road and 0.7 mile north of Chaney Road. Project involves bridge X0439	Pettis County	MO	786,400
794	MO 13: Add turn lanes at the intersection of Rte. E	Johnson County	MO	425,600
795	MO 13: Pavement improvements on the southbound lanes from SE 1100 Road to NE 201 Road	St. Clair County	MO	748,800
796	MO 19: I-70 to Hermann add shoulders	Montgomery County	MO	880,000
797	MO 23: Add turn lanes at the intersection of Rte. D	Johnson County	MO	395,200

No.	Project Name	City	State/Territory	Amount
798	MO 254: Pavement improvements from Route 64 to Route 54 in Hermitage.	Hermitage	MO	440,000
799	MO 38: Pavement resurfacing from Rte. J to west of Rte. CC.	Webster County	MO	676,800
800	MO 47: Engineering for pavement improvements from H to A.	Troy and Hawk Point	MO	925,600
801	MO 7: Bridge Rehabilitation over Truman Lake. Project involves bridge A3465	Benton County	MO	96,000
802	MO 89: Pavement improvements from Rte. 50 to Rte. E	Rte. 50 to Rte. E in Osage County	MO	2,833,600
803	MO94 Bridge over Treloar Creek Bridge	Warren County	MO	640,800
804	North Baltimore (Business 63) Improvements	Kirksville	MO	955,294
805	OR 70: Bridge replacement over Little Cedar Creek. Project involves bridge N0974	Boone County	MO	852,800

No.	Project Name	City	State/Territory	Amount
806	<i>Pavement improvements and add rumblestripes from I-44 outer road to end of state maintenance, Rte. W from Rte. 7 to end of state maintenance, and Rte. O from Rte. 28 to end of state maintenance.</i>	<i>Pulaski County</i>	<i>MO</i>	<i>2,656,000</i>
807	<i>Payment to St. Robert to add sidewalks and upgrade signalized intersection at St. Robert Boulevard in St. Robert</i>	<i>St. Robert</i>	<i>MO</i>	<i>547,200</i>
808	<i>Raum Road Bridge Replacement</i>	<i>Lawson</i>	<i>MO</i>	<i>3,128,000</i>
809	<i>Riverway Boulevard Reconstruction</i>	<i>Riverside</i>	<i>MO</i>	<i>3,200,000</i>
810	<i>RT 18: Pavement improvements from Rte. Y to I-49 in Adrian and on Loop 49 from Passaic to Rte. 52 in Butler.</i>	<i>Adrian</i>	<i>MO</i>	<i>1,586,400</i>
811	<i>RT A: Bridge replacement over Enon Creek. Project involves bridge K0851</i>	<i>Moniteau County</i>	<i>MO</i>	<i>1,091,200</i>
812	<i>RT A: Bridge replacement over Moreau Creek. Project involves R0235</i>	<i>Cole County</i>	<i>MO</i>	<i>545,600</i>

No.	Project Name	City	State/Territory	Amount
813	<i>RT J: Bridge rehabilitation over Young Branch, 0.1 mile south of 217th Street and 0.4 mile northeast of Branick Drive in Peculiar. Project involves bridge A2331</i>	<i>Peculiar</i>	<i>MO</i>	<i>555,200</i>
814	<i>RT J: Bridge removal over the Niangua River. Project involves bridge S0391</i>	<i>Camden County</i>	<i>MO</i>	<i>204,800</i>
815	<i>RT K: Pavement improvements from I-49 to County Road 1800 near Nevada.</i>	<i>Nevada</i>	<i>MO</i>	<i>448,000</i>
816	<i>RT PP: Pavement improvements from Route C in Roseland to Route 7 in Tightwad</i>	<i>Roseland</i>	<i>MO</i>	<i>453,600</i>
817	<i>RT T: Pavement improvements and add rumblestrips from Rte. 52 to Rte. 135 and from Rte. 135 to the end of state maintenance</i>	<i>Morgan County</i>	<i>MO</i>	<i>3,020,000</i>
818	<i>RT. K bridge replacement over Dry Fork Creek Bridge</i>	<i>Montgomery County</i>	<i>MO</i>	<i>965,600</i>
819	<i>Study to determine base stability and flood resiliency near McKittrick</i>	<i>McKittrick</i>	<i>MO</i>	<i>80,000</i>

No.	Project Name	City	State/Territory	Amount
820	Updated study for RR overpass near High Hill	High Hill	MO	1,600,000
821	Upgrade pedestrian facilities to comply with the ADA Transition Plan on Rte. 2 from Chisman Street to Rte. 52 in Windsor and on Rte. Y from Rte. 52 to Wall Street in Windsor	Windsor	MO	140,800
822	US 160: Pavement improvements from I-49 in Lamar Heights to County Road 30th Lane east of Lamar.	Lamar	MO	609,600
823	US 50: Reconstruct concrete pavement from Rte. EE to Independence Rd.	Rte. EE to Independence Road in Franklin County	MO	2,800,000
824	US 50: Reconstruct pavement from Rte. Y to Rte. C	Rte. Y to Rte. C in Franklin County	MO	2,640,000
825	US 54: Study for updated scope & estimate for shared 4-lane from Mexico to Louisiana	Louisiana	MO	800,000
				400,000
				400,000
826	US60 and Route 125 Interchange	Rogersville	MO	5,250,000

No.	Project Name	City	State/Territory	Amount
827	US65: Pavement improvements from the Osage River in Warsaw to 0.4 mile south of Rte. MM.	Warsaw	MO	1,049,600
828	West Florissant Avenue Great Streets	Ferguson, Dellwood, and Jennings	MO	10,000,000
829	A/E Design for the Fixed Route Bus Stops	Saipan	MP	300,000
830	Construction of Bus Transfer Stations at the Northern Marianas College, Paseo De Marianas and Kagman	Saipan	MP	900,000
831	Construction of the Commonwealth Office of Transit Authority Covered Bus Parking Facility	Saipan	MP	3,000,000
832	Design and Construction of the Rota Transit Maintenance Facility	Rota	MP	520,000
833	Design and Construction of Tinian Transit Maintenance Facility	Tinian	MP	520,000
834	Procurement of Four (4) Rolling Stocks for Rota and Tinian Demand Responsive Services	Rota and Tinian	MP	480,000
835	Route 10 Drainage Improvements and Road Overlay	Rota	MP	2,000,000

No.	Project Name	City	State/Territory	Amount
836	Route 205 Road and Drainage Improvements	Tinian	MP	2,000,000
837	Route 30 (Chalan Pale Arnold) Safety Improvements	Saipan	MP	2,000,000
838	Route 302 (Naftan Road) Improvements	Saipan	MP	2,000,000
839	Supply and Installation of 187 Bus Stop Shelters	Saipan	MP	4,500,000
840	Supply of Maintenance Equipment & Tools for the COTA Maintenance Facility	Saipan	MP	400,000
841	Bulldog Way Extended Improvements	Starkville	MS	3,360,000
842	Jackson Point Road Bridge	Wilkinson County	MS	4,000,000
843	Mississippi Band of Choctaw Indians Multi-Road Overlay Project	Choctaw	MS	2,653,195
844	Morgantown Road Safety Improvements	Natchez	MS	2,400,000
845	Bozeman Segment One—Reunion Access Network	Madison	MS	4,000,000
846	Airport Boulevard Sidewalk	Morrisville	NC	208,000
847	Atlantic & Yadkin Greenway, Phase 2	Greensboro	NC	6,400,000
848	Avent Ferry Road Realignment	Holly Springs	NC	1,000,000
849	B-5871 Replace Bridge no. 628 Over Lake Lure 5250. Dam and Broad River	Lake Lure	NC	8,000,000

No.	Project Name	City	State/Territory	Amount
850	Black Creek Greenway	Cary	NC	4,984,800
851	Bryant Bridge North/Goose Creek West Trail	Durham	NC	2,320,000
852	Bus Replacement Funding for Triangle Transit Systems	Chapel Hill	NC	8,000,000
853	CATS Battery Electric Bus Fleet Transition	Charlotte	NC	8,000,000
854	Downtown Pedestrian Bridge	Rocky Mount	NC	4,000,000
855	Duke Beltline Trail	Durham	NC	7,726,000
856	EB-5753 Baldwin Avenue Sidewalk Project	Marion	NC	349,600
857	Electric buses and charging infrastructure, City of Greensboro	Greensboro	NC	2,759,000
858	Festival Street	Cornelius	NC	2,200,000
859	Fuquay-Varina Townwide ITS/Signal System	Fuquay-Varina	NC	2,560,000
860	GoRaleigh/GoWake Co-ordinated ADA Paratransit Facility	Raleigh	NC	9,000,000
861	Greenville Bridge Repair and Replacement	Greenville	NC	2,851,200
862	Hanging Dog Bridge	Murphy	NC	1,676,000
863	High Point Heritage Greenway—Phase 1	High Point	NC	4,000,000
864	Jonathan Creek Safety Project	Maggie Valley	NC	160,000

No.	Project Name	City	State/Territory	Amount
865	<i>Military Cutoff Road (US 17)/ Eastwood Road (US 74) Interchange (Drysdale Drive Extension)</i>	<i>Wilmington</i>	<i>NC</i>	<i>3,840,000</i>
866	<i>N. Fork Coweeta Creek Bridge Replacement</i>	<i>Otta</i>	<i>NC</i>	<i>452,000</i>
867	<i>Pender Street Pedestrian Improvement, Infrastructure Repair, and Resurfacing</i>	<i>Wilson</i>	<i>NC</i>	<i>8,400,000</i>
868	<i>RIDE- Rural Microtransit</i>	<i>Wilson</i>	<i>NC</i>	<i>2,000,000</i>
869	<i>Silas Creek Parkway Sidewalk</i>	<i>Winston-Salem</i>	<i>NC</i>	<i>4,533,600</i>
870	<i>South Tar River Greenway</i>	<i>Greenville</i>	<i>NC</i>	<i>1,775,000</i>
871	<i>Streetlighting on High Injury Network</i>	<i>Charlotte</i>	<i>NC</i>	<i>8,000,000</i>
872	<i>Transit Bus Stop Improvements</i>	<i>Chapel Hill</i>	<i>NC</i>	<i>900,000</i>
873	<i>US 19/129 Road Improvements</i>	<i>Murphy</i>	<i>NC</i>	<i>3,851,000</i>
874	<i>US 74/NC 108 Interchange</i>	<i>Columbus</i>	<i>NC</i>	<i>1,000,000</i>
875	<i>Heartland Expressway Phase III</i>	<i>Minatare</i>	<i>NE</i>	<i>10,000,000</i>
876	<i>Signal System Master Plan Accelerated Implementation</i>	<i>Omaha</i>	<i>NE</i>	<i>20,000,000</i>
877	<i>US-275 Norfolk to Wisner</i>	<i>Norfolk to Wisner</i>	<i>NE</i>	<i>20,000,000</i>
878	<i>Ashuelot-Trail Cheshire Trail (42511)</i>	<i>Swanzey</i>	<i>NH</i>	<i>1,200,000</i>

No.	Project Name	City	State/Territory	Amount
879	Bedford 40664— U.S. 3 Wid- ening from Hawthorne Drive North to Manchester Airport Access Road	Bedford	NH	4,980,000
880	Claremont Inter- section Im- provements (13428)	Claremont	NH	1,000,000
881	Conway Phase II Pathway	Conway	NH	1,656,000
882	Derry Rail Trail (Folsom Rd to Londonderry town line)	Derry	NH	792,000
883	George Street Bridge (40653)	Keene	NH	729,191
884	Gorham Side- walk (Route 2 (Lancaster Rd))	Gorham	NH	898,196
885	Heritage Rail Trail East	Nashua	NH	1,200,000
886	Littleton Side- walk Project (41362)	Littleton	NH	710,159
887	Loudon Intersec- tion Improve- ments (40632)	Loudon	NH	2,347,256
888	Malboro Street Cheshire Rail Trail (42515)	Keene	NH	681,123
889	Maplewood Ave- nue Complete Streets	Portsmouth	NH	2,804,300
890	Merrimack River Greenway	Concord	NH	1,584,800
891	Multi-use Path Connecting Warner Vil- lage to Exit 9 Business Area	Warner	NH	920,000
892	NH 128 and Sherburne Road and Mammoth and 111A	Pelham	NH	1,240,000

No.	Project Name	City	State/Territory	Amount
893	<i>Pedestrian Bridge Crossing Granite Street</i>	<i>Manchester</i>	<i>NH</i>	<i>3,360,000</i>
894	<i>Plymouth Sidewalk Project</i>	<i>Plymouth</i>	<i>NH</i>	<i>414,000</i>
895	<i>Reconstruct Mechanic St / High St / Mascoma St Intersection (4094)</i>	<i>Lebanon</i>	<i>NH</i>	<i>2,400,000</i>
896	<i>Rt 11 Safety and Capacity Improvements</i>	<i>Rochester</i>	<i>NH</i>	<i>5,664,000</i>
897	<i>Spruce Street Connector</i>	<i>Nashua</i>	<i>NH</i>	<i>1,000,000</i>
898	<i>Trestle Bridge—Mill City Park Trail</i>	<i>Franklin</i>	<i>NH</i>	<i>1,200,000</i>
899	<i>Waterville Valley Pedestrian Improvements</i>	<i>Waterville Valley</i>	<i>NH</i>	<i>948,110</i>
900	<i>Whitefield Sidewalk Project</i>	<i>Whitefield</i>	<i>NH</i>	<i>396,704</i>
901	<i>Berkshire Valley Road Truck Circulation Project</i>	<i>Kenvil (Roxbury Township)</i>	<i>NJ</i>	<i>2,000,000</i>
902	<i>Bloomfield Avenue Roadway Improvements & Traffic Signal Modernization</i>	<i>West Caldwell, Caldwell, North Caldwell, Verona, Montclair, Glen Ridge, Bloomfield, and Newark</i>	<i>NJ</i>	<i>10,000,000</i>
				<i>5,000,000</i>
				<i>5,000,000</i>
903	<i>Bloomfield Station Rehabilitation Project</i>	<i>Bloomfield</i>	<i>NJ</i>	<i>2,000,000</i>
904	<i>Carteret Ferry Terminal Project</i>	<i>Carteret</i>	<i>NJ</i>	<i>5,625,000</i>
905	<i>City of Passaic Pedestrian Greenway Project</i>	<i>Passaic</i>	<i>NJ</i>	<i>883,432</i>

No.	Project Name	City	State/Territory	Amount
906	Construction of Pedestrian Bridge on Columbia Trail (Relocation of Openaki Bridge Truss)	Long Valley (Washington Township)	NJ	1,000,000
907	Cranford Station Rehabilitation Project	Cranford	NJ	1,120,000
908	Dennisville Petersburg Road (CR 610) Resurfacing Improvements	Dennis Township	NJ	1,640,000
909	Dunellen Bike-way and Pedestrian Safety Improvements	Dunellen	NJ	475,723
910	East Orange Train Station	East Orange	NJ	800,000
911	Enhanced Laydown Area for Offshore Wind Industry, Paulsboro Marine Terminal	Paulsboro	NJ	4,750,000
912	Freehold's Parking Improvement project	Freehold Borough	NJ	557,716
913	Great Falls Gateway Phase II	Paterson	NJ	972,000
914	Hackettstown Mobility Improvement	Hackettstown	NJ	4,712,000
915	Hamilton Street Plaza Project	Bound Brook	NJ	1,760,000
916	Hand Avenue (CR-658) Bridge Over Skeeter Island Creek	Middle Township	NJ	1,310,000
917	Highlands Rail Trail Phase II	Wanaque	NJ	800,000
918	Hudson County's County Avenue Reconstruction	Secaucus	NJ	1,400,000

No.	Project Name	City	State/Territory	Amount
919	Irvington Avenue Sidewalks and Streetscape Improvements	South Orange	NJ	2,750,000
920	Jackson Avenue/Riverside Avenue Improvements Project	Rutherford	NJ	250,000
921	Kingsland Avenue Bridge Replacement Project	Lyndhurst and Nutley	NJ	5,000,000
922	Koleda Park Improvement Project	Middletown	NJ	800,000
923	Lackawanna Cut-off Culvert Relocation	Byram	NJ	1,600,000
924	Lincoln Avenue Drainage Improvements Project	Elizabeth	NJ	2,080,000
925	Long Branch Intermodal Station Project	Long Branch	NJ	13,000,000
926	McBride Avenue Roundabout Project	Woodland Park	NJ	960,000
927	Mercer County Bus Purchase	West Trenton	NJ	732,000
928	Mercer County Electric Vehicles and Electric Vehicle Charging Stations	Trenton	NJ	454,500
929	Mercer County Roadway Safety Improvements	Mercer County	NJ	640,000
930	Newark Broad Street Signal Optimization	Newark	NJ	1,650,000
931	North Broad Street Redevelopment Project	Newark	NJ	1,200,000

No.	Project Name	City	State/Territory	Amount
932	Ocean Drive (CR621) Up- grades and Bridge Im- provements	Lower Town- ship	NJ	7,000,000
933	Parkside Neigh- borhood School and Pedes- trian Traffic Safety	Camden	NJ	6,000,000
934	Passaic Bus Ter- minal Canopy	Passaic	NJ	1,600,000
935	Patriots Way Bridge Super- structure Re- placement	Oakland	NJ	4,184,830
936	Pedestrian Bridge at the Great Falls National His- torical Park	Paterson	NJ	1,000,000
937	Pedestrian Im- provement for Metro Park	Township of Woodbridge	NJ	1,250,000
938	Permanent Ferry Ter- minal Penin- sula Project	Bayonne	NJ	4,321,600
939	Pleasant Avenue & Park Ave- nue / Pedes- trian & Vehic- ular Safety Improvements & Restoration Project	Weehawken	NJ	7,520,000
940	Point Pleasant Beach Chan- nel Drive ADA Compli- ance Upgrade and Surface Revitalization project	Point Pleas- ant Beach Borough	NJ	1,399,785
941	Pompton River Rail Bridge (Peguannock Valley Pedes- trian Trail) Substructure Repair	Township of Peguannock, Morris Coun- ty, and Town- ship of Wayne, Pas- saic County	NJ	1,500,000

No.	Project Name	City	State/Territory	Amount
942	Reconstruction of Pedestrian Bridges over Cole Drive (Bridgewater Train Station)	Bridgewater	NJ	1,280,000
943	Replacement of Morris County Bridge 1400-433 on Bloomfield Avenue over a Tributary to Passaic River in the Township of Montville, Morris County	Montville/ Pine Brooke	NJ	2,000,000
944	Replacement of Morris County Bridge 1400-935 on Lenape Island Road over Indian Lake in the Township of Denville, Morris County	Denville	NJ	1,000,000
945	River Road Overpass	West New York	NJ	5,200,000
946	River Road Sub-surface Soil Stabilization	Edgewater	NJ	1,760,000
947	Roadway Rehabilitation East Atlantic Avenue CR727	Somerdale, Hi-Nella, Stratford	NJ	1,500,000
948	Roadway Rehabilitation Evesham Road, CR 544	Lawnside, Magnolia, Somerdale, Cherry Hill, Voorhees	NJ	2,500,000
949	Roadway Rehabilitation Haddon Ave. CR561	Haddon Township, Collingswood	NJ	3,000,000
950	Roadway Rehabilitation Red Bank Avenue CR644	Woodbury	NJ	1,765,000

No.	Project Name	City	State/Territory	Amount
951	Route 202, First Avenue Intersection Improvements – Right of Way Acquisitions	Raritan	NJ	3,340,685
952	Route 29 Tunnel Ventilation System	Trenton	NJ	2,400,000
953	Route 33 Bridge Over Millstone River	Millstone Township	NJ	3,640,000
954	Route 35 Bridge Over the North Branch of Wreck Pond	Wall	NJ	3,736,000
955	Route 55/Route 47 Interchange	Millville	NJ	9,250,000
956	Seaside Heights Boardwalk Replacement	Seaside Heights	NJ	400,000
957	Shaler Boulevard Streetscape Project	Ridgefield	NJ	250,000
958	Skyline Drive Bicycle and Pedestrian Bridge	Ringwood	NJ	800,000
959	South Orange Avenue Streetscape Improvement Project	Newark	NJ	4,000,000
960	Study & Engineering Design for the Rehabilitation or Replacement of Sussex County Bridge K-03 in the Borough of Hopatcong	Hopatcong	NJ	2,360,000
961	Sussex County Guide Rail Upgrade Program	Frankford and Wantage	NJ	1,000,000

No.	Project Name	City	State/Territory	Amount
962	Sussex County Skylands Ride Capital Project	Hamburg	NJ	400,000
963	Teaneck Pedestrian Overpass Replacement	Teaneck	NJ	4,000,000
964	Tenafly Roadway Resurface & Improvements	Borough of Tenafly	NJ	1,545,000
965	The County Road 539 Overpass Project	Plumstead	NJ	8,000,000
				7,000,000
				1,000,000
966	Traffic Signal Optimization/Adaptive Signals Along McCarter Highway (Route 21)	Newark	NJ	1,600,000
967	U.S. Route 130/Delaware Avenue/Florence Columbus Road Intersection Improvements	Florence Township	NJ	17,320,000
968	Union County Structurally Deficient Bridge Initiative – Allen Ave. Bridge, Township of Union	Union Township	NJ	400,000
969	Union County Structurally Deficient Bridge Initiative – Faitoute Ave. Bridge, Kenilworth	Kenilworth	NJ	600,000
970	Union County Structurally Deficient Bridge Initiative—High Street Bridge	Summit	NJ	600,000

No.	Project Name	City	State/Territory	Amount
971	Union County Structurally Deficient Bridge Initiative – Oak- land Place Bridge	Summit	NJ	760,000
972	Union County Structurally Deficient Bridge Initiative – Pine Grove Avenue Bridge	Summit	NJ	800,000
973	Union County Structurally Deficient Bridge Initiative – Shunpike Road Bridge	Summit	NJ	600,000
974	Union County Structurally Deficient Bridge Initiative—Spring Garden Bridge, Cranford	Cranford	NJ	800,000
975	West County Drive (CR 646) Exten- sion	Township of Branchburg	NJ	6,493,600
976	West Milford Bikeway Con- nector Project	West Milford	NJ	536,000
977	Willingboro EV Charging Sta- tions	Willingboro	NJ	800,000
978	Woodbine Bike- way and Trailhead Im- provements	Borough of Woodbine	NJ	800,000
979	Arroyo De Los Chamisos Crossing	Santa Fe	NM	4,900,000
980	Coal Avenue Commons “Event Street”	Gallup	NM	3,500,000

No.	Project Name	City	State/Territory	Amount
981	County Road 43—Superman Canyon Bridges	McKinley County—Churchrock Chapter	NM	4,500,000
982	Foothills Drive Enhancement Phase III	Farmington	NM	1,324,800
983	Kilgore Street Improvements	Portales	NM	2,079,000
984	Rio Lucero Road Improvement Project	Taos Pueblo	NM	3,048,910
985	Wild Rose Road (Route #670) and Pedestrian Improvement Project	Santa Clara Pueblo	NM	618,000
986	Arlington Avenue Bridges Project	Reno	NV	6,000,000
987	Charleston Boulevard Underpass	Las Vegas	NV	7,000,000
988	Charleston Park Avenue Reconstruction Project	Pahrump	NV	1,552,079
989	Coleman Road Expansion	Fallon	NV	5,000,000
990	Hydrogen Fuel Cell Bus and Fuel Site Project	Reno	NV	5,240,000
991	I-15 South Package 2—Sloan to Blue Diamond	Las Vegas	NV	5,000,000
992	Maryland Parkway Bus Rapid Transit Zero Emission Fleet	Las Vegas	NV	5,000,000
993	North Las Vegas Street Light Conversion	North Las Vegas	NV	12,000,000
994	Rancho Drive Complete Streets Improvements	Las Vegas	NV	3,000,000

No.	Project Name	City	State/Territory	Amount
995	SR28 Central Corridor Sand Harbor to Spooner—Secret Harbor to Skunk Harbor Trail, Parking and Safety Improvements	Carson City	NV	1,760,000
996	William Street Complete Streets Project	Carson City	NV	2,000,000
997	ADA: Classon Ave / Cross-town Line (G Train)	Brooklyn	NY	5,000,000
998	ADA: Forest Hills Platform Extensions & Elevators	Queens	NY	16,910,000
999	ADA: Parkchester-E.177 St / Pelham Line (6 Train)	Bronx	NY	15,000,000
1000	Asharoken Avenue	Northport	NY	800,000
1001	Bannister Creek Bridge Rehabilitation	Lawrence	NY	4,940,000
1002	Basher Pedestrian Bridge Rehabilitation	Tarrytown	NY	494,400
1003	Bayville Bridge	Bayville	NY	14,489,446
1004	Bridge Repair/Safety Assurance, Westchester County	Tarrytown	NY	1,096,395
1005	Bridge Replacement of CR46 (William Floyd Parkway) over Narrow Bay	Brookhaven	NY	7,200,000
1006	Broadway Junction Improvements Phase 1, Brooklyn, NY, 8th Congressional District	Brooklyn	NY	8,000,000

No.	Project Name	City	State/Territory	Amount
1007	City of Poughkeepsie Market Street Connectivity Project	Poughkeepsie	NY	2,400,000
1008	Concrete Pavement Rehabilitation I-495	Brookhaven	NY	7,998,048
1009	County Route 7&8—RTE 299 Roadway Repaving	Towns of New Paltz and Gardiner	NY	3,600,000
1010	Craig Street Corridor Project	Schenectady	NY	2,700,000
1011	Del Valle Square/Crames Square Traffic, Safety, and Plaza Improvements	Bronx	NY	4,870,000
1012	DL&W Station	Buffalo	NY	5,000,000
1013	Electric Bus Charging Facility	Rochester	NY	800,000
1014	Elmwood Avenue Multiuse Corridor Improvement	Rochester	NY	8,596,000
1015	Griswold Road over Murder Creek Bridge Replacement	Darien	NY	1,203,200
1016	Half Moon Bay Bridge Reconstruction Project	Croton-on-Hudson	NY	1,500,000
1017	Heritage Trail Extension: Hartley Road to Downtown Middletown (Segment 2)	Town of Goshen	NY	500,000
1018	High Line Connections—Hudson River Park / Javits Center Connection	New York	NY	5,000,000

No.	Project Name	City	State/Territory	Amount
1019	Highland Avenue over Wallace Street	Otisville	NY	1,250,000
1020	Highway and Pedestrian Safety Infrastructure Improvements	Kiryas Joel	NY	1,380,000
1021	Highway Improvements to the Interval Avenue Area, Farmingdale	Oyster Bay	NY	1,000,000
1022	Hudson Highlands Fjord Trail	Beacon	NY	4,350,000
1023	Hudson Line Tunnels	Peekskill	NY	4,550,000
1024	I-84/Route 9D Connectivity (Beacon-Fishkill)	Beacon and Town of Fishkill	NY	400,000
1025	Improvements to East Lincoln Avenue, Riverdale Avenue and Pirates Cove, Massapequa	Oyster Bay	NY	1,000,000
1026	Inner Loop North Transformation Project	Rochester	NY	4,000,000
1027	Lake St. Bridge Project	Newburgh	NY	1,750,000
1028	Lake to Lake Road Bridge Replacement	Town of Gorham	NY	1,464,000
1029	Level 2 EV Charging Network in NYCDOT Municipal Parking Facilities	Queens	NY	734,400
1030	Little Bay Park Promenade	Bayside	NY	1,000,000
1031	Long Beach Road Improvements, South Hempstead, NY	Rockville Centre	NY	4,780,000

No.	Project Name	City	State/Territory	Amount
1032	Multi-Modal Phase I/Pedestrian Connector Project	Amsterdam	NY	4,500,000
1033	Newburgh Ferry Landing Pier	Newburgh	NY	4,000,000
1034	Northport Flood- ing on Main St.	Northport	NY	1,392,000
1035	Northwest Bronx School Safety Improvement Project	Bronx	NY	2,331,000
1036	NY 146 and NY146A Bicy- cle & Pedes- trian Access Improvements	Clifton Park	NY	1,055,000
1037	NYS Route 133 Bike Lane	Ossining	NY	1,500,000
1038	Onondaga Lake Canalways Trail—Salina Extension Project	Syracuse	NY	8,000,000
1039	Orange-Dutchess Transpor- tation Access and Mobility Study	Goshen	NY	400,000
1040	Outer Harbor Multi-Use Trails	Buffalo	NY	2,000,000
1041	Park Ave—In- gersoll Houses Safety Im- provements	Brooklyn	NY	1,942,000
1042	Perry Road (CR 64) Highway Rehabilitation	Mt. Morris	NY	1,440,000
1043	Phase 1 of the New York State Route 38 – State Street Pave- ment Preser- vation Project	Auburn	NY	2,778,400

No.	Project Name	City	State/Territory	Amount
1044	Preventative Maintenance Pavement from Route 67/Route 10 Ephratah to Johnstown City Line	Town of Johnstown & Ephratah	NY	3,394,752
1045	Purchase of Eight Electric Buses for Use in Emerging Markets – Montgomery County	Albany	NY	6,000,000
1046	Putnam County's Donald B. Smith Transit Hub	Carmel	NY	1,500,000
1047	Rapids Road Highway Improvements	Lockport	NY	4,000,000
1048	Reconstruction of Osborne Street	Auburn	NY	4,407,200
1049	Reconstruction of the Intersection of Rt 7, Rt 23 and Maple St in Oneonta into Roundabout Configuration	Oneonta	NY	3,200,000
1050	Replacement of the Bridge Street Bridge over Schoharie Creek	Schoharie	NY	6,254,400
1051	Restoration of Van Cortlandt Manor Entrance Road Project	Croton-on-Hudson	NY	600,000
1052	Riverside Drive Pedestrian Mall	New York	NY	2,400,000
1053	Rose Road over Bowen Creek Bridge Replacement	Batavia	NY	1,033,600

No.	Project Name	City	State/Territory	Amount
1054	Route 104 Intersection Improvement Project	Ontario	NY	1,254,400
1055	Route 2 Multi-Modal Connectivity Project	Troy	NY	5,700,000
1056	Route 28/South Inlet Lake	Town of Arietta	NY	6,621,248
1057	Route 31 Improvement Project	Wayne County	NY	2,970,400
1058	RT 12E/Chaumont River	Village of Chaumont	NY	9,984,000
1059	Safe and Accessible Midtown Kingston	Kingston	NY	6,053,818
1060	Safe Passage for CRCS Students	Cuba	NY	1,472,000
1061	Safe Routes to School—Bronx (HWCSCH4D)	Bronx	NY	1,682,000
1062	Safe Routes to School—Manhattan (HWCSCHM-N)	New York	NY	3,643,000
1063	Safe Routes to Transit 86th Street	Brooklyn	NY	2,516,000
1064	Sands Point Preserve Bridge	Village of Sands Point	NY	1,784,000
1065	Sharp Road (CR 181) over Spring Brook Bridge Replacement	Concord	NY	1,400,000
1066	Shoreline Trail	Lackawanna and Hamburg	NY	2,000,000
1067	Southeast Queens Flooding Relief	Queens	NY	3,859,000

No.	Project Name	City	State/Territory	Amount
1068	Street Restoration in Brooklyn—Hancock St, Bushwick Ave, Hill St, E 80th St	Brooklyn	NY	4,884,000
1069	The Maiden Lane Rehabilitation Project	Greece	NY	6,604,000
1070	The New Rochelle LINC Project	New Rochelle	NY	13,000,000
1071	The Riverline	Buffalo	NY	10,500,000
1072	Twin Cities Highway Complete Streets	Tonawanda and North Tonawanda	NY	500,000
1073	Ulster County Electric Bus Charging Infrastructure	Kingston	NY	800,000
1074	Union Turnpike Center Median Replacement	Queens	NY	2,355,200
1075	Van Wyck Expressway Access Improvement to John F. Kennedy Airport	Queens	NY	16,141,000
1076	Victor Traffic Mitigation Project	Victor	NY	9,920,000
1077	Village of Ossining Route 9 Road Diet Project	Ossining	NY	1,000,000
1078	Water Street Rejuvenation Project	Elmira	NY	1,289,400
1079	West Broadway Rehabilitation	Woodmere to Cedarhurst	NY	9,670,000
1080	West Lake Road (CR 3) Preventative Maintenance	Perry	NY	931,478
1081	Williams Bridge Station Renewal	Bronx	NY	14,675,000
1082	Yonkers Greenway	Yonkers	NY	1,791,600

No.	Project Name	City	State/Territory	Amount
1083	11th Street Re-construction Project	Canton	OH	1,500,000
1084	Arlington Road Corridor	Green	OH	5,578,551
1085	Bagley Road Re-construction	North Ridgeville	OH	1,500,000
1086	BRO-32-4.16	Mt. Orab	OH	10,000,000
1087	Cherry Rd Bridges Rehabilitation	Massillon	OH	1,480,000
1088	CLE CR 3 - Aicholtz Road Roundabouts	Cincinnati	OH	2,000,000
1089	CLE SR32-2.33 - CLE CR55 Overpass	Batavia	OH	1,500,000
1090	Cleveland Avenue Multimodal Facility Project	Westerville	OH	800,000
1091	Columbia Road—I-90 Interchange	Westlake	OH	1,900,000
1092	E. Main Street (SR153) & Nickel Plate Intersection Improvement	Louisville	OH	1,200,000
1093	East Dayton Rails-to-Trails (Flight Line)	Dayton	OH	2,000,000
1094	Easton Street/GlenOak HS Intersection Improvements	Canton	OH	575,000
1095	Electric Trolley Power Distribution System	Dayton	OH	3,600,000
1096	French Creek Greenway Phase 1	Avon	OH	595,637
1097	Gaysport Bridge Replacement Project	Philo	OH	3,000,000
1098	HAM-75-1.95	Cincinnati	OH	8,640,000 4,320,000 4,320,000

No.	Project Name	City	State/Territory	Amount
1099	Hydrogen Infrastructure Tank Increase	Canton	OH	1,000,000
1100	Interchange Construction Project on I-71 at Sunbury Parkway	Sunbury	OH	3,000,000
1101	Kungle Road Culvert Replacement	Norton	OH	308,000
1102	LUC IR 475 @ US 20A Interchange	Lucas County	OH	10,000,000
1103	Main Street Corridor Improvement Plan	Mansfield	OH	2,000,000
1104	Miller Road—I77 Interchange	Brecksville	OH	12,000,000
1105	Olmsted Falls Columbia Rd.	Olmsted Falls	OH	1,900,000
1106	Pearl Road Brunswick	Brunswick	OH	2,718,700
1107	Pearl Road Improvements	Brunswick	OH	1,500,000
1108	River Styx Road/SR 162 Intersection Roundabout	Montville Township	OH	3,200,000
1109	Sprague Road Widening Parma	Parma	OH	800,000
1110	SR283 Capacity Improvements	Mentor	OH	3,148,000
1111	Stark County CR-224	North Canton	OH	350,000
1112	State Route 13 Relocation	Mount Vernon	OH	1,900,405
1113	State Route 254 & State Route 83 Intersection Improvement	Avon	OH	1,500,000
1114	Study and Design of ATB 531	Ashtabula	OH	2,400,000
1115	The Point Intersection—US 36/SR 37	Delaware	OH	4,000,000

No.	Project Name	City	State/Territory	Amount
1116	Thornwood Crossing Project	Newark	OH	5,000,000
1117	U.S. Route 30—East Canton Expansion	East Canton	OH	1,500,000
1118	US-422 Harper Road Inter-change	Solon	OH	2,414,288
1119	W. Tuscarawas Street Safety Corridor Project	Canton	OH	1,000,000
1120	Wadsworth Streetscape	Wadsworth	OH	2,500,000
1121	Wayne CR-30 Resurfacing project	Wooster	OH	1,219,962
1122	West Creek Greenway	Parma	OH	2,720,000
1123	Western Hills Viaduct Re-placement Project	Cincinnati	OH	15,000,000
1124	Bobcat Way: Trans-formation of Fairview Avenue	Grandview Heights	OH	1,000,000
1125	Broad Street and James Road Intersection	Columbus	OH	1,000,000
1126	Cherry Bottom Road Emergency Stabilization	Gahanna	OH	860,000
1127	City of Akron—North Main Street Complete Streets Project	Akron	OH	4,000,000
1128	Cleveland Hopkins Airport Master Plan Interstate Access Improvement Project	Cleveland	OH	2,000,000

No.	Project Name	City	State/Territory	Amount
1129	Cuyahoga Falls—Gorge Terrace Street Transformation Project	City of Cuyahoga Falls	OH	7,200,000
1130	Eastgate—State Route 46 and Warren-Sharon Road Intersection Safety Improvements	Howland Township	OH	4,000,000
1131	Ferris Road Corridor	Columbus	OH	2,000,000
1132	Hiawatha Park Drive Urban Greenway	Columbus	OH	1,000,000
1133	Hudson Street and Greenway Trail	Columbus	OH	1,000,000
1134	Jackson Street/Civic Center Mall Corridor-Lucas County	Toledo	OH	4,000,000
1135	Life and Safety Facility Upgrades, TARTA M&O Facility	Toledo	OH	4,000,000
1136	Lorain County Lakefront Connectivity Project	Lorain Ohio	OH	4,000,000
1137	Mahoning Avenue Industrial Corridor Upgrade	Jackson Township	OH	4,000,000
1138	Multimodal Lakefront Access, Cuyahoga County, Ohio	City of Cleveland Boundary, including Bay Village, Rocky River, and Lakewood	OH	2,000,000
1139	Operation Safewalks — Refugee Road	Columbus	OH	2,000,000
1140	Reynoldsburg East Main Phase II	Reynoldsburg	OH	1,585,000
1141	Reynoldsburg Park & Ride	Reynoldsburg	OH	500,000

No.	Project Name	City	State/Territory	Amount
1142	Rickenbacker Area Access— Northbound Bridge Project	Columbus	OH	5,000,000
1143	Rickenbacker Area Mobility Center (RAMC)	Columbus	OH	3,000,000
1144	Sandusky Bay Pathway	Sandusky	OH	4,000,000
1145	Bridges on Inter- state 35 at Interchanges between Me- morial and 2nd Street	Edmond	OK	10,000,000
1146	I-35 Widening in Love Coun- ty	Love County	OK	17,120,000
1147	I35/I240 Inter- change	Oklahoma City	OK	10,000,000
1148	I-40 and Exit 65 in Clinton	Clinton	OK	3,250,000
1149	S.E. 29th Street Bridge Re- placement & Repair Project	Midwest City	OK	2,880,000
1150	SH30 from SH33 N. 2 miles in Roger Mills Co	Durham	OK	2,000,000
1151	SH-33 from Blaine County line east to SH-74	Kingfisher	OK	3,250,000
1152	US-270 between Watonga and Seiling	Watonga	OK	3,250,000
1153	US-287 from Boise City north to Colo- rado (Ports-to- Plains Cor- ridor)	Boise City	OK	3,250,000
1154	181st Safety Im- provements	Gresham	OR	4,000,000
1155	82nd Avenue Safety Projects	Portland	OR	5,000,000
1156	Albany Transit Operations Facility	Albany	OR	1,563,978

No.	Project Name	City	State/Territory	Amount
1157	Beaverton Downtown Loop: Phase 1 Improvements	Beaverton	OR	4,000,000
1158	Benton Area Transit Vehicle Replacement	Corvallis	OR	528,000
1159	Corvallis Area Pedestrian Crossing Improvements	Corvallis	OR	880,000
1160	Georgia Pacific Mill Site Rail-Served Marine Terminal	Coos Bay	OR	4,500,000
1161	I-5: Aurora-Donald Interchange Improvement Project	Aurora	OR	20,000,000
1162	Libby Lane Repaving	Coos Bay	OR	486,400
1163	LTD Electric Bus Replacement	Eugene	OR	1,844,322
1164	Main Avenue/OR 104 Pedestrian Route	Warrenton	OR	1,360,000
1165	NW Circle Boulevard Reconstruction/Rehabilitation	Corvallis	OR	2,800,000
1166	OR18: Newberg-Dundee Bypass Phase 2 (OR219 Section)	Newberg	OR	8,000,000
1167	River Road—Santa Clara Bicycle and Pedestrian Bridge	Eugene	OR	1,500,000
1168	Rose Lane / High Crash Corridor — Smart Tech and Safety Improvements — 122nd	Portland	OR	5,000,000

No.	Project Name	City	State/Territory	Amount
1169	Safety and Smart Technology Investments: Central City, Broadway	Portland	OR	4,000,000
				2,000,000
				2,000,000
1170	Siuslaw River Bridge Pedestrian and Bicycle Improvement Project	Florence	OR	897,300
1171	Territorial Highway Reconstruction Phase 3	Lane County	OR	5,000,000
1172	TriMet Zero Emission Bus Infrastructure	Portland	OR	4,000,000
1173	Tualatin Valley Highway Safety Improvements	Cornelius, Hillsboro, unincorporated Washington County	OR	4,000,000
1174	Amtran Bus Replacement	Altoona	PA	900,000
1175	Asset Management Phase 1	Washington/ North Branch/ Forkston Townships	PA	2,800,000
1176	Bradford Bypass	Bradford	PA	5,680,000
1177	Bristol Station Improvements	Bristol	PA	5,000,000
1178	Cambria County Transit Authority (CamTran) Bus Replacements	Johnstown	PA	6,160,000
1179	Crawford Avenue Bridge Rehabilitation	Connellsville	PA	5,682,180
1180	East Washington Road (PennDOT ID 91768)	New Castle	PA	3,116,000
1181	East Washington Street Bridge (PennDOT ID 100743)	New Castle	PA	1,400,000

No.	Project Name	City	State/Territory	Amount
1182	Johnstown Mainstreet Greenway & Urban Connectivity Improvements	Johnstown	PA	1,500,000
1183	Laurel Valley Transportation Im- provement Project SR 130 to Arnold Palmer Air- port	Mt Pleasant and Unity Townships	PA	5,000,000
1184	Lower State Road Grade Crossing Safe- ty Improve- ments	Philadelphia	PA	1,200,000
1185	Marsh Creek Greenway	Wellsboro	PA	5,000,000
1186	PA Route 26 Jacksonville Road Better- ment	Bellefonte	PA	5,000,000
1187	PA Turnpike / I-95 Inter- change Project, Sec- tion C	Bensalem	PA	5,000,000
1188	PA Turnpike / I-95 Inter- change Project, Sec- tion D30	Bensalem	PA	5,000,000
1189	Purchase of 8 Microtransit Vans	State College	PA	416,000
1190	Route 61 Revi- talization	Schuylkill County	PA	15,200,000
1191	Sassafras Street Extension Pe- destrian Bridge	Erie	PA	4,400,000
1192	SR 1001 Farrandsville Road Im- provements	Woodward Township and Lock Haven	PA	1,200,000
1193	SR 104 over Mahantango Creek	Chapman Township	PA	1,000,000

No.	Project Name	City	State/Territory	Amount
1194	SR2027 Speers Bridge Re- placement over I-70	Speers Bor- ough	PA	5,672,564
1195	SR87 ov Kettle Creek	Hillsgrove Township	PA	1,040,000
1196	State Route 68 Corridor Im- provements	Butler	PA	6,630,000
1197	US 422 Bypass Phase 2	Butler, Connoqueness- ing, and Franklin Townships	PA	2,454,000
1198	US 6: Reynolds St – Baldwin St Ext (Route 6 Highway Reconstruc- tion)	Meadville	PA	2,000,000
1199	US Business Route 322 (State Route 3014) Ath- erton Street Section 153 Drainage/Re- paving Project	State College	PA	5,550,000
1200	Warrensville Road Slide Rehabilitation	Williamsport	PA	3,360,000
1201	Waynesburg Bet- terment	Waynesburg Borough & Franking Township	PA	8,000,000
1202	69th Street Transpor- tation Center Master Plan	Upper Darby	PA	1,600,000
1203	Blakely Borough Main Street Corridor Im- provement Project	Blakely Bor- ough, Lackwanna County	PA	1,497,417
1204	Bridge Replace- ment 209 & 33 NB over Appenzell Creek	Hamilton Township	PA	2,000,000

No.	Project Name	City	State/Territory	Amount
1205	Bushkill Creek Bridge Replacements (2) Carrying State Route 33	Easton	PA	4,000,000
1206	Carnegie Station Improvement and Park and Ride Expansion	Carnegie	PA	9,699,200
1207	Castor Ave Complete Street	Philadelphia	PA	3,000,000
1208	Cementon Bridge Replacement carrying State Route 329 over the Lehigh River	Whitehall, Northampton	PA	10,000,000
1209	Chestnut Street Pedestrian Safety Islands	Philadelphia	PA	3,000,000
1210	Cobbs Creek Parkway Multimodal Safety Improvements: Larchwood Avenue to 67th St.	Philadelphia	PA	2,000,000
				1,200,000
				800,000
1211	County of Lackawanna Transit System Transit Facility Renovation	Scranton	PA	5,000,000
1212	Crestwood Drive Resurfacing Project	Wright Township, Luzerne County	PA	1,200,000
1213	Critical Pedestrian Connections – Public Steps Reconstruction	Pittsburgh	PA	5,000,000
1214	Cross County Trail – Germantown Pike Crossing and Extension	Plymouth Township	PA	4,840,000

No.	Project Name	City	State/Territory	Amount
1215	Erie Station (Broad Street Line) Accessi- bility Im- provements	Philadelphia	PA	7,200,000
				3,600,000
				3,600,000
1216	Exton Station Intermodal Connectivity	Exton	PA	4,800,000
1217	Frankford Creek Greenway: Adams Avenue to Bristol Street	Philadelphia	PA	2,000,000
1218	Franklin Square Pedestrian and Bicycle Improve- ment—7th and Race Spe- cific	Philadelphia	PA	240,000
1219	Hazleton Buses and Bus In- frastructure	Hazleton	PA	1,500,000
1220	Hill District Corridor En- hancements	Pittsburgh	PA	6,000,000
1221	Improvements to Boulevard of the Allies	Pittsburgh	PA	5,000,000
1222	Kittanning Pike Flood Control	O'Hara Township	PA	2,200,000
1223	Lower Demunds Road Resur- facing Project	Dallas Town- ship, Luzerne County	PA	1,200,000
1224	Main Street Grade Cross- ing in Darby Borough	Darby Bor- ough	PA	1,000,000
1225	Mantua Neigh- borhood Traf- fic Safety Project (34th St.)	Philadelphia	PA	4,000,000
1226	Marcus Hook Regional Rail Station Acces- sibility Im- provements	Marcus Hook	PA	11,250,000

No.	Project Name	City	State/Territory	Amount
1227	Market Place District Improvements Project	Moon Township	PA	3,100,800
1228	McKees Rocks Bridge	McKees Rocks	PA	5,000,000
1229	McKeesport—Duquesne Bridge Preservation	McKeesport	PA	4,000,000
1230	PA 12 West Resurface- 422	Wyomissing Borough	PA	4,000,000
1231	Parkside Avenue — Safe Access to Parks	Philadelphia	PA	4,000,000
1232	Penn Center Transit Gateway	Philadelphia	PA	3,975,000
1233	PHL Airport Bike Lanes	Philadelphia	PA	3,000,000
1234	Replacement of SR 590 Bridge over Branch of Ariel Creek	Salem Township, Wayne County	PA	560,000
1235	Replacement of SR 590 Bridge over Inlet to Finn Swamp	Paupack Township, Wayne County	PA	432,000
1236	Roosevelt Boulevard Intersection Improvements	Philadelphia	PA	1,960,000
1237	Schuylkill Avenue Bridge	Reading	PA	4,904,036
1238	Second Street Signal Optimization (Lehigh Ave to Callowhill St)	Philadelphia	PA	2,400,000
1239	SEPTA Platform Rehabilitation Project at PHL	Philadelphia	PA	1,205,000
1240	Sleepy Hollow Road Bridge Replacement	Butler Township, Luzerne County	PA	1,200,000
1241	South Henderson Road Widening	Upper Merion	PA	5,000,000

No.	Project Name	City	State/Territory	Amount
1242	SR 29 & SR 113 Intersection Improvements	Perkiomen Township	PA	3,676,512
1243	SR 4004—Park Ave, Eagleville Road, Crawford Road Intersection Realignment Project	Audubon	PA	4,745,604
1244	State Route 115 Corridor Improvements Effort	Chestnuthill Township, Monroe County	PA	4,000,000
1245	State Route 590 Paving Project	Lackawaxen Township, Pike County	PA	2,400,000
1246	State Route 652 Resurfacing Project	Berlin Township, Wayne County	PA	1,008,000
1247	Tilghman Street and State Route 309 Interchange Reconstruction	South Whitehall Township	PA	4,000,000
1248	Upper Darby Walnut Street Multimodal Connectivity Project	Upper Darby	PA	745,000
1249	US 222 Hard Shoulder	Wyomissing Borough	PA	5,000,000
1250	PRHTA-01 Lajas to San German	Lajas	PR	5,000,000
1251	PRHTA-02 Gurabo	Gurabo	PR	4,800,000
1252	PRHTA-03 Bayamon	Bayamon	PR	7,884,000
1253	East Main Road – Union Avenue to Sandy Point Avenue Safe Shared-Use Path	Portsmouth	RI	240,000
1254	Hope and Main Street Side-walks	Bristol and Warren	RI	8,000,000

No.	Project Name	City	State/Territory	Amount
1255	<i>Pawtucket Avenue Veteran's Memorial Parkway to Waterman Avenue</i>	<i>East Providence</i>	<i>RI</i>	<i>5,600,000</i>
1256	<i>Post Road and Old Post Road Improvements</i>	<i>Westerly, Charlestown</i>	<i>RI</i>	<i>10,400,000</i>
1257	<i>Route 2, Bald Hill Road, and New London Avenue Improvements</i>	<i>Warwick/Cranston</i>	<i>RI</i>	<i>4,000,000</i>
1258	<i>RT-114, Wampanoag Trail (East Shore Expressway to Federal Road)</i>	<i>Barrington and East Providence</i>	<i>RI</i>	<i>5,920,000</i>
1259	<i>Trestle Trail—West Section</i>	<i>Coventry</i>	<i>RI</i>	<i>4,400,000</i>
1260	<i>I 26/ 526 Interchange</i>	<i>North Charleston</i>	<i>SC</i>	<i>20,000,000</i>
1261	<i>SC-126 Belvedere Clearwater Road Widening</i>	<i>Clearwater</i>	<i>SC</i>	<i>13,069,695</i>
1262	<i>Corridor Improvement at Old State Road (US 21/ 176) from Savany Hunt Creek Road (S-86) to Old Sandy Run Road (S-31)</i>	<i>Calhoun County</i>	<i>SC</i>	<i>1,100,000</i>
1263	<i>Intersection Improvement at Old State Road (US 21/ 176) and Savany Hunt Creek Road (S-86)</i>	<i>Gaston</i>	<i>SC</i>	<i>1,100,000</i>
1264	<i>Santee Wateree Regional Transportation #2022</i>	<i>Sumter</i>	<i>SC</i>	<i>2,000,000</i>

No.	Project Name	City	State/Territory	Amount
1265	Sumter Manning Avenue Bridge Multimodal Enhancements	Sumter	SC	4,000,000
1266	US 21/178 Bypass (Joe S. Jeffords Highway) Corridor Improvement	Orangeburg	SC	7,800,000
1267	Walk Bike Columbia	Columbia	SC	4,000,000
1268	Blount County Greenway	Blount County	TN	3,420,800
1269	Elvis Presley Boulevard	Memphis	TN	7,000,000
1270	Knob Creek Road	Johnson City	TN	2,630,000
1271	Magnolia Avenue Corridor	Knoxville	TN	10,000,000
1272	MATA Electric Bus Program	Memphis	TN	7,000,000
1273	Memphis 3.0 (Kimball at Pendleton)	Memphis	TN	3,000,000
1274	Mississippi Boulevard Signalized Pedestrian Crossing	Memphis	TN	1,141,440
1275	Overton Park Cooper Street Entrance	Memphis	TN	1,739,432
1276	SR-126	Kingsport	TN	5,662,000
1277	SR-34	Morristown	TN	2,394,000
1278	SR-35	Greenville	TN	2,018,000
1279	SR-36	Spurgeon	TN	5,445,000
1280	SR-499 EXT	Sevierville	TN	832,000
1281	SR-93 Horse Creek	Kingsport	TN	777,000
1282	SR-93 Miscellaneous Safety Improvements	Fall Branch	TN	242,000
1283	Third/Fourth Street Corridor Project, Chattanooga, TN	Chattanooga	TN	2,500,000
1284	US-127 (SR-28)	Fentress County / Cumberland County	TN	20,000,000

No.	Project Name	City	State/Territory	Amount
1285	54 Scott Street BOOST Corridor project	Houston	TX	20,000,000
1286	Austin Bergstrom Spur Urban Trail	Austin	TX	10,000,000
1287	Austin Ross Road Sub-standard Street	Austin	TX	10,000,000
1288	Bear Creek Road Improvement Project	Glenn Heights	TX	3,329,417
1289	City of South Houston--Concrete Side-walks	South Houston	TX	1,264,530
1290	Clay Road Bridge Reconstruction Project	Houston	TX	9,929,577
1291	Dallas East Grand Avenue (SH-78) Corridor Study & Infrastructure Improvements	Dallas	TX	1,300,000
1292	Dallas Vision Zero Implementation	Dallas	TX	10,000,000
1293	DART LED Light Replacement Project	Dallas	TX	2,080,000
1294	DART Mobile Data Terminals System Upgrade Project	Dallas	TX	1,760,000
1295	East Dallas Bus and Maintenance Facility Renovation Project	Dallas	TX	891,992
1296	FM 3349/US 79 Railroad Grade Separation Project	Hutto & Taylor	TX	10,000,000

No.	Project Name	City	State/Territory	Amount
1297	FM 60 from 2 miles east of SH 36 to .8 miles west of FM 2039	Caldwell	TX	4,000,000
1298	Foley Street & Navigation Realignment & Infrastructure Re-Use Construction Phase	Houston	TX	10,000,000
1299	Fondren Road Reconstruction with Transit and Pedestrian Enhancements	Houston	TX	11,000,000
1300	Greater Downtown Dallas Master Plan	Dallas	TX	1,600,000
1301	Grove Street Intermodal Campus Rehabilitation	Fort Worth	TX	3,250,000
1302	High Line Project	Pharr	TX	940,160
1303	IBTC	Donna and Alamo	TX	3,500,000
1304	IH 45 from 1.5 miles south of S 84 to US 84	Fairfield	TX	1,000,000
1305	IH 69E	Lyford and Sebastian	TX	3,500,000
1306	Intersection at SH 191 and Yukon Rd.	Midland	TX	6,520,000
1307	John Hayes Extension	El Paso	TX	12,000,000
1308	Meadowglen West Complete Street Project	Houston	TX	4,000,000
1309	Memorial Park Connector South	Houston	TX	4,000,000
1310	Missouri City/ BW 8 Transit Facility	Missouri City	TX	5,000,000

No.	Project Name	City	State/Territory	Amount
1311	New Construction Overpass at Loop 338 and South US 385	Odessa	TX	2,000,000
1312	Pharr International Bridge Dock Expansion 1	Pharr	TX	2,863,918
1313	Pharr International Bridge-Commercial Vehicle Staging Area	Pharr	TX	3,880,000
1314	Phase 3A—SL 88 from Memphis to CR 2240 (Ave. U) (TxDOT Project Id: 1502-01-029)	Lubbock	TX	11,820,000
1315	Phase 3B—SL 88 from SL 88 from Chicago Avenue to Memphis Avenue (TxDOT Project Id: 1502-01-030)	Lubbock	TX	8,180,000
1316	Reconstruction of US385 in Odessa	Odessa	TX	1,000,000
1317	Re-establish Northwest Drive Direct Access to IH 635	Mesquite	TX	10,000,000
1318	RM 2243 Resiliency Project	Leander	TX	10,000,000
1319	Safe Access to Transit Improvements	Houston	TX	1,200,000
1320	SH 550	Brownsville	TX	3,791,529
1321	SH 6 from BS 6-R to SH 40	College Station	TX	4,000,000
1322	South Parallel Corridor Phase III	San Benito	TX	6,500,000

No.	Project Name	City	State/Territory	Amount
1323	South Park and Ride Project/ Electric Bus Project Expansion	McAllen	TX	4,700,000
1324	Speegleville Road: Bridge at Middle Bosque River	Waco	TX	8,379,000
1325	Stanton Street Bridge “Good Neighbor International Bridge” Intelligent Transportation System	El Paso	TX	7,200,000
1326	The I-35 Innovative Corridor Project	Dallas	TX	7,500,000
1327	Traffic Signal Improvements Loop 338 at W Yukon Rd	Odessa	TX	2,480,000
1328	Trinity Lakes Station—Fort Worth Transportation Authority	Fort Worth	TX	11,962,800
1329	TX SH 36 Expansion	Fort Bend County	TX	20,000,000
1330	Vallecillo Road Project	Laredo	TX	14,000,000
1331	Westheimer BOOST	Houston	TX	16,000,000
1332	Widen US-77	Victoria	TX	20,000,000
1333	Widening of US-83 South of Zapata Townsite Project	Zapata	TX	5,780,148
1334	Zarzamora/Frio City Road RR Overpass	San Antonio	TX	15,600,000
1335	1300 East/Richmond Street Reconstruction	Salt Lake City	UT	2,000,000
1336	1500 West and 1300 North Roundabout	Clinton City	UT	1,200,000
1337	4700 South Project WVC	West Valley City	UT	3,000,000

No.	Project Name	City	State/Territory	Amount
1338	700 West Project	South Salt Lake City	UT	3,000,000
1339	BRT from Kimball Junction to Park City (S.R. 224)	Park City	UT	6,500,000
1340	Colorado River Pathway Phase IV	Moab/Grand County	UT	1,000,000
1341	Fort Street Reconstruct	Draper	UT	915,294
1342	Frontage Road Bypass	Herriman	UT	4,800,000
1343	FrontRunner Forward	Provo to Ogden	UT	3,300,000
1344	Legacy Highway Frontage Road Project	Centerville	UT	1,500,000
1345	Midvalley Connector	Murray, West Valley, Salt Lake City	UT	5,500,000
1346	Neffs Canyon Trailhead Re-design	Salt Lake City	UT	800,000
				400,000
				400,000
1347	North Sugar Factory Road	Gunnison	UT	1,727,200
1348	Ogden 25th Street Rebuild Project	Ogden	UT	5,500,000
1349	Ogden Canyon Shared Use Pathway Project	Ogden	UT	4,000,000
1350	Park City Arts and Culture District Roadway and Connectivity Project	Park City	UT	1,200,000
1351	Provo Inter-modal Center Pedestrian Bridge Project	Provo	UT	1,000,000
1352	Safe Route to School Sidewalk Project	Salt Lake County	UT	73,345
1353	Sharp/Tintic Railroad Connection	Springville and Spanish Fork	UT	1,700,000

No.	Project Name	City	State/Territory	Amount
1354	SR-7 Exit 5 Interchange, Southern Hills Bridge and Roadway	St. George	UT	5,000,000
1355	Young Street Bridge and Connector Road Project	Morgan City	UT	1,547,401
1356	Arlington Ridge Road Bridge	Arlington/Alexandria	VA	9,000,000
1357	Berkley Avenue Bridge	Norfolk	VA	5,000,000
1358	Chesapeake All-Electric Mobile Command Vehicle Demonstration Project	Chesapeake	VA	1,600,000
1359	Coalfields Expressway—RTE 121 West Virginia State Line to Grundy, VA	Grundy	VA	4,097,500
1360	Commerce Road Improvements Project	Richmond	VA	1,600,000
1361	Craney Island Access Road	Portsmouth	VA	3,111,500
1362	Electric Emergency Response Vehicles	Chesapeake	VA	1,600,000
1363	Fall Line Trail — Downtown Core Enhancements	Richmond	VA	1,500,000
1364	HRT Bus Replacement	Virginia Beach	VA	2,377,000
1365	I-64 at Oilville Road (Rte. 617) Interchange	Goochland County	VA	3,436,000
1366	I-66 Transportation Alternatives	Fairfax	VA	4,000,000
1367	I-81 Northbound Truck Climbing Lane—Mile Marker 39.5	Marion	VA	11,160,000

No.	Project Name	City	State/Territory	Amount
1368	Intersection Safety Improvements at the Intersection of Route 15 and Route 250	Troy	VA	5,082,700
1369	Intersection Safety Improvements at the Intersection of Route 22 and Route 780	Louisa	VA	2,050,000
1370	Interstate 95 and Willis Road Inter- change Im- provements Project	Chesterfield	VA	3,200,000
1371	Jahnke Road: Blakemore Road to Forest Hill Avenue	Richmond	VA	1,600,000
1372	Long Bridge	Arlington	VA	4,000,000
1373	Mathis Corridor Revitalization Project	Manassas	VA	7,000,000
1374	Multimodal Transportation Infra- structure Im- provements	Falls Church	VA	2,000,000
1375	Nimmo Parkway Phase VII-B	Virginia Beach	VA	5,000,000
1376	Old Bridge Road at Gordon Boulevard Interchange/ Intersection Improvements	Woodbridge	VA	4,000,000
1377	Parallel Chesapeake Tunnel Project	Northampton County	VA	3,111,500
1378	Peninsula Transit Signal Priority Improve- ments	Newport News and Hampton	VA	9,702,071
1379	Red Lane Road/ Rt. 60 Contin- uous Green T	Powhatan	VA	3,145,663

No.	Project Name	City	State/Territory	Amount
1380	Richmond Highway Bus Rapid Transit	Fairfax County	VA	5,000,000
1381	Roundabout at the intersection of Middle Road (Rt. 646) and Jefferson Park Road (Rt. 630)	Prince George County	VA	3,540,806
1382	Route 31 Bicycle Accommodations Project	Surry	VA	6,379,000
1383	Route 7/Route 690 Interchange	Purcellville	VA	10,000,000
1384	Rt. 208 (Court-house Road) and Hood Drive Intersection Improvement (UPC 110987)	Fredericksburg	VA	1,151,000
1385	Silver Line Support Transportation Alternatives	Fairfax	VA	10,500,000
1386	The Birthplace of America Trail	Newport News	VA	3,160,000
1387	Tidewater Drive Reconstruction	Norfolk	VA	6,400,000
1388	Transit Enhancement and Expansion	Chesterfield	VA	4,688,800
1389	St. Croix/St. Thomas Ferry	Christiansted	VI	15,000,000
1390	Barre City-Barre Town VT Route 14 / Quarry Street and Quarry Hill Road Intersection Reconstruction	Barre	VT	4,750,000
1391	Essex Junction Crescent Connector	Essex	VT	5,400,000

No.	Project Name	City	State/Territory	Amount
1392	Railyard Enterprise Project (Design & Permitting Phase)	Burlington	VT	2,250,000
1393	Town of Hartford (Quechee) U.S. 4 Bridge Rehabilitation	Hartford	VT	7,600,000
1394	Bigelow Gulch and Sullivan Road Corridor	Spokane Valley	WA	2,650,000
1395	City of Waitsburg Highway 12 Preston Bridge Replacement	Waitsburg	WA	350,000
1396	Columbia Heights Road Reconstruction	Longview	WA	5,500,000
1397	Ferry County Kettle River Road Rehabilitation	Curlew	WA	1,797,000
1398	I-5/SR 503 Interchange Area Improvements	Woodland	WA	11,760,000
1399	Industrial Rail Corridor Expansion (IRCE)	Longview	WA	2,740,000
1400	Palouse River Bridge Replacement	Colfax	WA	6,000,000
1401	Spokane Airport Spotted Road Project	Spokane	WA	6,749,000
1402	SR 410/Rock Creek Vic— Chronic Environmental Deficiency	Naches	WA	3,562,000
1403	SW Mojonnier Road Reconstruction	College Place	WA	2,453,574
1404	US 12 Naches Vic to Yakima Vic—Intersection Safety Improvements	Naches	WA	1,452,000

No.	Project Name	City	State/Territory	Amount
1405	US 97/Jones Rd—Intersection Improvements	Wapato	WA	4,464,000
1406	US Highway 12 Phase 8 Final Design and Right of Way Acquisition	Touchet	WA	5,965,931
1407	Yakima County, East-West Corridor Phase II Project.	Yakima	WA	4,000,000
1408	169th Street Connecting Segment	Arlington	WA	3,900,000
1409	20th Street NE / Main Street Improvements	Lake Stevens	WA	2,000,000
1410	42nd Ave S Bridge Replacement Project	Tukwila	WA	1,270,000
1411	Aberdeen US 12 Highway-Rail Separation Project	Aberdeen	WA	2,080,000
1412	Access and Circulation Roads for the Darrington Wood Innovation Center	Town of Darrington	WA	1,291,869
1413	Bellevue Transit Center Safety and Connectivity Project	Bellevue	WA	1,000,000
1414	City of Carnation Larson / 40th Street Bypass Project	Carnation	WA	2,400,000
1415	City of Kenmore Fish Passable Culvert Replacements	Kenmore	WA	1,224,000
1416	College Street Corridor Improvements Phase III	Lacey	WA	6,000,000

No.	Project Name	City	State/Territory	Amount
1417	Columbia River Pedestrian Bridge Extension, Apple Capital Loop Trail	Wenatchee	WA	8,600,000
1418	E. 64th Street Phase II	Tacoma	WA	5,600,000
1419	East Marginal Way Corridor Improvements – Phase 1	Seattle	WA	2,340,000
1420	Eastrail Wilburton Critical Crossing	Bellevue	WA	1,680,000
1421	Georgetown to South Park Connection	Seattle	WA	1,800,000
1422	Gorst Area Resiliency and Redundancy Alternatives Study	Bremerton	WA	8,000,000
1423	Guemes Island Ferry Replacement Project	Anacortes	WA	8,000,000
1424	I-5/Lake Washington Ship Canal Bridge	Seattle	WA	5,000,000
1425	Lea Hill Corridor 112th Ave SE & 105th Pl SE Intersection Improvements	Auburn	WA	4,446,200
1426	Links to Opportunity Streetscape Project	Tacoma	WA	2,000,000
1427	Lyon Creek Culvert Replacement Project	Lake Forest Park	WA	3,100,000
1428	Meeker Complete Street/Safe Routes to School Project	Kent	WA	2,500,000

No.	Project Name	City	State/Territory	Amount
1429	MLK Jr. Way S Safety and Accessibility Improvements Project	Seattle	WA	750,000
1430	NE 124th St / 124th Ave NE Pedestrian Bridge (Totem Lake Non-Motorized Bridge)	Kirkland	WA	2,000,000
1431	Orting HWY 162 Pedestrian Bridge	Oting	WA	6,000,000
1432	Puyallup Avenue Transit/Complete Street Improvements	Tacoma	WA	2,000,000
1433	Rainier Avenue South Corridor Improvements—Phase 4A	Renton	WA	2,000,000
1434	Redmond Central Connector Phase III	Redmond	WA	3,000,000
1435	Roundabout on US-2 and Main Street	Sultan	WA	900,000
1436	Safe Routes to School Improvements: Whitman Elementary and Edison Elementary Schools	Tacoma	WA	1,000,000
1437	Sheffield Trail Improvement Project	Fife	WA	2,750,000
1438	South Campus Interim Base Electrification	Tukwila	WA	3,000,000
1439	South Tacoma Way, 88th Street S to 80th Street Court SW.	Lakewood	WA	2,400,000

No.	Project Name	City	State/Territory	Amount
1440	South Whidbey— Clinton Area Transportation Infra- structure Im- provements	Clinton	WA	1,500,000
1441	SR 99/NB Duwamish River Bridge—Grid Deck Replace- ment	Seattle	WA	2,000,000
1442	SR522 Corridor Improvement	Maltby	WA	4,000,000
1443	Town to Zylstra Lake Multi- Modal Trail	Friday Har- bor	WA	5,280,000
1444	Tukwila Inter- national Bou- levard Bus Rapid Transit Station	Tukwila	WA	2,000,000
1445	US 12/Heron St Bridge Tier 1—Bridge Re- habilitation	Aberdeen	WA	2,038,166
1446	US-2 WB Tres- tle	Lake Stevens, Everett	WA	1,680,000
				840,000
				840,000
1447	Washington State Ferries Seattle Ferry Terminal Shoreside Electrification	Seattle	WA	4,200,000
1448	West Seattle and Ballard Link Extensions (WSBLE)	Seattle	WA	5,360,000
1449	X Street Round- about	Tumwater	WA	3,250,000
1450	Atwood Ave. (Fair Oaks Ave. to Cot- tage Grove Rd.)	Madison	WI	6,275,000
1451	BeerLine Bike and Pedes- trian Trail	Milwaukee	WI	1,200,000

No.	Project Name	City	State/Territory	Amount
1452	CTH CC from Ash Street to CTH D	Oregon	WI	2,000,000
1453	CTH CV from Government Road to USH 51	Madison	WI	2,000,000
1454	CTH M/Century Avenue Bridge (B-13-0046) over Pheasant Branch Replacement Including Approaches and Branch Street Intersection	Middleton	WI	2,000,000
1455	CTH P from CTH PD to CTH S	Klevenville	WI	2,000,000
1456	I-94 Screening Wall at Woods National Cemetery	Milwaukee	WI	2,000,000
1457	Milwaukee County Transit Bus Purchase	Wauwatosa	WI	4,000,000
1458	Milwaukee County Transit Security Initiative	Wauwatosa	WI	2,000,000
1459	Reconstruction of Silver Spring Drive	Glendale	WI	4,500,000
1460	Reedsburg – Baraboo, Preston Avenue to STH 23 Const./Mill & Overlay, State 3R	Reedsburg	WI	125,000
1461	Reedsburg – Wisconsin Dells STH 136 Intersection Const./Intersection Improvement/RAB Safety	Reedsburg	WI	1,600,000

No.	Project Name	City	State/Territory	Amount
1462	South Kinnickinnic Avenue Resurfacing Project	St. Francis	WI	700,000
1463	US 14 (Wisconsin River to Oak Street) between Spring Green & Madison	Arena	WI	2,000,000
1464	Vliet Street Resurfacing Project	Milwaukee	WI	4,200,000
1465	Hal Greer Boulevard Corridor Upgrade	Huntington	WV	6,400,000
1466	Michael Angiulli Memorial Bridge	North View	WV	2,080,000
1467	New Cumberland—WV 2	New Cumberland	WV	3,200,000
1468	Princeton Overhead Bridge	Princeton	WV	3,600,000
1469	Rock Creek Interchange—New Access Road	Rock Creek	WV	10,000,000
1470	Route 93 Scherr Overpass	Scherr	WV	3,120,000
1471	Van Voorhis Road	Morgantown	WV	6,800,000
1472	WVU PRT Passenger Stations Rehabilitation Project	Morgantown	WV	4,800,000
1473	Excelsior Springs Safe Streets and Sidewalks	Excelsior Springs	MO	9,444,706

***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.

1 (5) *Section 2106.*

2 (6) *Section 2112.*

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

4 (8) *Section 2305.*

5 (9) *Section 2307.*

6 (10) *Section 2902(2).*

7 ***TITLE I—FEDERAL-AID***
 8 ***HIGHWAYS***

9 ***Subtitle A—Authorizations and***
 10 ***Program Conditions***

11 ***SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.***

12 (a) *IN GENERAL.*—*The following amounts are author-*
 13 *ized to be appropriated out of the Highway Trust Fund*
 14 *(other than the Mass Transit Account):*

15 (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*
 16 *national highway performance program under section*
 17 *119 of title 23, United States Code, the pre-disaster*
 18 *mitigation program under section 124 of such title,*
 19 *the railway crossings program under section 130 of*
 20 *such title, the surface transportation program under*
 21 *section 133 of such title, the highway safety improve-*
 22 *ment program under section 148 of such title, the con-*
 23 *gestion mitigation and air quality improvement pro-*
 24 *gram under section 149 of such title, the clean cor-*
 25 *ridors program under section 151 of such title, the*

1 *national highway freight program under section 167*
 2 *of such title, the carbon pollution reduction program*
 3 *under section 171 of such title, and metropolitan*
 4 *planning under section 134 of such title—*

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

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

7 *(C) \$58,595,359,712 for fiscal year 2025;*

8 *and*

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

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

16 *(3) CONSTRUCTION OF FERRY BOATS AND FERRY*
 17 *TERMINAL FACILITIES.—For construction of ferry*
 18 *boats and ferry terminal facilities under section 147*
 19 *of title 23, United States Code, \$120,000,000 for each*
 20 *of fiscal years 2023 through 2026.*

21 *(4) FEDERAL LANDS AND TRIBAL TRANSPOR-*
 22 *TATION PROGRAMS.—*

23 *(A) TRIBAL TRANSPORTATION PROGRAM.—*

24 *For the tribal transportation program under sec-*
 25 *tion 202 of title 23, United States Code,*

1 \$800,000,000 for each of fiscal years 2023
2 through 2026.

3 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
4 *GRAM.*—

5 (i) *IN GENERAL.*—For the Federal
6 lands transportation program under section
7 203 of title 23, United States Code,
8 \$555,000,000 for each of fiscal years 2023
9 through 2026.

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

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

16 (II) the amount for the United
17 States Fish and Wildlife Service is
18 \$50,000,000 for each of fiscal years
19 2023 through 2026;

20 (III) the amount for the United
21 States Forest Service is \$50,000,000
22 for each of fiscal years 2023 through
23 2026;

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

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

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

10 (VII) the amount for independent
11 Federal agencies with natural resource
12 and land management responsibilities
13 is \$7,000,000 for each of fiscal years
14 2023 through 2026.

15 (C) *FEDERAL LANDS ACCESS PROGRAM.*—
16 For the Federal lands access program under sec-
17 tion 204 of title 23, United States Code,
18 \$345,000,000 for each of fiscal years 2023
19 through 2026.

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

24 (5) *TERRITORIAL AND PUERTO RICO HIGHWAY*
25 *PROGRAM.*—For the territorial and Puerto Rico high-

1 way program under section 165 of title 23, United
2 States Code, the amounts specified in paragraphs (1)
3 and (2) of section 165(a) for each of fiscal years 2023
4 through 2026.

5 (6) *PROJECTS OF NATIONAL AND REGIONAL SIG-*
6 *NIFICANCE.*—*For projects of national and regional*
7 *significance under section 117 of title 23, United*
8 *States Code, \$3,000,000,000 for each of fiscal years*
9 *2023 through 2026.*

10 (7) *COMMUNITY TRANSPORTATION INVESTMENT*
11 *GRANTS.*—*To carry out section 173 of title 23, United*
12 *States Code, \$600,000,000 for each of fiscal years*
13 *2023 through 2026.*

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

18 (9) *NATIONAL SCENIC BYWAYS PROGRAM.*—*To*
19 *carry out section 162 of title 23, United States Code,*
20 *\$16,000,000 for each of fiscal year 2023 through 2026.*

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

24 (11) *PARKING FOR COMMERCIAL MOTOR VEHI-*
25 *CLES.*—*To carry out section 1308 of this Act,*

1 \$250,000,000 for each of fiscal years 2023 through
2 2026.

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

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

10 (14) *RECONNECTING NEIGHBORHOODS PRO-*
11 *GRAM.*—To carry out section 1311 of this Act,
12 \$750,000,000 for each of fiscal years 2023 through
13 2026.

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

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

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

24 (c) *DISADVANTAGED BUSINESS ENTERPRISES.*—

25 (1) *FINDINGS.*—Congress finds that—

1 (A) despite the real improvements caused by
2 the disadvantaged business enterprise program,
3 minority- and women-owned businesses across
4 the country continue to confront serious and sig-
5 nificant obstacles to success caused by race and
6 gender discrimination in the federally assisted
7 surface transportation market and related mar-
8 kets across the United States;

9 (B) the continuing race and gender dis-
10 crimination described in subparagraph (A) mer-
11 its the continuation of the disadvantaged busi-
12 ness enterprise program;

13 (C) recently, the disparities cause by dis-
14 crimination against African American, His-
15 panic American, Asian American, Native Amer-
16 ican, and women business owners have been fur-
17 ther exacerbated by the coronavirus pandemic
18 and its disproportionate effects on minority- and
19 women-owned businesses across the nation;

20 (D) Congress has received and reviewed tes-
21 timony and documentation of race and gender
22 discrimination from numerous sources, including
23 congressional hearings and other investigative
24 activities, scientific reports, reports issued by
25 public and private agencies at every level of gov-

ernment, 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.

1 (2) *DEFINITIONS.*—*In this subsection, the fol-*
2 *lowing definitions apply:*

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

7 (B) *SOCIALLY AND ECONOMICALLY DIS-*
8 *ADVANTAGED INDIVIDUALS.*—*The term “socially*
9 *and economically disadvantaged individuals”*
10 *has the meaning given the term in section 8(d)*
11 *of the Small Business Act (15 U.S.C. 637(d))*
12 *and relevant subcontracting regulations issued*
13 *pursuant to that Act, except that women shall be*
14 *presumed to be socially and economically dis-*
15 *advantaged individuals for purposes of this sub-*
16 *section.*

17 (3) *AMOUNTS FOR SMALL BUSINESS CON-*
18 *CERNS.*—*Except to the extent that the Secretary of*
19 *Transportation determines otherwise, not less than 10*
20 *percent of the amounts made available for any pro-*
21 *gram under titles I, II, V, and VII of this division*
22 *and section 403 of title 23, United States Code, shall*
23 *be expended through small business concerns owned*
24 *and controlled by socially and economically disadvan-*
25 *tagged individuals.*

1 (4) *ANNUAL LISTING OF DISADVANTAGED BUSI-*
 2 *NESS ENTERPRISES.—Each State shall annually—*

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

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

10 (i) *women;*

11 (ii) *socially and economically dis-*
 12 *advantaged individuals (other than*
 13 *women); and*

14 (iii) *individuals who are women and*
 15 *are otherwise socially and economically dis-*
 16 *advantaged individuals.*

17 (5) *UNIFORM CERTIFICATION.—*

18 (A) *IN GENERAL.—The Secretary of Trans-*
 19 *portation shall establish minimum uniform cri-*
 20 *teria for use by State governments in certifying*
 21 *whether a concern qualifies as a small business*
 22 *concern for the purpose of this subsection.*

23 (B) *INCLUSIONS.—The minimum uniform*
 24 *criteria established under subparagraph (A) shall*

1 *include, with respect to a potential small busi-*
2 *ness concern—*

3 *(i) on-site visits;*

4 *(ii) personal interviews with personnel;*

5 *(iii) issuance or inspection of licenses;*

6 *(iv) analyses of stock ownership;*

7 *(v) listings of equipment;*

8 *(vi) analyses of bonding capacity;*

9 *(vii) listings of work completed;*

10 *(viii) examination of the resumes of*
11 *principal owners;*

12 *(ix) analyses of financial capacity;*

13 *and*

14 *(x) analyses of the type of work pre-*
15 *ferred.*

16 (6) *REPORTING.—The Secretary of Transpor-*
17 *tation shall establish minimum requirements for use*
18 *by State governments in reporting to the Secretary—*

19 (A) *information concerning disadvantaged*
20 *business enterprise awards, commitments, and*
21 *achievements; and*

22 (B) *such other information as the Secretary*
23 *determines to be appropriate for the proper mon-*
24 *itoring of the disadvantaged business enterprise*
25 *program.*

1 (7) *COMPLIANCE WITH COURT ORDERS.*—*Noth-*
 2 *ing in this subsection limits the eligibility of an indi-*
 3 *vidual or entity to receive funds made available*
 4 *under titles I, II, V, and VII of this division and sec-*
 5 *tion 403 of title 23, United States Code, if the entity*
 6 *or person is prevented, in whole or in part, from com-*
 7 *plying with paragraph (3) because a Federal court*
 8 *issues a final order in which the court finds that a*
 9 *requirement or the implementation of paragraph (3)*
 10 *is unconstitutional.*

11 (8) *SENSE OF CONGRESS ON PROMPT PAYMENT*
 12 *OF DBE SUBCONTRACTORS.*—*It is the sense of Con-*
 13 *gress that—*

14 (A) *the Secretary of Transportation should*
 15 *take additional steps to ensure that recipients*
 16 *comply with section 26.29 of title 49, Code of*
 17 *Federal Regulations (the disadvantaged business*
 18 *enterprises prompt payment rule), or any cor-*
 19 *responding regulation, in awarding federally*
 20 *funded transportation contracts under laws and*
 21 *regulations administered by the Secretary; and*

22 (B) *such additional steps should include in-*
 23 *creasing the Department of Transportation's*
 24 *ability to track and keep records of complaints*
 25 *and to make that information publicly available.*

1 (9) *SENSE OF CONGRESS ON FULFILLING CER-*
 2 *TAIN CONTRACTS.—It is the sense of Congress that*
 3 *contractors participating in a federally funded trans-*
 4 *portation contract with a small business concern*
 5 *owned and controlled by socially and economically*
 6 *disadvantaged individuals should ensure that the per-*
 7 *centage of a contract promised to such small business*
 8 *concern is fulfilled, unless prior approval is obtained*
 9 *consistent with the regulations under part 26 of title*
 10 *49, Code of Federal Regulations.*

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

13 (1) *IN GENERAL.—Funds provided under this*
 14 *section may not be used in awarding or exercising an*
 15 *option on a previously awarded contract, a contract,*
 16 *subcontract, grant, or loan to an entity that is owned*
 17 *or controlled by, is a subsidiary of, or is otherwise re-*
 18 *lated legally or financially to a corporation based in*
 19 *a country that—*

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

24 (B) *was identified by the United States*
 25 *Trade Representative in the most recent report*

1 *required by section 182 of the Trade Act of 1974*
 2 *(19 U.S.C. 2242) as a priority foreign country*
 3 *under subsection (a)(2) of that section; and*

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

7 (2) *EXCEPTION.—For purposes of paragraph (1),*
 8 *the term “otherwise related legally or financially”*
 9 *does not include a minority relationship or invest-*
 10 *ment.*

11 (3) *INTERNATIONAL AGREEMENTS.—This sub-*
 12 *section shall be applied in a manner consistent with*
 13 *the obligations of the United States under inter-*
 14 *national agreements.*

15 **SEC. 1102. OBLIGATION LIMITATION.**

16 (a) *GENERAL LIMITATION.—Subject to subsection (e),*
 17 *and notwithstanding any other provision of law, the obliga-*
 18 *tions for Federal-aid highway and highway safety construc-*
 19 *tion programs shall not exceed—*

20 (1) *\$66,097,092,526 for fiscal year 2023;*

21 (2) *\$66,570,608,070 for fiscal year 2024;*

22 (3) *\$67,701,550,431 for fiscal year 2025; and*

23 (4) *\$68,741,903,518 for fiscal year 2026.*

24 (b) *EXCEPTIONS.—The limitations under subsection*

25 (a) *shall not apply to obligations under or for—*

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

2 (2) *section 147 of the Surface Transportation As-*
3 *istance Act of 1978 (23 U.S.C. 144 note; 92 Stat.*
4 *2714);*

5 (3) *section 9 of the Federal-Aid Highway Act of*
6 *1981 (95 Stat. 1701);*

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

10 (5) *subsections (b) and (c) of section 149 of the*
11 *Surface Transportation and Uniform Relocation As-*
12 *istance Act of 1987 (101 Stat. 198);*

13 (6) *sections 1103 through 1108 of the Intermodal*
14 *Surface Transportation Efficiency Act of 1991 (Pub-*
15 *lic Law 102–240);*

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

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

22 (9) *Federal-aid highway programs for which ob-*
23 *ligation authority was made available under the*
24 *Transportation Equity Act for the 21st Century (112*
25 *Stat. 107) or subsequent Acts for multiple years or to*

1 *remain available until expended, but only to the ex-*
2 *tent that the obligation authority has not lapsed or*
3 *been used;*

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

8 *(11) section 1603 of SAFETEA-LU (23 U.S.C.*
9 *118 note; 119 Stat. 1248), to the extent that funds ob-*
10 *ligated in accordance with that section were not sub-*
11 *ject to a limitation on obligations at the time at*
12 *which the funds were initially made available for ob-*
13 *ligation;*

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

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

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

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

5 (c) *DISTRIBUTION OF OBLIGATION AUTHORITY.*—Sub-
 6 ject to paragraph (1)(B), for each of fiscal years 2023
 7 through 2026, the Secretary of Transportation—

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

10 (i) amounts authorized for administrative
 11 expenses and programs by section 104(a) of title
 12 23, United States Code;

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

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

18 (iv) amounts authorized for the territorial
 19 and Puerto Rico highway program under section
 20 165(a) of title 23, United States Code; and

21 (B) for each of fiscal years 2023 through 2026,
 22 in addition to the amounts described in subparagraph
 23 (A), shall not distribute obligation authority provided
 24 by subsection (a) for the fiscal year for amounts au-

1 *thorized for the metro performance program under*
2 *section 1305 of this Act;*

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

6 *(A) made available from the Highway Trust*
7 *Fund (other than the Mass Transit Account) for*
8 *Federal-aid highway and highway safety con-*
9 *struction programs for previous fiscal years, the*
10 *funds for which are allocated by the Secretary*
11 *(or apportioned by the Secretary under section*
12 *202 or 204 of title 23, United States Code); and*

13 *(B) for which obligation authority was pro-*
14 *vided in a previous fiscal year;*

15 *(3) shall determine the proportion that—*

16 *(A) the obligation authority provided by*
17 *subsection (a) for the fiscal year, less the aggre-*
18 *gate of amounts not distributed under para-*
19 *graphs (1) and (2) of this subsection; bears to*

20 *(B) the total of—*

21 *(i) the sums authorized to be appro-*
22 *priated for the Federal-aid highway and*
23 *highway safety construction programs, other*
24 *than sums authorized to be appropriated*
25 *for—*

1 (I) provisions of law described in
2 paragraphs (1) through (13) of sub-
3 section (b);

4 (II) section 203 of title 23, United
5 States Code, equal to the amount re-
6 ferred to in subsection (b)(14) for the
7 fiscal year; and

8 (III) section 133(d)(1)(B) of title
9 23, United States Code, equal to the
10 amount referred to in subsection
11 (b)(15) for the fiscal year; less

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

15 (4) shall distribute the obligation authority pro-
16 vided by subsection (a), less the aggregate amounts
17 not distributed under paragraphs (1) and (2), for
18 each of the programs (other than programs to which
19 paragraph (1) applies) that are allocated by the Sec-
20 retary under this Act and title 23, United States
21 Code, or apportioned by the Secretary under section
22 202 or 204 of such title, by multiplying—

23 (A) the proportion determined under para-
24 graph (3); by

1 (B) the amounts authorized to be appro-
2 priated for each such program for the fiscal year;
3 and

4 (5) shall distribute the obligation authority pro-
5 vided by subsection (a), less the aggregate amounts
6 not distributed under paragraphs (1) and (2) and the
7 amounts distributed under paragraph (4), for Fed-
8 eral-aid highway and highway safety construction
9 programs that are apportioned by the Secretary
10 under title 23, United States Code (other than the
11 amounts apportioned for the surface transportation
12 program in section 133(d)(1)(B) of title 23, United
13 States Code, that are exempt from the limitation
14 under subsection (b)(15) and the amounts appor-
15 tioned under sections 202 and 204 of such title) in the
16 proportion that—

17 (A) amounts authorized to be appropriated
18 for the programs that are apportioned under title
19 23, United States Code, to each State for the fis-
20 cal year; bears to

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

1 (d) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
 2 *THORITY.*—*Notwithstanding subsection (c), the Secretary of*
 3 *Transportation shall, after August 1 of each of fiscal years*
 4 *2023 through 2026—*

5 (1) *revise a distribution of the obligation author-*
 6 *ity made available under subsection (c) if an amount*
 7 *distributed cannot be obligated during that fiscal*
 8 *year; and*

9 (2) *redistribute sufficient amounts to those States*
 10 *able to obligate amounts in addition to those pre-*
 11 *viously distributed during that fiscal year, giving pri-*
 12 *ority to those States having large unobligated bal-*
 13 *ances of funds apportioned under section 104 of title*
 14 *23, United States Code.*

15 (e) *SPECIAL LIMITATION.*—

16 (1) *IN GENERAL.*—*Except as provided in para-*
 17 *graph (2), obligation limitations imposed by sub-*
 18 *section (a) shall apply to contract authority for—*

19 (A) *transportation research programs car-*
 20 *ried out under chapter 5 of title 23, United*
 21 *States Code, and title V of this Act; and*

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

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

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

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

7 (f) LOP-OFF.—

8 (1) IN GENERAL.—Not later than 30 days after
9 the date of distribution of obligation authority under
10 subsection (c) for each of fiscal years 2023 through
11 2026, the Secretary of Transportation shall distribute
12 to the States any funds that—

13 (A) are authorized to be appropriated for
14 the fiscal year for Federal-aid highway pro-
15 grams; and

16 (B) the Secretary determines will not be al-
17 located to the States (or will not be apportioned
18 to the States under section 204 of title 23,
19 United States Code), and will not be available
20 for obligation, for the fiscal year because of the
21 imposition of any obligation limitation for the
22 fiscal year.

23 (2) RATIO.—Funds shall be distributed under
24 paragraph (1) in the same proportion as the distribu-
25 tion 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.”;

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

3 “(3) *AREAS OF PERSISTENT POVERTY.*—The
4 term ‘areas of persistent poverty’ means—

5 “(A) any county that has had 20 percent or
6 more of the population of such county living in
7 poverty over the past 30 years, as measured by
8 the 1990 and 2000 decennial censuses and the
9 most recent Small Area Income and Poverty Es-
10 timates;

11 “(B) any census tract with a poverty rate
12 of at least 20 percent, as measured by the most
13 recent 5-year data series available from the
14 American Community Survey of the Bureau of
15 the Census for all States and Puerto Rico; or

16 “(C) any other territory or possession of the
17 United States that has had 20 percent or more
18 of its population living in poverty over the past
19 30 years, as measured by the 1990, 2000, and
20 2010 decennial censuses, or equivalent data, of
21 the Bureau of the Census.”.

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

24 “(6) *CLIMATE CHANGE.*—The term ‘climate
25 change’ means any significant change in the measures

1 *of climate lasting for an extended period of time, and*
 2 *may include major changes in temperature, precipita-*
 3 *tion, wind patterns, or sea level, among others, that*
 4 *occur over several decades or longer.”;*

5 *(E) in paragraph (7)(A), as so redesign-*
 6 *ated, by inserting “assessing resilience,” after*
 7 *“surveying,”;*

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

10 *“(8) CONTEXT SENSITIVE DESIGN PRINCIPLES.—*
 11 *The term ‘context sensitive design principles’ means*
 12 *principles for the design of a public road that—*

13 *“(A) provides for the safe and adequate ac-*
 14 *commodation, in all phases of project planning,*
 15 *design, and development, transportation facili-*
 16 *ties for users, including pedestrians, bicyclists,*
 17 *public transportation users, children, older indi-*
 18 *viduals, individuals with disabilities, motorists,*
 19 *and freight vehicles; and*

20 *“(B) considers the context in which the fa-*
 21 *cility is planned to be constructed to determine*
 22 *the appropriate facility design.”;*

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

1 “(10) *EVACUATION ROUTE*.—The term ‘*evacu-*
 2 *ation route*’ means a transportation route or system
 3 that—

4 “(A) is used to transport—

5 “(i) the public away from an emer-
 6 gency event; or

7 “(ii) first responders and recovery re-
 8 sources in the event of an emergency; and

9 “(B) is identified, consistent with sections
 10 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the el-
 11 igible entity with jurisdiction over the area in
 12 which the route is located for the purposes de-
 13 scribed in subparagraph (A).”;

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

16 “(16) *GREENHOUSE GAS*.—The term ‘*greenhouse*
 17 *gas*’ has the meaning given the term in section
 18 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
 19 7545(o)(1)(G)).”;

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

22 “(23) *NATURAL INFRASTRUCTURE*.—

23 “(A) *IN GENERAL*.—The term ‘*natural in-*
 24 *frastructure*’ means infrastructure that uses, re-

1 stores, or emulates natural ecological processes
2 that—

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

6 “(ii) is created by human design, engi-
7 neering, and construction to emulate or act
8 in concert with natural processes; or

9 “(iii) involves the use of plants, soils,
10 and other natural features, including
11 through the creation, restoration, or preser-
12 vation of vegetated areas using materials
13 appropriate to the region to manage
14 stormwater and runoff, to attenuate flood-
15 ing and storm surges, and for other related
16 purposes.

17 “(B) INCLUSION.—The term ‘natural infra-
18 structure’ includes green infrastructure and na-
19 ture-based solutions.”;

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

22 “(28) PROTECTIVE FEATURE.—

23 “(A) IN GENERAL.—The term ‘protective
24 feature’ means an improvement to a highway,
25 bridge, or other transportation facility designed

1 *to increase resilience or mitigate the risk of re-*
2 *curring damage or the cost of future repairs from*
3 *climate change effects (including sea level rise),*
4 *flooding, and extreme events or other natural*
5 *disasters (including wildfires, seismic activity,*
6 *and landslides).*

7 “(B) *INCLUSIONS.*—*The term ‘protective*
8 *feature’ includes—*

9 “(i) *raising roadway grades;*

10 “(ii) *relocating roadways to higher*
11 *ground above projected flood elevation levels*
12 *or away from slide prone areas;*

13 “(iii) *stabilizing slide areas;*

14 “(iv) *stabilizing slopes;*

15 “(v) *lengthening or raising bridges to*
16 *increase waterway openings;*

17 “(vi) *increasing the size or number of*
18 *drainage structures;*

19 “(vii) *replacing culverts with bridges*
20 *or upsizing culverts;*

21 “(viii) *installing seismic retrofits on*
22 *bridges;*

23 “(ix) *scour, stream stability, coastal,*
24 *and other hydraulic countermeasures;*

25 “(x) *the use of natural infrastructure;*

1 “(xi) integration of the use of tradi-
2 tional and natural infrastructure features;

3 “(xii) undergrounding public utilities
4 in the course of other infrastructure im-
5 provements eligible under this title; and

6 “(xiii) permeable pavements for
7 stormwater management.”;

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

10 “(31) *REPEATEDLY DAMAGED FACILITY*.—The
11 term ‘repeatedly damaged facility’ means a road,
12 highway, or bridge that has required repair and re-
13 construction activities on 2 or more occasions due to
14 natural disasters or catastrophic failures resulting in
15 emergencies declared by the Governor of the State in
16 which the road, highway, or bridge is located or emer-
17 gencies or major disasters declared by the President
18 under the Robert T. Stafford Disaster Relief and
19 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

20 “(32) *RESILIENCE*.—

21 “(A) *IN GENERAL*.—The term ‘resilience’
22 means, with respect to a facility, the ability to—

23 “(i) anticipate, prepare for, or adapt
24 to conditions; or

1 “(ii) *withstand, respond to, or recover*
2 *rapidly from disruptions.*

3 “(B) *INCLUSIONS.—Such term includes,*
4 *with respect to a facility, the ability to—*

5 “(i) *resist hazards or withstand im-*
6 *pacts from disruptions;*

7 “(ii) *reduce the magnitude, duration,*
8 *or impact of a disruption; or*

9 “(iii) *have the absorptive capacity,*
10 *adaptive capacity, and recoverability to de-*
11 *crease vulnerability to a disruption.”; and*

12 “(L) *by inserting after paragraph (36), as so*
13 *redesignated, the following:*

14 “(40) *TRANSPORTATION DEMAND MANAGEMENT;*
15 *TDM.—The terms ‘transportation demand manage-*
16 *ment’ and ‘TDM’ mean the use of strategies to inform*
17 *and encourage travelers to maximize the efficiency of*
18 *a transportation system leading to improved mobil-*
19 *ity, reduced congestion, and lower vehicle emissions.*

20 “(41) *TRANSPORTATION DEMAND MANAGEMENT*
21 *STRATEGIES.—The term ‘transportation demand*
22 *management strategies’ means the use of planning,*
23 *programs, policy, marketing, communications, incen-*
24 *tives, pricing, data, and technology to shift travel*
25 *mode, routes used, departure times, number of trips,*

1 *and location and design work space or public attrac-*
 2 *tions.*

3 “(42) *TRANSPORTATION SYSTEM ACCESS.—The*
 4 *term ‘transportation system access’ means the ability*
 5 *to travel by automobile, public transportation, pedes-*
 6 *trian, and bicycle networks, measured by travel time,*
 7 *taking into consideration—*

8 “(A) *the impacts of the level of travel stress*
 9 *for non-motorized users;*

10 “(B) *costs for low-income travelers; and*

11 “(C) *the extent to which transportation ac-*
 12 *cess is impacted by zoning policies and land use*
 13 *planning practices that effect the affordability,*
 14 *elasticity, and diversity of the housing supply.”;*
 15 *and*

16 (2) *in subsection (b)—*

17 (A) *in paragraph (1) by striking “Defense,”*
 18 *and inserting “Defense Highways,”;*

19 (B) *in paragraph (3)—*

20 (i) *in subparagraph (A) by striking*
 21 *“Century” and inserting “century”;*

22 (ii) *in subparagraph (G) by striking “;*
 23 *and” and inserting a semicolon;*

24 (iii) *in subparagraph (H) by striking*
 25 *“Century.” and inserting “century;”; and*

1 (iv) by adding at the end the following:

2 “(I) safety is the highest priority of the De-
3 partment of Transportation, and the Secretary
4 and States should take all actions necessary to
5 meet the transportation needs of the 21st century
6 for all road users;

7 “(J) climate change presents a significant
8 risk to safety, the economy, and national secu-
9 rity, and reducing the contributions of the trans-
10 portation system to the Nation’s total carbon
11 pollution is critical; and

12 “(K) the Secretary and States should take
13 appropriate measures and ensure investments to
14 increase the resilience of the Nation’s transpor-
15 tation system.”; and

16 (C) in paragraph (4)(A) by inserting
17 “while ensuring that environmental protections
18 are maintained” after “review process”.

19 **SEC. 1104. APPORTIONMENT.**

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

22 (1) in subsection (a)(1) by striking subpara-
23 graphs (A) through (E) and inserting the following:

24 “(A) \$530,000,000 for fiscal year 2023;

25 “(B) \$543,000,000 for fiscal year 2024;

1 “(C) \$557,000,000 for fiscal year 2025; and

2 “(D) \$572,000,000 for fiscal year 2026.”;

3 (2) by striking subsections (b) and (c) and in-
4 serting the following:

5 “(b) *DIVISION AMONG PROGRAMS OF STATE’S SHARE*
6 *OF BASE APPORTIONMENT.—The Secretary shall distribute*
7 *the amount of the base apportionment apportioned to a*
8 *State for a fiscal year under subsection (c) among the cov-*
9 *ered programs as follows:*

10 “(1) *NATIONAL HIGHWAY PERFORMANCE PRO-*
11 *GRAM.—For the national highway performance pro-*
12 *gram, 55.09 percent of the amount remaining after*
13 *distributing amounts under paragraphs (4), (6), (7),*
14 *and (10).*

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

19 “(3) *HIGHWAY SAFETY IMPROVEMENT PRO-*
20 *GRAM.—For the highway safety improvement pro-*
21 *gram, 6.19 percent of the amount remaining after*
22 *distributing amounts under paragraphs (4), (6), (7),*
23 *and (10).*

24 “(4) *CONGESTION MITIGATION AND AIR QUALITY*
25 *IMPROVEMENT PROGRAM.—*

1 “(A) *IN GENERAL.*—*For the congestion*
2 *mitigation and air quality improvement pro-*
3 *gram, an amount determined for the State under*
4 *subparagraphs (B) and (C).*

5 “(B) *TOTAL AMOUNT.*—*The total amount*
6 *for the congestion mitigation and air quality im-*
7 *provement program for all States shall be—*

8 “(i) \$2,913,925,833 for fiscal year
9 2023;

10 “(ii) \$2,964,919,535 for fiscal year
11 2024;

12 “(iii) \$3,024,217,926 for fiscal year
13 2025; and

14 “(iv) \$3,078,653,849 for fiscal year
15 2026.

16 “(C) *STATE SHARE.*—*For each fiscal year,*
17 *the Secretary shall distribute among the States*
18 *the amount for the congestion mitigation and air*
19 *quality improvement program under subpara-*
20 *graph (B) so that each State receives an amount*
21 *equal to the proportion that—*

22 “(i) *the amount apportioned to the*
23 *State for the congestion mitigation and air*
24 *quality improvement program for fiscal*
25 *year 2020; bears to*

1 “(ii) the total amount of funds appor-
 2 tioned to all States for such program for fis-
 3 cal year 2020.

4 “(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—
 5 For the national highway freight program, 3.38 per-
 6 cent of the amount remaining after distributing
 7 amounts under paragraphs (4), (6), (7), and (10).

8 “(6) METROPOLITAN PLANNING.—

9 “(A) IN GENERAL.—For metropolitan plan-
 10 ning, an amount determined for the State under
 11 subparagraphs (B) and (C).

12 “(B) TOTAL AMOUNT.—The total amount
 13 for metropolitan planning for all States shall
 14 be—

15 “(i) \$507,500,000 for fiscal year 2023;

16 “(ii) \$516,381,250 for fiscal year 2024;

17 “(iii) \$526,708,875 for fiscal year
 18 2025; and

19 “(iv) \$536,189,635 for fiscal year 2026.

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

1 “(i) the amount apportioned to the
2 State for metropolitan planning for fiscal
3 year 2020; bears to

4 “(ii) the total amount of funds appor-
5 tioned to all States for metropolitan plan-
6 ning for fiscal year 2020.

7 “(7) RAILWAY CROSSINGS.—

8 “(A) IN GENERAL.—For the railway cross-
9 ings program, an amount determined for the
10 State under subparagraphs (B) and (C).

11 “(B) TOTAL AMOUNT.—The total amount
12 for the railway crossings program for all States
13 shall be \$245,000,000 for each of fiscal years
14 2023 through 2026.

15 “(C) STATE SHARE.—

16 “(i) IN GENERAL.—For each fiscal
17 year, the Secretary shall distribute among
18 the States the amount for the railway cross-
19 ings program under subparagraph (B) as
20 follows:

21 “(I) 50 percent of the amount for
22 a fiscal year shall be apportioned to
23 States by the formula set forth in sec-
24 tion 104(b)(3)(A) (as in effect on the

1 *day before the date of enactment of*
2 *MAP-21).*

3 “(II) 50 percent of the amount for
4 a fiscal year shall be apportioned to
5 States in the ratio that total public
6 railway-highway crossings in each
7 State bears to the total of such cross-
8 ings in all States.

9 “(ii) *MINIMUM APPORTIONMENT.*—Not-
10 withstanding clause (i), for each fiscal year,
11 each State shall receive a minimum of one-
12 half of 1 percent of the total amount for the
13 railway crossings program for such fiscal
14 year under subparagraph (B).

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

19 “(9) *CARBON POLLUTION REDUCTION PRO-*
20 *GRAM.*—For the carbon pollution reduction program,
21 3.95 percent of the amount remaining after distrib-
22 uting amounts under paragraphs (4), (6), (7), and
23 (10).

24 “(10) *CLEAN CORRIDORS.*—

1 “(A) *IN GENERAL.*—*For the clean corridors*
2 *program, an amount determined for the State*
3 *under subparagraphs (B) and (C).*

4 “(B) *TOTAL AMOUNT.*—*The total amount*
5 *for the clean corridors program for all States*
6 *shall be \$1,000,000,000 for each of fiscal years*
7 *2023 through 2026.*

8 “(C) *STATE SHARE.*—*For each fiscal year,*
9 *the Secretary shall distribute among the States*
10 *the total amount for the clean corridors program*
11 *under subparagraph (B) so that each State re-*
12 *ceives the amount equal to the proportion that—*

13 “(i) *the total base apportionment de-*
14 *termined for the State under subsection (c);*
15 *bears to*

16 “(ii) *the total base apportionments for*
17 *all States under subsection (c).*

18 “(c) *CALCULATION OF AMOUNTS.*—

19 “(1) *STATE SHARE.*—*For each of fiscal years*
20 *2023 through 2026, the amount for each State shall*
21 *be determined as follows:*

22 “(A) *INITIAL AMOUNTS.*—*The initial*
23 *amounts for each State shall be determined by*
24 *multiplying—*

25 “(i) *each of—*

1 “(I) the base apportionment; and

2 “(II) supplemental funds reserved

3 under subsection (h)(1) for the highway

4 safety improvement program; by

5 “(ii) the share for each State, which

6 shall be equal to the proportion that—

7 “(I) the amount of apporportion-

8 ments that the State received for fiscal

9 year 2020; bears to

10 “(II) the amount of those appor-

11 tionments received by all States for fis-

12 cal year 2020.

13 “(B) ADJUSTMENTS TO AMOUNTS.—The ini-

14 tial amounts resulting from the calculation

15 under subparagraph (A) shall be adjusted to en-

16 sure that each State receives an aggregate appor-

17 tionment equal to at least 95 percent of the esti-

18 mated tax payments attributable to highway

19 users in the State paid into the Highway Trust

20 Fund (other than the Mass Transit Account) in

21 the most recent fiscal year for which data are

22 available.

23 “(2) STATE APPORTIONMENT.—On October 1 of

24 fiscal years 2023 through 2026, the Secretary shall

25 apportion the sums authorized to be appropriated for

1 *expenditure on the covered programs in accordance*
 2 *with paragraph (1).”;*

3 *(3) in subsection (d)(1)(A)—*

4 *(A) in clause (i) by striking “paragraphs*
 5 *(5)(D) and (6) of subsection (b)” and inserting*
 6 *“subsection (b)(6)”;* and

7 *(B) in clause (ii) by striking “paragraphs*
 8 *(5)(D) and (6) of subsection (b)” and inserting*
 9 *“subsection (b)(6)”;* and

10 *(4) by striking subsections (h) and (i) and in-*
 11 *serting the following:*

12 *“(h) SUPPLEMENTAL FUNDS.—*

13 *“(1) AMOUNT.—Before making an apportion-*
 14 *ment for a fiscal year under subsection (c), the Sec-*
 15 *retary shall reserve for the highway safety improve-*
 16 *ment program under section 148 \$500,000,000 for*
 17 *each of fiscal years 2023 through 2026 for the purpose*
 18 *of the safe streets set-aside under section 148(m).*

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

24 *“(i) DEFINITIONS.—In this section:*

1 “(1) *BASE APPORTIONMENT.*—*The term ‘base ap-*
2 *portionment’ means—*

3 “(A) *the combined amount authorized for*
4 *the covered programs; minus*

5 “(B) *the supplemental funds reserved under*
6 *subsection (h) for the highway safety improve-*
7 *ment program.*

8 “(2) *COVERED PROGRAMS.*—*The term ‘covered*
9 *programs’ means—*

10 “(A) *the national highway performance*
11 *program under section 119;*

12 “(B) *the surface transportation program*
13 *under section 133;*

14 “(C) *the highway safety improvement pro-*
15 *gram under section 148;*

16 “(D) *the congestion mitigation and air*
17 *quality improvement program under section 149;*

18 “(E) *the national highway freight program*
19 *under section 167;*

20 “(F) *metropolitan planning under section*
21 *134;*

22 “(G) *the railway crossings program under*
23 *section 130;*

24 “(H) *the predisaster mitigation program*
25 *under section 124;*

1 “(I) the carbon pollution reduction program
2 under section 171; and

3 “(J) the clean corridors program under sec-
4 tion 151.”.

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

7 (1) in subparagraph (A) by striking “(5)(D),”;
8 and

9 (2) in subparagraph (C)(i) by striking “(5)(D),”.

10 (c) *METROPOLITAN TRANSPORTATION PLANNING*;
11 *TITLE 23*.—Section 134(p) of title 23, United States Code,
12 is amended by striking “paragraphs (5)(D) and (6) of sec-
13 tion 104(b)” and inserting “section 104(b)(6)”.

14 (d) *STATEWIDE AND NONMETROPOLITAN TRANSPOR-*
15 *TATION PLANNING*.—Section 135(i) of title 23, United
16 States Code, is amended by striking “paragraphs (5)(D)
17 and (6) of section 104(b)” and inserting “section
18 104(b)(6)”.

19 (e) *METROPOLITAN TRANSPORTATION PLANNING*;
20 *TITLE 49*.—Section 5303(p) of title 49, United States Code,
21 is amended by striking “section 104(b)(5)” and inserting
22 “section 104(b)(6)”.

1 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
2 **FUND.**

3 *Section 105 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a) by striking “FAST Act”*
6 *and inserting “INVEST in America Act”;*

7 *(2) in subsection (c)—*

8 *(A) in paragraph (1)(A) by striking “to be*
9 *appropriated” each place it appears; and*

10 *(B) by adding at the end the following:*

11 *“(4) SPECIAL RULE.—*

12 *“(A) ADJUSTMENT.—In making an adjust-*
13 *ment under paragraph (1) for an allocation, res-*
14 *ervation, or set-aside from an amount authorized*
15 *from the Highway Account or Mass Transit Ac-*
16 *count described in subparagraph (B), the Sec-*
17 *retary shall—*

18 *“(i) determine the ratio that—*

19 *“(I) the amount authorized to be*
20 *appropriated for the allocation, res-*
21 *ervation, or set-aside from the account*
22 *for the fiscal year; bears to*

23 *“(II) the total amount authorized*
24 *to be appropriated for such fiscal year*
25 *for all programs under such account;*

1 “(ii) multiply the ratio determined
2 under clause (i) by the amount of the ad-
3 justment determined under subsection
4 (b)(1)(B); and

5 “(iii) adjust the amount that the Sec-
6 retary would have allocated for the alloca-
7 tion, reservation, or set-aside for such fiscal
8 year but for this section by the amount cal-
9 culated under clause (ii).

10 “(B) *ALLOCATIONS, RESERVATIONS, AND*
11 *SET-ASIDES.—The allocations, reservations, and*
12 *set-asides described in this subparagraph are—*

13 “(i) from the amount made available
14 for a fiscal year for the Federal lands trans-
15 portation program under section 203, the
16 amounts allocated for a fiscal year for the
17 National Park Service, the United States
18 Fish and Wildlife Service, the United States
19 Forest Service, the Corps of Engineers, the
20 Bureau of Land Management, the Bureau
21 of Reclamation, and independent Federal
22 agencies with natural resource and land
23 management responsibilities;

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

4 “(iii) the amount made available for
5 the territorial highway program under sec-
6 tion 165(a)(2);

7 “(iv) from the amounts made available
8 for a fiscal year for the urbanized areas for-
9 mula grants under section 5307 of title 49,
10 the amounts allocated for a fiscal year for
11 the passenger ferry grant program under
12 section 5307(h) of such title;

13 “(v) from the amounts made available
14 for a fiscal year for the formula grants for
15 rural areas under section 5311 of such title,
16 the amounts allocated for a fiscal year for
17 public transportation on Indian reserva-
18 tions;

19 “(vi) from the amounts made available
20 for a fiscal year for the public transpor-
21 tation innovation program under section
22 5312 of such title—

23 “(I) the amounts allocated for the
24 zero emission vehicle component assess-

1 *ment under section 5312(h) of such*
2 *title; and*

3 *“(II) the amounts allocated for the*
4 *transit cooperative research program*
5 *under section 5312(i) of such title;*

6 *“(vii) from the amounts made avail-*
7 *able for a fiscal year for the technical assist-*
8 *ance and workforce development program of*
9 *section 5314 of such title, the amounts allo-*
10 *cated for the national transit institute*
11 *under section 5314(c) of such title;*

12 *“(viii) from the amounts made avail-*
13 *able for a fiscal year for the bus and bus fa-*
14 *cilities program under section 5339 of such*
15 *title, the amounts allocated for a fiscal year*
16 *for the zero emission grants under section*
17 *5339(c) of such title;*

18 *“(ix) the amounts made available for*
19 *growing States under section 5340(c) of*
20 *such title; and*

21 *“(x) the amounts made available for*
22 *high density states under section 5340(d) of*
23 *such title.”;*

24 *(3) in subsection (d) by inserting “and section*
25 *5324 of title 49” after “section 125”;*

1 (4) in subsection (e)—

2 (A) by striking “There is authorized” and
3 inserting “For fiscal year 2023 and each fiscal
4 year thereafter, there is authorized”; and

5 (B) by striking “for any of fiscal years
6 2017 through 2020”; and

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

10 **SEC. 1106. TRANSPARENCY.**

11 (a) *APPORTIONMENT.*—Section 104 of title 23, United
12 States Code, is amended by striking subsection (g) and in-
13 serting the following:

14 “(g) *HIGHWAY TRUST FUND TRANSPARENCY AND AC-*
15 *COUNTABILITY REPORTS.*—

16 “(1) *REQUIREMENT.*—

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

21 “(B) *USER FRIENDLY DATA.*—The data
22 compiled under subparagraph (A) shall be in a
23 user friendly format that can be searched,
24 downloaded, disaggregated, and filtered by data
25 category.

1 “(2) *PROJECT DATA.*—

2 “(A) *IN GENERAL.*—Not later than 120
3 days after the end of each fiscal year, the Sec-
4 retary shall make available on the website of the
5 Department of Transportation a report that de-
6 scribes—

7 “(i) the location of each active project
8 within each State during such fiscal year,
9 including in which congressional district or
10 districts such project is located;

11 “(ii) the total cost of such project;

12 “(iii) the amount of Federal funding
13 obligated for such project;

14 “(iv) the program or programs from
15 which Federal funds have been obligated for
16 such project;

17 “(v) whether such project is located in
18 an area of the State with a population of—

19 “(I) less than 5,000 individuals;

20 “(II) 5,000 or more individuals
21 but less than 50,000 individuals;

22 “(III) 50,000 or more individuals
23 but less than 200,001 individuals; or

24 “(IV) greater than 200,000 indi-
25 viduals;

1 “(vi) *whether such project is located in*
2 *an area of persistent poverty;*

3 “(vii) *the type of improvement being*
4 *made by such project, including catego-*
5 *rizing such project as—*

6 “(I) *a road reconstruction project;*

7 “(II) *a new road construction*
8 *project;*

9 “(III) *a new bridge construction*
10 *project;*

11 “(IV) *a bridge rehabilitation*
12 *project; or*

13 “(V) *a bridge replacement project;*
14 *and*

15 “(viii) *the functional classification of*
16 *the roadway on which such project is lo-*
17 *cated.*

18 “(B) *INTERACTIVE MAP.—In addition to the*
19 *data made available under subparagraph (A),*
20 *the Secretary shall make available on the website*
21 *of the Department of Transportation an inter-*
22 *active map that displays, for each active project,*
23 *the information described in clauses (i) through*
24 *(v) of subparagraph (A).*

25 “(3) *STATE DATA.—*

1 “(A) *APPORTIONED AND ALLOCATED PRO-*
2 *GRAMS.—The website described in paragraph*
3 *(2)(A) shall be updated annually to display the*
4 *Federal-aid highway funds apportioned and allo-*
5 *cated to each State under this title, including—*

6 “(i) *the amount of funding available*
7 *for obligation by the State, including prior*
8 *unobligated balances, at the start of the fis-*
9 *cal year;*

10 “(ii) *the amount of funding obligated*
11 *by the State during such fiscal year;*

12 “(iii) *the amount of funding remain-*
13 *ing available for obligation by the State at*
14 *the end of such fiscal year; and*

15 “(iv) *changes in the obligated, unex-*
16 *pended balance for the State.*

17 “(B) *PROGRAMMATIC DATA.—The data de-*
18 *scribed in subparagraph (A) shall include—*

19 “(i) *the amount of funding by each ap-*
20 *portioned and allocated program for which*
21 *the State received funding under this title;*

22 “(ii) *the amount of funding transferred*
23 *between programs by the State during the*
24 *fiscal year using the authority provided*
25 *under section 126; and*

1 “(iii) the amount and program cat-
2 egory of Federal funds exchanged as de-
3 scribed in section 106(g)(6).

4 “(4) DEFINITIONS.—In this subsection:

5 “(A) ACTIVE PROJECT.—

6 “(i) IN GENERAL.—The term ‘active
7 project’ means a Federal-aid highway
8 project using funds made available under
9 this title on which those funds were obli-
10 gated or expended during the fiscal year for
11 which the estimated total cost as of the start
12 of construction is greater than \$5,000,000.

13 “(ii) EXCLUSION.—The term ‘active
14 project’ does not include any project for
15 which funds are transferred to agencies
16 other than the Federal Highway Adminis-
17 tration.

18 “(B) INTERACTIVE MAP.—The term ‘inter-
19 active map’ means a map displayed on the pub-
20 lic website of the Department of Transportation
21 that allows a user to select and view information
22 for each active project, State, and congressional
23 district.

24 “(C) STATE.—The term ‘State’ means any
25 of the 50 States or the District of Columbia.”.

1 (b) *PROJECT APPROVAL AND OVERSIGHT.*—Section
 2 106 of title 23, United States Code, is amended—

3 (1) in subsection (g)—

4 (A) in paragraph (4) by striking subpara-
 5 graph (B) and inserting the following:

6 “(B) *ASSISTANCE TO STATES.*—The Sec-
 7 retary shall—

8 “(i) develop criteria for States to use to
 9 make the determination required under sub-
 10 paragraph (A); and

11 “(ii) provide training, guidance, and
 12 other assistance to States and subrecipients
 13 as needed to ensure that projects adminis-
 14 tered by subrecipients comply with the re-
 15 quirements of this title.

16 “(C) *PERIODIC REVIEW.*—The Secretary
 17 shall review, not less frequently than every 2
 18 years, the monitoring of subrecipients by the
 19 States.”; and

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

21 “(6) *FEDERAL FUNDING EXCHANGE PRO-*
 22 *GRAMS.*—

23 “(A) *IN GENERAL.*—If a State allows a sub-
 24 recipient to exchange Federal funds provided
 25 under this title that are allocated to such sub-

1 *recipient for State or local funds, the State must*
2 *certify to the Secretary that the State—*

3 *“(i) has prevailing wage requirements*
4 *that are comparable to the requirements*
5 *under section 113 that apply to the use of*
6 *such State or local funds; and*

7 *“(ii) shall ensure that the prevailing*
8 *wage requirements described in clause (i)*
9 *apply to the use of such State or local*
10 *funds.*

11 *“(B) APPLICABILITY.—The requirements of*
12 *this paragraph shall apply only if the require-*
13 *ments of section 113 would be applicable to a*
14 *covered project if such project was carried out*
15 *using Federal funds.*

16 *“(C) COVERED PROJECT DEFINED.—In this*
17 *paragraph, the term ‘covered project’ means a*
18 *project carried out with exchanged State or local*
19 *funds as described in subparagraph (A).”;*

20 *(2) in subsection (h)(3)—*

21 *(A) in subparagraph (B) by striking “, as*
22 *determined by the Secretary,”; and*

23 *(B) in subparagraph (D) by striking “shall*
24 *assess” and inserting “in the case of a project*
25 *proposed to be advanced as a public-private*

1 *partnership, shall include a detailed value for*
 2 *money analysis or comparable analysis to deter-*
 3 *mine”; and*

4 *(3) by adding at the end the following:*

5 “(k) *MEGAPROJECTS.*—

6 “(1) *COMPREHENSIVE RISK MANAGEMENT*
 7 *PLAN.*—*To be authorized for the construction of a*
 8 *megaproject, the recipient of Federal financial assist-*
 9 *ance under this title for such megaproject shall submit*
 10 *to the Secretary a comprehensive risk management*
 11 *plan that contains—*

12 “(A) *a description of the process by which*
 13 *the recipient will identify, quantify, and monitor*
 14 *the risks, including natural hazards, that might*
 15 *result in cost overruns, project delays, reduced*
 16 *construction quality, or reductions in benefits*
 17 *with respect to the megaproject;*

18 “(B) *examples of mechanisms the recipient*
 19 *will use to track risks identified pursuant to sub-*
 20 *paragraph (A);*

21 “(C) *a plan to control such risks; and*

22 “(D) *such assurances as the Secretary deter-*
 23 *mines appropriate that the recipient shall, with*
 24 *respect to the megaproject—*

1 “(i) regularly submit to the Secretary
2 updated cost estimates; and

3 “(ii) maintain and regularly reassess
4 financial reserves for addressing known and
5 unknown risks.

6 “(2) *PEER REVIEW GROUP.*—

7 “(A) *IN GENERAL.*—Not later than 90 days
8 after the date on which a megaproject is author-
9 ized for construction, the recipient of Federal fi-
10 nancial assistance under this title for such
11 megaproject shall establish a peer review group
12 for such megaproject that consists of at least 5
13 individuals (including at least 1 individual with
14 project management experience) to give expert
15 advice on the scientific, technical, and project
16 management aspects of the megaproject.

17 “(B) *MEMBERSHIP.*—

18 “(i) *IN GENERAL.*—Not later than 180
19 days after the date of enactment of this sub-
20 section, the Secretary shall establish guide-
21 lines describing how a recipient described in
22 subparagraph (A) shall—

23 “(I) recruit and select members
24 for a peer review group established
25 under such subparagraph; and

1 “(II) make publicly available the
2 criteria for such selection and identify
3 the members so selected.

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

8 “(C) TASKS.—A peer review group estab-
9 lished under subparagraph (A) by a recipient of
10 Federal financial assistance for a megaproject
11 shall—

12 “(i) meet annually until completion of
13 the megaproject;

14 “(ii) not later than 90 days after the
15 date of the establishment of the peer review
16 group and not later than 90 days after the
17 date of any significant change, as deter-
18 mined by the Secretary, to the scope, sched-
19 ule, or budget of the megaproject, review the
20 scope, schedule, and budget of the
21 megaproject, including planning, engineer-
22 ing, financing, and any other elements de-
23 termined appropriate by the Secretary; and

1 “(iii) submit to the Secretary, Con-
2 gress, and such recipient a report on the
3 findings of each review under clause (ii).

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

8 “(4) *MEGAPROJECT DEFINED*.—In this sub-
9 section, the term ‘megaproject’ means a project under
10 this title that has an estimated total cost of
11 \$2,000,000,000 or more, and such other projects as
12 may be identified by the Secretary.

13 “(l) *SPECIAL EXPERIMENTAL PROJECTS*.—

14 “(1) *PUBLIC AVAILABILITY*.—The Secretary shall
15 publish on the website of the Department of Transpor-
16 tation a copy of all letters of interest, proposals,
17 workplans, and reports related to the special experi-
18 mental project authority pursuant to section 502(b).
19 The Secretary shall redact confidential business infor-
20 mation, as necessary, from any such information
21 published.

22 “(2) *NOTIFICATION*.—Not later than 3 days be-
23 fore making a determination to proceed with an ex-
24 periment under a letter of interest described in para-
25 graph (1), the Secretary shall provide notification

1 *and a description of the proposed experiment to the*
2 *Committee on Transportation and Infrastructure of*
3 *the House of Representatives and the Committee on*
4 *Environment and Public Works of the Senate.*

5 “(3) *REPORT TO CONGRESS.*—Not later than 2
6 *years after the date of enactment of the INVEST in*
7 *America Act, the Secretary shall submit to the Com-*
8 *mittee on Transportation and Infrastructure of the*
9 *House of Representatives and the Committee on Envi-*
10 *ronment and Public Works of the Senate a report that*
11 *includes—*

12 “(A) *a summary of each experiment de-*
13 *scribed in this subsection carried out over the*
14 *previous 5 years; and*

15 “(B) *legislative recommendations, if any,*
16 *based on the findings of such experiments.*

17 “(m) *COMPETITIVE GRANT PROGRAM OVERSIGHT AND*
18 *ACCOUNTABILITY.*—

19 “(1) *IN GENERAL.*—To ensure the accountability
20 *and oversight of the discretionary grant selection*
21 *process administered by the Secretary, a covered pro-*
22 *gram shall be subject to the requirements of this sec-*
23 *tion, in addition to the requirements applicable to*
24 *each covered program.*

1 “(2) *APPLICATION PROCESS.—The Secretary*
2 *shall—*

3 “(A) *develop a template for applicants to*
4 *use to summarize—*

5 “(i) *project needs and benefits; and*

6 “(ii) *any factors, requirements, or con-*
7 *siderations established for the applicable*
8 *covered program;*

9 “(B) *create a data driven process to evalu-*
10 *ate, as set forth in the covered program, each eli-*
11 *gible project for which an application is received;*
12 *and*

13 “(C) *make a determination, based on the*
14 *evaluation made pursuant to subparagraph (B),*
15 *on any ratings, rankings, scores, or similar*
16 *metrics for applications made to the covered pro-*
17 *gram.*

18 “(3) *NOTIFICATION OF CONGRESS.—Not less than*
19 *15 days before making a grant for a covered program,*
20 *the Secretary shall notify, in writing, the Committee*
21 *on Transportation and Infrastructure of the House of*
22 *Representatives and the Committee on the Environ-*
23 *ment and Public Works of the Senate of—*

24 “(A) *the amount for each project proposed*
25 *to be selected;*

1 “(B) a description of the review process;

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

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

6 “(4) NOTIFICATION OF APPLICANTS.—Not later
7 than 30 days after making a grant for a project
8 under a covered program, the Secretary shall send to
9 all applicants under such covered program, and pub-
10 lish on the website of the Department of Transpor-
11 tation—

12 “(A) a summary of each application made
13 to the covered program for the given round of
14 funding; and

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

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

1 “(6) *TEMPLATE.*—*The Secretary shall, to the ex-*
2 *tent practicable, develop a template as described in*
3 *paragraph (2)(A) for any discretionary program ad-*
4 *ministered by the Secretary that is not a covered pro-*
5 *gram.*

6 “(7) *COVERED PROGRAM DEFINED.*—*The term*
7 *‘covered program’ means each of the following discre-*
8 *tionary grant programs:*

9 “(A) *Community climate innovation grants*
10 *under section 172.*

11 “(B) *Federal lands and tribal major*
12 *projects grants under section 208.*

13 “(C) *Mobility through advanced technologies*
14 *grants under section 503(c)(4).*

15 “(D) *Rebuild rural bridges program under*
16 *section 1307 of the INVEST in America Act.*

17 “(E) *Parking for commercial motor vehicle*
18 *grants under section 1308 of the INVEST in*
19 *America Act.*

20 “(F) *Active connected transportation grants*
21 *under section 1309 of the INVEST in America*
22 *Act.*

23 “(G) *Wildlife crossings grants under section*
24 *1310 of the INVEST in America Act.*

1 “(H) *Reconnecting neighborhoods capital*
2 *construction grants under section 1311(d) of the*
3 *INVEST in America Act.*”.

4 (c) *DIVISION OFFICE CONSISTENCY.*—Not later than
5 1 year after the date of enactment of this Act, the Comp-
6 troller General of the United States shall submit to Congress
7 a report that—

8 (1) *analyzes the consistency of determinations*
9 *among division offices of the Federal Highway Ad-*
10 *ministration; and*

11 (2) *makes recommendations to improve the con-*
12 *sistency of such determinations.*

13 (d) *IMPROVING RISK BASED STEWARDSHIP AND*
14 *OVERSIGHT.*—Not later than 180 days after the date of en-
15 actment of this Act, the Administrator of the Federal High-
16 way Administration shall reference U.S. DOT Office of In-
17 spector General Report No. ST2020035 and take the fol-
18 lowing actions, as necessary, to improve the risk based stew-
19 ardship and oversight of the Federal Highway Administra-
20 tion:

21 (1) *Update and implement Federal Highway*
22 *Administration guidance for risk-based project in-*
23 *volvement to clarify the requirements for its project*
24 *risk-assessment process, including expectations for*

1 conducting and documenting the risk assessment and
2 criteria to guide the reevaluation of project risks.

3 (2) Identify and notify division offices of the
4 Federal Highway Administration about sources of in-
5 formation that can inform the project risk-assessment
6 process.

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

14 (4) Develop and implement a process to rou-
15 tinely monitor the implementation and evaluate the
16 effectiveness of Federal Highway Administration risk-
17 based project involvement.

18 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
19 **DESIGN.**

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

22 (1) in subsection (a)—

23 (A) in paragraph (1) by striking “planned
24 future traffic of the highway in a manner that
25 is conducive to” and inserting “future oper-

1 *ational performance of the facility in a manner*
 2 *that enhances”; and*

3 *(B) in paragraph (2) by inserting “, taking*
 4 *into consideration context sensitive design prin-*
 5 *ciples” after “each locality”;*

6 *(2) in subsection (b)—*

7 *(A) by striking “The geometric” and insert-*
 8 *ing “DESIGN CRITERIA FOR THE INTERSTATE*
 9 *SYSTEM.—The geometric”; and*

10 *(B) by striking “the types and volumes of*
 11 *traffic anticipated for such project for the twen-*
 12 *ty-year period commencing on the date of ap-*
 13 *proval by the Secretary, under section 106 of this*
 14 *title, of the plans, specifications, and estimates*
 15 *for actual construction of such project” and in-*
 16 *serting “the existing and future operational per-*
 17 *formance of the facility”;*

18 *(3) in subsection (c)(1)—*

19 *(A) in subparagraph (C) by striking “;*
 20 *and” and inserting a semicolon;*

21 *(B) in subparagraph (D) by striking the pe-*
 22 *riod and inserting “; and”; and*

23 *(C) by adding at the end the following:*

24 *“(E) context sensitive design principles.”;*

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

3 “(o) *COMPLIANCE WITH STATE LAWS FOR NON-NHS*
 4 *PROJECTS.—*

5 “(1) *IN GENERAL.—Projects (other than highway*
 6 *projects on the National Highway System) shall—*

7 “(A) *be designed, constructed, operated, and*
 8 *maintained in accordance with State laws, regu-*
 9 *lations, directives, safety standards, design*
 10 *standards, and construction standards; and*

11 “(B) *take into consideration context sen-*
 12 *sitive design principles.*

13 “(2) *DESIGN FLEXIBILITY.—*

14 “(A) *IN GENERAL.—*

15 “(i) *IN GENERAL.—A local jurisdiction*
 16 *may select the most appropriate design pub-*
 17 *lication for the roadway context in which*
 18 *the local jurisdiction is located for the de-*
 19 *sign of a project on a roadway (other than*
 20 *a highway on the National Highway Sys-*
 21 *tem) if—*

22 “(I) *the local jurisdiction provides*
 23 *notification and justification of the use*
 24 *of such design publication to any State*
 25 *in which the project is located; and*

1 “(II) the design complies with all
2 other applicable Federal and State
3 laws.

4 “(ii) REVIEW.—If a State rejects a
5 local jurisdiction’s selection of a design pub-
6 lication under this subparagraph, the local
7 jurisdiction may submit notification and
8 justification of such use to the Secretary.
9 The Secretary shall make a determination
10 to approve or deny such submission not
11 later than 90 days after receiving such sub-
12 mission.

13 “(B) STATE-OWNED ROADS.—In the case of
14 a roadway under the ownership of the State, the
15 local jurisdiction may select the most appro-
16 priate design publication only with the concur-
17 rence of the State.

18 “(C) PROGRAMMATIC BASIS.—The Secretary
19 may consider the use of a design publication
20 under this paragraph on a programmatic
21 basis.”; and

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

23 “(s) CONTEXT SENSITIVE DESIGN.—

24 “(1) CONTEXT SENSITIVE DESIGN PRINCIPLES.—

25 The Secretary shall consult with State and local offi-

1 *cials prior to approving any roadway design publica-*
 2 *tions under this section to ensure that the design pub-*
 3 *lications provide adequate flexibility for a project*
 4 *sponsor to select the appropriate design of a roadway,*
 5 *consistent with context sensitive design principles.*

6 *“(2) POLICIES OR PROCEDURES.—*

7 *“(A) IN GENERAL.—Not later than 1 year*
 8 *after the Secretary publishes the final guidance*
 9 *described in paragraph (3), each State shall*
 10 *adopt policies or procedures to evaluate the con-*
 11 *text of a proposed roadway and select the appro-*
 12 *priate design, consistent with context sensitive*
 13 *design principles.*

14 *“(B) LOCAL GOVERNMENTS.—The Secretary*
 15 *and States shall encourage local governments to*
 16 *adopt policies or procedures described under sub-*
 17 *paragraph (A).*

18 *“(C) CONSIDERATIONS.—The policies or*
 19 *procedures developed under this paragraph shall*
 20 *take into consideration the guidance developed*
 21 *by the Secretary under paragraph (3).*

22 *“(3) GUIDANCE.—*

23 *“(A) IN GENERAL.—*

24 *“(i) NOTICE.—Not later than 1 year*
 25 *after the date of enactment of this sub-*

1 *section, the Secretary shall publish guidance*
2 *on the official website of the Department of*
3 *Transportation on context sensitive design.*

4 “(ii) *PUBLIC REVIEW AND COMMENT.*—
5 *The guidance described in this paragraph*
6 *shall be finalized following an opportunity*
7 *for public review and comment.*

8 “(iii) *UPDATE.*—*The Secretary shall*
9 *periodically update the guidance described*
10 *in this paragraph, including the model poli-*
11 *cies or procedures described under subpara-*
12 *graph (B)(v).*

13 “(B) *CONTENTS.*—*The guidance described*
14 *in this paragraph shall—*

15 “(i) *provide best practices for States,*
16 *metropolitan planning organizations, re-*
17 *gional transportation planning organiza-*
18 *tions, local governments, or other project*
19 *sponsors to implement context sensitive de-*
20 *sign principles;*

21 “(ii) *identify opportunities to modify*
22 *planning, scoping, design, and development*
23 *procedures to more effectively combine*
24 *modes of transportation into integrated fa-*
25 *cilities that meet the needs of each of such*

1 *modes of transportation in an appropriate*
2 *balance;*

3 “(iii) *identify metrics to assess the*
4 *context of the facility, including sur-*
5 *rounding land use or roadside characteris-*
6 *tics;*

7 “(iv) *assess the expected operational*
8 *and safety performance of facility design;*
9 *and*

10 “(v) *establish model policies or proce-*
11 *dures, consistent with the findings of such*
12 *guidance, for a State or other project spon-*
13 *sor to evaluate the context of a proposed fa-*
14 *cility and select the appropriate facility de-*
15 *sign for the context.*

16 “(C) *TOPICS OF EMPHASIS.—In addition to*
17 *the contents in subparagraph (B), the guidance*
18 *shall emphasize—*

19 “(i) *procedures for identifying the*
20 *needs of users of all ages and abilities of a*
21 *particular roadway;*

22 “(ii) *procedures for identifying the*
23 *types and designs of facilities needed to*
24 *serve various modes of transportation;*

1 “(iii) safety and other benefits pro-
2 vided by carrying out context sensitive de-
3 sign principles;

4 “(iv) common barriers to carrying out
5 context sensitive design principles;

6 “(v) procedures for overcoming the
7 most common barriers to carrying out con-
8 text sensitive design principles;

9 “(vi) procedures for identifying the
10 costs associated with carrying out context
11 sensitive design principles;

12 “(vii) procedures for maximizing local
13 cooperation in the introduction of context
14 sensitive design principles and carrying out
15 those principles; and

16 “(viii) procedures for assessing and
17 modifying the facilities and operational
18 characteristics of existing roadways to im-
19 prove consistency with context sensitive de-
20 sign principles.

21 “(4) *FUNDING.*—Amounts made available under
22 sections 104(b)(6) and 505 of this title may be used
23 for States, local governments, metropolitan planning
24 organizations, or regional transportation planning
25 organizations to adopt policies or procedures to evalu-

1 *ate the context of a proposed roadway and select the*
2 *appropriate design, consistent with context sensitive*
3 *design principles.”.*

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

6 SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL
7 SHARE.

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

10 (1) by striking clauses (i) and (ii) and inserting
11 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;”;

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

25 (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 dem-
onstrate reductions in greenhouse gas emis-
sions;

“(viii) contractual provisions that pro-
vide safety contingency funds to incorporate
safety enhancements to work zones prior to
or during roadway construction and main-
tenance activities; or”.

(b) *TECHNICAL AMENDMENT.*—Section 107(a)(2) of
title 23, United States Code, is amended by striking “sub-
section (c) of”.

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

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

1 (1) *in the heading by inserting “AND PRO-*
2 *GRAMS” after “SET-ASIDES”;*

3 (2) *in paragraph (1) by striking “and*
4 *133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),*
5 *133(h), 148(m), 149, 151(f), and 171”;* and

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

8 “(2) *ENVIRONMENTAL PROGRAMS.—With respect*
9 *to an apportionment under either paragraph (4) or*
10 *paragraph (9) of section 104(b), and notwithstanding*
11 *paragraph (1), a State may only transfer not more*
12 *than 50 percent from the amount of the apportion-*
13 *ment of either such paragraph to the apportionment*
14 *under the other such paragraph in a fiscal year.”.*

15 **SEC. 1110. TOLLING.**

16 (a) *TOLL ROADS, BRIDGES, TUNNELS, AND FER-*
17 *RIES.—Section 129 of title 23, United States Code, is*
18 *amended—*

19 (1) *in subsection (a)—*

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

22 “(1) *IN GENERAL.—*

23 “(A) *AUTHORIZATION.—Subject to the pro-*
24 *visions of this section, Federal participation*
25 *shall be permitted on the same basis and in the*

1 *same manner as construction of toll-free high-*
2 *ways is permitted under this chapter in the—*

3 “(i) *initial construction of a toll high-*
4 *way, bridge, or tunnel or approach to the*
5 *highway, bridge, or tunnel;*

6 “(ii) *initial construction of 1 or more*
7 *lanes or other improvements that increase*
8 *capacity of a highway, bridge, or tunnel*
9 *(other than a highway on the Interstate*
10 *System) and conversion of that highway,*
11 *bridge, or tunnel to a tolled facility, if the*
12 *number of toll-free lanes, excluding auxil-*
13 *iary lanes, after the construction is not less*
14 *than the number of toll-free lanes, excluding*
15 *auxiliary lanes, before the construction;*

16 “(iii) *initial construction of 1 or more*
17 *lanes or other improvements that increase*
18 *the capacity of a highway, bridge, or tunnel*
19 *on the Interstate System and conversion of*
20 *that highway, bridge, or tunnel to a tolled*
21 *facility, if the number of toll-free non-HOV*
22 *lanes, excluding auxiliary lanes, after such*
23 *construction is not less than the number of*
24 *toll-free non-HOV lanes, excluding auxil-*
25 *iary lanes, before such construction;*

1 “(iv) reconstruction, resurfacing, res-
2 toration, rehabilitation, or replacement of a
3 toll highway, bridge, or tunnel or approach
4 to the highway, bridge, or tunnel;

5 “(v) reconstruction or replacement of a
6 toll-free bridge or tunnel and conversion of
7 the bridge or tunnel to a toll facility;

8 “(vi) reconstruction of a toll-free Fed-
9 eral-aid highway (other than a highway on
10 the Interstate System) and conversion of the
11 highway to a toll facility;

12 “(vii) reconstruction, restoration, or
13 rehabilitation of a highway on the Inter-
14 state System if the number of toll-free non-
15 HOV lanes, excluding auxiliary lanes, after
16 reconstruction, restoration, or rehabilitation
17 is not less than the number of toll-free non-
18 HOV lanes, excluding auxiliary lanes, be-
19 fore reconstruction, restoration, or rehabili-
20 tation;

21 “(viii) conversion of a high occupancy
22 vehicle lane on a highway, bridge, or tunnel
23 to a toll facility, subject to the requirements
24 of section 166; and

1 “(ix) *preliminary studies to determine*
2 *the feasibility of a toll facility for which*
3 *Federal participation is authorized under*
4 *this paragraph.*

5 “(B) *AGREEMENT TO TOLL.—*

6 “(i) *IN GENERAL.—Before the Sec-*
7 *retary may authorize tolling under this sub-*
8 *section, the public authority with jurisdic-*
9 *tion over a highway, bridge, or tunnel shall*
10 *enter into an agreement with the Secretary*
11 *to ensure compliance with the requirements*
12 *of this subsection.*

13 “(ii) *APPLICABILITY.—*

14 “(I) *IN GENERAL.—The require-*
15 *ments of this subparagraph shall apply*
16 *to—*

17 “(aa) *Federal participation*
18 *under subparagraph (A);*

19 “(bb) *any prior Federal par-*
20 *ticipation in the facility proposed*
21 *to be tolled; and*

22 “(cc) *conversion, with or*
23 *without Federal participation, of*
24 *a non-tolled lane on the National*

1 *Highway System to a toll facility*
2 *under subparagraph (E).*

3 “(II) *HOV FACILITY.*—*Except as*
4 *otherwise provided in this subsection or*
5 *section 166, the provisions of this*
6 *paragraph shall not apply to a high*
7 *occupancy vehicle facility.*

8 “(iii) *MAJOR FEDERAL ACTION.*—*Ap-*
9 *proval by the Secretary of an agreement to*
10 *toll under this paragraph shall be consid-*
11 *ered a major Federal action under the Na-*
12 *tional Environmental Policy Act of 1969*
13 *(42 U.S.C. 4321 et seq.).*

14 “(C) *AGREEMENT CONDITIONS.*—*Prior to*
15 *entering into an agreement to toll under sub-*
16 *paragraph (B), the public authority shall certify*
17 *to the Secretary that—*

18 “(i) *the public authority has estab-*
19 *lished procedures to ensure the toll meets the*
20 *purposes and requirements of this sub-*
21 *section;*

22 “(ii) *the facility shall provide for ac-*
23 *cess at no cost to public transportation ve-*
24 *hicles and over-the-road buses serving the*
25 *public; and*

1 “(iii) the facility shall provide for the
2 regional interoperability of electronic toll
3 collection, including through technologies or
4 business practices.

5 “(D) CONSIDERATION OF IMPACTS.—

6 “(i) IN GENERAL.—Prior to entering
7 into an agreement to toll under subpara-
8 graph (B), the Secretary shall ensure the
9 public authority has adequately considered,
10 including by providing an opportunity for
11 public comment, the following factors with-
12 in the corridor:

13 “(I) Congestion impacts on both
14 the toll facility and in the corridor or
15 cordon (including adjacent toll-free fa-
16 cilities).

17 “(II) In the case of a non-attain-
18 ment or maintenance area, air quality
19 impacts.

20 “(III) Planned investments to im-
21 prove public transportation or other
22 non-tolled alternatives in the corridor.

23 “(IV) Environmental justice and
24 equity impacts.

1 “(V) *Impacts on freight move-*
2 *ment.*

3 “(VI) *Economic impacts on busi-*
4 *nesses.*

5 “(ii) *CONSIDERATION IN ENVIRON-*
6 *MENTAL REVIEW.—Nothing in this subpara-*
7 *graph shall limit a public authority from*
8 *meeting the requirements of this subpara-*
9 *graph through the environmental review*
10 *process, as applicable.*

11 “(E) *CONGESTION PRICING.—*

12 “(i) *IN GENERAL.—The Secretary may*
13 *authorize conversion of a non-tolled lane on*
14 *the National Highway System to a toll fa-*
15 *ility to utilize pricing to manage the de-*
16 *mand to use the facility by varying the toll*
17 *amount that is charged.*

18 “(ii) *REQUIREMENT.—Prior to enter-*
19 *ing into an agreement to convert a non-*
20 *tolled lane on the National Highway Sys-*
21 *tem to a toll facility, the Secretary shall en-*
22 *sure (in addition to the requirements under*
23 *subparagraphs (B), (C), and (D)) that such*
24 *toll facility and the planned investments to*
25 *improve public transportation or other non-*

1 *tolled alternatives in the corridor are rea-*
2 *sonably expected to improve the operation of*
3 *the cordon or corridor, as described in*
4 *clauses (iii) and (iv).*

5 “(iii) *PERFORMANCE MONITORING.—A*
6 *public authority that enters into an agree-*
7 *ment to convert a non-tolled lane to a toll*
8 *facility under this subparagraph shall—*

9 “(I) *establish, monitor, and sup-*
10 *port a performance monitoring, eval-*
11 *uation, and reporting program—*

12 “(aa) *for the toll facility that*
13 *provides for continuous moni-*
14 *toring, assessment, and reporting*
15 *on the impacts that the pricing*
16 *structure may have on the oper-*
17 *ation of the facility; and*

18 “(bb) *for the corridor or cor-*
19 *don that provides for continuous*
20 *monitoring, assessment, and re-*
21 *porting on the impacts of conges-*
22 *tion pricing on the operation of*
23 *the corridor or cordon;*

1 “(II) submit to the Secretary an-
2 nual reports of the impacts described
3 in subclause (I); and

4 “(III) if the facility or the cor-
5 ridor or cordon becomes degraded, as
6 described in clause (iv), submit to the
7 Secretary an annual update that de-
8 scribes the actions proposed to bring
9 the toll facility into compliance and
10 the progress made on such actions.

11 “(iv) DETERMINATION.—

12 “(I) DEGRADED OPERATION.—For
13 purposes of clause (iii)(III), the oper-
14 ation of a toll facility shall be consid-
15 ered to be degraded if vehicles oper-
16 ating on the facility are failing to
17 maintain a minimum average oper-
18 ating speed 90 percent of the time over
19 a consecutive 180-day period during
20 peak hour periods.

21 “(II) DEGRADED CORRIDOR OR
22 CORDON.—For the purposes of clause
23 (iii)(III), a corridor or cordon shall be
24 considered to be degraded if congestion
25 pricing or investments to improve pub-

1 *lic transportation or other non-tolled*
2 *alternatives have not resulted in—*

3 “(aa) *an increase in person*
4 *or freight throughput in the cor-*
5 *ridor or cordon; or*

6 “(bb) *a reduction in person*
7 *hours of delay in the corridor or*
8 *cordon, as determined by the Sec-*
9 *retary.*

10 “(III) *DEFINITION OF MINIMUM*
11 *AVERAGE OPERATING SPEED.—In this*
12 *subparagraph, the term ‘minimum av-*
13 *erage operating speed’ means—*

14 “(aa) *35 miles per hour, in*
15 *the case of a toll facility with a*
16 *speed limit of 45 miles per hour*
17 *or greater; and*

18 “(bb) *not more than 10 miles*
19 *per hour below the speed limit, in*
20 *the case of a toll facility with a*
21 *speed limit of less than 50 miles*
22 *per hour.*

23 “(v) *MAINTENANCE OF OPERATING*
24 *PERFORMANCE.—*

1 “(I) *IN GENERAL.*—Not later than
2 180 days after the date on which a fa-
3 cility or a corridor or cordon becomes
4 degraded under clause (iv), the public
5 authority with jurisdiction over the fa-
6 cility shall submit to the Secretary for
7 approval a plan that details the ac-
8 tions the public authority will take to
9 make significant progress toward
10 bringing the facility or corridor or cor-
11 don into compliance with this subpara-
12 graph.

13 “(II) *NOTICE OF APPROVAL OR*
14 *DISAPPROVAL.*—Not later than 60 days
15 after the date of receipt of a plan
16 under subclause (I), the Secretary shall
17 provide to the public authority a writ-
18 ten notice indicating whether the Sec-
19 retary has approved or disapproved the
20 plan based on a determination of
21 whether the implementation of the plan
22 will make significant progress toward
23 bringing the facility or corridor or cor-
24 don into compliance with this subpara-
25 graph.

1 “(III) *UPDATE.*—Until the date
2 on which the Secretary determines that
3 the public authority has brought the fa-
4 cility or corridor or cordon into com-
5 pliance with this subparagraph, the
6 public authority shall submit annual
7 updates that describe—

8 “(aa) the actions taken to
9 bring the facility into compliance;

10 “(bb) the actions taken to
11 bring the corridor or cordon into
12 compliance; and

13 “(cc) the progress made by
14 those actions.

15 “(IV) *COMPLIANCE.*—If a public
16 authority fails to bring a facility into
17 compliance under this subparagraph,
18 the Secretary may subject the public
19 authority to appropriate program
20 sanctions under section 1.36 of title 23,
21 Code of Federal Regulations (or suc-
22 cessor regulations), until the perform-
23 ance is no longer degraded.

24 “(vi) *CONSULTATION OF MPO.*—If a
25 toll facility authorized under this subpara-

1 *graph is located on the National Highway*
2 *System and in a metropolitan planning*
3 *area established in accordance with section*
4 *134, the public authority shall consult with*
5 *the metropolitan planning organization for*
6 *the area.*

7 “(vii) *INCLUSION.—For the purposes of*
8 *this paragraph, the corridor or cordon shall*
9 *include toll-free facilities that are adjacent*
10 *to the toll facility.*”;

11 *(B) in paragraph (3)—*

12 *(i) in subparagraph (A)—*

13 *(I) in clause (iv) by striking*
14 *“and” at the end; and*

15 *(II) by striking clause (v) and in-*
16 *serting the following:*

17 “(v) *any project eligible under this*
18 *title or chapter 53 of title 49 that improves*
19 *the operation of the corridor or cordon by*
20 *increasing person or freight throughput and*
21 *reducing person hours of delay;*

22 “(vi) *toll discounts or rebates for users*
23 *of the toll facility that have no reasonable*
24 *alternative transportation method to the toll*
25 *facility; and*

1 “(vii) if the public authority certifies
 2 annually that the tolled facility is being
 3 adequately maintained and the cordon or
 4 corridor is not degraded under paragraph
 5 (1)(E), any revenues remaining after fund-
 6 ing the activities described in clauses (i)
 7 through (vi) shall be considered surplus rev-
 8 enue and may be used for any other purpose
 9 for which Federal funds may be obligated
 10 by a State under this title or chapter 53 of
 11 title 49.”; and

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

14 “(B) *TRANSPARENCY.*—

15 “(i) *ANNUAL AUDIT.*—

16 “(I) *IN GENERAL.*—A public au-
 17 thority with jurisdiction over a toll fa-
 18 cility shall conduct or have an inde-
 19 pendent auditor conduct an annual
 20 audit of toll facility records to verify
 21 adequate maintenance and compliance
 22 with subparagraph (A), and report the
 23 results of the audits to the Secretary.

24 “(II) *RECORDS.*—On reasonable
 25 notice, the public authority shall make

1 *all records of the public authority per-*
 2 *taining to the toll facility available for*
 3 *audit by the Secretary.*

4 “(ii) *USE OF REVENUES.*—*A State or*
 5 *public authority that obligates amounts*
 6 *under clauses (v), (vi), or (vii) of subpara-*
 7 *graph (A) shall annually report to the Sec-*
 8 *retary a list of activities funded with such*
 9 *amounts and the amount of funding pro-*
 10 *vided for each such activity.”;*

11 *(C) in paragraph (8) by striking “as of the*
 12 *date of enactment of the MAP–21, before com-*
 13 *mencing any activity authorized” and inserting*
 14 *“, before commencing any activity authorized”;*

15 *(D) in paragraph (9)—*

16 *(i) by striking “bus” and inserting*
 17 *“vehicle”; and*

18 *(ii) by striking “buses” and inserting*
 19 *“vehicles”; and*

20 *(E) by striking paragraph (10) and insert-*
 21 *ing the following:*

22 “(10) *INTEROPERABILITY OF ELECTRONIC TOLL*
 23 *COLLECTION.*—

24 “(A) *IN GENERAL.*—*All toll facilities on*
 25 *Federal-aid highways shall provide for the re-*

1 *gional interoperability of electronic toll collec-*
2 *tion, including through technologies or business*
3 *practices.*

4 “(B) *PROHIBITION ON RESTRICTION.*—No
5 *State, or any political subdivision thereof, shall*
6 *restrict the information that is shared across*
7 *public and private toll facility operators or their*
8 *agents or contractors for purposes of facilitating,*
9 *operating, or maintaining electronic toll collec-*
10 *tion programs.*

11 “(11) *NONCOMPLIANCE.*—If the Secretary con-
12 *cludes that a public authority has not complied with*
13 *the requirements of this subsection, the Secretary may*
14 *require the public authority to discontinue collecting*
15 *tolls until the public authority and the Secretary*
16 *enter into an agreement for the public authority to*
17 *achieve compliance with such requirements.*

18 “(12) *DEFINITIONS.*—In this subsection, the fol-
19 *lowing definitions apply:*

20 “(A) *FEDERAL PARTICIPATION.*—The term
21 *‘Federal participation’ means the use of funds*
22 *made available under this title.*

23 “(B) *HIGH OCCUPANCY VEHICLE; HOV.*—
24 *The term ‘high occupancy vehicle’ or ‘HOV’*
25 *means a vehicle with not fewer than 2 occupants.*

1 “(C) *INITIAL CONSTRUCTION.*—

2 “(i) *IN GENERAL.*—*The term ‘initial*
3 *construction’ means the construction of a*
4 *highway, bridge, tunnel, or other facility at*
5 *any time before it is open to traffic.*

6 “(ii) *EXCLUSIONS.*—*The term ‘initial*
7 *construction’ does not include any improve-*
8 *ment to a highway, bridge, tunnel, or other*
9 *facility after it is open to traffic.*

10 “(D) *OVER-THE-ROAD BUS.*—*The term*
11 *‘over-the-road bus’ has the meaning given the*
12 *term in section 301 of the Americans with Dis-*
13 *abilities Act of 1990 (42 U.S.C. 12181).*

14 “(E) *PUBLIC AUTHORITY.*—*The term ‘pub-*
15 *lic authority’ means a State, interstate compact*
16 *of States, or public entity designated by a State.*

17 “(F) *PUBLIC TRANSPORTATION VEHICLE.*—
18 *The term ‘public transportation vehicle’ has the*
19 *meaning given that term in section 166.*

20 “(G) *TOLL FACILITY.*—*The term ‘toll facil-*
21 *ity’ means a toll highway, bridge, or tunnel or*
22 *approach to the highway, bridge, or tunnel con-*
23 *structed or authorized to be tolled under this sub-*
24 *section.”.*

1 (b) *REPEAL OF INTERSTATE SYSTEM RECONSTRUC-*
 2 *TION AND REHABILITATION PILOT PROGRAM.*—Section
 3 *1216 of the Transportation Equity Act for the 21st Century*
 4 *(23 U.S.C. 129 note), and the item related to such section*
 5 *in the table of contents in section 1(b) of such Act, are re-*
 6 *pealed.*

7 (c) *VALUE PRICING PILOT PROGRAM.*—Section
 8 *1012(b) of the Intermodal Surface Transportation Effi-*
 9 *ciency Act of 1991 (23 U.S.C. 149 note) is amended by add-*
 10 *ing at the end the following:*

11 “(9) *SUNSET.*—*The Secretary may not consider*
 12 *an expression of interest submitted under this section*
 13 *after the date of enactment of this paragraph.”.*

14 (d) *SAVINGS CLAUSE.*—

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

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

23 (A) *operating;*

24 (B) *in the planning and design phase; or*

25 (C) *in the construction phase.*

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

7 **SEC. 1111. HOV FACILITIES.**

8 Section 166 of title 23, United States Code, is amend-
 9 ed—

10 (1) in subsection (b)—

11 (A) in paragraph (4)(C)(iii) by striking
 12 “transportation buses” and inserting “transporta-
 13 tion vehicles”;

14 (B) in paragraph (5)(B) by striking “2019”
 15 and inserting “2025”; and

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

17 “(6) *EMERGENCY VEHICLES*.—The public au-
 18 thority may allow the following vehicles to use the
 19 HOV facility if the authority establishes requirements
 20 for clearly identifying the vehicles:

21 “(A) An emergency vehicle that is respond-
 22 ing to an existing emergency.

23 “(B) A blood transport vehicle that is trans-
 24 porting blood between collection points and hos-
 25 pitals or storage centers.”.

1 (2) in subsection (d)(2)(A)(i) by striking “45
2 miles per hour, in the case of a HOV facility with a
3 speed limit of 50 miles per hour or greater” and in-
4 serting “35 miles per hour, in the case of a HOV fa-
5 cility with a speed limit of 45 miles per hour or
6 greater”;

7 (3) in subsection (d)(2)(B) by striking “morning
8 or evening weekday peak hour periods (or both)” and
9 inserting “peak hour periods”;

10 (4) in subsection (e)—

11 (A) by striking “Not later than 180 days
12 after the date of enactment of this section, the
13 Administrator” and inserting “The Adminis-
14 trator”;

15 (B) in paragraph (1) by striking “and” at
16 the end;

17 (C) in paragraph (2) by striking the period
18 at the end and inserting “; and”; and

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

20 “(3) not later than 180 days after the date of en-
21 actment of the INVEST in America Act, update the
22 requirements established under paragraph (1).”; and

23 (5) in subsection (f)—

24 (A) in paragraph (1)—

1 (i) by striking subparagraphs (C), (D),
 2 and (F); and
 3 (ii) by redesignating subparagraphs
 4 (E), (G), (H), and (I) as subparagraphs
 5 (C), (D), (E), and (F), respectively; and
 6 (B) in paragraph (6)(B)(i) by striking
 7 “public entity” and inserting “public transpor-
 8 tation service that is a recipient or subrecipient
 9 of funds under chapter 53 of title 49”.

10 **SEC. 1112. BUY AMERICA.**

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

13 (1) in subsection (a)—

14 (A) by striking “Notwithstanding” and in-
 15 serting “*IN GENERAL*.—Notwithstanding”;

16 (B) by striking “Secretary of Transpor-
 17 tation” and inserting “Secretary”;

18 (C) by striking “the Surface Transportation
 19 Assistance Act of 1982 (96 Stat. 2097) or”; and

20 (D) by striking “and manufactured prod-
 21 ucts” and inserting “manufactured products,
 22 and construction materials”;

23 (2) in subsection (b) by inserting “*DETERMINA-*
 24 *TION*.—” before “The provisions”;

1 (3) in subsection (c) by striking “For purposes”
2 and inserting “CALCULATION.—For purposes”;

3 (4) in subsection (d)—

4 (A) by striking “The Secretary of Transpor-
5 tation” and inserting “REQUIREMENTS.—The
6 Secretary”; and

7 (B) by striking “the Surface Transportation
8 Assistance Act of 1982 (96 Stat. 2097) or”;

9 (5) in subsection (g) by inserting “or within the
10 scope of the applicable finding, determination, or en-
11 vironmental review decision made pursuant to au-
12 thority granted by the Secretary under section 330, if
13 applicable,” before “regardless of the”; and

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

15 “(h) WAIVER PROCEDURE.—

16 “(1) IN GENERAL.—Not later than 120 days
17 after the submission of a request for a waiver, the
18 Secretary shall make a determination under para-
19 graph (1) or (2) of subsection (b) as to whether sub-
20 section (a) shall apply.

21 “(2) PUBLIC NOTIFICATION AND COMMENT.—

22 “(A) IN GENERAL.—Not later than 30 days
23 before making a determination regarding a
24 waiver described in paragraph (1), the Secretary

1 *shall provide notification and an opportunity for*
2 *public comment on the request for such waiver.*

3 “(B) *NOTIFICATION REQUIREMENTS.—The*
4 *notification required under subparagraph (A)*
5 *shall—*

6 “(i) *describe whether the application is*
7 *being made for a determination described in*
8 *subsection (b)(1); and*

9 “(ii) *be provided to the public by elec-*
10 *tronic means, including on the public*
11 *website of the Department of Transpor-*
12 *tation.*

13 “(3) *DETERMINATION.—Before a determination*
14 *described in paragraph (1) takes effect, the Secretary*
15 *shall publish a detailed justification for such deter-*
16 *mination that addresses all public comments received*
17 *under paragraph (2)—*

18 “(A) *on the public website of the Depart-*
19 *ment of Transportation; and*

20 “(B) *if the Secretary issues a waiver with*
21 *respect to such determination, in the Federal*
22 *Register.*

23 “(i) *REVIEW OF NATIONWIDE WAIVERS.—*

24 “(1) *IN GENERAL.—Not later than 1 year after*
25 *the date of enactment of this subsection, and at least*

1 *every 5 years thereafter, the Secretary shall review*
2 *any standing nationwide waiver issued by the Sec-*
3 *retary under this section to ensure such waiver re-*
4 *mains justified.*

5 “(2) *PUBLIC NOTIFICATION AND OPPORTUNITY*
6 *FOR COMMENT.*—

7 “(A) *IN GENERAL.*—*Not later than 30 days*
8 *before the completion of a review under para-*
9 *graph (1), the Secretary shall provide notifica-*
10 *tion and an opportunity for public comment on*
11 *such review.*

12 “(B) *MEANS OF NOTIFICATION.*—*Notifica-*
13 *tion provided under this subparagraph shall be*
14 *provided by electronic means, including on the*
15 *public website of the Department of Transpor-*
16 *tation.*

17 “(3) *DETAILED JUSTIFICATION IN FEDERAL REG-*
18 *ISTER.*—*After the completion of a review under para-*
19 *graph (1), the Secretary shall publish in the Federal*
20 *Register a detailed justification for the determination*
21 *made under paragraph (1) that addresses all public*
22 *comments received under paragraph (2).*

23 “(4) *CONSIDERATION.*—*In conducting the review*
24 *under paragraph (1), the Secretary shall consider the*

1 *research on supply chains carried out under section*
 2 *1112(c) of the INVEST in America Act.*

3 “(j) *REPORT.*—Not later than 120 days after the last
 4 *day of each fiscal year, the Secretary shall submit to the*
 5 *Committee on Transportation and Infrastructure of the*
 6 *House of Representatives, the Committee on Appropriations*
 7 *of the House of Representatives, the Committee on Environ-*
 8 *ment and Public Works of the Senate, and the Committee*
 9 *on Appropriations of the Senate a report on the waivers*
 10 *provided under subsection (h) during the previous fiscal*
 11 *year and the justifications for such waivers.*

12 “(k) *CONSTRUCTION MATERIALS DEFINED.*—In this
 13 *section, the term ‘construction materials’ means primary*
 14 *materials, except for iron and steel, that are commonly used*
 15 *in highway construction, as determined by the Secretary.”.*

16 (b) *CONSTRUCTION MATERIALS.*—

17 (1) *ESTABLISHMENT OF REQUIREMENTS.*—The
 18 *Secretary shall issue such regulations as are necessary*
 19 *to implement the amendment made subsection*
 20 *(a)(1)(D). Such regulations shall ensure the continued*
 21 *availability of construction materials to carry out*
 22 *projects under title 23, United States Code.*

23 (2) *CONSIDERATIONS.*—The requirements of this
 24 *section, and the amendments made by this section—*

1 (A) shall seek to maximize jobs located in
2 the United States;

3 (B) may establish domestic content require-
4 ments that increase over time, based on the cur-
5 rent and expected future domestic availability of
6 construction materials; and

7 (C) shall take into consideration the re-
8 search conducted under subsection (c).

9 (3) *APPLICABILITY.*—The amendment made by
10 subsection (a)(1)(D) shall take effect beginning on the
11 date that the Secretary establishes the requirements
12 described under paragraph (1).

13 (c) *RESEARCH ON SUPPLY CHAINS.*—

14 (1) *IN GENERAL.*—The Secretary shall conduct
15 research on covered items that are commonly used or
16 acquired under title 23, United States Code, includ-
17 ing—

18 (A) construction materials;

19 (B) manufactured products;

20 (C) vehicles; and

21 (D) alternative fuel infrastructure and elec-
22 tric vehicle supply equipment.

23 (2) *CONSIDERATIONS.*—The research under para-
24 graph (1) shall consider—

1 (A) *the current domestic availability of cov-*
2 *ered items;*

3 (B) *the current supply chain for covered*
4 *items; and*

5 (C) *the estimated demand, in relation to*
6 *total United States demand from all sources, for*
7 *covered items from—*

8 (i) *procurement under the Federal-aid*
9 *highway program;*

10 (ii) *procurement under other programs*
11 *administered by the Secretary of Transpor-*
12 *tation; and*

13 (iii) *other Federal procurement.*

14 (3) *DOMESTIC SUPPLIERS.—As part of the re-*
15 *view under this paragraph, the Secretary may estab-*
16 *lish and maintain a list of known domestic suppliers*
17 *of covered items.*

18 (4) *DEFINITION OF COVERED ITEM.—For the*
19 *purposes of this section, the term “covered item”*
20 *means any material or product (except for iron and*
21 *steel) subject to the requirements of section 313(a) of*
22 *title 23, United States Code, that is commonly used*
23 *in highway construction or procured under the Fed-*
24 *eral-aid highway program.*

1 (d) *IRON AND STEEL*.—*This section, and the amend-*
 2 *ments made by this section, shall not affect the requirements*
 3 *under section 634.410(b)(1)(ii) of title 23, Code of Federal*
 4 *Regulations, with respect to iron and steel.*

5 (e) *SAFETEA—LU TECHNICAL CORRECTIONS ACT OF*
 6 *2008*.—*Section 117 of the SAFETEA—LU Technical Cor-*
 7 *rections Act of 2008 (23 U.S.C. 313 note) is repealed.*

8 **SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-**
 9 **MENTS.**

10 (a) *IN GENERAL*.—*Section 113 of title 23, United*
 11 *States Code, is amended—*

12 (1) *by striking subsections (a) and (b) and in-*
 13 *serting the following:*

14 “(a) *IN GENERAL*.—*The Secretary shall take such ac-*
 15 *tion as may be necessary to ensure that all laborers and*
 16 *mechanics employed by contractors or subcontractors on*
 17 *construction work performed on projects financed or other-*
 18 *wise assisted in whole or in part by a loan, loan guarantee,*
 19 *grant, credit enhancement, or any other form of Federal as-*
 20 *sistance administered by the Secretary or the Department,*
 21 *including programs to capitalize revolving loan funds and*
 22 *subsequent financing cycles under such funds, shall be paid*
 23 *wages at rates not less than those prevailing on projects*
 24 *of a character similar in the locality, as determined by the*
 25 *Secretary of Labor in accordance with subchapter IV of*

1 *chapter 31 of title 40. With respect to the labor standards*
 2 *specified in this section, the Secretary of Labor shall have*
 3 *the authority and functions set forth in Reorganization*
 4 *Plan Numbered 14 of 1950 (64 Stat. 1267) and section 3145*
 5 *of title 40.”;*

6 *(2) by redesignating subsection (c) as subsection*
 7 *(b); and*

8 *(3) in subsection (b), as so redesignated, by in-*
 9 *serting “APPRENTICESHIP AND SKILL TRAINING PRO-*
 10 *GRAMS.—” before “The provisions”.*

11 *(b) CONFORMING AMENDMENTS.—*

12 *(1) Section 133 of title 23, United States Code,*
 13 *is amended by striking subsection (i).*

14 *(2) Section 167 of title 23, United States Code,*
 15 *is amended by striking subsection (l).*

16 *(3) Section 1401 of the MAP–21 (23 U.S.C. 137*
 17 *note) is amended by striking subsection (e).*

18 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
 19 **CATEGORICAL EXCLUSIONS.**

20 *Section 326(c)(3) of title 23, United States Code, is*
 21 *amended—*

22 *(1) by striking subparagraph (A) and inserting*
 23 *the following:*

1 “(A) except as provided under subpara-
 2 graph (C), have a term of not more than 3
 3 years;”;

4 (2) in subparagraph (B) by striking the period
 5 at the end and inserting “; and”; and

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

7 “(C) for any State that has assumed the re-
 8 sponsibility for categorical exclusions under this
 9 section for at least 10 years, have a term of 5
 10 years.”.

11 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY**

12 **PROGRAM WRITTEN AGREEMENTS.**

13 Section 327 of title 23, United States Code, is amend-
 14 ed—

15 (1) in subsection (a)(2)(G) by inserting “, in-
 16 cluding the payment of fees awarded under section
 17 2412 of title 28” after “with the project”.

18 (2) in subsection (c)—

19 (A) by striking paragraph (5) and inserting
 20 the following:

21 “(5) except as provided under paragraph (7),
 22 have a term of not more than 5 years;”;

23 (B) in paragraph (6) by striking the period
 24 at the end and inserting “; and”; and

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

1 “(7) for any State that has participated in a
2 program under this section (or under a predecessor
3 program) for at least 10 years, have a term of 10
4 years.”;

5 (3) in subsection (g)(1)—

6 (A) in subparagraph (C) by striking “an-
7 nual”;

8 (B) in subparagraph (B) by striking “and”
9 at the end;

10 (C) by redesignating subparagraph (C) as
11 subparagraph (D); and

12 (D) by inserting after subparagraph (B) the
13 following:

14 “(C) in the case of an agreement period of
15 greater than 5 years under subsection (c)(7), con-
16 duct an audit covering the first 5 years of the
17 agreement period; and”; and

18 (4) by adding at the end the following:

19 “(m) *AGENCY DEEMED TO BE FEDERAL AGENCY.*—
20 A State agency that is assigned a responsibility under an
21 agreement under this section shall be deemed to be an agen-
22 cy of the United States for the purposes of section 2412 of
23 title 28.”.

24 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

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

1 (1) *APPLICABLE BRIDGE PROJECTS.*—The term
2 “applicable bridge projects” means a project for con-
3 struction, replacement, rehabilitation, preservation, or
4 protection, other than *de minimis* work, as deter-
5 mined by the applicable State department of trans-
6 portation, on a bridge project that receives financial
7 assistance under title 23, United States Code.

8 (2) *CERTIFIED CONTRACTOR.*—The term “cer-
9 tified contractor” means a contracting or subcon-
10 tracting firm that has been certified by an industry-
11 wide recognized third party organization that evalu-
12 ates the capability of the contractor or subcontractor
13 to properly perform 1 or more specified aspects of ap-
14 plicable bridge projects described in subsection (b)(2).

15 (3) *QUALIFIED TRAINING PROGRAM.*—The term
16 “qualified training program” means a training pro-
17 gram in corrosion control, mitigation, and prevention
18 that is either—

19 (A) offered or accredited by an organization
20 that sets industry corrosion standards; or

21 (B) an industrial coatings applicator train-
22 ing program registered under the Act of August
23 16, 1937 (29 U.S.C. 50 *et seq.*; commonly known
24 as the “National Apprenticeship Act”) that

1 *meets the standards of subpart A of part 29 and*
2 *part 30 of title 29, Code of Federal Regulations.*

3 ***(b) APPLICABLE BRIDGE PROJECTS.—***

4 ***(1) QUALITY CONTROL.—****A certified contractor*
5 *shall carry out aspects of an applicable bridge project*
6 *described in paragraph (2).*

7 ***(2) ASPECTS OF APPLICABLE BRIDGE***
8 ***PROJECTS.—****Aspects of an applicable bridge project*
9 *referred to in paragraph (1) shall include—*

10 ***(A) surface preparation or coating applica-***
11 ***tion on steel or rebar of an applicable bridge***
12 ***project;***

13 ***(B) removal of a lead-based or other haz-***
14 ***ardous coating from steel of an existing applica-***
15 ***ble bridge project; and***

16 ***(C) shop painting of structural steel or***
17 ***rebar fabricated for installation on an applicable***
18 ***bridge project.***

19 ***(3) CORROSION MANAGEMENT SYSTEM.—****In car-*
20 *rying out an applicable bridge project, a State de-*
21 *partment of transportation shall—*

22 ***(A) implement a corrosion management sys-***
23 ***tem that utilizes industry-recognized standards***
24 ***and corrosion mitigation and prevention meth-***
25 ***ods to address—***

- 1 (i) surface preparation;
- 2 (ii) protective coatings;
- 3 (iii) materials selection;
- 4 (iv) cathodic protection;
- 5 (v) corrosion engineering;
- 6 (vi) personnel training; and
- 7 (vii) best practices in environmental
- 8 protection to prevent environmental deg-
- 9 radation and uphold public health.

10 (B) require certified contractors, for the
11 purpose of carrying out aspects of applicable
12 bridge projects described in paragraph (2), to
13 employ a substantial number of individuals that
14 are trained and certified by a qualified training
15 program as meeting the ANSI/NACE Number
16 13/SSPC-ACS-1 standard or future versions of
17 this standard.

18 (4) CERTIFICATION.—The applicable State de-
19 partment of transportation shall only accept bids for
20 projects that include aspects of applicable bridge
21 projects described in paragraph (2) from a certified
22 contractor that presents written proof that the certifi-
23 cation of such contractor meets the standards of
24 SSPC QP1, QP2, and QP3 or future versions of these
25 standards.

1 (c) *TRAINING PROGRAM.*—As a condition of entering
 2 into a contract for an applicable bridge project, each cer-
 3 tified contractor shall provide training, through a qualified
 4 training program, for each individual who is not a certified
 5 coating applicator but that the certified contractor employs
 6 to carry out aspects of applicable bridge projects as de-
 7 scribed in subsection (b)(2).

8 **SEC. 1117. SENSE OF CONGRESS.**

9 *It is the sense of Congress that—*

10 (1) *States should utilize life-cycle cost analysis to*
 11 *evaluate the total economic cost of a transportation*
 12 *project over its expected lifetime; and*

13 (2) *data indicating that future repair costs asso-*
 14 *ciated with a transportation project frequently total*
 15 *more than half of the initial cost of the project, and*
 16 *that conducting life-cycle cost analysis prior to con-*
 17 *struction will help States identify the most cost-effec-*
 18 *tive option, improve their economic performance, and*
 19 *lower the total cost of building and maintaining the*
 20 *project.*

21 **SEC. 1118. ACCOMMODATION OF CERTAIN FACILITIES IN**
 22 **RIGHT-OF-WAY.**

23 (a) *IN GENERAL.*—Notwithstanding chapter 1 of title
 24 23, United States Code, electric vehicle charging infrastruc-
 25 ture, renewable energy generation facilities, electrical trans-

1 mission and distribution infrastructure, and broadband in-
 2 frastructure and conduit shall be treated as a facility cov-
 3 ered under part 645 of title 23, Code of Federal Regulations
 4 (or successor regulations), for purposes of being accommo-
 5 dated under section 109(l) of title 23, United States Code.

6 (b) *STATE APPROVAL.*—A State, on behalf of the Sec-
 7 retary of Transportation, may approve the accommodation
 8 of the infrastructure and facilities described in subsection
 9 (a) within any right-of-way on a Federal-aid highway pur-
 10 suant to section 109(l) of title 23, United States Code.

11 **SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE**
 12 **SAFETY IMPROVEMENTS.**

13 (a) *IN GENERAL.*—Notwithstanding any provision of
 14 title 23, United States Code, or any regulation issued by
 15 the Secretary of Transportation, section 129(a)(3) of such
 16 title shall not apply to a covered public authority that re-
 17 ceives funding under such title for pedestrian and bike safe-
 18 ty improvements.

19 (b) *NO TOLL.*—A covered public authority may not
 20 charge a toll, fee, or other levy for use of such improvements.

21 (c) *EFFECTIVE DATE.*—A covered public authority
 22 shall be eligible for the exemption under subsection (a) for
 23 10 years after the date of enactment of this Act. Any such
 24 exemption granted shall remain in effect after the effective
 25 date described in this section.

1 (d) *DEFINITIONS.*—*In this section, the following defi-*
2 *nitions apply:*

3 (1) *COVERED PUBLIC AUTHORITY.*—*The term*
4 *“covered public authority” means a public authority*
5 *with jurisdiction over a toll facility located within*
6 *both—*

7 (A) *a National Scenic Area; and*

8 (B) *the National Trail System.*

9 (2) *NATIONAL SCENIC AREA.*—*The term “Na-*
10 *tional Scenic Area” means an area of the National*
11 *Forest System federally designated as a National Sce-*
12 *nic Area in recognition of the outstanding natural,*
13 *scenic, and recreational values of the area.*

14 (3) *NATIONAL TRAIL SYSTEM.*—*The term “Na-*
15 *tional Trail System” means an area described in sec-*
16 *tion 3 of the National Trails System Act (16 U.S.C.*
17 *1242).*

18 (4) *PUBLIC AUTHORITY; TOLL FACILITY.*—*The*
19 *terms “public authority” and “toll facility” have the*
20 *meanings such terms would have if such terms were*
21 *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, environ-

1 *mental sustainability, transportation system ac-*
2 *cess, or combating climate change”;*

3 *(B) in paragraph (1)(B) by striking “and”*
4 *at the end;*

5 *(C) in paragraph (2)—*

6 *(i) in subparagraph (G)—*

7 *(I) in clause (i) by inserting*
8 *“and” at the end;*

9 *(II) in clause (ii) by striking “;*
10 *and” and inserting a period; and*

11 *(III) by striking clause (iii);*

12 *(ii) in subparagraph (I) by inserting*
13 *“, including the installation of safety bar-*
14 *riers and nets on bridges on the National*
15 *Highway System” after “National Highway*
16 *System”; and*

17 *(iii) by adding at the end the fol-*
18 *lowing:*

19 *“(Q) Projects on or off the National High-*
20 *way System to reduce greenhouse gas emissions*
21 *that are eligible under section 171, including the*
22 *installation of electric vehicle charging infra-*
23 *structure.*

24 *“(R) Projects on or off the National High-*
25 *way System to enhance resilience of a transpor-*

1 *tation facility eligible under section 124, includ-*
2 *ing protective features and natural infrastruc-*
3 *ture.*

4 *“(S) Projects and strategies to reduce vehi-*
5 *cle-caused wildlife mortality related to, or to re-*
6 *store and maintain connectivity among terres-*
7 *trial or aquatic habitats affected by, a transpor-*
8 *tation facility eligible for assistance under this*
9 *section.*

10 *“(T) Projects on or off the National High-*
11 *way System to improve an evacuation route eli-*
12 *gible under section 124(b)(1)(C).*

13 *“(U) The removal, retrofit, repurposing, re-*
14 *mediation, or replacement of a highway on the*
15 *National Highway System that creates a barrier*
16 *to community connectivity to improve access for*
17 *multiple modes of transportation.”; and*

18 *(D) by adding at the end the following:*

19 *“(3) a project that is otherwise eligible under*
20 *this subsection to construct new capacity for single*
21 *occupancy passenger vehicles only if the State—*

22 *“(A) has demonstrated progress in achiev-*
23 *ing a state of good repair, as defined in the*
24 *State’s asset management plan, on the National*
25 *Highway System;*

1 “(B) demonstrates that the project—

2 “(i) supports the achievement of per-
3 formance targets of the State established
4 under section 150; and

5 “(ii) is more cost effective, as deter-
6 mined by benefit-cost analysis, than—

7 “(I) an operational improvement
8 to the facility or corridor;

9 “(II) the construction of a public
10 transportation project eligible for as-
11 sistance under chapter 53 of title 49;
12 or

13 “(III) the construction of a non-
14 single occupancy passenger vehicle
15 project that improves freight move-
16 ment; and

17 “(C) has a public plan for maintaining and
18 operating the new asset while continuing its
19 progress in achieving a state of good repair
20 under subparagraph (A).”;

21 (3) in subsection (e)—

22 (A) in the heading by inserting “ASSET
23 AND” after “STATE”;

24 (B) in paragraph (4)(D) by striking “anal-
25 ysis” and inserting “analyses, both of which

1 *shall take into consideration climate change ad-*
 2 *aptation and resilience;”*; and

3 *(C) in paragraph (8) by striking “Not later*
 4 *than 18 months after the date of enactment of the*
 5 *MAP–21, the Secretary” and inserting “The Sec-*
 6 *retary”*; and

7 *(4) by adding at the end the following:*

8 *“(k) BENEFIT-COST ANALYSIS.—In carrying out sub-*
 9 *section (d)(3)(B)(ii), the Secretary shall establish a process*
 10 *for analyzing the cost and benefits of projects under such*
 11 *subsection, ensuring that—*

12 *“(1) the benefit-cost analysis includes a calcula-*
 13 *tion of all the benefits addressed in the performance*
 14 *measures established under section 150;*

15 *“(2) the benefit-cost analysis includes a consider-*
 16 *ation of the total maintenance cost of an asset over*
 17 *the lifecycle of the asset; and*

18 *“(3) the State demonstrates that any transpor-*
 19 *tation demand modeling used to calculate the benefit-*
 20 *cost analysis has a documented record of accuracy.”.*

21 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
 22 **TATION ASSETS.**

23 *(a) PREDISASTER MITIGATION PROGRAM.—*

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

4 **“§ 124. Predisaster mitigation program**

5 “(a) *ESTABLISHMENT.*—The Secretary shall establish
6 and implement a predisaster mitigation program to en-
7 hance the resilience of the transportation system of the
8 United States, mitigate the impacts of covered events, and
9 ensure the efficient use of Federal resources.

10 “(b) *ELIGIBLE ACTIVITIES.*—

11 “(1) *IN GENERAL.*—Subject to paragraph (2),
12 funds apportioned to the State under section
13 104(b)(8) may be obligated for—

14 “(A) construction activities, including con-
15 struction of natural infrastructure or protective
16 features—

17 “(i) to increase the resilience of a sur-
18 face transportation infrastructure asset to
19 withstand a covered event;

20 “(ii) to relocate or provide a reason-
21 able alternative to a repeatedly damaged fa-
22 cility; and

23 “(iii) for an evacuation route identi-
24 fied in the vulnerability assessment required

1 under section 134(i)(2)(I)(iii) or section
2 135(f)(10)(C) to—

3 “(I) improve the capacity or oper-
4 ation of such evacuation route through
5 communications and intelligent trans-
6 portation system equipment and infra-
7 structure, counterflow measures, and
8 shoulders; and

9 “(II) relocate such evacuation
10 route or provide a reasonable alter-
11 native to such evacuation route to ad-
12 dress the risk of a covered event;

13 “(B) resilience planning activities, includ-
14 ing activities described in sections 134(i)(2)(I)
15 and 135(f)(10) of this title and sections
16 5303(i)(2)(I) and 5304(f)(10) of title 49; and

17 “(C) the development of projects and pro-
18 grams that help States, territories, and regions
19 recover from covered events that significantly
20 disrupt the transportation system, including—

21 “(i) predisaster training programs that
22 help agencies and regional stakeholders plan
23 for and prepare multimodal recovery efforts;
24 and

1 “(ii) the establishment of region-wide
2 telework training and programs.

3 “(2) *INFRASTRUCTURE RESILIENCE AND ADAPTA-*
4 *TION.*—No funds shall be obligated to a project under
5 this section unless the project meets each of the fol-
6 lowing criteria:

7 “(A) The project is designed to ensure resil-
8 ience over the anticipated service life of the sur-
9 face transportation infrastructure asset.

10 “(B) The project is identified in the metro-
11 politan or statewide transportation improvement
12 program as a project to address resilience
13 vulnerabilities, consistent with section
14 134(j)(3)(E) or 135(g)(5)(B)(iii).

15 “(3) *PRIORITIZATION OF PROJECTS.*—A State
16 shall develop a process to prioritize projects under
17 this section based on the degree to which the proposed
18 project would—

19 “(A) be cost effective in the long-term;

20 “(B) reduce the risk of disruption to a sur-
21 face transportation infrastructure asset consid-
22 ered critical to support population centers,
23 freight movement, economic activity, evacuation,
24 recovery, national security functions, or critical
25 infrastructure; and

1 “(C) ease disruptions to vulnerable, at-risk,
2 or transit-dependant populations.

3 “(c) *GUIDANCE.*—*The Secretary shall provide guid-*
4 *ance to States to assist with the implementation of para-*
5 *graphs (2) and (3) of subsection (b).*

6 “(d) *DEFINITIONS.*—*In this section:*

7 “(1) *COVERED EVENT.*—*The term ‘covered event’*
8 *means a climate change effect (including sea level*
9 *rise), flooding, and an extreme event or other natural*
10 *disaster (including wildfires, seismic activity, and*
11 *landslides).*

12 “(2) *SURFACE TRANSPORTATION INFRASTRUC-*
13 *TURE ASSET.*—*The term ‘surface transportation in-*
14 *frastructure asset’ means a facility eligible for assist-*
15 *ance under this title or chapter 53 of title 49.’.*

16 “(2) *CONFORMING AMENDMENT.*—*The analysis for*
17 *chapter 1 of title 23, United States Code, is amended*
18 *by inserting after the item relating to section 123 the*
19 *following:*

“124. *Predisaster mitigation program.*”.

20 “(b) *PROJECTS IN FLOOD-PRONE AREAS.*—*Section 109*
21 *of title 23, United States Code, is further amended by add-*
22 *ing at the end the following:*

23 “(t) *PROJECTS IN FLOOD-PRONE AREAS.*—*For*
24 *projects and actions that, in whole or in part, encroach*

1 *within the limits of a flood-prone area, the Secretary shall*
 2 *ensure that such projects and actions are—*

3 *“(1) designed and constructed in a way that*
 4 *takes into account, and mitigates where appropriate,*
 5 *flood risk by using hydrologic, hydraulic, and hydro-*
 6 *dynamic data, methods, and analysis that integrate*
 7 *current and projected changes in flooding based on*
 8 *climate science over the anticipated service life of the*
 9 *asset and future forecasted land use changes; and*

10 *“(2) designed using analysis that considers the*
 11 *capital costs, risks, and other economic, engineering,*
 12 *social and environmental concerns of constructing a*
 13 *project in a flood-prone area.”.*

14 *(c) METROPOLITAN TRANSPORTATION PLANNING.—*

15 *(1) AMENDMENTS TO TITLE 23.—*

16 *(A) CLIMATE CHANGE AND RESILIENCE.—*

17 *Section 134(i)(2) of title 23, United States Code,*
 18 *is amended by adding at the end the following:*

19 *“(I) CLIMATE CHANGE AND RESILIENCE.—*

20 *“(i) IN GENERAL.—The transportation*
 21 *planning process shall assess strategies to*
 22 *reduce the climate change impacts of the*
 23 *surface transportation system and conduct*
 24 *a vulnerability assessment to identify op-*
 25 *portunities to enhance the resilience of the*

1 *surface transportation system and ensure*
2 *the efficient use of Federal resources.*

3 “(ii) *CLIMATE CHANGE MITIGATION*
4 *AND IMPACTS.*—*A long-range transportation*
5 *plan shall—*

6 “(I) *identify investments and*
7 *strategies to reduce transportation-re-*
8 *lated sources of greenhouse gas emis-*
9 *sions per capita;*

10 “(II) *identify investments and*
11 *strategies to manage transportation de-*
12 *mand and increase the rates of public*
13 *transportation ridership, walking, bi-*
14 *cycling, and carpools; and*

15 “(III) *recommend zoning and*
16 *other land use policies that would sup-*
17 *port infill, transit-oriented develop-*
18 *ment, and mixed use development.*

19 “(iii) *VULNERABILITY ASSESSMENT.*—
20 *A long-range transportation plan shall in-*
21 *corporate a vulnerability assessment that—*

22 “(I) *includes a risk-based assess-*
23 *ment of vulnerabilities of critical*
24 *transportation assets and systems to*

1 covered events (as such term is defined
2 in section 124);

3 “(II) considers, as applicable, the
4 risk management analysis in the
5 State’s asset management plan devel-
6 oped pursuant to section 119, and the
7 State’s evaluation of reasonable alter-
8 natives to repeatedly damaged facilities
9 conducted under part 667 of title 23,
10 Code of Federal Regulations;

11 “(III) at the discretion of the met-
12 ropolitan planning organization, iden-
13 tifies evacuation routes, assesses the
14 ability of any such routes to provide
15 safe passage for evacuation, access to
16 health care and public health facilities,
17 and emergency response during an
18 emergency event, and identifies any
19 improvements or redundant facilities
20 necessary to adequately facilitate safe
21 passage;

22 “(IV) describes the metropolitan
23 planning organization’s adaptation
24 and resilience improvement strategies
25 that will inform the transportation in-

1 *vestment decisions of the metropolitan*
2 *planning organization; and*

3 “(V) *is consistent with and com-*
4 *plementary of the State, Tribal, and*
5 *local mitigation plans required under*
6 *section 322 of the Robert T. Stafford*
7 *Disaster Relief and Emergency Assist-*
8 *ance Act (42 U.S.C. 5165).*

9 “(iv) *CONSULTATION.—The assessment*
10 *described in this subparagraph shall be de-*
11 *veloped in consultation with, as appro-*
12 *priate, State, local, and Tribal officials re-*
13 *sponsible for land use, housing, resilience,*
14 *hazard mitigation, and emergency manage-*
15 *ment.”.*

16 (B) *RESILIENCE PROJECTS.—Section*
17 *134(j)(3) of title 23, United States Code, is*
18 *amended by adding at the end the following:*

19 “(E) *RESILIENCE PROJECTS.—The TIP*
20 *shall—*

21 “(i) *identify any projects that address*
22 *the vulnerabilities identified by the assess-*
23 *ment in subsection (i)(2)(I)(iii); and*

1 “(ii) describe how each project identi-
2 fied under clause (i) would improve the re-
3 silience of the transportation system.”.

4 (2) AMENDMENTS TO TITLE 49.—

5 (A) CLIMATE CHANGE AND RESILIENCE.—
6 Section 5303(i)(2) of title 49, United States
7 Code, is amended by adding at the end the fol-
8 lowing:

9 “(I) CLIMATE CHANGE AND RESILIENCE.—

10 “(i) IN GENERAL.—The transportation
11 planning process shall assess strategies to
12 reduce the climate change impacts of the
13 surface transportation system and conduct
14 a vulnerability assessment to identify op-
15 portunities to enhance the resilience of the
16 surface transportation system and ensure
17 the efficient use of Federal resources.

18 “(ii) CLIMATE CHANGE MITIGATION
19 AND IMPACTS.—A long-range transportation
20 plan shall—

21 “(I) identify investments and
22 strategies to reduce transportation-re-
23 lated sources of greenhouse gas emis-
24 sions per capita;

1 “(II) identify investments and
2 strategies to manage transportation de-
3 mand and increase the rates of public
4 transportation ridership, walking, bi-
5 cycling, and carpools; and

6 “(III) recommend zoning and
7 other land use policies that would sup-
8 port infill, transit-oriented develop-
9 ment, and mixed use development.

10 “(iii) *VULNERABILITY ASSESSMENT.*—
11 *A long-range transportation plan shall in-*
12 *corporate a vulnerability assessment that—*

13 “(I) includes a risk-based assess-
14 ment of vulnerabilities of critical
15 transportation assets and systems to
16 covered events (as such term is defined
17 in section 124 of title 23);

18 “(II) considers, as applicable, the
19 risk management analysis in the
20 State’s asset management plan devel-
21 oped pursuant to section 119 of title
22 23, and the State’s evaluation of rea-
23 sonable alternatives to repeatedly dam-
24 aged facilities conducted under part

1 667 of title 23, Code of Federal Regula-
2 tions;

3 “(III) at the discretion of the met-
4 ropolitan planning organization, iden-
5 tifies evacuation routes, assesses the
6 ability of any such routes to provide
7 safe passage for evacuation, access to
8 health care and public health facilities,
9 and emergency response during an
10 emergency event, and identifies any
11 improvements or redundant facilities
12 necessary to adequately facilitate safe
13 passage;

14 “(IV) describes the metropolitan
15 planning organization’s adaptation
16 and resilience improvement strategies
17 that will inform the transportation in-
18 vestment decisions of the metropolitan
19 planning organization; and

20 “(V) is consistent with and com-
21 plementary of the State, Tribal, and
22 local mitigation plans required under
23 section 322 of the Robert T. Stafford
24 Disaster Relief and Emergency Assist-
25 ance Act (42 U.S.C. 5165).

1 “(iv) *CONSULTATION.*—*The assessment*
 2 *described in this subparagraph shall be de-*
 3 *veloped in consultation, as appropriate,*
 4 *with State, local, and Tribal officials re-*
 5 *sponsible for land use, housing, resilience,*
 6 *hazard mitigation, and emergency manage-*
 7 *ment.”.*

8 (B) *RESILIENCE PROJECTS.*—*Section*
 9 *5303(j)(3) of title 49, United States Code, is*
 10 *amended by adding at the end the following:*

11 “(E) *RESILIENCE PROJECTS.*—*The TIP*
 12 *shall—*

13 “(i) *identify any projects that address*
 14 *the vulnerabilities identified by the assess-*
 15 *ment in subsection (i)(2)(I)(iii); and*

16 “(ii) *describe how each project identi-*
 17 *fied under clause (i) would improve the re-*
 18 *silience of the transportation system.”.*

19 (d) *STATEWIDE AND NONMETROPOLITAN PLANNING.*—

20 (1) *AMENDMENTS TO TITLE 23.*—

21 (A) *CLIMATE CHANGE AND RESILIENCE.*—
 22 *Section 135(f) of title 23, United States Code, is*
 23 *amended by adding at the end the following:*

24 “(10) *CLIMATE CHANGE AND RESILIENCE.*—

1 “(A) *IN GENERAL.*—*The transportation*
2 *planning process shall assess strategies to reduce*
3 *the climate change impacts of the surface trans-*
4 *portation system and conduct a vulnerability as-*
5 *essment to identify opportunities to enhance the*
6 *resilience of the surface transportation system*
7 *and ensure the efficient use of Federal resources.*

8 “(B) *CLIMATE CHANGE MITIGATION AND IM-*
9 *PACTS.*—*A long-range transportation plan*
10 *shall—*

11 “(i) *identify investments and strategies*
12 *to reduce transportation-related sources of*
13 *greenhouse gas emissions per capita;*

14 “(ii) *identify investments and strate-*
15 *gies to manage transportation demand and*
16 *increase the rates of public transportation*
17 *ridership, walking, bicycling, and carpool;*
18 *and*

19 “(iii) *recommend zoning and other*
20 *land use policies that would support infill,*
21 *transit-oriented development, and mixed use*
22 *development.*

23 “(C) *VULNERABILITY ASSESSMENT.*—*A*
24 *long-range transportation plan shall incorporate*
25 *a vulnerability assessment that—*

1 “(i) includes a risk-based assessment of
2 vulnerabilities of critical transportation as-
3 sets and systems to covered events (as such
4 term is defined in section 124);

5 “(ii) considers, as applicable, the risk
6 management analysis in the State’s asset
7 management plan developed pursuant to
8 section 119, and the State’s evaluation of
9 reasonable alternatives to repeatedly dam-
10 aged facilities conducted under part 667 of
11 title 23, Code of Federal Regulations;

12 “(iii) identifies evacuation routes, as-
13 sesses the ability of any such routes to pro-
14 vide safe passage for evacuation, access to
15 health care and public health facilities, and
16 emergency response during an emergency
17 event, and identifies any improvements or
18 redundant facilities necessary to adequately
19 facilitate safe passage;

20 “(iv) describes the States’s adaptation
21 and resilience improvement strategies that
22 will inform the transportation investment
23 decisions of the State; and

24 “(v) is consistent with and complemen-
25 tary of the State, Tribal, and local mitiga-

tion 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.—

1 (A) *CLIMATE CHANGE AND RESILIENCE.*—

2 *Section 5304(f) of title 49, United States Code,*
3 *is amended by adding at the end the following:*

4 “(10) *CLIMATE CHANGE AND RESILIENCE.*—

5 “(A) *IN GENERAL.*—*The transportation*
6 *planning process shall assess strategies to reduce*
7 *the climate change impacts of the surface trans-*
8 *portation system and conduct a vulnerability as-*
9 *essment to identify opportunities to enhance the*
10 *resilience of the surface transportation system*
11 *and ensure the efficient use of Federal resources.*

12 “(B) *CLIMATE CHANGE MITIGATION AND IM-*
13 *PACTS.*—*A long-range transportation plan*
14 *shall—*

15 “(i) *identify investments and strategies*
16 *to reduce transportation-related sources of*
17 *greenhouse gas emissions per capita;*

18 “(ii) *identify investments and strate-*
19 *gies to manage transportation demand and*
20 *increase the rates of public transportation*
21 *ridership, walking, bicycling, and carpools;*
22 *and*

23 “(iii) *recommend zoning and other*
24 *land use policies that would support infill,*

1 *transit-oriented development, and mixed use*
2 *development.*

3 “(C) *VULNERABILITY ASSESSMENT.—A*
4 *long-range transportation plan shall incorporate*
5 *a vulnerability assessment that—*

6 “(i) *includes a risk-based assessment of*
7 *vulnerabilities of critical transportation as-*
8 *sets and systems to covered events (as such*
9 *term is defined in section 124 of title 23);*

10 “(ii) *considers, as applicable, the risk*
11 *management analysis in the State’s asset*
12 *management plan developed pursuant to*
13 *section 119 of title 23, and the State’s eval-*
14 *uation of reasonable alternatives to repeat-*
15 *edly damaged facilities conducted under*
16 *part 667 of title 23, Code of Federal Regu-*
17 *lations;*

18 “(iii) *identifies evacuation routes, as-*
19 *sesses the ability of any such routes to pro-*
20 *vide safe passage for evacuation, access to*
21 *health care and public health facilities, and*
22 *emergency response during an emergency*
23 *event, and identifies any improvements or*
24 *redundant facilities necessary to adequately*
25 *facilitate safe passage;*

1 “(iv) describes the State’s adaptation
2 and resilience improvement strategies that
3 will inform the transportation investment
4 decisions of the State; and

5 “(v) is consistent with and complemen-
6 tary of the State, Tribal, and local mitiga-
7 tion plans required under section 322 of the
8 Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5165).

10 “(D) CONSULTATION.—The assessment de-
11 scribed in this paragraph shall be developed in
12 consultation with, as appropriate, metropolitan
13 planning organizations and State, local, and
14 Tribal officials responsible for land use, housing,
15 resilience, hazard mitigation, and emergency
16 management.”.

17 (B) RESILIENCE PROJECTS.—Section
18 5304(g)(5)(B) of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(iii) RESILIENCE PROJECTS.—The
21 STIP shall—

22 “(I) identify projects that address
23 the vulnerabilities identified by the as-
24 sessment in subsection (i)(10)(B); and

1 “(II) describe how each project
 2 identified under subclause (I) would
 3 improve the resilience of the transpor-
 4 tation system.”.

5 **SEC. 1203. EMERGENCY RELIEF.**

6 (a) *IN GENERAL.*—Section 125 of title 23, United
 7 States Code, is amended—

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

10 (2) by striking subsection (b);

11 (3) in subsection (c)(2)(A) by striking “in any
 12 1 fiscal year commencing after September 30, 1980,”
 13 and inserting “in any fiscal year”;

14 (4) in subsection (d)—

15 (A) in paragraph (3)(C) by striking “(as
 16 defined in subsection (e)(1))”;

17 (B) by redesignating paragraph (3) as
 18 paragraph (4); and

19 (C) by striking paragraphs (1) and (2) and
 20 inserting the following:

21 “(1) *IN GENERAL.*—The Secretary may expend
 22 funds from the emergency fund authorized by this sec-
 23 tion only for the repair or reconstruction of highways
 24 on Federal-aid highways in accordance with this
 25 chapter.

1 “(2) *RESTRICTIONS.*—

2 “(A) *IN GENERAL.*—No funds shall be ex-
3 pended from the emergency fund authorized by
4 this section unless—

5 “(i) an emergency has been declared by
6 the Governor of the State with concurrence
7 by the Secretary, unless the President has
8 declared the emergency to be a major dis-
9 aster for the purposes of the Robert T. Staf-
10 ford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et seq.) for which
12 concurrence of the Secretary is not required;
13 and

14 “(ii) the Secretary has received an ap-
15 plication from the State transportation de-
16 partment that includes a comprehensive list
17 of all eligible project sites and repair costs
18 by not later than 2 years after the natural
19 disaster or catastrophic failure.

20 “(B) *COST LIMITATION.*—The total cost of a
21 project funded under this section may not exceed
22 the cost of repair or reconstruction of a com-
23 parable facility unless the Secretary determines
24 that the project incorporates economically justi-

1 *fied betterments, including protective features to*
2 *increase the resilience of the facility.*

3 *“(C) REPEATEDLY DAMAGED FACILITIES.—*

4 *An application submitted under this section for*
5 *the permanent repair or reconstruction of a re-*
6 *peatedly damaged facility shall include consider-*
7 *ation and, if feasible, incorporation of economi-*
8 *cally justifiable betterments, including protective*
9 *features, to increase the resilience of such facil-*
10 *ity.*

11 *“(3) SPECIAL RULE FOR BRIDGE PROJECTS.—In*

12 *no case shall funds be used under this section for the*
13 *repair or reconstruction of a bridge—*

14 *“(A) that has been permanently closed to all*
15 *vehicular traffic by the State or responsible local*
16 *official because of imminent danger of collapse*
17 *due to a structural deficiency or physical dete-*
18 *rioration; or*

19 *“(B) if a construction phase of a replace-*
20 *ment structure is included in the approved state-*
21 *wide transportation improvement program at*
22 *the time of an event described in subsection (a).”;*
23 *(5) in subsection (e)—*

24 *(A) by striking paragraph (1);*

1 (B) in paragraph (2) by striking “sub-
2 section (d)(1)” and inserting “subsection (c)(1”;
3 and

4 (C) by redesignating paragraphs (2) and
5 (3), as amended, as paragraphs (1) and (2), re-
6 spectively;

7 (6) by redesignating subsections (c) through (g),
8 as amended, as subsections (b) through (f), respec-
9 tively; and

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

11 “(g) IMPOSITION OF DEADLINE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, the Secretary may not require any
14 project funded under this section to advance to the
15 construction obligation stage before the date that is
16 the last day of the sixth fiscal year after the later of—

17 “(A) the date on which the Governor de-
18 clared the emergency, as described in subsection
19 (c)(2)(A)(i); or

20 “(B) the date on which the President de-
21 clared the emergency to be a major disaster, as
22 described in such subsection.

23 “(2) EXTENSION OF DEADLINE.—If the Secretary
24 imposes a deadline for advancement to the construc-
25 tion obligation stage pursuant to paragraph (1), the

1 *Secretary may, upon the request of the Governor of*
 2 *the State, issue an extension of not more than 1 year*
 3 *to complete such advancement, and may issue addi-*
 4 *tional extensions after the expiration of any exten-*
 5 *sion, if the Secretary determines the Governor of the*
 6 *State has provided suitable justification to warrant*
 7 *such an extension.*

8 “(h) *HAZARD MITIGATION PILOT PROGRAM.*—

9 “(1) *IN GENERAL.*—*The Secretary shall establish*
 10 *a hazard mitigation pilot program for the purpose of*
 11 *mitigating future hazards posed to Federal-aid high-*
 12 *ways, Federal lands transportation facilities, and*
 13 *Tribal transportation facilities.*

14 “(2) *ALLOCATION OF FUNDS.*—

15 “(A) *AUTHORIZATION OF APPROPRIA-*
 16 *TIONS.*—*There is authorized to be appropriated*
 17 *such sums as may be necessary for the pilot pro-*
 18 *gram established under this subsection.*

19 “(B) *CALCULATION.*—*Annually, the Sec-*
 20 *retary shall calculate the total amount of out-*
 21 *standing eligible repair costs under the emer-*
 22 *gency relief program under this section, includ-*
 23 *ing the emergency relief backlog, for each State,*
 24 *territory, and Indian Tribe.*

1 “(C) *ALLOCATION.*—Any amounts made
2 available under this subsection shall be distrib-
3 uted to each State, territory, or Indian Tribe
4 based on—

5 “(i) the ratio that the total amount of
6 outstanding eligible repair costs for such
7 State, territory, or Indian Tribe, as de-
8 scribed under subparagraph (B); bears to

9 “(ii) the total amount of outstanding
10 eligible repair costs for all States, terri-
11 tories, and Indian Tribes, as described
12 under subparagraph (B).

13 “(D) *LIMITATION.*—The allocation to a
14 State, territory, or Indian Tribe described under
15 subparagraph (C) shall not exceed 5 percent of
16 the total amount of outstanding eligible repair
17 costs under the emergency relief program for
18 such State, territory, or Indian Tribe, as de-
19 scribed in subparagraph (B).

20 “(3) *ELIGIBLE ACTIVITIES.*—Amounts made
21 available under this subsection shall be used for pro-
22 tective features or other hazard mitigation activities
23 that—

24 “(A) the Secretary determines are cost effec-
25 tive and that reduce the risk of, or increase the

1 *resilience to, future damage to existing assets as*
2 *a result of natural disasters; and*

3 “(B) *are eligible under section 124.*

4 “(4) *REPORT.—For each fiscal year in which*
5 *funding is made available for the program under this*
6 *subsection, the Secretary shall submit to the Com-*
7 *mittee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Envi-*
9 *ronment and Public Works of the Senate a report de-*
10 *tailing—*

11 “(A) *a description of the activities carried*
12 *out under the pilot program;*

13 “(B) *an evaluation of the effectiveness of the*
14 *pilot program in meeting purposes described in*
15 *paragraph (1); and*

16 “(C) *policy recommendations to improve the*
17 *effectiveness of the pilot program.*

18 “(5) *SUNSET.—The authority provided under*
19 *this subsection shall terminate on October 1, 2025.*

20 “(i) *IMPROVING THE EMERGENCY RELIEF PRO-*
21 *GRAM.—Not later than 1 year after the date of enactment*
22 *of the INVEST in America Act, the Secretary shall—*

23 “(1) *revise the emergency relief manual of the*
24 *Federal Highway Administration—*

1 “(A) to include and reflect the definition of
2 the term ‘resilience’ (as defined in section
3 101(a));

4 “(B) to identify procedures that States may
5 use to incorporate resilience into emergency relief
6 projects; and

7 “(C) to consider economically justified bet-
8 terments in emergency relief projects, such as—

9 “(i) protective features that increase
10 the resilience of the facility; and

11 “(ii) incorporation of context sensitive
12 design principles and other planned better-
13 ments that improve the safety of the facility;

14 “(2) consider transportation system access for
15 moderate and low-income families impacted by a
16 major disaster or emergency declared by the President
17 under section 401 of the Robert T. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C.
19 5170);

20 “(3) develop best practices for improving the use
21 of resilience in—

22 “(A) the emergency relief program under
23 this section; and

24 “(B) emergency relief efforts;

1 “(4) provide to division offices of the Federal
 2 Highway Administration and State departments of
 3 transportation information on the best practices de-
 4 veloped under paragraph (2); and

5 “(5) develop and implement a process to track—

6 “(A) the consideration of resilience as part
 7 of the emergency relief program under this sec-
 8 tion; and

9 “(B) the costs of emergency relief projects.

10 “(j) *DEFINITIONS.*—In this section:

11 “(1) *COMPARABLE FACILITY.*—The term ‘com-
 12 parable facility’ means a facility that meets the cur-
 13 rent geometric and construction standards required
 14 for the types and volume of traffic that the facility
 15 will carry over its design life.

16 “(2) *CONSTRUCTION PHASE.*—The term ‘con-
 17 struction phase’ means the phase of physical construc-
 18 tion of a highway or bridge facility that is separate
 19 from any other identified phases, such as planning,
 20 design, or right-of-way phases, in the State transpor-
 21 tation improvement program.

22 “(3) *OPEN TO PUBLIC TRAVEL.*—The term ‘open
 23 to public travel’ means with respect to a road, that,
 24 except during scheduled periods, extreme weather con-
 25 ditions, or emergencies, the road—

1 “(A) is maintained;

2 “(B) is open to the general public; and

3 “(C) can accommodate travel by a standard
4 passenger vehicle, without restrictive gates or
5 prohibitive signs or regulations, other than for
6 general traffic control or restrictions based on
7 size, weight, or class of registration.

8 “(4) *STANDARD PASSENGER VEHICLE*.—The term
9 ‘standard passenger vehicle’ means a vehicle with 6
10 inches of clearance from the lowest point of the frame,
11 body, suspension, or differential to the ground.”.

12 (b) *CONFORMING AMENDMENTS*.—

13 (1) *FEDERAL LANDS AND TRIBAL TRANSPOR-*
14 *TATION PROGRAMS*.—Section 201(c)(8)(A) of title 23,
15 United States Code, is amended by striking “section
16 125(e)” and inserting “section 125(j)”.

17 (2) *TRIBAL TRANSPORTATION PROGRAM*.—Sec-
18 tion 202(b)(6)(A) of title 23, United States Code, is
19 amended by striking “section 125(e)” and inserting
20 “section 125(d)”.

21 (c) *REPEAL*.—Section 668.105(h) of title 23, Code of
22 Federal Regulations, is repealed.

23 **SEC. 1204. RAILWAY CROSSINGS.**

24 (a) *IN GENERAL*.—Section 130 of title 23, United
25 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.

1 “(2) *NONCASH CONTRIBUTIONS.*—

2 “(A) *IN GENERAL.*—Not more than 5 per-
3 cent of the cost share described in paragraph (1)
4 may be attributable to noncash contributions of
5 materials and labor furnished by the railroad in
6 connection with the construction of such project.

7 “(B) *REQUIREMENT.*—The requirements
8 under section 200.306 and 200.403(g) of title 2,
9 Code of Federal Regulations (or successor regula-
10 tions), shall apply to any noncash contributions
11 under this subsection.

12 “(3) *TOTAL PROJECT COST.*—For the purposes of
13 this subsection, the determination of the railroad’s
14 share of the total project cost shall include environ-
15 ment, design, right-of-way, utility accommodation,
16 and construction phases of the project.”;

17 (4) *in subsection (c)*—

18 (A) *by striking “Any railroad involved”*
19 and inserting “*BENEFIT.*—Any railroad in-
20 volved”;

21 (B) *by striking “the net benefit” and insert-*
22 ing “*the cost associated with the benefit*”; and

23 (C) *by striking “Such payment may consist*
24 *in whole or in part of materials and labor fur-*

1 nished by the railroad in connection with the
2 construction of such project.”;

3 (5) by striking subsection (e) and inserting the
4 following:

5 “(e) *RAILWAY CROSSINGS*.—

6 “(1) *ELIGIBLE ACTIVITIES*.—Funds apportioned
7 to a State under section 104(b)(7) may be obligated
8 for the following:

9 “(A) The elimination of hazards at rail-
10 way-highway crossings, including technology or
11 protective upgrades.

12 “(B) Construction or installation of protec-
13 tive devices (including replacement of function-
14 ally obsolete protective devices) at railway-high-
15 way crossings.

16 “(C) Infrastructure and noninfrastructure
17 projects and strategies to prevent or reduce sui-
18 cide or trespasser fatalities and injuries along
19 railroad rights-of-way and at or near railway-
20 highway crossings.

21 “(D) Projects to mitigate any degradation
22 in the level of access from a highway-grade cross-
23 ing closure.

1 “(E) *Bicycle and pedestrian railway grade*
 2 *crossing improvements, including underpasses*
 3 *and overpasses.*

4 “(F) *Projects eligible under section*
 5 *22907(c)(5) of title 49, provided that amounts*
 6 *obligated under this subparagraph—*

7 “(i) *shall be administered by the Sec-*
 8 *retary in accordance with such section as if*
 9 *such amounts were made available to carry*
 10 *out such section; and*

11 “(ii) *may be used to pay up to 90 per-*
 12 *cent of the non-Federal share of the cost of*
 13 *a project carried out under such section.*

14 “(2) *SPECIAL RULE.—If a State demonstrates to*
 15 *the satisfaction of the Secretary that the State has*
 16 *met all its needs for installation of protective devices*
 17 *at railway-highway crossings, the State may use*
 18 *funds made available by this section for other high-*
 19 *way safety improvement program purposes.”;*

20 (6) *by striking subsection (f) and inserting the*
 21 *following:*

22 “(f) *FEDERAL SHARE.—Notwithstanding section 120,*
 23 *the Federal share payable on account of any project fi-*
 24 *nanced with funds made available to carry out subsection*
 25 *(e) shall be up to 90 percent of the cost thereof.”;*

1 (7) *by striking subsection (g) and inserting the*
2 *following:*

3 “(g) *REPORT.—*

4 “(1) *STATE REPORT.—*

5 “(A) *IN GENERAL.—Not later than 2 years*
6 *after the date of enactment of the INVEST in*
7 *America Act, and at least biennially thereafter,*
8 *each State shall submit to the Secretary a report*
9 *on the progress being made to implement the*
10 *railway crossings program authorized by this*
11 *section and the effectiveness of projects to im-*
12 *prove railway crossing safety.*

13 “(B) *CONTENTS.—Each State report under*
14 *subparagraph (A) shall contain an assessment of*
15 *the costs of the various treatments employed and*
16 *subsequent accident experience at improved loca-*
17 *tions.*

18 “(2) *DEPARTMENTAL REPORT.—*

19 “(A) *IN GENERAL.—Not later than 180*
20 *days after the deadline for the submission of a*
21 *report under paragraph (1)(A), the Secretary*
22 *shall publish on the website of the Department of*
23 *Transportation a report on the progress being*
24 *made by the State in implementing projects to*
25 *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

1 *new railway crossing becomes operational, each*
 2 *State”; and*

3 *(B) in paragraph (2) by striking “On a*
 4 *periodic” and all that follows through “every*
 5 *year thereafter” and inserting “On or before*
 6 *September 30 of each year”.*

7 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 8 *1 of title 23, United States Code, is amended by amending*
 9 *the item relating to section 130 to read as follows:*

“130. Railway crossings.”.

10 *(c) GAO STUDY.—Not later than 2 years after the date*
 11 *of enactment of this Act, the Comptroller General of the*
 12 *United States shall submit to Congress a report that in-*
 13 *cludes an analysis of the effectiveness of the railway cross-*
 14 *ing program under section 130 of title 23, United States*
 15 *Code.*

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

22 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

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

25 *(1) in the heading by striking “**block grant**”;*

1 (2) in subsection (a) by striking “block grant”;
2 (3) in subsection (b)—

3 (A) by striking “block grant”;

4 (B) in paragraph (1)(B) by inserting “, ex-
5 cept that for the purposes of this section hover-
6 craft and terminal facilities for hovercraft engag-
7 ing in water transit for passengers or vehicles
8 shall be considered ferry boats and ferry ter-
9 minal facilities eligible under section 129(c)”
10 after “section 129(c)”;

11 (C) in paragraph (4) by striking “railway-
12 highway grade crossings” and inserting “projects
13 eligible under section 130 and installation of
14 safety barriers and nets on bridges”;

15 (D) in paragraph (6)—

16 (i) by striking “Recreational” and in-
17 serting “Transportation alternatives
18 projects eligible under subsection (h), rec-
19 reational”; and

20 (ii) by striking “1404 of SAFETEA-
21 LU (23 U.S.C. 402 note)” and inserting
22 “211”;

23 (E) in paragraph (12) by striking “travel”
24 and inserting “transportation”; and

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

1 “(16) *Protective features (including natural in-*
2 *frastructure and vegetation control and clearance) to*
3 *enhance the resilience of a transportation facility oth-*
4 *erwise eligible for assistance under this section.*

5 “(17) *Projects to reduce greenhouse gas emissions*
6 *eligible under section 171, including the installation*
7 *of electric vehicle charging infrastructure.*

8 “(18) *Projects and strategies to reduce vehicle-*
9 *caused wildlife mortality related to, or to restore and*
10 *maintain connectivity among terrestrial or aquatic*
11 *habitats affected by, a transportation facility other-*
12 *wise eligible for assistance under this section.*

13 “(19) *A surface transportation project carried*
14 *out in accordance with the national travel and tour-*
15 *ism infrastructure strategic plan under section*
16 *1431(e) of the FAST Act (49 U.S.C. 301 note).*

17 “(20) *roads in rural areas that primarily serve*
18 *to transport agricultural products from a farm or*
19 *ranch to a marketplace.*

20 “(21) *The removal, retrofit, repurposing, remedi-*
21 *ation, or replacement of a highway or other transpor-*
22 *tation facility that creates a barrier to community*
23 *connectivity to improve access for multiple modes of*
24 *transportation.”;*

25 *(4) in subsection (c)—*

1 (A) by striking “block grant” and inserting
2 “program”;

3 (B) by striking paragraph (3) and inserting
4 the following:

5 “(3) for a project described in—

6 “(A) subsection (h); or

7 “(B) section 101(a)(29), as in effect on the
8 day before the date of enactment of the FAST
9 Act;”;

10 (C) by redesignating paragraph (4) as
11 paragraph (5); and

12 (D) by inserting after paragraph (3) the fol-
13 lowing:

14 “(4) for a project described in section 5308 of
15 title 49; and”;

16 (5) in subsection (d)—

17 (A) in paragraph (1)—

18 (i) by inserting “each fiscal year” after
19 “apportioned to a State”;

20 (ii) by striking “the reservation of”
21 and inserting “setting aside”; and

22 (iii) in subparagraph (A)—

23 (I) by striking “the percentage
24 specified in paragraph (6) for a fiscal
25 year” and inserting “57 percent for

1 *fiscal year 2023, 58 percent for fiscal*
2 *year 2024, 59 percent for fiscal year*
3 *2025, and 60 percent for fiscal year*
4 *2026”;*

5 *(II) in clause (i) by striking “of*
6 *over” and inserting “greater than”;*
7 *and*

8 *(III) by striking clauses (ii) and*
9 *(iii) and inserting the following:*

10 *“(ii) in urbanized areas of the State*
11 *with an urbanized area population greater*
12 *than 49,999 and less than 200,001;*

13 *“(iii) in urban areas of the State with*
14 *a population greater than 4,999 and less*
15 *than 50,000; and*

16 *“(iv) in other areas of the State with*
17 *a population less than 5,000; and”;*

18 *(B) by striking paragraph (3) and inserting*
19 *the following:*

20 *“(3) LOCAL COORDINATION AND CONSULTA-*
21 *TION.—*

22 *“(A) COORDINATION WITH METROPOLITAN*
23 *PLANNING ORGANIZATIONS.—For purposes of*
24 *paragraph (1)(A)(ii), a State shall—*

1 “(i) establish a process to coordinate
2 with all metropolitan planning organiza-
3 tions in the State that represent an urban-
4 ized area described in such paragraph; and

5 “(ii) describe how funds described
6 under paragraph (1)(A)(ii) will be allocated
7 equitably among such urbanized areas dur-
8 ing the period of fiscal years 2023 through
9 2026.

10 “(B) *JOINT RESPONSIBILITY.*—Each State
11 and the Secretary shall jointly ensure compli-
12 ance with subparagraph (A).

13 “(C) *CONSULTATION WITH REGIONAL*
14 *TRANSPORTATION PLANNING ORGANIZATIONS.*—
15 For purposes of clauses (iii) and (iv) of para-
16 graph (1)(A), before obligating funding attrib-
17 uted to an area with a population less than
18 50,000, a State shall consult with the regional
19 transportation planning organizations that rep-
20 resent the area, if any.”;

21 (C) in the heading for paragraph (4) by
22 striking “OVER 200,000” and inserting “GREATER
23 THAN 200,000”;

24 (D) by striking paragraph (6) and insert-
25 ing the following:

1 “(6) *TECHNICAL ASSISTANCE.*—

2 “(A) *IN GENERAL.*—*The State and all met-*
3 *ropolitan planning organizations in the State*
4 *that represent an urbanized area with a popu-*
5 *lation of greater than 200,000 may jointly estab-*
6 *lish a program to improve the ability of appli-*
7 *cants to deliver projects under this subsection in*
8 *an efficient and expeditious manner and reduce*
9 *the period of time between the selection of the*
10 *project and the obligation of funds for the project*
11 *by providing—*

12 “(i) *technical assistance and training*
13 *to applicants for projects under this sub-*
14 *section; and*

15 “(ii) *funding for one or more full-time*
16 *State, regional, or local government em-*
17 *ployee positions to administer this sub-*
18 *section.*

19 “(B) *ELIGIBLE FUNDS.*—*To carry out this*
20 *paragraph, a State or metropolitan planning or-*
21 *ganization may use funds made available under*
22 *paragraphs (2) or (6) of section 104(b)*

23 “(C) *USE OF FUNDS.*—*Amounts used under*
24 *this paragraph may be expended—*

1 “(i) directly by the State or metropoli-
2 tan planning organization; or

3 “(ii) through contracts with State
4 agencies, private entities, or nonprofit orga-
5 nizations.”;

6 (6) in subsection (e)—

7 (A) in paragraph (1)—

8 (i) by striking “over 200,000” and in-
9 serting “greater than 200,000”; and

10 (ii) by striking “2016 through 2020”
11 and inserting “2023 through 2026”; and

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

13 “(3) ANNUAL AMOUNTS.—To the extent prac-
14 ticable, each State shall annually notify each affected
15 metropolitan planning organization as to the amount
16 of obligation authority that will be made available
17 under paragraph (1) to each affected metropolitan
18 planning organization for the fiscal year.”;

19 (7) by striking subsection (f) and inserting the
20 following:

21 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

22 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
23 this subsection, the term ‘off-system bridge’ means a
24 bridge located on a public road, other than a bridge
25 on a Federal-aid highway.

1 “(2) *SPECIAL RULE.*—

2 “(A) *SET ASIDE.*—Of the amounts appor-
3 tioned to a State for each fiscal year under this
4 section other than the amounts described in sub-
5 paragraph (C), the State shall obligate for ac-
6 tivities described in subsection (b)(2) (as in effect
7 on the day before the date of enactment of the
8 FAST Act) for off-system bridges an amount
9 that is not less than 20 percent of the amounts
10 available to such State under this section in fis-
11 cal year 2020, not including the amounts de-
12 scribed in subparagraph (C).

13 “(B) *REDUCTION OF EXPENDITURES.*—The
14 Secretary, after consultation with State and
15 local officials, may reduce the requirement for
16 expenditures for off-system bridges under sub-
17 paragraph (A) with respect to the State if the
18 Secretary determines that the State has inad-
19 equate needs to justify the expenditure.

20 “(C) *LIMITATIONS.*—The following amounts
21 shall not be used for the purposes of meeting the
22 requirements of subparagraph (A):

23 “(i) Amounts described in section
24 133(d)(1)(A).

1 “(ii) Amounts set aside under section
2 133(h).

3 “(iii) Amounts described in section
4 505(a).

5 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID
6 HIGHWAYS.—Notwithstanding any other provision of
7 law, with respect to any project not on a Federal-aid
8 highway for the replacement of a bridge or rehabilita-
9 tion of a bridge that is wholly funded from State and
10 local sources, is eligible for Federal funds under this
11 section, is certified by the State to have been carried
12 out in accordance with all standards applicable to
13 such projects under this section, and is determined by
14 the Secretary upon completion to be no longer a defi-
15 cient bridge—

16 “(A) any amount expended after the date of
17 enactment of this subsection from State and local
18 sources for the project in excess of 20 percent of
19 the cost of construction of the project may be
20 credited to the non-Federal share of the cost of
21 other bridge projects in the State that are eligible
22 for Federal funds under this section; and

23 “(B) that crediting shall be conducted in ac-
24 cordance with procedures established by the Sec-
25 retary.”; and

1 (8) in subsection (g)—

2 (A) in the heading by striking “5,000” and
3 inserting “50,000”; and

4 (B) in paragraph (1) by striking “sub-
5 section (d)(1)(A)(ii)” and all that follows
6 through the period at the end and inserting
7 “clauses (iii) and (iv) of subsection (d)(1)(A) for
8 each fiscal year may be obligated on roads func-
9 tionally classified as rural minor collectors or
10 local roads or on critical rural freight corridors
11 designated under section 167(e).”.

12 (b) CLERICAL AMENDMENT.—The analysis for chapter
13 1 of title 23, United States Code, is amended by striking
14 the item relating to section 133 and inserting the following:

“133. Surface transportation program.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) ADVANCE ACQUISITION OF REAL PROP-
17 ERTY.—Section 108(c) of title 23, United States Code,
18 is amended—

19 (A) in paragraph (2)(A) by striking “block
20 grant”; and

21 (B) in paragraph (3) by striking “block
22 grant”.

23 (2) PUBLIC TRANSPORTATION.—Section
24 142(e)(2) of title 23, United States Code, is amended
25 by striking “block grant”.

1 (3) *HIGHWAY USE TAX EVASION PROJECTS.*—
 2 *Section 143(b)(8) of title 23, United States Code, is*
 3 *amended in the heading by striking “BLOCK GRANT”.*

4 (4) *CONGESTION MITIGATION AND AIR QUALITY*
 5 *IMPROVEMENT PROGRAM.*—*Section 149(d) of title 23,*
 6 *United States Code, is amended—*

7 (A) *in paragraph (1)(B) by striking “block*
 8 *grant”;* and

9 (B) *in paragraph (2)(A) by striking “block*
 10 *grant”.*

11 (5) *TERRITORIAL AND PUERTO RICO HIGHWAY*
 12 *PROGRAM.*—*Section 165 of title 23, United States*
 13 *Code, is amended—*

14 (A) *in subsection (b)(2)(A)(ii) by striking*
 15 *“block grant” each time such term appears; and*

16 (B) *in subsection (c)(6)(A)(i) by striking*
 17 *“block grant”.*

18 (6) *MAGNETIC LEVITATION TRANSPORTATION*
 19 *TECHNOLOGY DEPLOYMENT PROGRAM.*—*Section*
 20 *322(h)(3) of title 23, United States Code, is amended*
 21 *by striking “block grant”.*

22 (7) *TRAINING AND EDUCATION.*—*Section*
 23 *504(a)(4) of title 23, United States Code, is amended*
 24 *by striking “block grant”.*

1 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

2 *Section 133(h) of title 23, United States Code, is*
 3 *amended to read as follows:*

4 *“(h) TRANSPORTATION ALTERNATIVES PROGRAM SET-*
 5 *ASIDE.—*

6 *“(1) SET ASIDE.—For each fiscal year, of the*
 7 *total funds apportioned to all States under section*
 8 *104(b)(2) for a fiscal year, the Secretary shall set*
 9 *aside an amount such that—*

10 *“(A) the Secretary sets aside a total amount*
 11 *under this subsection for a fiscal year equal to*
 12 *10 percent of such total funds; and*

13 *“(B) the State’s share of the amount set*
 14 *aside under subparagraph (A) is determined by*
 15 *multiplying the amount set aside under subpara-*
 16 *graph (A) by the ratio that—*

17 *“(i) the amount apportioned to the*
 18 *State for the transportation enhancement*
 19 *program for fiscal year 2009 under section*
 20 *133(d)(2), as in effect on the day before the*
 21 *date of enactment of MAP–21; bears to*

22 *“(ii) the total amount of funds appor-*
 23 *tioned to all States for the transportation*
 24 *enhancements program for fiscal year 2009.*

25 *“(2) ALLOCATION WITHIN A STATE.—*

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), funds set aside for a State*
3 *under paragraph (1) shall be obligated within*
4 *that State in the manner described in subsections*
5 *(d) and (e), except that, for purposes of this*
6 *paragraph (after funds are made available under*
7 *paragraph (5))—*

8 “(i) *for each fiscal year, the percentage*
9 *referred to in paragraph (1)(A) of sub-*
10 *section (d) shall be deemed to be 66 percent;*
11 *and*

12 “(ii) *paragraph (3) of subsection (d)*
13 *shall not apply.*

14 “(B) *LOCAL CONTROL.*—

15 “(i) *IN GENERAL.*—*A State may make*
16 *available up to 100 percent of the funds set*
17 *aside under paragraph (1) to the entities*
18 *described in subclause (I) if the State sub-*
19 *mits to the Secretary, and the Secretary ap-*
20 *proves, a plan that describes—*

21 “(I) *how such funds shall be made*
22 *available to metropolitan planning or-*
23 *ganizations, regional transportation*
24 *planning organizations, counties, or*

1 *other regional transportation authori-*
2 *ties;*

3 *“(II) how the entities described in*
4 *subclause (I) shall select projects for*
5 *funding and how such entities shall re-*
6 *port selected projects to the State;*

7 *“(III) the legal, financial, and*
8 *technical capacity of such entities; and*

9 *“(IV) the procedures in place to*
10 *ensure such entities comply with the*
11 *requirements of this title.*

12 *“(ii) REQUIREMENT.—A State that*
13 *makes funding available under a plan ap-*
14 *proved under this subparagraph shall make*
15 *available an equivalent amount of obliga-*
16 *tion authority to an entity described in*
17 *clause (i)(I) to whom funds are made avail-*
18 *able under this subparagraph.*

19 *“(3) ELIGIBLE PROJECTS.—Funds set aside*
20 *under this subsection may be obligated for any of the*
21 *following projects or activities:*

22 *“(A) Construction, planning, and design of*
23 *on-road and off-road trail facilities for pedes-*
24 *trians, bicyclists, and other nonmotorized forms*
25 *of transportation, including sidewalks, bicycle*

1 *infrastructure, pedestrian and bicycle signals,*
2 *traffic calming techniques, lighting and other*
3 *safety-related infrastructure, and transportation*
4 *projects to achieve compliance with the Ameri-*
5 *cans with Disabilities Act of 1990 (42 U.S.C.*
6 *12101 et seq.).*

7 *“(B) Construction, planning, and design of*
8 *infrastructure-related projects and systems that*
9 *will provide safe routes for nondrivers, including*
10 *children, older adults, and individuals with dis-*
11 *abilities to access daily needs.*

12 *“(C) Conversion and use of abandoned rail-*
13 *road corridors for trails for pedestrians,*
14 *bicyclists, or other nonmotorized transportation*
15 *users.*

16 *“(D) Construction of turnouts, overlooks,*
17 *and viewing areas.*

18 *“(E) Community improvement activities,*
19 *including—*

20 *“(i) inventory, control, or removal of*
21 *outdoor advertising;*

22 *“(ii) historic preservation and reha-*
23 *bilitation of historic transportation facili-*
24 *ties;*

1 “(iii) *vegetation management practices*
2 *in transportation rights-of-way to improve*
3 *roadway safety, prevent against invasive*
4 *species, facilitate wildfire control, and pro-*
5 *vide erosion control; and*

6 “(iv) *archaeological activities relating*
7 *to impacts from implementation of a trans-*
8 *portation project eligible under this title.*

9 “(F) *Any environmental mitigation activ-*
10 *ity, including pollution prevention and pollution*
11 *abatement activities and mitigation to address*
12 *stormwater management, control, and water pol-*
13 *lution prevention or abatement related to high-*
14 *way construction or due to highway runoff, in-*
15 *cluding activities described in sections 328(a)*
16 *and 329.*

17 “(G) *Projects and strategies to reduce vehi-*
18 *cle-caused wildlife mortality related to, or to re-*
19 *store and maintain connectivity among terres-*
20 *trial or aquatic habitats affected by, a transpor-*
21 *tation facility otherwise eligible for assistance*
22 *under this subsection.*

23 “(H) *The recreational trails program under*
24 *section 206.*

1 “(I) *The safe routes to school program*
2 *under section 211.*

3 “(J) *Activities in furtherance of a vulner-*
4 *able road user assessment described in section*
5 *148.*

6 “(K) *Any other projects or activities de-*
7 *scribed in section 101(a)(29) or section 213, as*
8 *such sections were in effect on the day before the*
9 *date of enactment of the FAST Act (Public Law*
10 *114–94).*

11 “(4) *ACCESS TO FUNDS.—*

12 “(A) *IN GENERAL.—A State, metropolitan*
13 *planning organization required to obligate funds*
14 *in accordance with paragraph (2)(A), or an en-*
15 *tity required to obligate funds in accordance*
16 *with paragraph (2)(B) shall develop a competi-*
17 *tive process to allow eligible entities to submit*
18 *projects for funding that achieve the objectives of*
19 *this subsection. A metropolitan planning organi-*
20 *zation for an area described in subsection*
21 *(d)(1)(A)(i) shall select projects under such proc-*
22 *ess in consultation with the relevant State.*

23 “(B) *PRIORITY.—The processes described in*
24 *subparagraph (A) shall prioritize project loca-*

tion 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

1 *with a population of over 200,000 or a*
 2 *State agency) that the State determines to*
 3 *be eligible, consistent with the goals of this*
 4 *subsection; and*

5 *“(x) a State, at the request of any enti-*
 6 *ty listed in clauses (i) through (ix).*

7 “(5) *CONTINUATION OF CERTAIN RECREATIONAL*
 8 *TRAILS PROJECTS.—*

9 “(A) *IN GENERAL.—For each fiscal year, a*
 10 *State shall—*

11 *“(i) obligate an amount of funds set*
 12 *aside under this subsection equal to 175*
 13 *percent of the amount of the funds appor-*
 14 *tioned to the State for fiscal year 2009*
 15 *under section 104(h)(2), as in effect on the*
 16 *day before the date of enactment of MAP–*
 17 *21, for projects relating to recreational*
 18 *trails under section 206;*

19 *“(ii) return 1 percent of the funds de-*
 20 *scribed in clause (i) to the Secretary for the*
 21 *administration of such program; and*

22 *“(iii) comply with the provisions of the*
 23 *administration of the recreational trails*
 24 *program under section 206, including the*

1 *use of apportioned funds described in sub-*
2 *section (d)(3)(A) of such section.*

3 “(B) *STATE FLEXIBILITY.*—A State may
4 *opt out of the recreational trails program under*
5 *this paragraph if the Governor of the State noti-*
6 *fies the Secretary not later than 30 days prior*
7 *to the date on which an apportionment is made*
8 *under section 104 for any fiscal year.*

9 “(6) *IMPROVING ACCESSIBILITY AND EFFI-*
10 *CIENCY.*—

11 “(A) *IN GENERAL.*—A State may use an
12 *amount equal to not more than 5 percent of the*
13 *funds set aside for the State under this sub-*
14 *section, after allocating funds in accordance with*
15 *paragraph (2)(A), to improve the ability of ap-*
16 *plicants to access funding for projects under this*
17 *subsection in an efficient and expeditious man-*
18 *ner by providing—*

19 “(i) *to applicants for projects under*
20 *this subsection application assistance, tech-*
21 *nical assistance, and assistance in reducing*
22 *the period of time between the selection of*
23 *the project and the obligation of funds for*
24 *the project; and*

1 “(ii) *funding for one or more full-time*
2 *State employee positions to administer this*
3 *subsection.*

4 “(B) *USE OF FUNDS.—Amounts used under*
5 *subparagraph (A) may be expended—*

6 “(i) *directly by the State; or*

7 “(ii) *through contracts with State*
8 *agencies, private entities, or nonprofit enti-*
9 *ties.*

10 “(C) *IMPROVING PROJECT DELIVERY.—*

11 “(i) *IN GENERAL.—The Secretary shall*
12 *take such action as may be necessary, con-*
13 *sistent with Federal requirements, to facili-*
14 *tate efficient and timely delivery of projects*
15 *under this subsection that are small, low*
16 *impact, and constructed within an existing*
17 *built environment.*

18 “(ii) *CONSIDERATIONS.—The Secretary*
19 *shall consider the use of programmatic*
20 *agreements, expedited or alternative pro-*
21 *curement processes (including project bun-*
22 *dling), and other effective practices to facili-*
23 *tate the goals of this paragraph.*

24 “(7) *FEDERAL SHARE.—*

25 “(A) *FLEXIBLE MATCH.—*

1 “(i) *IN GENERAL.*—*Notwithstanding*
2 *section 120—*

3 “(I) *the non-Federal share for a*
4 *project under this subsection may be*
5 *calculated on a project, multiple-*
6 *project, or program basis; and*

7 “(II) *the Federal share of the cost*
8 *of an individual project in this sub-*
9 *section may be up to 100 percent.*

10 “(ii) *AGGREGATE NON-FEDERAL*
11 *SHARE.*—*The average annual non-Federal*
12 *share of the total cost of all projects for*
13 *which funds are obligated under this sub-*
14 *section in a State for a fiscal year shall be*
15 *not less than the non-Federal share author-*
16 *ized for the State under section 120.*

17 “(iii) *REQUIREMENT.*—*This subpara-*
18 *graph shall only apply to a State if such*
19 *State has adequate financial controls, as*
20 *certified by the Secretary, to account for the*
21 *average annual non-Federal share under*
22 *this subparagraph.*

23 “(B) *SAFETY PROJECTS.*—*Notwithstanding*
24 *section 120, funds made available to carry out*
25 *section 148 may be credited toward the non-Fed-*

1 *eral share of the costs of a project under this sub-*
 2 *section if the project—*

3 *“(i) is a project described in section*
 4 *148(e)(1); and*

5 *“(ii) is consistent with the State stra-*
 6 *tegic highway safety plan (as defined in sec-*
 7 *tion 148(a)).*

8 *“(8) FLEXIBILITY.—*

9 *“(A) STATE AUTHORITY.—*

10 *“(i) IN GENERAL.—A State may use*
 11 *not more than 50 percent of the funds set*
 12 *aside under this subsection that are avail-*
 13 *able for obligation in any area of the State*
 14 *(suballocated consistent with the require-*
 15 *ments of subsection (d)(1)(B)) for any pur-*
 16 *pose eligible under subsection (b).*

17 *“(ii) RESTRICTION.—Funds may be*
 18 *used as described in clause (i) only if the*
 19 *State demonstrates to the Secretary—*

20 *“(I) that the State held a competi-*
 21 *tion in compliance with the require-*
 22 *ments of this subsection in such form*
 23 *as the Secretary determines appro-*
 24 *priate;*

1 “(II) that the State offered tech-
2 nical assistance to all eligible entities
3 and provided such assistance upon re-
4 quest by an eligible entity; and

5 “(III) that there were not suffi-
6 cient suitable applications from eligible
7 entities to use the funds described in
8 clause (i).

9 “(B) MPO AUTHORITY.—

10 “(i) IN GENERAL.—A metropolitan
11 planning organization that represents an
12 urbanized area with a population of greater
13 than 200,000 may use not more than 50
14 percent of the funds set aside under this
15 subsection for an urbanized area described
16 in subsection (d)(1)(A)(i) for any purpose
17 eligible under subsection (b).

18 “(ii) RESTRICTION.—Funds may be
19 used as described in clause (i) only if the
20 Secretary certifies that the metropolitan
21 planning organization—

22 “(I) held a competition in compli-
23 ance with the requirements of this sub-
24 section in such form as the Secretary
25 determines appropriate; and

1 “(II) demonstrates that there were
2 not sufficient suitable applications
3 from eligible entities to use the funds
4 described in clause (i).

5 “(9) ANNUAL REPORTS.—

6 “(A) IN GENERAL.—Each State or metro-
7 politan planning organization responsible for
8 carrying out the requirements of this subsection
9 shall submit to the Secretary an annual report
10 that describes—

11 “(i) the number of project applications
12 received for each fiscal year, including—

13 “(I) the aggregate cost of the
14 projects for which applications are re-
15 ceived; and

16 “(II) the types of projects by eligi-
17 bility category to be carried out, ex-
18 pressed as percentages of the total ap-
19 portionment of the State under this
20 subsection; and

21 “(ii) the list of each project selected for
22 funding for each fiscal year, including
23 specifying the fiscal year for which the
24 project was selected, the fiscal year in which
25 the project is anticipated to be funded, the

1 recipient, the funding sources (including
 2 non-Federal match), the project status, the
 3 specific location, the congressional district,
 4 the type by eligibility category, and a brief
 5 description.

6 “(B) *PUBLIC AVAILABILITY.*—The Secretary
 7 shall make available to the public, in a user-
 8 friendly format on the website of the Department
 9 of Transportation, a copy of each annual report
 10 submitted under subparagraph (A).”.

11 **SEC. 1207. BRIDGE INVESTMENT.**

12 (a) *IN GENERAL.*—Section 144 of title 23, United
 13 States Code, is amended—

14 (1) in the section heading by striking “**Na-**
 15 **tional bridge and tunnel inventory and**
 16 **inspection standards**” and inserting “**Bridges**
 17 **and tunnels**”;

18 (2) in subsection (a)(1)(B) by striking “defi-
 19 cient”;

20 (3) in subsection (b)(5) by striking “structurally
 21 deficient bridge” and inserting “bridge classified as
 22 in poor condition”;

23 (4) in subsection (d)—

1 (A) in paragraph (2) by striking “Not later
2 than 2 years after the date of enactment of the
3 MAP-21, each” and inserting “Each”; and

4 (B) by striking paragraph (4);
5 (5) in subsection (j)—

6 (A) in paragraph (2) by inserting “, 124,”
7 after “section 119”;

8 (B) in paragraph (3)(A) by inserting “,
9 124,” after “section 119”; and

10 (C) in paragraph (5) by striking “financial
11 characteristics” and all that follows through the
12 end and inserting “Federal share.”; and

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

14 “(l) *HIGHWAY BRIDGE REPLACEMENT AND REHABILI-*
15 *TATION.*—

16 “(1) *GOALS.*—The goals of this subsection shall
17 be to—

18 “(A) support the achievement of a state of
19 good repair for the Nation’s bridges;

20 “(B) improve the safety, efficiency, and reli-
21 ability of the movement of people and freight
22 over bridges; and

23 “(C) improve the condition of bridges in the
24 United States by reducing—

25 “(i) the number of bridges—

1 “(I) in poor condition; or

2 “(II) in fair condition and at risk

3 of falling into poor condition;

4 “(ii) the total person miles traveled

5 over bridges—

6 “(I) in poor condition; or

7 “(II) in fair condition and at risk

8 of falling into poor condition;

9 “(iii) the number of bridges that—

10 “(I) do not meet current geometric

11 design standards; or

12 “(II) cannot meet the load and

13 traffic requirements typical of the re-

14 gional transportation network; and

15 “(iv) the total person miles traveled

16 over bridges that—

17 “(I) do not meet current geometric

18 design standards; or

19 “(II) cannot meet the load and

20 traffic requirements typical of the re-

21 gional transportation network.

22 “(2) BRIDGES ON PUBLIC ROADS.—

23 “(A) MINIMUM BRIDGE INVESTMENT.—Ex-

24 cluding the amounts described in subparagraph

25 (C), of the total funds apportioned to a State

1 *under paragraphs (1) and (2) of section 104(b)*
2 *for fiscal years 2023 to 2026, a State shall obli-*
3 *gate not less than 20 percent for projects de-*
4 *scribed in subparagraph (E).*

5 *“(B) PROGRAM FLEXIBILITY.—A State re-*
6 *quired to obligate funds under subparagraph (A)*
7 *may use any combination of funds apportioned*
8 *to a State under paragraphs (1) and (2) of sec-*
9 *tion 104(b).*

10 *“(C) LIMITATION.—Amounts described*
11 *below may not be used for the purposes of calcu-*
12 *lating or meeting the minimum bridge invest-*
13 *ment requirement under subparagraph (A)—*

14 *“(i) amounts described in section*
15 *133(d)(1)(A);*

16 *“(ii) amounts set aside under section*
17 *133(h); and*

18 *“(iii) amounts described in section*
19 *505(a).*

20 *“(D) RULE OF CONSTRUCTION.—Nothing in*
21 *this section shall be construed to prohibit the ex-*
22 *penditure of funds described in subparagraph*
23 *(C) for bridge projects eligible under such sec-*
24 *tion.*

1 “(E) *ELIGIBLE PROJECTS.*—*Funds required*
2 *to be obligated in accordance with paragraph*
3 *(2)(A) may be obligated for projects or activities*
4 *that—*

5 “(i) *are otherwise eligible under either*
6 *section 119 or section 133, as applicable;*

7 “(ii) *support the achievement of per-*
8 *formance targets of the State established*
9 *under section 150, are consistent with the*
10 *transportation asset management plan of*
11 *the State, or provide support for the condi-*
12 *tion and performance of bridges on public*
13 *roads within the State; and*

14 “(iii) *remove, replace, reconstruct, re-*
15 *habilitate, preserve, or protect a bridge in-*
16 *cluded on the national bridge inventory au-*
17 *thorized by subsection (b), including*
18 *through—*

19 “(I) *seismic retrofits;*

20 “(II) *systematic preventive main-*
21 *tenance;*

22 “(III) *installation of scour coun-*
23 *termeasures;*

24 “(IV) *the use of innovative mate-*
25 *rials that extend the service life of the*

1 *bridge and reduce preservation costs,*
2 *as compared to conventionally designed*
3 *and constructed bridges;*

4 “(V) *the use of nontraditional*
5 *production techniques, including fac-*
6 *tory prefabrication;*

7 “(VI) *painting for purposes of*
8 *bridge protection;*

9 “(VII) *application of calcium*
10 *magnesium acetate, sodium acetate/form-*
11 *ate, or other environmentally accept-*
12 *able, minimally corrosive anti-icing*
13 *and deicing compositions;*

14 “(VIII) *corrosion control;*

15 “(IX) *construction of protective*
16 *features (including natural infrastruc-*
17 *ture) alone or in combination with*
18 *other activities eligible under this*
19 *paragraph to enhance resilience of a*
20 *bridge;*

21 “(X) *bridge security counter-*
22 *measures;*

23 “(XI) *impact protection measures*
24 *for bridges;*

1 “(XII) inspection and evaluation
2 of bridges;

3 “(XIII) training for bridge in-
4 spectors consistent with subsection (i);
5 and

6 “(XIV) removal of a bridge classi-
7 fied as in poor condition in order to
8 improve community connectivity.

9 “(F) BUNDLES OF PROJECTS.—A State
10 may use a bundle of projects as described in sub-
11 section (j) to satisfy the requirements of subpara-
12 graph (A), if each project in the bundle is other-
13 wise eligible under subparagraph (E).

14 “(G) FLEXIBILITY.—The Secretary may, at
15 the request of a State, reduce the required obliga-
16 tion under subparagraph (A) if—

17 “(i) the reduction is consistent with a
18 State’s asset management plan for the Na-
19 tional Highway System;

20 “(ii) the reduction will not limit a
21 State’s ability to meet its performance tar-
22 gets under section 150 or to improve the
23 condition and performance of bridges on
24 public roads within the State; and

1 “(iii) the State demonstrates that it
2 has inadequate needs to justify the expendi-
3 ture.

4 “(H) *BRIDGE INVESTMENT REPORT*.—The
5 Secretary shall annually publish on the website
6 of the Department of Transportation a bridge in-
7 vestment report that includes—

8 “(i) the total Federal funding obligated
9 for bridge projects in the most recent fiscal
10 year, on a State-by-State basis and broken
11 out by Federal program;

12 “(ii) the total Federal funding obli-
13 gated, on a State-by-State basis and broken
14 out by Federal program, for bridge projects
15 carried out pursuant to the minimum
16 bridge investment requirements under sub-
17 paragraph (A);

18 “(iii) the progress made by each State
19 toward meeting the minimum bridge invest-
20 ment requirement under subparagraph (A)
21 for such State, both cumulatively and for
22 the most recent fiscal year;

23 “(iv) a summary of—

24 “(I) each request made under sub-
25 paragraph (G) by a State for a reduc-

1 *tion in the minimum bridge invest-*
 2 *ment requirement under subparagraph*
 3 *(A); and*

4 *“(II) for each request described in*
 5 *subclause (I) that is granted by the*
 6 *Secretary—*

7 *“(aa) the percentage and dol-*
 8 *lar amount of the reduction; and*

9 *“(bb) an explanation of how*
 10 *the State met each of the criteria*
 11 *described in subparagraph (G);*
 12 *and*

13 *“(v) a summary of—*

14 *“(I) each request made by a State*
 15 *for a reduction in the obligation re-*
 16 *quirements under section 133(f); and*

17 *“(II) for each request that is*
 18 *granted by the Secretary—*

19 *“(aa) the percentage and dol-*
 20 *lar amount of the reduction; and*

21 *“(bb) an explanation of how*
 22 *the Secretary made the determina-*
 23 *tion under section 133(f)(2)(B).*

24 *“(I) OFF-SYSTEM BRIDGES.—A State may*
 25 *apply amounts obligated under this subsection or*

1 *section 133(f)(2)(A) to the obligation require-*
 2 *ments of both this subsection and section 133(f).*

3 *“(J) NHS PENALTY.—A State may apply*
 4 *amounts obligated under this subsection or sec-*
 5 *tion 119(f)(2) to the obligation requirements of*
 6 *both this subsection and section 119(f)(2).*

7 *“(K) COMPLIANCE.—If a State fails to sat-*
 8 *isfy the requirements of subparagraph (A) by the*
 9 *end of fiscal year 2025, the Secretary may sub-*
 10 *ject the State to appropriate program sanctions*
 11 *under section 1.36 of title 23, Code of Federal*
 12 *Regulations (or successor regulations).”.*

13 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 14 *1 of title 23, United States Code, is amended by striking*
 15 *the item relating to section 144 and inserting the following:*

“144. Bridges and tunnels.”.

16 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
 17 **TERMINAL FACILITIES.**

18 *Section 147 of title 23, United States Code, is amend-*
 19 *ed—*

20 *(1) by striking subsection (h); and*

21 *(2) by redesignating subsections (i) and (j) as*
 22 *subsections (h) and (i), respectively.*

23 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

24 *(a) IN GENERAL.—Section 148 of title 23, United*
 25 *States Code, is amended—*

1 (1) *in subsection (a)—*

2 (A) *in paragraph (4)(B)—*

3 (i) *by striking “only includes a*
4 *project” and inserting “includes a project”;*

5 (ii) *in clause (xiii) by inserting “, in-*
6 *cluding the development of a vulnerable*
7 *road user safety assessment or a vision zero*
8 *plan under section 1601 of the INVEST in*
9 *America Act” after “safety planning”;*

10 (iii) *by amending clause (xviii) to read*
11 *as follows:*

12 “(xviii) *Safe routes to school infra-*
13 *structure-related projects eligible under sec-*
14 *tion 211.”;*

15 (iv) *in clause (xxvi) by inserting “or*
16 *leading pedestrian intervals” after “hybrid*
17 *beacons”; and*

18 (v) *by striking clause (xxviii) and in-*
19 *serting the following:*

20 “(xxviii) *A pedestrian security feature*
21 *designed to slow or stop a motor vehicle.*

22 “(xxix) *Installation of infrastructure*
23 *improvements, including sidewalks, cross-*
24 *walks, signage, and bus stop shelters or pro-*
25 *ected waiting areas.”;*

1 (B) in paragraph (11)—

2 (i) in subparagraph (A)—

3 (I) in clause (ix) by striking
4 “and” at the end;

5 (II) by redesignating clause (x) as
6 clause (xi); and

7 (III) by inserting after clause (ix)
8 the following:

9 “(x) State or local representatives of
10 educational agencies to address safe routes
11 to school and schoolbus safety; and”;

12 (ii) in subparagraph (E) by inserting
13 “Tribal,” after “State,”;

14 (iii) by redesignating subparagraphs
15 (G), (H), and (I) as subparagraphs (H),
16 (I), and (J), respectively; and

17 (iv) by inserting after subparagraph
18 (F) the following:

19 “(G) includes a vulnerable road user safety
20 assessment described under paragraph (16);”;

21 (C) by redesignating paragraphs (10), (11),
22 and (12) as paragraphs (12), (13), and (14), re-
23 spectively;

24 (D) by inserting after paragraph (9) the fol-
25 lowing:

1 “(10) *SAFE SYSTEM APPROACH.*—The term ‘safe
2 *system approach*’ means a roadway design that em-
3 *phasizes minimizing the risk of injury or fatality to*
4 *road users and that—*

5 “(A) *takes into consideration the possibility*
6 *and likelihood of human error;*

7 “(B) *accommodates human injury tolerance*
8 *by taking into consideration likely crash types,*
9 *resulting impact forces, and the human body’s*
10 *ability to withstand such forces; and*

11 “(C) *takes into consideration vulnerable*
12 *road users.*

13 “(11) *SPECIFIED SAFETY PROJECT.*—

14 “(A) *IN GENERAL.*—The term ‘specified
15 *safety project*’ means a project carried out for the
16 *purpose of safety under any other section of this*
17 *title that is consistent with the State strategic*
18 *highway safety plan.*

19 “(B) *INCLUSION.*—The term ‘specified safe-
20 *ty project*’ includes a project that—

21 “(i) *promotes public awareness and in-*
22 *forms the public regarding highway safety*
23 *matters (including safety for motorcyclists,*
24 *bicyclists, pedestrians, individuals with dis-*
25 *abilities, and other road users);*

1 “(ii) facilitates enforcement of traffic
2 safety laws;

3 “(iii) provides infrastructure and in-
4 frastructure-related equipment to support
5 emergency services;

6 “(iv) conducts safety-related research to
7 evaluate experimental safety counter-
8 measures or equipment; or

9 “(v) supports safe routes to school non-
10 infrastructure-related activities described
11 under section 211(e)(2).”; and

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

13 “(15) *TRANSPORTATION MANAGEMENT AREA*.—
14 The term ‘transportation management area’ means
15 an area designated under section 134(k).

16 “(16) *VULNERABLE ROAD USER*.—The term ‘vul-
17 nerable road user’ means a nonmotorist—

18 “(A) with a fatality analysis reporting sys-
19 tem person attribute code that is included in the
20 definition of the term ‘number of non-motorized
21 fatalities’ in section 490.205 of title 23, Code of
22 Federal Regulations (or successor regulation); or

23 “(B) described in the term ‘number of non-
24 motorized serious injuries’ in such section.

1 “(17) *VULNERABLE ROAD USER SAFETY ASSESS-*
 2 *MENT.*—*The term ‘vulnerable road user safety assess-*
 3 *ment’ means an assessment of the safety performance*
 4 *of the State or a metropolitan planning organization*
 5 *within the State with respect to vulnerable road users*
 6 *and the plan of the State or metropolitan planning*
 7 *organization to improve the safety of vulnerable road*
 8 *users described in subsection (l).’;*

9 (2) *in subsection (c)*—

10 (A) *in paragraph (1) by striking “(a)(11)”*
 11 *and inserting “(a)(13)”;* and

12 (B) *in paragraph (2)*—

13 (i) *in subparagraph (A)(vi) by insert-*
 14 *ing “, consistent with the vulnerable road*
 15 *user safety assessment” after “nonmotorized*
 16 *crashes”;*

17 (ii) *in subparagraph (B)(i)*—

18 (I) *by inserting “, consistent with*
 19 *a safe system approach,” after “iden-*
 20 *tify”;*

21 (II) *by inserting “excessive design*
 22 *speeds and speed limits,” after “cross-*
 23 *ing needs,”;* and

24 (III) *by striking “motorists (in-*
 25 *cluding motorcyclists), bicyclists, pe-*

1 *destrians, and other highway users”*
 2 *and inserting “road users”; and*
 3 *(iii) in subparagraph (D)(iii) by strik-*
 4 *ing “motorists (including motorcyclists),*
 5 *bicyclists, pedestrians, persons with disabil-*
 6 *ities, and other highway users” and insert-*
 7 *ing “road users”;*

8 *(3) in subsection (d)—*

9 *(A) in paragraph (1)—*

10 *(i) in subparagraph (A) by striking*
 11 *“Not later than 1 year after the date of en-*
 12 *actment of the MAP–21, the” and inserting*
 13 *“The”; and*

14 *(ii) in subparagraph (B)—*

15 *(I) in clause (iv) by inserting*
 16 *“and serious injury” after “fatality”;*

17 *(II) in clause (vii) by striking “;*
 18 *and” and inserting a semicolon;*

19 *(III) by redesignating clause*
 20 *(viii) as clause (ix); and*

21 *(IV) by inserting after clause (vii)*
 22 *the following:*

23 *“(viii) the findings of a vulnerable*
 24 *road user safety assessment of the State;*
 25 *and”; and*

1 (B) in paragraph (2)(B)(i) by striking
 2 “subsection (a)(11)” and inserting “subsection
 3 (a)(13)”;
 4 (4) in subsection (e)—

5 (A) in paragraph (1)(C) by striking “,
 6 without regard to whether the project is included
 7 in an applicable State strategic highway safety
 8 plan”; and

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

10 “(3) *FLEXIBLE FUNDING FOR SPECIFIED SAFETY*
 11 *PROJECTS.*—

12 “(A) *IN GENERAL.*—To advance the imple-
 13 mentation of a State strategic highway safety
 14 plan, a State may use not more than 10 percent
 15 of the amounts apportioned to the State under
 16 section 104(b)(3) for a fiscal year to carry out
 17 specified safety projects.

18 “(B) *RULE OF STATUTORY CONSTRU-*
 19 *CTION.*—Nothing in this paragraph shall be con-
 20 strued to require a State to revise any State
 21 process, plan, or program in effect on the date of
 22 enactment of this paragraph.

23 “(C) *EFFECT OF PARAGRAPH.*—

24 “(i) *REQUIREMENTS.*—A project fund-
 25 ed 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

1 “(ii) include, in the subsequent update
2 to the State strategic highway safety plan,
3 strategies to reduce the fatality rate.

4 “(B) *SOURCE OF FUNDS.*—Any amounts ob-
5 ligated under subparagraph (A) shall be from
6 amounts described under section 133(d)(1)(B).

7 “(C) *ANNUAL DETERMINATION.*—The deter-
8 mination described under subparagraph (A)
9 shall be made on an annual basis.

10 “(D) *CONSULTATION.*—In carrying out a
11 project with an amount obligated under subpara-
12 graph (A), a State shall consult with, as appli-
13 cable, local governments, metropolitan planning
14 organizations, and regional transportation plan-
15 ning organizations.”;

16 (B) in paragraph (2)—

17 (i) in the heading by striking “DRIV-
18 ERS” and inserting “ROAD USERS”;

19 (ii) by striking “drivers and pedes-
20 trians” and inserting “road users”; and

21 (iii) by striking “address the increases
22 in” and inserting “reduce”; and

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

24 “(3) *VULNERABLE ROAD USER SAFETY.*—

25 “(A) *HIGH RISK STATES.*—

1 “(i) *ANNUAL DETERMINATION.*—*Begin-*
2 *ning on the date of enactment of the IN-*
3 *VEST in America Act, the Secretary shall*
4 *determine on an annual basis whether the*
5 *number of vulnerable road user fatalities*
6 *and serious injuries per capita in a State*
7 *over the most recent 2-year period for which*
8 *data are available exceeds the median num-*
9 *ber fatalities in all such areas over such 2-*
10 *year period.*

11 “(ii) *OBLIGATION REQUIREMENT.*—*If*
12 *the Secretary determines that the number of*
13 *vulnerable road user fatalities and serious*
14 *injuries per capita in a State over the most*
15 *recent 2-year period for which data are*
16 *available exceeds the median number of such*
17 *fatalities and serious injuries per capita*
18 *over such 2-year period among all States,*
19 *that State shall be required to obligate over*
20 *the 2 fiscal years following the fiscal year*
21 *in which such determination is made an*
22 *amount that is not less than 50 percent of*
23 *the amount set aside in such State under*
24 *section 133(h)(1) for fiscal year 2020 (less*
25 *any amounts obligated for projects in that*

1 *State as required by subparagraph (B)(ii)*
2 *for—*

3 *“(I) in the first two fiscal years*
4 *after the enactment of the INVEST in*
5 *America Act—*

6 *“(aa) performing the vulner-*
7 *able road user safety assessment*
8 *as required by subsection (l);*

9 *“(bb) providing matching*
10 *funds for transportation alter-*
11 *natives safety projects as identi-*
12 *fied in section 133(h)(7)(B); or*

13 *“(cc) projects eligible under*
14 *subparagraphs (A), (B), (C), or*
15 *(I) of section 133(h); and*

16 *“(II) in each 2-year period there-*
17 *after, projects identified in the pro-*
18 *gram of projects described in subsection*
19 *(l)(2)(C).*

20 *“(B) HIGH RISK AREAS.—*

21 *“(i) ANNUAL DETERMINATION.—The*
22 *Secretary shall determine on an annual*
23 *basis whether the number of vulnerable road*
24 *user fatalities per capita in a transpor-*
25 *tation management area over the most re-*

1 cent 2-year period for which data are avail-
2 able exceeds the median number fatalities in
3 all such areas over such 2-year period.

4 “(ii) *OBLIGATION REQUIREMENT.*—If
5 the Secretary determines that the number of
6 vulnerable road user fatalities per capita in
7 the transportation management area over
8 the most recent 2-year period for which
9 data are available exceeds the median num-
10 ber of such fatalities over such 2-year period
11 among all such areas, then there shall be re-
12 quired to be obligated over the 2 fiscal years
13 following the fiscal year in which such de-
14 termination is made, for projects identified
15 in the program of projects described in sub-
16 section (l)(7)(C), an amount that is not less
17 than 50 percent of the amount set aside for
18 that urbanized area under section 133(h)(2)
19 for fiscal year 2020.

20 “(iii) *APPLICABILITY.*—The obligation
21 requirement described in clause (ii) shall
22 not take effect until the subject metropolitan
23 planning organization has developed the
24 vulnerable road user safety assessment de-
25 scribed in subsection (l)(7).

1 “(C) *SOURCE OF FUNDS.*—

2 “(i) *IN GENERAL.*—*Any amounts re-*
 3 *quired to be obligated under this paragraph*
 4 *shall be from amounts apportioned under*
 5 *section 104(b) except for—*

6 “(I) *amounts described in section*
 7 *133(d)(1)(A); and*

8 “(II) *amounts set aside under sec-*
 9 *tion 133(h).*

10 “(ii) *AREAS IN A HIGH RISK STATE.*—
 11 *If an area subject to the obligation require-*
 12 *ment described in subparagraph (B)(ii) is*
 13 *located in a State required to obligate funds*
 14 *to vulnerable road user safety under sub-*
 15 *paragraph (A)(ii), any obligations in such*
 16 *State for projects identified in the program*
 17 *of projects described in subsection (l)(7)(C)*
 18 *shall count toward such State’s obligation*
 19 *requirement under subparagraph (A)(ii).”;*

20 *(6) in subsection (h)(1)(A)—*

21 *(A) by inserting “, including any efforts to*
 22 *reduce vehicle speed” after “under this section”;*
 23 *and*

1 (B) by inserting “and projects identified
2 under a vulnerable road user safety assessment”
3 after “projects”; and

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

5 “(l) VULNERABLE ROAD USER SAFETY ASSESS-
6 MENT.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 date of enactment of the INVEST in America Act,
9 each State shall create a vulnerable road user safety
10 assessment.

11 “(2) CONTENTS.—A vulnerable road user safety
12 assessment required under paragraph (1) shall in-
13 clude—

14 “(A) a description of the location within the
15 State of each vulnerable road user fatality and
16 serious injury, including, if available, the design
17 speed of the roadway at any such location;

18 “(B) a description of any corridors identi-
19 fied by a State, in coordination with local gov-
20 ernments, metropolitan planning organizations,
21 and regional transportation planning organiza-
22 tions that pose a high risk of a vulnerable road
23 user fatality or serious injury, including, if
24 available, the design speeds of such corridors;
25 and

1 “(C) a program of projects or strategies to
2 reduce safety risks to vulnerable road users in
3 corridors identified under subparagraph (B), in
4 coordination with local governments, metropoli-
5 tan planning organizations, and regional trans-
6 portation planning organizations that represent
7 a high-risk area identified under subparagraph
8 (B).

9 “(3) ANALYSIS.—In creating a vulnerable road
10 user safety assessment under this subsection, a State
11 shall assess the last 5 years of available data.

12 “(4) REQUIREMENTS.—In creating a vulnerable
13 road user safety assessment under this subsection, a
14 State shall—

15 “(A) take into consideration a safe system
16 approach; and

17 “(B) coordinate with local governments,
18 metropolitan planning organizations, and re-
19 gional transportation planning organizations
20 that represent a high-risk area identified under
21 paragraph (2)(B).

22 “(5) UPDATE.—A State shall update a vulner-
23 able road user safety assessment on the same schedule
24 as the State updates the State strategic highway safe-
25 ty plan.

1 “(6) *TRANSPORTATION SYSTEM ACCESS.*—*The*
2 *program of projects developed under paragraph (2)(C)*
3 *may not degrade transportation system access for vul-*
4 *nerable road users.*

5 “(7) *URBANIZED AREA ASSESSMENTS.*—

6 “(A) *IN GENERAL.*—*A metropolitan plan-*
7 *ning organization representing a transportation*
8 *management area shall, in consultation with*
9 *local governments in such area, complete a vul-*
10 *nerable road user safety assessment based on the*
11 *most recent 5 years of available data at least*
12 *once every 4 years.*

13 “(B) *CONTENTS.*—*The assessment completed*
14 *under subparagraph (A) shall include—*

15 “(i) *a description of the location with-*
16 *in the area of each vulnerable road user fa-*
17 *tality and, if available, serious injury;*

18 “(ii) *a description of any corridors*
19 *that represent a high-risk area identified*
20 *under paragraph (2)(B) or have otherwise*
21 *been identified by the metropolitan plan-*
22 *ning organization or local government that*
23 *pose a high risk of a vulnerable road user*
24 *fatality or serious injury; and*

1 “(iii) a program of projects or strate-
2 gies to reduce safety risks to vulnerable road
3 users in corridors identified under subpara-
4 graph (B).”.

5 (b) *TECHNICAL AMENDMENT.*—Section 148 of title 23,
6 *United States Code*, is amended—

7 (1) in the heading for subsection (a)(8) by strik-
8 ing “ROAD USERS” and inserting “ROAD USER”; and

9 (2) in subsection (i)(2)(D) by striking “safety
10 safety” and inserting “safety”.

11 (c) *HIGH-RISK RURAL ROADS.*—

12 (1) *STUDY.*—Not later than 2 years after the
13 date of enactment of this Act, the Secretary of Trans-
14 portation shall update the study described in para-
15 graph (1) of section 1112(b) of MAP-21 (23 U.S.C.
16 148 note).

17 (2) *PUBLICATION OF REPORT.*—Not later than 2
18 years after the date of enactment of this Act, the Sec-
19 retary shall publish on the website of the Department
20 of Transportation an updated report of the report de-
21 scribed in paragraph (2) of section 1112(b) of MAP-
22 21 (23 U.S.C. 148 note).

23 (3) *BEST PRACTICES MANUAL.*—Not later than
24 180 days after the date of submission of the report de-
25 scribed in paragraph (2), the Secretary shall update

1 *the best practices manual described in section*
 2 *1112(b)(3) of MAP-21 (23 U.S.C. 148 note).*

3 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
 4 **PROVEMENT PROGRAM.**

5 *Section 149 of title 23, United States Code, is amend-*
 6 *ed—*

7 *(1) in subsection (b)—*

8 *(A) in paragraph (1)(A)(ii) by striking*
 9 *“subsection (h)” and inserting “subsection (i)”;*

10 *(B) in paragraph (7) by inserting “shared*
 11 *micromobility (including bikesharing and shared*
 12 *scooter systems), publicly accessible charging sta-*
 13 *tions, docks, and storage for electric bicycles and*
 14 *micromobility devices,” after “carsharing”;*

15 *(C) in paragraph (8)(B) by striking “; or”*
 16 *and inserting a semicolon;*

17 *(D) in paragraph (9) by striking the period*
 18 *and inserting “; or”; and*

19 *(E) by adding at the end the following:*

20 *“(10) if the project or program mitigates sea-*
 21 *sonal or temporary traffic congestion from long-haul*
 22 *travel or tourism.”;*

23 *(2) in subsection (c)—*

24 *(A) in paragraph (2)—*

1 (i) in the heading by inserting “, HY-
2 DROGEN VEHICLE,” after “ELECTRIC VEHI-
3 CLE”;

4 (ii) by inserting “hydrogen or” after
5 “charging stations or”; and

6 (iii) by inserting “, hydrogen-pow-
7 ered,” after “battery powered”; and

8 (B) in paragraph (3) by inserting “, and is
9 consistent with section 166” after “travel times”;
10 and

11 (3) by striking subsection (m) and inserting the
12 following:

13 “(m) *OPERATING ASSISTANCE.*—

14 “(1) *PROJECTS.*—A State may obligate funds
15 apportioned under section 104(b)(4) in an area of
16 such State that is otherwise eligible for obligations of
17 such funds for operating costs under chapter 53 of
18 title 49 or on a system for which CMAQ funding was
19 made available, obligated, or expended in fiscal year
20 2012, or, notwithstanding subsection (b), on a State-
21 supported Amtrak route with a cost-sharing agree-
22 ment under section 209 of the Passenger Rail Invest-
23 ment and Improvement Act of 2008 or alternative
24 cost allocation under section 24712(g)(3) of title 49.

1 “(2) *TIME LIMITATION.*—In determining the
 2 amount of time for which a State may obligate funds
 3 under paragraph (1) for operating assistance for an
 4 area of a State or on a system, the Secretary shall
 5 allow such obligations to occur, in such area or on
 6 such system—

7 “(A) with a time limitation of not less than
 8 3 years; and

9 “(B) in the case of projects that demonstrate
 10 continued net air quality benefits beyond 3
 11 years, as determined annually by the Secretary
 12 in consultation with the Administrator of the
 13 Environmental Protection Agency, with no im-
 14 posed time limitation.”.

15 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

16 (a) *ELECTRIC VEHICLE CHARGING STATIONS.*—Chapter
 17 1 of title 23, United States Code, is amended by insert-
 18 ing after section 154 the following new section:

19 **“§ 155. Electric vehicle charging stations**

20 “(a) *IN GENERAL.*—Any electric vehicle charging in-
 21 frastructure funded under this title shall be subject to the
 22 requirements of this section.

23 “(b) *INTEROPERABILITY.*—An electric vehicle charging
 24 station funded under this title shall—

1 “(1) *provide a charging connector type or means*
2 *to transmit electricity to vehicles that meets applica-*
3 *ble industry accepted practices and safety standards;*
4 *and*

5 “(2) *have the ability to serve vehicles produced*
6 *by more than one vehicle manufacturer.*

7 “(c) *OPEN ACCESS TO PAYMENT.—Electric vehicle*
8 *charging stations shall provide payment methods available*
9 *to all members of the public to ensure secure, convenient,*
10 *and equal access and shall not be limited by membership*
11 *to a particular payment provider.*

12 “(d) *NETWORK CAPABILITY.—An electric vehicle*
13 *charging station funded under this title shall be capable of*
14 *being remotely monitored.*

15 “(e) *GUIDANCE.—Not less than 180 days after enact-*
16 *ment of the INVEST in America Act, the Secretary of*
17 *Transportation, in coordination with the Secretary of En-*
18 *ergy, shall, as appropriate, publish guidance for public*
19 *comment applicable to any electric vehicle charging station*
20 *funded in whole or in part under this title related to—*

21 “(1) *the installation, operation, or maintenance*
22 *by qualified technicians of electric vehicle charging*
23 *infrastructure;*

24 “(2) *the physical and payment interoperability*
25 *of electric vehicle charging infrastructure;*

1 “(3) *any traffic control device or on-premises*
 2 *sign acquired, installed, or operated related to an*
 3 *electric vehicle charging station funded under this*
 4 *title; and*

5 “(4) *network connectivity of electric vehicle*
 6 *charging, including measures to protect personal pri-*
 7 *vacy and ensure cybersecurity.*

8 “(f) *WAGE REQUIREMENTS.—Section 113 shall apply*
 9 *to any project for electric vehicle charging infrastructure*
 10 *funded under this title.”.*

11 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
 12 *1 of title 23, United States Code, is amended by inserting*
 13 *after the item relating to section 154 the following new item:*
 “155. Electric vehicle charging stations.”.

14 “(c) *ELECTRIC VEHICLE CHARGING SIGNAGE.—The*
 15 *Secretary of Transportation shall update the Manual on*
 16 *Uniform Traffic Control Devices to—*

17 (1) *ensure uniformity in providing road users*
 18 *direction to electric charging stations that are open to*
 19 *the public; and*

20 (2) *allow the use of a comprehensive system of*
 21 *signs for electric vehicle charging providers to help*
 22 *drivers identify the type of charging and connector*
 23 *types available at the location.*

24 “(d) *AGREEMENTS RELATING TO THE USE AND ACCESS*
 25 *OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Sec-*

tion 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:

1 “(7) to reduce the environmental impacts of
2 *freight movement on the National Highway Freight*
3 *Network, including—*

4 “(A) greenhouse gas emissions;

5 “(B) local air pollution, including local pol-
6 *lution derived from vehicles idling at railway*
7 *crossings;*

8 “(C) minimizing, capturing, or treating
9 *stormwater runoff and addressing other adverse*
10 *impacts to water quality; and*

11 “(D) wildlife habitat loss; and

12 “(8) to decrease any adverse impact of freight
13 *transportation on communities located near freight*
14 *facilities or freight corridors.”;*

15 (2) in subsection (e)(2) by striking “150 miles”
16 and inserting “300 miles”;

17 (3) in subsection (f)(4) by striking “75 miles”
18 and inserting “150 miles”;

19 (4) in subsection (h) by striking “Not later than”
20 and all that follows through “shall prepare” and in-
21 serting “As part of the report required under section
22 503(b)(8), the Administrator shall biennially pre-
23 pare”;

24 (5) in subsection (i)—

25 (A) by striking paragraphs (2) and (3);

1 (B) by amending paragraph (4) to read as
2 follows:

3 “(4) *FREIGHT PLANNING.*—Notwithstanding any
4 other provision of law, a State may not obligate funds
5 apportioned to the State under section 104(b)(5) un-
6 less the State has developed, updated, or amended, as
7 applicable, a freight plan in accordance with section
8 70202 of title 49.”;

9 (C) in paragraph (5)—

10 (i) by striking subparagraph (B) and
11 inserting the following:

12 “(B) *LIMITATION.*—The Federal share of a
13 project described in subparagraph (C)(xxiii)
14 shall fund only elements of such project that pro-
15 vide public benefits.”; and

16 (ii) in subparagraph (C)—

17 (I) in clause (iii) by inserting
18 “and freight management and oper-
19 ations systems” after “freight transpor-
20 tation systems”; and

21 (II) by amending clause (xxiii) to
22 read as follows:

23 “(xxiii) *Freight intermodal or freight*
24 *rail projects, including—*

1 “(I) projects within the bound-
 2 aries of public or private freight rail
 3 or water facilities (including ports);

4 “(II) projects that provide surface
 5 transportation infrastructure necessary
 6 to facilitate direct intermodal inter-
 7 change, transfer, and access into or out
 8 of the facility; and

9 “(III) any other surface transpor-
 10 tation project to improve the flow of
 11 freight into or out of a facility de-
 12 scribed in subclause (I) or (II).”;

13 (D) in paragraph (6) by striking “para-
 14 graph (5)” and inserting “paragraph (3)”; and

15 (E) by redesignating paragraphs (4), (5),
 16 (6), and (7) as paragraphs (2), (3), (4), and (5),
 17 respectively; and

18 (6) in subsection (k)(1)(A)(ii) by striking “ports-
 19 of entry” and inserting “ports-of-entry”.

20 (b) NATIONAL HIGHWAY FREIGHT NETWORK.—If a
 21 congressionally designated future Interstate, or any portion
 22 thereof, is included in a State Freight Plan (regardless of
 23 whether such project is included in the freight investment
 24 plan of the State) approved by the Department of Transpor-
 25 tation prior to October 1, 2021, such route shall be consid-

1 *ered to be on the National Highway Freight Network estab-*
 2 *lished under section 167(c) of title 23, United States Code.*

3 **SEC. 1213. CARBON POLLUTION REDUCTION.**

4 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
 5 *Code, is amended by adding at the end the following:*

6 **“§ 171. Carbon pollution reduction**

7 *“(a) ESTABLISHMENT.—The Secretary shall establish*
 8 *a carbon pollution reduction program to support the reduc-*
 9 *tion of greenhouse gas emissions from the surface transpor-*
 10 *tation system.*

11 *“(b) ELIGIBLE PROJECTS.—A project is eligible for*
 12 *funding under this section if such project—*

13 *“(1) is expected to yield a significant reduction*
 14 *in greenhouse gas emissions from the surface trans-*
 15 *portation system;*

16 *“(2) will help a State meet the greenhouse gas*
 17 *emissions performance targets established under sec-*
 18 *tion 150(d); and*

19 *“(3) is—*

20 *“(A) eligible for assistance under this title*
 21 *or under chapter 53 of title 49 or is a capital*
 22 *project for vehicles and facilities (whether pub-*
 23 *licly or privately owned) that are used to pro-*
 24 *vide intercity passenger service by bus; or*

1 “(B) a capital project, as such term is de-
2 fined in section 22906 of title 49, to improve
3 intercity rail passenger transportation, provided
4 that the project will yield a significant reduction
5 in single occupant vehicle trips and improve mo-
6 bility on public roads.

7 “(c) GUIDANCE.—The Secretary shall issue guidance
8 on methods of determining the reduction of single occupant
9 vehicle trips and improvement of mobility on public roads
10 as those factors relate to intercity rail passenger transpor-
11 tation projects under subsection (b)(4).

12 “(d) OPERATING EXPENSES.—A State may use not
13 more than 10 percent of the funds provided under section
14 104(b)(9) for the operating expenses of public transpor-
15 tation and passenger rail transportation projects.

16 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILI-
17 TIES.—None of the funds provided under this section may
18 be used for a project that will result in the construction
19 of new capacity available to single occupant vehicles unless
20 the project consists of a high occupancy vehicle facility and
21 is consistent with section 166.

22 “(f) EVALUATION.—

23 “(1) IN GENERAL.—The Secretary shall annually
24 evaluate the progress of each State in carrying out the
25 program under this section by comparing the percent

1 *change in carbon dioxide emissions per capita on*
2 *public roads in the State calculated as—*

3 “(A) *the annual carbon dioxide emissions*
4 *per capita on public roads in the State for the*
5 *most recent year for which there is data; divided*
6 *by*

7 “(B) *the average annual carbon dioxide*
8 *emissions per capita on public roads in the State*
9 *in calendar years 2015 through 2019.*

10 “(2) *MEASURES.—In conducting the evaluation*
11 *under paragraph (1), the Secretary shall—*

12 “(A) *prior to the effective date of the green-*
13 *house gas performance measures under section*
14 *150(c)(7)(A), use such data as are available,*
15 *which may include data on motor fuels usage*
16 *published by the Federal Highway Administra-*
17 *tion and information on emissions factors or co-*
18 *efficients published by the Energy Information*
19 *Administration of the Department of Energy;*
20 *and*

21 “(B) *following the effective date of the*
22 *greenhouse gas performance measures under sec-*
23 *tion 150(c)(7)(A), use such measures.*

24 “(g) *PROGRESS REPORT.—The Secretary shall annu-*
25 *ally issue a carbon pollution reduction progress report, to*

1 *be made publicly available on the website of the Department*
2 *of Transportation, that includes—*

3 “(1) *the results of the evaluation under sub-*
4 *section (f) for each State; and*

5 “(2) *a ranking of all the States by the criteria*
6 *under subsection (f), with the States that, for the year*
7 *covered by such report, have the largest percentage re-*
8 *duction in annual carbon dioxide emissions per cap-*
9 *ita on public roads being ranked the highest.*

10 “(h) *HIGH-PERFORMING STATES.—*

11 “(1) *DESIGNATION.—For purposes of this sec-*
12 *tion, each State that is 1 of the 15 highest ranked*
13 *States, as determined under subsection (g)(2), and*
14 *that achieves a reduction in carbon dioxide emissions*
15 *per capita on public roads, as determined by the eval-*
16 *uation in subsection (f), shall be designated as a high-*
17 *performing State for the following fiscal year.*

18 “(2) *USE OF FUNDS.—For each State that is*
19 *designated as a high-performing State under para-*
20 *graph (1)—*

21 “(A) *notwithstanding section 120, the State*
22 *may use funds made available under this title to*
23 *pay the non-Federal share of a project under this*
24 *section during any year for which such State is*
25 *designated as a high-performing State; and*

1 “(B) notwithstanding section 126, the State
2 may transfer up to 50 percent of funds appor-
3 tioned under section 104(b)(9) to the program
4 under section 104(b)(2) in any year for which
5 such State is designated as a high-performing
6 State.

7 “(3) *TRANSFER*.—For each State that is 1 of the
8 15 lowest ranked States, as determined under sub-
9 section (g)(2), the Secretary shall transfer 10 percent
10 of the amount apportioned to the State under section
11 104(b)(2) in the fiscal year following the year in
12 which the State is so ranked, not including amounts
13 set aside under section 133(d)(1)(A) and under sec-
14 tion 133(h) or 505(a), to the apportionment of the
15 State under section 104(b)(9).

16 “(4) *LIMITATION*.—The Secretary shall not con-
17 duct a transfer under paragraph (3)—

18 “(A) until the first fiscal year following the
19 effective date of greenhouse gas performance
20 measures under section 150(c)(7)(A); and

21 “(B) with respect to a State in any fiscal
22 year following the year in which such State
23 achieves a reduction in carbon dioxide emissions
24 per capita on public roads in such year as deter-
25 mined by the evaluation under subsection (f).

1 “(i) *REPORT.*—Not later than 2 years after the date
2 of enactment of this section and periodically thereafter, the
3 Secretary, in consultation with the Administrator of the
4 Environmental Protection Agency, shall issue a report—

5 “(1) detailing, based on the best available
6 science, what types of projects eligible for assistance
7 under this section are expected to provide the most
8 significant greenhouse gas emissions reductions from
9 the surface transportation sector; and

10 “(2) detailing, based on the best available
11 science, what types of projects eligible for assistance
12 under this section are not expected to provide signifi-
13 cant greenhouse gas emissions reductions from the
14 surface transportation sector.”.

15 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
16 1 of title 23, United States Code, is amended by adding
17 at the end the following new item:

“171. Carbon pollution reduction.”.

18 (c) *APPLICABILITY.*—Subsection (b)(2) of section 171
19 of title 23, United States Code, as added by this section,
20 shall apply to a State beginning on the first fiscal year
21 following the fiscal year in which the State sets greenhouse
22 gas performance targets under section 150(d) of title 23,
23 United States Code.

1 **SEC. 1214. RECREATIONAL TRAILS.**

2 *Section 206 of title 23, United States Code, is amend-*
 3 *ed—*

4 *(1) in subsection (a)—*

5 *(A) in paragraph (1) by striking “except*
 6 *for” and all that follows and inserting the fol-*
 7 *lowing: “except for—*

8 *“(A) a motorized wheelchair; and*

9 *“(B) in any case in which applicable laws*
 10 *and regulations permit use, an electric bicycle,*
 11 *as defined in section 217(j).”;*

12 *(B) in paragraph (2)—*

13 *(i) in subparagraph (F) by striking*
 14 *“and” at the end;*

15 *(ii) in subparagraph (G) by striking*
 16 *the period and inserting “; and”; and*

17 *(iii) by adding at the end the fol-*
 18 *lowing:*

19 *“(F) electric bicycling.”; and*

20 *(2) by adding at the end the following:*

21 *“(j) SPECIAL RULE.—Section 113 shall not apply to*
 22 *projects under this section.*

23 *“(k) USE OF OTHER APPORTIONED FUNDS.—Funds*
 24 *apportioned to a State under section 104(b) that are obli-*
 25 *gated for recreational trails and related projects shall be*

1 *administered as if such funds were made available for pur-*
2 *poses described under this section.”.*

3 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

4 *(a) IN GENERAL.—Chapter 2 of title 23, United States*
5 *Code, is amended by inserting after section 210 the fol-*
6 *lowing:*

7 **“§211. Safe routes to school program**

8 *“(a) PROGRAM.—The Secretary shall carry out a safe*
9 *routes to school program for the benefit of children in pri-*
10 *mary, middle, and high schools.*

11 *“(b) PURPOSES.—The purposes of the program shall*
12 *be—*

13 *“(1) to enable and encourage children, including*
14 *those with disabilities, to walk and bicycle to school;*

15 *“(2) to make bicycling and walking to school a*
16 *safer and more appealing transportation alternative,*
17 *thereby encouraging a healthy and active lifestyle*
18 *from an early age; and*

19 *“(3) to facilitate the planning, development, and*
20 *implementation of projects and activities that will*
21 *improve safety and reduce traffic, fuel consumption,*
22 *and air pollution in the vicinity of schools.*

23 *“(c) USE OF FUNDS.—Amounts apportioned to a State*
24 *under paragraphs (2) and (3) of section 104(b) may be used*

1 *to carry out projects, programs, and other activities under*
2 *this section.*

3 “(d) *ELIGIBLE ENTITIES.—Projects, programs, and*
4 *activities funded under this section may be carried out by*
5 *eligible entities described under section 133(h)(4)(B) that*
6 *demonstrate an ability to meet the requirements of this sec-*
7 *tion.*

8 “(e) *ELIGIBLE PROJECTS AND ACTIVITIES.—*

9 “(1) *INFRASTRUCTURE-RELATED PROJECTS.—*

10 “(A) *IN GENERAL.—A State may obligate*
11 *funds under this section for the planning, design,*
12 *and construction of infrastructure-related*
13 *projects that will substantially improve the abil-*
14 *ity of students to walk and bicycle to school, in-*
15 *cluding sidewalk improvements, traffic calming*
16 *and speed reduction improvements, pedestrian*
17 *and bicycle crossing improvements, on-street bi-*
18 *cycle facilities, off-street bicycle and pedestrian*
19 *facilities, secure bicycle parking facilities, and*
20 *traffic diversion improvements in the vicinity of*
21 *schools.*

22 “(B) *LOCATION OF PROJECTS.—Infrastruc-*
23 *ture-related projects under subparagraph (A)*
24 *may be carried out on any public road or any*

1 *bicycle or pedestrian pathway or trail in the vi-*
 2 *cinity of schools.*

3 “(2) *NONINFRASTRUCTURE-RELATED ACTIVI-*
 4 *TIES.—In addition to projects described in paragraph*
 5 *(1), a State may obligate funds under this section for*
 6 *noninfrastructure-related activities to encourage walk-*
 7 *ing and bicycling to school, including—*

8 “(A) *public awareness campaigns and out-*
 9 *reach to press and community leaders;*

10 “(B) *traffic education and enforcement in*
 11 *the vicinity of schools;*

12 “(C) *student sessions on bicycle and pedes-*
 13 *trian safety, health, and environment;*

14 “(D) *programs that address personal safety;*
 15 *and*

16 “(E) *funding for training, volunteers, and*
 17 *managers of safe routes to school programs.*

18 “(3) *SAFE ROUTES TO SCHOOL COORDINATOR.—*
 19 *Each State receiving an apportionment under para-*
 20 *graphs (2) and (3) of section 104(b) shall use a suffi-*
 21 *cient amount of the apportionment to fund a full-time*
 22 *position of coordinator of the State’s safe routes to*
 23 *school program.*

24 “(4) *RURAL SCHOOL DISTRICT OUTREACH.—A*
 25 *coordinator described in paragraph (3) shall conduct*

1 *outreach to ensure that rural school districts in the*
2 *State are aware of such State’s safe routes to school*
3 *program and any funds authorized by this section.*

4 “(f) *FEDERAL SHARE.*—*The Federal share of the cost*
5 *of a project, program, or activity under this section shall*
6 *be 100 percent.*

7 “(g) *CLEARINGHOUSE.*—

8 “(1) *IN GENERAL.*—*The Secretary shall main-*
9 *tain a national safe routes to school clearinghouse*
10 *to—*

11 “(A) *develop information and educational*
12 *programs on safe routes to school; and*

13 “(B) *provide technical assistance and dis-*
14 *seminate techniques and strategies used for suc-*
15 *cessful safe routes to school programs.*

16 “(2) *FUNDING.*—*The Secretary shall carry out*
17 *this subsection using amounts authorized to be appro-*
18 *priated for administrative expenses under section*
19 *104(a).*

20 “(h) *DEFINITIONS.*—*In this section, the following defi-*
21 *nitions apply:*

22 “(1) *IN THE VICINITY OF SCHOOLS.*—*The term*
23 *‘in the vicinity of schools’ means, with respect to a*
24 *school, the area within bicycling and walking dis-*
25 *tance of the school (approximately 2 miles).*

1 “(2) *PRIMARY, MIDDLE, AND HIGH SCHOOLS.*—
 2 *The term ‘primary, middle, and high schools’ means*
 3 *schools providing education from kindergarten*
 4 *through twelfth grade.”.*

5 **(b) *TECHNICAL AND CONFORMING AMENDMENTS.*—**

6 **(1) *REPEAL.*—***Section 1404 of SAFETEA-LU*
 7 *(Public Law 109–59; 119 Stat. 1228–1230), and the*
 8 *item relating to such section in the table of contents*
 9 *in section 1(b) of such Act, are repealed.*

10 **(2) *ANALYSIS.*—***The analysis for chapter 2 of*
 11 *title 23, United States Code, is amended by inserting*
 12 *after the item relating to section 210 the following:*

“211. Safe routes to school program.”.

13 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 14 **WALKWAYS.**

15 *Section 217 of title 23, United States Code, is amend-*
 16 *ed—*

17 **(1) in subsection (d)—**

18 **(A) by striking “104(b)(3)” and inserting**
 19 **“104(b)(4)”;** *and*

20 **(B) by striking “a position” and inserting**
 21 **“at least one full-time positions”;**

22 **(2) in subsection (e) by striking “bicycles” and**
 23 **inserting “pedestrians or bicyclists” each place such**
 24 **term appears;**

25 **(3) in subsection (j)—**

1 (A) in paragraph (1) by inserting “or oper-
2 ators of micromobility devices” after “bicyclists”;

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

5 “(2) *ELECTRIC BICYCLE.*—The term ‘electric bi-
6 cycle’ means mean a bicycle equipped with fully oper-
7 able pedals, a saddle or seat for the rider, and an
8 electric motor of less than 750 watts that can safely
9 share a bicycle transportation facility with other
10 users of such facility and meets the requirements of
11 one of the following three classes:

12 “(A) *CLASS 1 ELECTRIC BICYCLE.*—The
13 term ‘class 1 electric bicycle’ means an electric
14 bicycle equipped with a motor that provides as-
15 sistance only when the rider is pedaling, and
16 that ceases to provide assistance when the bicycle
17 reaches the speed of 20 miles per hour.

18 “(B) *CLASS 2 ELECTRIC BICYCLE.*—The
19 term ‘class 2 electric bicycle’ means an electric
20 bicycle equipped with a motor that may be used
21 exclusively to propel the bicycle, and that is not
22 capable of providing assistance when the bicycle
23 reaches the speed of 20 miles per hour.

24 “(C) *CLASS 3 ELECTRIC BICYCLE.*—The
25 term ‘class 3 electric bicycle’ means an electric

1 *bicycle equipped with a motor that provides as-*
 2 *sistance only when the rider is pedaling, and*
 3 *that ceases to provide assistance when the bicycle*
 4 *reaches the speed of 28 miles per hour.*

5 “(3) *MICROMOBILITY DEVICE.*—*The term ‘micro-*
 6 *mobility device’ means any wheeled vehicle equipped*
 7 *with a low powered electric motor—*

8 *“(A) that is designed primarily for human*
 9 *transport;*

10 *“(B) that weighs not more than 100*
 11 *pounds; and*

12 *“(C) that has a top speed of 20 miles per*
 13 *hour or less.”.*

14 **SEC. 1217. NOISE BARRIERS.**

15 *(a) PERMITTING USE OF HIGHWAY TRUST FUND FOR*
 16 *CONSTRUCTION OF CERTAIN NOISE BARRIERS.*—*Section*
 17 *339(b)(1) of the National Highway System Designation Act*
 18 *of 1995 (23 U.S.C. 109 note) is amended to read as follows:*

19 *“(1) GENERAL RULE.*—*No funds made available*
 20 *out of the Highway Trust Fund may be used to con-*
 21 *struct a Type II noise barrier (as defined by section*
 22 *772.5(I) of title 23, Code of Federal Regulations) pur-*
 23 *suant to subsections (h) and (I) of section 109 of title*
 24 *23, United States Code, unless—*

1 “(A) such a barrier is part of a project ap-
 2 proved by the Secretary before November 28,
 3 1995; or

4 “(B) such a barrier separates a highway or
 5 other noise corridor from a group of structures of
 6 which the majority of those closest to the high-
 7 way or noise corridor—

8 “(i) are residential in nature; and

9 “(ii) either—

10 “(I) were constructed before the
 11 construction or most recent widening
 12 of the highway or noise corridor; or

13 “(II) are at least 10 years old.”.

14 (b) *ELIGIBILITY FOR SURFACE TRANSPORTATION PRO-*
 15 *GRAM FUNDS.*—Section 133 of title 23, United States Code,
 16 is amended—

17 (1) in subsection (b) by adding at the end the
 18 following:

19 “(22) Planning, design, or construction of a
 20 Type II noise barrier (as described in section 772.5
 21 of title 23, Code of Federal Regulations).”; and

22 (2) in subsection (c)(2) by inserting “and para-
 23 graph (22)” after “(11)”.

1 **SEC. 1218. SAFE STREETS FOR ALL.**

2 *Section 148 of title 23, United States Code, is further*
3 *amended by adding at the end the following:*

4 “(m) *SAFE STREETS FOR ALL.*—

5 “(1) *SAFE STREETS SET-ASIDE.*—

6 “(A) *ESTABLISHMENT.*—*The Secretary shall*
7 *establish a safe streets program to eliminate the*
8 *occurrence of transportation-related fatalities*
9 *and serious injuries on public roads, with a*
10 *focus on vulnerable road users.*

11 “(B) *AMOUNT.*—*Of the funds apportioned*
12 *to a State under section 104(b)(3) for each fiscal*
13 *year, the Secretary shall reserve an amount such*
14 *that—*

15 “(i) *the Secretary reserves a total*
16 *under this subsection of \$500,000,000 for*
17 *each of fiscal years 2023 through 2026; and*

18 “(ii) *the State’s share of that total is*
19 *distributed in the same manner as the*
20 *amount apportioned to the State under sec-*
21 *tion 104(b)(3) for each fiscal year bears to*
22 *the total amount of funds apportioned to all*
23 *States under such section.*

24 “(2) *SUBALLOCATION.*—*For each fiscal year for*
25 *which funds are set aside under this subsection, such*
26 *funds shall be obligated within a State in the manner*

1 *described in subsections (d) and (e) of section 133, ex-*
2 *cept that, for the purposes of this subsection, the per-*
3 *centage referred to in section 133(d)(1)(A) shall be*
4 *treated as 100 percent.*

5 “(3) *USE OF FUNDS.—*

6 “(A) *IN GENERAL.—Funds set aside under*
7 *this subsection shall be available for obligation—*

8 “(i) *for a complete streets project that*
9 *supports the safe, comfortable, convenient,*
10 *and independent movement of all users of*
11 *the transportation system, of all ages and*
12 *abilities, consistent with context sensitive*
13 *design principles;*

14 “(ii) *for activities eligible under the*
15 *safe routes to school program under section*
16 *211;*

17 “(iii) *to develop and implement the*
18 *policies and procedures described in section*
19 *109(s);*

20 “(iv) *for any element of vision zero*
21 *planning described under section 1601 of*
22 *the INVEST in America Act and to imple-*
23 *ment an existing vision zero plan;*

24 “(v) *for other activities in furtherance*
25 *of the vulnerable road user safety assessment*

1 *of the State or the metropolitan planning*
2 *organization described under subsection (l);*
3 *and*

4 *“(vi) for any other project, program, or*
5 *plan eligible under this section that pro-*
6 *vides for the safe and adequate accommoda-*
7 *tion of all users of the surface transpor-*
8 *tation network, as determined by the Sec-*
9 *retary.*

10 *“(B) SPECIAL RULE.—If a State or metro-*
11 *politan planning organization demonstrates to*
12 *the satisfaction of the Secretary that such State*
13 *or metropolitan planning organization has met*
14 *all its needs for vulnerable road user safety*
15 *under this section, the State or metropolitan*
16 *planning organization may use funds made*
17 *available under this subsection for other highway*
18 *safety improvement program purposes, subject to*
19 *the suballocation under paragraph (2). The Sec-*
20 *retary may not make a determination under this*
21 *subparagraph if the State or metropolitan plan-*
22 *ning organization has been subject to the special*
23 *rule described in subsection (g)(3) within the last*
24 *5 years.”.*

1 **SEC. 1219. YOUTH SERVICE AND CONSERVATION CORPS.**

2 (a) *IN GENERAL.*—Chapter 2 of title 23, United States
3 Code, is amended by inserting after section 211 (as added
4 by this Act) the following:

5 **“§ 212. Use of youth service and conservation corps**

6 “(a) *IN GENERAL.*—The Secretary may allow and
7 shall encourage project sponsors to enter into contracts and
8 cooperative agreements with qualified youth service or con-
9 servation corps, as described in sections 122(a)(2) of the Na-
10 tional and Community Service Act of 1990 (42 U.S.C.
11 12572(a)(2)) and 106(c)(3) of the National and Community
12 Service Trust Act of 1993 (42 U.S.C. 12656(c)(3)) to per-
13 form appropriate projects eligible under sections 133(h),
14 162, 206, and 211.

15 “(b) *REQUIREMENTS.*—Under any contract or cooper-
16 ative agreement entered into with a qualified youth service
17 or conservation corps under this section, the Secretary
18 shall—

19 “(1) set the amount of a living allowance or rate
20 of pay for each participant in such corps at—

21 “(A) such amount or rate as required under
22 State law in a State with such requirements; or

23 “(B) for corps in States not described in
24 subparagraph (A), at such amount or rate as de-
25 termined by the Secretary, not to exceed the
26 maximum living allowance authorized by section

1 *140 of the National and Community Service Act*
 2 *of 1990 (42 U.S.C. 12594); and*
 3 “(2) *not subject such corps to the requirements of*
 4 *section 112.*”.

5 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 6 *2 of title 23, United States Code, is amended by inserting*
 7 *after the item relating to section 211 (as added by this Act)*
 8 *the following:*

 “212. *Use of youth service and conservation corps.*”.

9 ***Subtitle C—Project-Level***
 10 ***Investments***

11 ***SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-***
 12 ***NIFICANCE.***

13 (a) *IN GENERAL.*—*Section 117 of title 23, United*
 14 *States Code, is amended to read as follows:*

15 ***“§ 117. Projects of national and regional significance***

16 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
 17 *a projects of national and regional significance program*
 18 *under which the Secretary may make grants to, and estab-*
 19 *lish multiyear grant agreements with, eligible entities in*
 20 *accordance with this section.*

21 “(b) *APPLICATIONS.*—*To be eligible for a grant under*
 22 *this section, an eligible entity shall submit to the Secretary*
 23 *an application in such form, in such manner, and con-*
 24 *taining such information as the Secretary may require.*

25 “(c) *GRANT AMOUNTS AND PROJECT COSTS.*—

1 “(1) *IN GENERAL.*—*Each grant made under this*
2 *section—*

3 “(A) *shall be in an amount that is at least*
4 *\$25,000,000; and*

5 “(B) *shall be for a project that has eligible*
6 *project costs that are reasonably anticipated to*
7 *equal or exceed the lesser of—*

8 “(i) *\$100,000,000; or*

9 “(ii) *in the case of a project—*

10 “(I) *located in 1 State or terri-*
11 *tory, 30 percent of the amount appor-*
12 *tioned under this chapter to the State*
13 *or territory in the most recently com-*
14 *pleted fiscal year; or*

15 “(II) *located in more than 1 State*
16 *or territory, 50 percent of the amount*
17 *apportioned under this chapter to the*
18 *participating State or territory with*
19 *the largest apportionment under this*
20 *chapter in the most recently completed*
21 *fiscal year.*

22 “(2) *LARGE PROJECTS.*—*For a project that has*
23 *eligible project costs that are reasonably anticipated*
24 *to equal or exceed \$500,000,000, a grant made under*
25 *this section—*

1 “(A) shall be in an amount sufficient to
 2 fully fund the project, or in the case of a public
 3 transportation project, a minimum operable seg-
 4 ment, in combination with other funding sources,
 5 including non-Federal financial commitment,
 6 identified in the application; and

7 “(B) may be awarded pursuant to the proc-
 8 ess under subsection (d), as necessary based on
 9 the amount of the grant.

10 “(d) *MULTIYEAR GRANT AGREEMENTS FOR LARGE*
 11 *PROJECTS.*—

12 “(1) *IN GENERAL.*—A large project that receives
 13 a grant under this section may be carried out through
 14 a multiyear grant agreement in accordance with this
 15 subsection.

16 “(2) *REQUIREMENTS.*—A multiyear grant agree-
 17 ment for a large project shall—

18 “(A) establish the terms of participation by
 19 the Federal Government in the project;

20 “(B) establish the amount of Federal finan-
 21 cial assistance for the project;

22 “(C) establish a schedule of anticipated Fed-
 23 eral obligations for the project that provides for
 24 obligation of the full grant amount by not later

1 *than 4 fiscal years after the fiscal year in which*
2 *the initial amount is provided; and*

3 *“(D) determine the period of time for com-*
4 *pleting the project, even if such period extends*
5 *beyond the period of an authorization.*

6 *“(3) SPECIAL RULES.—*

7 *“(A) IN GENERAL.—A multiyear grant*
8 *agreement under this subsection—*

9 *“(i) shall obligate an amount of avail-*
10 *able budget authority specified in law; and*

11 *“(ii) may include a commitment, con-*
12 *tingent on amounts to be specified in law in*
13 *advance for commitments under this para-*
14 *graph, to obligate an additional amount*
15 *from future available budget authority spec-*
16 *ified in law.*

17 *“(B) CONTINGENT COMMITMENT.—A contin-*
18 *gent commitment under this subsection is not an*
19 *obligation of the Federal Government under sec-*
20 *tion 1501 of title 31.*

21 *“(C) INTEREST AND OTHER FINANCING*
22 *COSTS.—*

23 *“(i) IN GENERAL.—Interest and other*
24 *financing costs of carrying out a part of the*
25 *project within a reasonable time shall be*

1 *considered a cost of carrying out the project*
 2 *under a multiyear grant agreement, except*
 3 *that eligible costs may not be more than the*
 4 *cost of the most favorable financing terms*
 5 *reasonably available for the project at the*
 6 *time of borrowing.*

7 “(ii) *CERTIFICATION.—The applicant*
 8 *shall certify to the Secretary that the appli-*
 9 *cant has shown reasonable diligence in seek-*
 10 *ing the most favorable financing terms.*

11 “(4) *ADVANCE PAYMENT.—An eligible entity car-*
 12 *rying out a large project under a multiyear grant*
 13 *agreement—*

14 “(A) *may use funds made available to the*
 15 *eligible entity under this title or title 49 for eli-*
 16 *gible project costs of the large project; and*

17 “(B) *shall be reimbursed, at the option of*
 18 *the eligible entity, for such expenditures from the*
 19 *amount made available under the multiyear*
 20 *grant agreement for the project in that fiscal*
 21 *year or a subsequent fiscal year.*

22 “(e) *ELIGIBLE PROJECTS.—*

23 “(1) *IN GENERAL.—The Secretary may make a*
 24 *grant under this section only for a project that is a*

1 *project eligible for assistance under this title or chap-*
2 *ter 53 of title 49 and is—*

3 “(A) a bridge project carried out on the Na-
4 tional Highway System, or that is eligible to be
5 carried out under section 165;

6 “(B) a project to improve person through-
7 put that is—

8 “(i) a highway project carried out on
9 the National Highway System, or that is el-
10 igible to be carried out under section 165;

11 “(ii) a public transportation project;
12 or

13 “(iii) a capital project, as such term is
14 defined in section 22906 of title 49, to im-
15 prove intercity rail passenger transpor-
16 tation; or

17 “(C) a project to improve freight throughput
18 that is—

19 “(i) a highway freight project carried
20 out on the National Highway Freight Net-
21 work established under section 167 or on the
22 National Highway System;

23 “(ii) a freight intermodal, freight rail,
24 or railway-highway grade crossing or grade
25 separation project; or

1 “(iii) within the boundaries of a public
 2 or private freight rail, water (including
 3 ports), or intermodal facility and that is a
 4 surface transportation infrastructure project
 5 necessary to facilitate direct intermodal
 6 interchange, transfer, or access into or out
 7 of the facility.

8 “(2) *LIMITATION.*—

9 “(A) *CERTAIN FREIGHT PROJECTS.*—
 10 *Projects described in clauses (ii) and (iii) of*
 11 *paragraph (1)(C) may receive a grant under this*
 12 *section only if—*

13 “(i) *the project will make a significant*
 14 *improvement to the movement of freight on*
 15 *the National Highway System; and*

16 “(ii) *the Federal share of the project*
 17 *funds only elements of the project that pro-*
 18 *vide public benefits.*

19 “(B) *CERTAIN PROJECTS FOR PERSON*
 20 *THROUGHPUT.*—*Projects described in clauses (ii)*
 21 *and (iii) of paragraph (1)(B) may receive a*
 22 *grant under this section only if the project will*
 23 *make a significant improvement in mobility on*
 24 *public roads.*

1 “(f) *ELIGIBLE PROJECT COSTS.*—*An eligible entity re-*
2 *ceiving a grant under this section may use such grant for—*

3 “(1) *development phase activities, including*
4 *planning, feasibility analysis, revenue forecasting, en-*
5 *vironmental review, preliminary engineering and de-*
6 *sign work, and other preconstruction activities; and*

7 “(2) *construction, reconstruction, rehabilitation,*
8 *acquisition of real property (including land related to*
9 *the project and improvements to the land), environ-*
10 *mental mitigation, construction contingencies, acqui-*
11 *sition of equipment, and operational improvements*
12 *directly related to improving system performance.*

13 “(g) *PROJECT REQUIREMENTS.*—*The Secretary may*
14 *select a project described under this section for funding*
15 *under this section only if the Secretary determines that the*
16 *project—*

17 “(1) *generates significant regional or national*
18 *economic, mobility, safety, resilience, or environ-*
19 *mental benefits;*

20 “(2) *is cost effective;*

21 “(3) *is based on the results of preliminary engi-*
22 *neering;*

23 “(4) *has secured or will secure acceptable levels*
24 *of non-Federal financial commitments, including—*

1 “(A) one or more stable and dependable
2 sources of funding and financing to construct,
3 maintain, and operate the project; and

4 “(B) contingency amounts to cover unan-
5 ticipated cost increases;

6 “(5) cannot be easily and efficiently completed
7 without additional Federal funding or financial as-
8 sistance available to the project sponsor, beyond exist-
9 ing Federal apportionments; and

10 “(6) is reasonably expected to begin construction
11 not later than 18 months after the date of obligation
12 of funds for the project.

13 “(h) *MERIT CRITERIA AND CONSIDERATIONS.*—

14 “(1) *MERIT CRITERIA.*—In awarding a grant
15 under this section, the Secretary shall evaluate the fol-
16 lowing merit criteria:

17 “(A) The extent to which the project sup-
18 ports achieving a state of good repair.

19 “(B) The level of benefits the project is ex-
20 pected to generate, including—

21 “(i) the costs avoided by the prevention
22 of closure or reduced use of the asset to be
23 improved by the project;

24 “(ii) reductions in maintenance costs
25 over the life of the asset;

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

3 “(iv) improved person or freight
4 throughput, including congestion reduction
5 and reliability improvements;

6 “(v) national and regional economic
7 benefits;

8 “(vi) resilience benefits, including the
9 ability to withstand disruptions from a
10 seismic event;

11 “(vii) environmental benefits, includ-
12 ing reduction in greenhouse gas emissions
13 and air quality benefits; and

14 “(viii) benefits to all users of the
15 project, including pedestrian, bicycle, non-
16 vehicular, railroad, and public transpor-
17 tation users.

18 “(C) How the benefits compare to the costs
19 of the project.

20 “(D) The average number of people or vol-
21 ume of freight, as applicable, supported by the
22 project, including visitors based on travel and
23 tourism.

1 “(2) *ADDITIONAL CONSIDERATIONS.—In award-*
2 *ing a grant under this section, the Secretary shall*
3 *consider the following:*

4 “(A) *Whether the project spans at least 1*
5 *border between 2 States.*

6 “(B) *Whether the project serves low-income*
7 *residents of low-income communities, including*
8 *areas of persistent poverty, while not displacing*
9 *such residents.*

10 “(C) *Whether the project uses innovative*
11 *technologies, innovative design and construction*
12 *techniques, or pavement materials that dem-*
13 *onstrate reductions in greenhouse gas emissions*
14 *through sequestration or innovative manufac-*
15 *turing processes and, if so, the degree to which*
16 *such technologies, techniques, or materials are*
17 *used.*

18 “(D) *Whether the project improves*
19 *connectivity between modes of transportation*
20 *moving people or goods in the Nation or region.*

21 “(E) *Whether the project provides new or*
22 *improved connections between at least two metro-*
23 *politan areas with a population of at least*
24 *500,000.*

1 “(F) Whether the project would replace, re-
 2 construct, or rehabilitate a commuter corridor
 3 (including a high-commuter corridor (as such
 4 term is defined in section 203(a)(6))) that is in
 5 poor condition.

6 “(G) Whether the project would improve the
 7 shared transportation corridor of a multistate
 8 corridor.

9 “(i) *PROJECT SELECTION.*—

10 “(1) *EVALUATION.*—To evaluate applications for
 11 funding under this section, the Secretary shall—

12 “(A) determine whether a project is eligible
 13 for a grant under this section;

14 “(B) evaluate, through a methodology that
 15 is discernible and transparent to the public, how
 16 each application addresses the merit criteria
 17 pursuant to subsection (h);

18 “(C) assign a quality rating for each merit
 19 criteria for each application based on the evalua-
 20 tion in subparagraph (B);

21 “(D) ensure that applications receive final
 22 consideration by the Secretary to receive an
 23 award under this section only on the basis of
 24 such quality ratings and that the Secretary gives
 25 final consideration only to applications that

1 *meet the minimally acceptable level for each of*
2 *the merit criteria; and*

3 “(E) *award grants only to projects rated*
4 *highly under the evaluation and rating process.*

5 “(2) *CONSIDERATIONS FOR LARGE PROJECTS.—*
6 *In awarding a grant for a large project, the Secretary*
7 *shall—*

8 “(A) *consider the amount of funds available*
9 *in future fiscal years for the program under this*
10 *section; and*

11 “(B) *assume the availability of funds in fu-*
12 *ture fiscal years for the program that extend be-*
13 *yond the period of authorization based on the*
14 *amount made available for the program in the*
15 *last fiscal year of the period of authorization.*

16 “(3) *GEOGRAPHIC DISTRIBUTION.—In awarding*
17 *grants under this section, the Secretary shall ensure*
18 *geographic diversity and a balance between rural and*
19 *urban communities among grant recipients over fiscal*
20 *years 2023 through 2026.*

21 “(4) *PUBLICATION OF METHODOLOGY.—*

22 “(A) *IN GENERAL.—Prior to the issuance of*
23 *any notice of funding opportunity for grants*
24 *under this section, the Secretary shall publish*

1 *and make publicly available on the Department’s*
2 *website—*

3 *“(i) a detailed explanation of the merit*
4 *criteria developed under subsection (h);*

5 *“(ii) a description of the evaluation*
6 *process under this subsection; and*

7 *“(iii) how the Secretary shall deter-*
8 *mine whether a project satisfies each of the*
9 *requirements under subsection (g).*

10 *“(B) UPDATES.—The Secretary shall up-*
11 *date and make publicly available on the website*
12 *of the Department of Transportation such infor-*
13 *mation at any time a revision to the informa-*
14 *tion described in subparagraph (A) is made.*

15 *“(C) INFORMATION REQUIRED.—The Sec-*
16 *retary shall include in the published notice of*
17 *funding opportunity for a grant under this sec-*
18 *tion detailed information on the rating method-*
19 *ology and merit criteria to be used to evaluate*
20 *applications, or a reference to the information on*
21 *the website of the Department of Transportation,*
22 *as required by subparagraph (A).*

23 *“(j) FEDERAL SHARE.—*

1 “(1) *IN GENERAL.*—*The Federal share of the cost*
 2 *of a project carried out with a grant under this sec-*
 3 *tion may not exceed 60 percent.*

4 “(2) *MAXIMUM FEDERAL INVOLVEMENT.*—*Fed-*
 5 *eral assistance other than a grant under this section*
 6 *may be used to satisfy the non-Federal share of the*
 7 *cost of a project for which such a grant is made, ex-*
 8 *cept that the total Federal assistance provided for a*
 9 *project receiving a grant under this section may not*
 10 *exceed 80 percent of the total project cost.*

11 “(k) *BRIDGE INVESTMENTS.*—*Of the amounts made*
 12 *available to carry out this section, the Secretary shall re-*
 13 *serve not less than \$1,000,000,000 in each fiscal year to*
 14 *make grants for projects described in subsection (e)(1)(A).*

15 “(l) *TREATMENT OF PROJECTS.*—

16 “(1) *FEDERAL REQUIREMENTS.*—*The Secretary*
 17 *shall, with respect to a project funded by a grant*
 18 *under this section, apply—*

19 “(A) *the requirements of this title to a high-*
 20 *way project;*

21 “(B) *the requirements of chapter 53 of title*
 22 *49 to a public transportation project; and*

23 “(C) *the requirements of section 22905 of*
 24 *title 49 to a passenger rail or freight rail project.*

25 “(2) *MULTIMODAL PROJECTS.*—

1 “(A) *IN GENERAL.*—*Except as otherwise*
2 *provided in this paragraph, if an eligible project*
3 *is a multimodal project, the Secretary shall—*

4 “(i) *determine the predominant modal*
5 *component of the project; and*

6 “(ii) *apply the applicable requirements*
7 *of such predominant modal component to*
8 *the project.*

9 “(B) *EXCEPTIONS.*—

10 “(i) *PASSENGER OR FREIGHT RAIL*
11 *COMPONENT.*—*For any passenger or freight*
12 *rail component of a project, the require-*
13 *ments of section 22907(j)(2) of title 49 shall*
14 *apply.*

15 “(ii) *PUBLIC TRANSPORTATION COMPO-*
16 *NENT.*—*For any public transportation com-*
17 *ponent of a project, the requirements of sec-*
18 *tion 5333 of title 49 shall apply.*

19 “(C) *BUY AMERICA.*—*In applying the Buy*
20 *America requirements under section 313 of this*
21 *title and sections 5320, 22905(a), and 24305(f)*
22 *of title 49 to a multimodal project under this*
23 *paragraph, the Secretary shall—*

24 “(i) *consider the various modal compo-*
25 *nents of the project; and*

1 “(ii) *seek to maximize domestic jobs.*

2 “(m) *TIFIA PROGRAM.—At the request of an eligible*
 3 *entity under this section, the Secretary may use amounts*
 4 *awarded to the entity to pay subsidy and administrative*
 5 *costs necessary to provide the entity Federal credit assist-*
 6 *ance under chapter 6 with respect to the project for which*
 7 *the grant was awarded.*

8 “(n) *ADMINISTRATION.—Of the amounts made avail-*
 9 *able to carry out this section, the Secretary may use up*
 10 *to \$5,000,000 in each fiscal year for the costs of admin-*
 11 *istering the program under this section.*

12 “(o) *TECHNICAL ASSISTANCE.—Of the amounts made*
 13 *available to carry out this section, the Secretary may re-*
 14 *serve up to \$5,000,000 to provide technical assistance to eli-*
 15 *gible entities.*

16 “(p) *CONGRESSIONAL REVIEW.—*

17 “(1) *NOTIFICATION.—Not less than 60 days be-*
 18 *fore making an award under this section, the Sec-*
 19 *retary shall submit to the Committee on Transpor-*
 20 *tation and Infrastructure of the House of Representa-*
 21 *tives and the Committee on Environment and Public*
 22 *Works, the Committee on Banking, Housing, and*
 23 *Urban Affairs, and the Committee on Commerce,*
 24 *Science, and Transportation of the Senate—*

1 “(A) a list of all applications determined to
2 be eligible for a grant by the Secretary;

3 “(B) the quality ratings assigned to each
4 application pursuant to subsection (i);

5 “(C) a list of applications that received
6 final consideration by the Secretary to receive an
7 award under this section;

8 “(D) each application proposed to be se-
9 lected for a grant award;

10 “(E) proposed grant amounts, including for
11 each new multiyear grant agreement, the pro-
12 posed payout schedule for the project; and

13 “(F) an analysis of the impacts of any
14 large projects proposed to be selected on existing
15 commitments and anticipated funding levels for
16 the next 4 fiscal years, based on information
17 available to the Secretary at the time of the re-
18 port.

19 “(2) COMMITTEE REVIEW.—Before the last day
20 of the 60-day period described in paragraph (1), each
21 Committee described in paragraph (1) shall review
22 the Secretary’s list of proposed projects.

23 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
24 retary may not make a grant or any other obligation
25 or commitment to fund a project under this section

1 *if a joint resolution is enacted disapproving funding*
 2 *for the project before the last day of the 60-day period*
 3 *described in paragraph (1).*

4 “(q) *TRANSPARENCY.*—

5 “(1) *IN GENERAL.*—Not later than 30 days after
 6 *awarding a grant for a project under this section, the*
 7 *Secretary shall send to all applicants, and publish on*
 8 *the website of the Department of Transportation—*

9 “(A) *a summary of each application made*
 10 *to the program for the grant application period;*
 11 *and*

12 “(B) *the evaluation and justification for the*
 13 *project selection, including ratings assigned to*
 14 *all applications and a list of applications that*
 15 *received final consideration by the Secretary to*
 16 *receive an award under this section, for the*
 17 *grant application period.*

18 “(2) *BRIEFING.*—The Secretary shall provide, at
 19 *the request of a grant applicant under this section,*
 20 *the opportunity to receive a briefing to explain any*
 21 *reasons the grant applicant was not awarded a grant.*

22 “(r) *DEFINITION OF ELIGIBLE ENTITY.*—In this sec-
 23 *tion, the term ‘eligible entity’ means—*

24 “(1) *a State or a group of States;*

6 “(4) a special purpose district or public author-
7 ity with a transportation function, including a port
8 authority;

“(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;

16 “(8) a multistate or multijurisdictional group of
17 entities described in this paragraph.”.

(b) *CLERICAL AMENDMENT.*—*The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 117 and inserting the following:*

21 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
22 **GRANT PROGRAM.**

23 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
24 Code, as amended by this title, is further amended by add-
25 ing at the end the following:

1 **“§ 173. Community transportation investment grant**
2 **program**

3 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
4 *a community transportation investment grant program to*
5 *improve surface transportation safety, state of good repair,*
6 *accessibility, and environmental quality through infra-*
7 *structure investments.*

8 “(b) *GRANT AUTHORITY.*—

9 “(1) *IN GENERAL.*—*In carrying out the program*
10 *established under subsection (a), the Secretary shall*
11 *make grants, on a competitive basis, to eligible enti-*
12 *ties in accordance with this section.*

13 “(2) *GRANT AMOUNT.*—*The maximum amount of*
14 *a grant under this section shall be \$25,000,000.*

15 “(c) *APPLICATIONS.*—*To be eligible for a grant under*
16 *this section, an eligible entity shall submit to the Secretary*
17 *an application in such form, at such time, and containing*
18 *such information as the Secretary may require.*

19 “(d) *ELIGIBLE PROJECT COSTS.*—*Grant amounts for*
20 *an eligible project carried out under this section may be*
21 *used for—*

22 “(1) *development phase activities, including*
23 *planning, feasibility analysis, revenue forecasting, en-*
24 *vironmental review, preliminary engineering and de-*
25 *sign work, and other preconstruction activities; and*

1 “(2) *construction, reconstruction, rehabilitation,*
 2 *acquisition of real property (including land related to*
 3 *the project and improvements to such land), environ-*
 4 *mental mitigation, construction contingencies, acqui-*
 5 *sition of equipment, and operational improvements.*

6 “(e) *RURAL AND COMMUNITY SETASIDES.*—

7 “(1) *IN GENERAL.*—*The Secretary shall re-*
 8 *serve—*

9 “(A) *not less than 25 percent of the*
 10 *amounts made available to carry out this section*
 11 *for projects located in rural areas; and*

12 “(B) *not less than 25 percent of the*
 13 *amounts made available to carry out this section*
 14 *for projects located in areas with a population*
 15 *greater than 74,999 individuals and fewer than*
 16 *200,001 individuals.*

17 “(2) *DEFINITION OF RURAL AREA.*—*In this sub-*
 18 *section, the term ‘rural area’ means all areas of a*
 19 *State or territory that are outside of an urbanized*
 20 *area with a population greater than 74,999 individ-*
 21 *uals, as determined by the Bureau of the Census.*

22 “(3) *EXCESS FUNDING.*—*If the Secretary deter-*
 23 *mines that there are insufficient qualified applicants*
 24 *to use the funds set aside under this subsection, the*

1 *Secretary may use such funds for grants for any*
2 *projects eligible under this section.*

3 *“(f) EVALUATION.—To evaluate applications under*
4 *this section, the Secretary shall—*

5 *“(1) develop a process to objectively evaluate ap-*
6 *plications on the benefits of the project proposed in*
7 *such application—*

8 *“(A) to transportation safety, including re-*
9 *ductions in traffic fatalities and serious injuries;*

10 *“(B) to state of good repair, including im-*
11 *proved condition of bridges and pavements;*

12 *“(C) to transportation system access, in-*
13 *cluding improved access to jobs and services; and*

14 *“(D) in reducing greenhouse gas emissions;*

15 *“(2) develop a rating system to assign a numeric*
16 *value to each application, based on each of the cri-*
17 *teria described in paragraph (1);*

18 *“(3) for each application submitted, compare the*
19 *total benefits of the proposed project, as determined by*
20 *the rating system developed under paragraph (2),*
21 *with the costs of such project, and rank each applica-*
22 *tion based on the results of the comparison; and*

23 *“(4) ensure that only such applications that are*
24 *ranked highly based on the results of the comparison*

1 *conducted under paragraph (3) are considered to re-*
2 *ceive a grant under this section.*

3 “(g) *WEIGHTING.*—*In establishing the evaluation*
4 *process under subsection (f), the Secretary may assign dif-*
5 *ferent weights to the criteria described in subsection (f)(1)*
6 *based on project type, population served by a project, and*
7 *other context-sensitive considerations, provided that—*

8 “(1) *each application is rated on all criteria de-*
9 *scribed in subsection (f)(1); and*

10 “(2) *each application has the same possible min-*
11 *imum and maximum rating, regardless of any dif-*
12 *ferences in the weighting of criteria.*

13 “(h) *TRANSPARENCY.*—

14 “(1) *PUBLICLY AVAILABLE INFORMATION.*—*Prior*
15 *to the issuance of any notice of funding opportunity*
16 *under this section, the Secretary shall make publicly*
17 *available on the website of the Department of Trans-*
18 *portation a detailed explanation of the evaluation*
19 *and rating process developed under subsection (f), in-*
20 *cluding any differences in the weighting of criteria*
21 *pursuant to subsection (g), if applicable, and update*
22 *such website for each revision of the evaluation and*
23 *rating process.*

24 “(2) *NOTIFICATIONS TO CONGRESS.*—*The Sec-*
25 *retary shall submit to the Committee on Transpor-*

1 *tation and Infrastructure of the House of Representa-*
2 *tives, the Committee on Environment and Public*
3 *Works of the Senate, the Committee on Banking,*
4 *Housing, and Urban Affairs of the Senate, and the*
5 *Committee on Commerce, Science, and Transpor-*
6 *tation of the Senate the following written notifica-*
7 *tions:*

8 “(A) *A notification when the Secretary pub-*
9 *lishes or updates the information required under*
10 *paragraph (1).*

11 “(B) *Not later than 30 days prior to the*
12 *date on which the Secretary awards a grant*
13 *under this section, a notification that includes—*

14 “(i) *the ratings of each application*
15 *submitted pursuant to subsection (f)(2);*

16 “(ii) *the ranking of each application*
17 *submitted pursuant to subsection (f)(3); and*

18 “(iii) *a list of all applications that re-*
19 *ceive final consideration by the Secretary to*
20 *receive an award under this section pursu-*
21 *ant to subsection (f)(4).*

22 “(C) *Not later than 3 business days prior to*
23 *the date on which the Secretary announces the*
24 *award of a grant under this section, a notifica-*

1 *tion describing each grant to be awarded, includ-*
 2 *ing the amount and the recipient.*

3 “(i) *TECHNICAL ASSISTANCE.—Of the amounts made*
 4 *available to carry out this section, the Secretary may re-*
 5 *serve up to \$3,000,000 in each fiscal year to provide tech-*
 6 *nical assistance to eligible entities.*

7 “(j) *ADMINISTRATION.—Of the amounts made avail-*
 8 *able to carry out this section, the Secretary may reserve*
 9 *up to \$5,000,000 for the administrative costs of carrying*
 10 *out the program under this section.*

11 “(k) *TREATMENT OF PROJECTS.—*

12 “(1) *FEDERAL REQUIREMENTS.—The Secretary*
 13 *shall, with respect to a project funded by a grant*
 14 *under this section, apply—*

15 “(A) *the requirements of this title to a high-*
 16 *way project;*

17 “(B) *the requirements of chapter 53 of title*
 18 *49 to a public transportation project; and*

19 “(C) *the requirements of section 22905 of*
 20 *title 49 to a passenger rail or freight rail project.*

21 “(2) *MULTIMODAL PROJECTS.—*

22 “(A) *IN GENERAL.—Except as otherwise*
 23 *provided in this paragraph, if an eligible project*
 24 *is a multimodal project, the Secretary shall—*

1 “(i) *determine the predominant modal*
 2 *component of the project; and*

3 “(ii) *apply the applicable requirements*
 4 *of such predominant modal component to*
 5 *the project.*

6 “(B) *EXCEPTIONS.—*

7 “(i) *PASSENGER OR FREIGHT RAIL*
 8 *COMPONENT.—For any passenger or freight*
 9 *rail component of a project, the require-*
 10 *ments of section 22907(j)(2) of title 49 shall*
 11 *apply.*

12 “(ii) *PUBLIC TRANSPORTATION COMPO-*
 13 *NENT.—For any public transportation com-*
 14 *ponent of a project, the requirements of sec-*
 15 *tion 5333 of title 49 shall apply.*

16 “(C) *BUY AMERICA.—In applying the Buy*
 17 *America requirements under section 313 of this*
 18 *title and sections 5320, 22905(a), and 24305(f)*
 19 *of title 49 to a multimodal project under this*
 20 *paragraph, the Secretary shall—*

21 “(i) *consider the various modal compo-*
 22 *nents of the project; and*

23 “(ii) *seek to maximize domestic jobs.*

24 “(l) *TRANSPARENCY.—*

1 “(1) *IN GENERAL.*—Not later than 30 days after
 2 awarding a grant for a project under this section, the
 3 Secretary shall send to all applicants, and publish on
 4 the website of the Department of Transportation—

5 “(A) a summary of each application made
 6 to the program for the grant application period;
 7 and

8 “(B) the evaluation and justification for the
 9 project selection, including ratings and rankings
 10 assigned to all applications and a list of appli-
 11 cations that received final consideration by the
 12 Secretary to receive an award under this section,
 13 for the grant application period.

14 “(2) *BRIEFING.*—The Secretary shall provide, at
 15 the request of a grant applicant under this section,
 16 the opportunity to receive a briefing to explain any
 17 reasons the grant applicant was not awarded a grant.

18 “(m) *DEFINITIONS.*—In this section:

19 “(1) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
 20 ty’ means—

21 “(A) a metropolitan planning organization;

22 “(B) a unit of local government;

23 “(C) a transit agency;

24 “(D) an Indian Tribe or Tribal organiza-
 25 tion;

1 “(E) a multijurisdictional group of entities
2 described in this paragraph;

3 “(F) a special purpose district with a
4 transportation function or a port authority;

5 “(G) a territory; or

6 “(H) a State that applies for a grant under
7 this section jointly with an entity described in
8 subparagraphs (A) through (G).

9 “(2) *ELIGIBLE PROJECT*.—The term ‘eligible
10 project’ means any project eligible under this title or
11 chapter 53 of title 49.”.

12 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
13 1 of title 23, United States Code, is further amended by
14 adding at the end the following new item:

 “173. Community transportation investment grant program.”.

15 **SEC. 1303. CLEAN CORRIDORS PROGRAM.**

16 (a) *PURPOSE*.—The purpose of this section is to estab-
17 lish a formula program to strategically deploy electric vehi-
18 cle charging infrastructure along designated alternative fuel
19 corridors that will be accessible to all drivers of electric ve-
20 hicles.

21 (b) *NATIONAL ELECTRIC VEHICLE CHARGING AND HY-*
22 *DROGEN, PROPANE, AND NATURAL GAS FUELING COR-*
23 *RIDORS*.—Section 151 of title 23, United States Code, is
24 amended—

1 (1) in subsection (a) by striking “Not later than
2 1 year after the date of enactment of the FAST Act,
3 the Secretary shall” and inserting “The Secretary
4 shall periodically”;

5 (2) in subsection (b)(2) by inserting “previously
6 designated by the Federal Highway Administration
7 or” after “fueling corridors”;

8 (3) in subsection (d)—

9 (A) by striking “Not later than” and insert-
10 ing the following:

11 “(1) *IN GENERAL*.—Not later than”;

12 (B) by striking “5 years after the date of es-
13 tablishment of the corridors under subsection (a),
14 and every 5 years thereafter” and inserting “180
15 days after the date of enactment of the INVEST
16 in America Act”;

17 (C) by inserting “establish a recurring proc-
18 ess to regularly” after “the Secretary shall”; and

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

20 “(2) *FREIGHT CORRIDORS*.—Not later than 1
21 year after the date of enactment of the INVEST in
22 America Act, the Secretary shall designate national
23 electric vehicle charging and hydrogen fueling freight
24 corridors that identify the near- and long-term need
25 for, and the location of, electric vehicle charging and

1 *hydrogen fueling infrastructure to support freight and*
2 *goods movement at strategic locations along major*
3 *national highways, the National Highway Freight*
4 *Network, and goods movement locations including*
5 *ports, intermodal centers, and warehousing loca-*
6 *tions.”;*

7 *(4) in subsection (e)—*

8 *(A) in paragraph (1) by striking “; and”*
9 *and inserting a semicolon;*

10 *(B) in paragraph (2)—*

11 *(i) by striking “establishes an aspira-*
12 *tional goal of achieving” and inserting “de-*
13 *scribes efforts to achieve”; and*

14 *(ii) by striking “by the end of fiscal*
15 *year 2020.” and inserting “, including*
16 *progress on the implementation of sub-*
17 *section (f); and”;*

18 *(C) by adding at the end the following:*

19 *“(3) summarizes best practices and provides*
20 *guidance, developed through consultation with the*
21 *Secretary of Energy, for project development of elec-*
22 *tric vehicle charging infrastructure to allow for the*
23 *predictable deployment of such infrastructure.”; and*

24 *(5) by adding at the end the following:*

25 *“(f) CLEAN CORRIDORS PROGRAM.—*

1 “(1) *ESTABLISHMENT.*—*There is established a*
2 *clean corridors program (referred to in this subsection*
3 *as the “Program”)* to provide funding to States to
4 *strategically deploy electric vehicle charging and hy-*
5 *drogen fueling infrastructure along alternative fuel*
6 *corridors and to establish an interconnected network*
7 *to facilitate data collection, access, and reliability.*

8 “(2) *PURPOSE.*—*The purpose of the Program is*
9 *to provide funding for—*

10 “(A) *the acquisition and installation of elec-*
11 *tric vehicle charging infrastructure and hydrogen*
12 *fueling infrastructure to serve as a catalyst for*
13 *the deployment of such infrastructure and to*
14 *connect it to a network to facilitate data collec-*
15 *tion, access, and reliability;*

16 “(B) *proper operation and maintenance of*
17 *electric vehicle charging infrastructure; and*

18 “(C) *data sharing about charging and fuel-*
19 *ing infrastructure to ensure the long-term success*
20 *of investments made through the Program.*

21 “(3) *ALTERNATIVE DISTRIBUTION OF FUNDS.*—

22 “(A) *PLAN.*—*The Secretary shall establish a*
23 *deadline by which a State shall provide a plan*
24 *to the Secretary, in such form and such manner*
25 *that the Secretary requires, describing how such*

1 *State intends to use its allocation under this sec-*
2 *tion.*

3 “(B) *EFFICIENT OBLIGATION OF FUNDS.—If*
4 *a State fails to submit the plan required by sub-*
5 *paragraph (A) to the Secretary in a timely man-*
6 *ner, or if the Secretary determines a State has*
7 *not taken sufficient action to carry out its plan,*
8 *the Secretary may—*

9 “(i) *withdraw from the State the funds*
10 *that were apportioned to the State for a fis-*
11 *cal year under section 104(b)(10);*

12 “(ii) *award such funds on a competi-*
13 *tive basis to local units of government with-*
14 *in the State for use on projects that meet*
15 *the eligibility requirements described in*
16 *paragraph (4); and*

17 “(iii) *ensure timely obligation of such*
18 *funds.*

19 “(C) *REDISTRIBUTION AMONG STATES.—If*
20 *the Secretary determines that any funds with-*
21 *drawn from a State under subparagraph (B)(i)*
22 *cannot be fully awarded to local units of govern-*
23 *ment within the State under subparagraph*
24 *(B)(ii) in a manner consistent with the purpose*

1 *of this subsection, any such funds remaining*
2 *under subparagraph (B)(i) shall be—*

3 “(i) *apportioned among other States*
4 *(except States for which funds for that fiscal*
5 *year have been withdrawn under subpara-*
6 *graph (B)(i)) in the same ratio as funds*
7 *apportioned for that fiscal year under sec-*
8 *tion 104(b)(10)(C) for the Program; and*

9 “(ii) *only available to carry out this*
10 *section.*

11 “(4) *ELIGIBLE PROJECTS.—*

12 “(A) *IN GENERAL.—Funding made avail-*
13 *able under this subsection shall be for projects—*

14 “(i) *directly related to the electric*
15 *charging or hydrogen fueling of a vehicle;*
16 *and*

17 “(ii) *only for infrastructure that is*
18 *open to the general public or to authorized*
19 *commercial motor vehicle operators from*
20 *more than 1 company.*

21 “(B) *LOCATION OF INFRASTRUCTURE.—*

22 “(i) *IN GENERAL.—Any charging or*
23 *fueling infrastructure acquired or installed*
24 *with funding under this subsection shall be*
25 *located along an alternative fuel corridor.*

1 “(ii) *GUIDANCE.*—Not later than 90
2 *days after the date of enactment of the IN-*
3 *VEST in America Act, the Secretary of*
4 *Transportation, in coordination with the*
5 *Secretary of Energy, shall develop guidance*
6 *for States and localities to strategically de-*
7 *ploy charging and fueling infrastructure*
8 *along alternative fuel corridors, consistent*
9 *with this section.*

10 “(iii) *ADDITIONAL CONSIDERATIONS.*—
11 *In developing the guidance required under*
12 *clause (ii), the Secretary of Transportation,*
13 *in coordination with the Secretary of En-*
14 *ergy, shall consider—*

15 “(I) *the distance between publicly*
16 *available charging and fueling infra-*
17 *structure eligible under this section;*

18 “(II) *connections to the electric*
19 *grid or fuel distribution system, in-*
20 *cluding electric distribution upgrades,*
21 *vehicle-to-grid integration, including*
22 *smart charge management or other*
23 *protocols that can minimize impacts to*
24 *the electric grid, and alignment with*

1 *electric distribution interconnection*
2 *processes;*

3 “(III) *plans to protect the electric*
4 *grid from added load of charging dis-*
5 *tribution systems from adverse impacts*
6 *of changing load patterns, including*
7 *through on site storage;*

8 “(IV) *plans for the use of renew-*
9 *able energy sources to power charging,*
10 *energy storage, and hydrogen fuel pro-*
11 *duction;*

12 “(V) *the proximity of existing off-*
13 *highway travel centers, fuel retailers,*
14 *and small businesses to electric vehicle*
15 *charging infrastructure acquired or*
16 *funded under this subsection;*

17 “(VI) *the need for publicly avail-*
18 *able electric vehicle charging infra-*
19 *structure in rural corridors;*

20 “(VII) *the long-term operation*
21 *and maintenance of publicly available*
22 *electric vehicle charging infrastructure*
23 *to avoid stranded assets and protect*
24 *the investment of public funds in that*
25 *infrastructure;*

1 “(VIII) existing private, national,
2 State, local, Tribal, and territorial
3 government electric vehicle charging
4 infrastructure programs and incen-
5 tives;

6 “(IX) fostering enhanced, coordi-
7 nated, public-private or private invest-
8 ment in charging and fueling infra-
9 structure;

10 “(X) ensuring consumer protec-
11 tion and pricing transparency;

12 “(XI) the availability of onsite
13 amenities for vehicle operators, includ-
14 ing restrooms or food facilities; and

15 “(XII) any other factors, as deter-
16 mined by the Secretary.

17 “(5) ELIGIBLE PROJECT COSTS.—Subject to
18 paragraph (6), funds made available under this sub-
19 section may be used for—

20 “(A) the acquisition or installation of elec-
21 tric vehicle charging or hydrogen fueling infra-
22 structure;

23 “(B) operating assistance for costs allocable
24 to operating and maintaining infrastructure ac-

1 *quired or installed under this subsection, for a*
2 *period not to exceed five years;*

3 *“(C) the acquisition or installation of traf-*
4 *fic control devices located in the right-of-way to*
5 *provide directional information to infrastructure*
6 *acquired, installed, or operated under this sub-*
7 *section; or*

8 *“(D) on-premises signs to provide informa-*
9 *tion about infrastructure acquired, installed, or*
10 *operated under this subsection.*

11 *“(6) GUIDANCE.—Not later than 180 days after*
12 *the date of enactment of the INVEST in America Act,*
13 *the Secretary of Transportation, in coordination with*
14 *the Secretary of Energy, shall, as appropriate, pub-*
15 *lish guidance for public comment related to—*

16 *“(A) the installation, operation, or mainte-*
17 *nance by qualified technicians of electric vehicle*
18 *charging infrastructure under this subsection;*

19 *“(B) the physical and payment interoper-*
20 *ability of electric vehicle charging infrastructure*
21 *under this subsection;*

22 *“(C) any traffic control device or on-prem-*
23 *ises sign acquired, installed, or operated under*
24 *this subsection;*

1 “(D) any data requested by the Secretary
2 related to a project funded under this subsection,
3 including the format and schedule for the sub-
4 mission of such data; and

5 “(E) network connectivity of electric vehicle
6 charging that includes measures to protect per-
7 sonal privacy and ensure cybersecurity.

8 “(7) *FEDERAL SHARE.*—The Federal share pay-
9 able for the cost of a project funded under this sub-
10 section shall be 80 percent.

11 “(8) *PERIOD OF AVAILABILITY.*—Notwith-
12 standing section 118(b), funds made available for the
13 Program shall be available until expended.

14 “(9) *ADDITIONAL ASSISTANCE GRANTS.*—For
15 each of fiscal years 2023 through 2026, before making
16 an apportionment under section 104(b)(10), the Sec-
17 retary shall set aside, from amounts made available
18 to carry out the clean corridors program under this
19 subsection, \$100,000,000 for grants to States or local-
20 ities that require additional assistance to strategically
21 deploy infrastructure eligible under this subsection
22 along alternative fuel corridors to fill gaps in the na-
23 tional charging network, including in rural areas.

1 “(10) *DEFINITION OF ALTERNATIVE FUEL COR-*
 2 *RIDORS.*—*In this subsection, the term ‘alternative fuel*
 3 *corridors’ means a fuel corridor—*

4 *“(A) designated under subsection (a); or*

5 *“(B) equivalent to a fuel corridor described*
 6 *under such subsection that is designated, after*
 7 *consultation with any affected Indian Tribes or*
 8 *Tribal organizations, by a State or group of*
 9 *States.”.*

10 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

11 *(a) IN GENERAL.*—*Chapter 1 of title 23, United States*
 12 *Code, as amended by this title, is further amended by in-*
 13 *serting after section 171 the following:*

14 **“§ 172. Community climate innovation grants**

15 *“(a) ESTABLISHMENT.*—*The Secretary shall establish*
 16 *a community climate innovation grant program (in this*
 17 *section referred to as the ‘Program’) to make grants, on a*
 18 *competitive basis, for locally selected projects that reduce*
 19 *greenhouse gas emissions while improving the mobility, ac-*
 20 *cessibility, and connectivity of the surface transportation*
 21 *system.*

22 *“(b) PURPOSE.*—*The purpose of the Program shall be*
 23 *to support communities in reducing greenhouse gas emis-*
 24 *sions from the surface transportation system.*

1 “(c) *ELIGIBLE APPLICANTS.*—*The Secretary may*
 2 *make grants under the Program to the following entities:*

3 “(1) *A metropolitan planning organization.*

4 “(2) *A unit of local government or a group of*
 5 *local governments, or a county or multi-county spe-*
 6 *cial district.*

7 “(3) *A subdivision of a local government.*

8 “(4) *A transit agency.*

9 “(5) *A special purpose district with a transpor-*
 10 *tation function or a port authority.*

11 “(6) *An Indian Tribe or Tribal organization.*

12 “(7) *A territory.*

13 “(8) *A multijurisdictional group of entities de-*
 14 *scribed in paragraphs (1) through (7).*

15 “(d) *APPLICATIONS.*—*To be eligible for a grant under*
 16 *the Program, an entity specified in subsection (c) shall sub-*
 17 *mit to the Secretary an application in such form, at such*
 18 *time, and containing such information as the Secretary de-*
 19 *termines appropriate.*

20 “(e) *ELIGIBLE PROJECTS.*—*The Secretary may only*
 21 *provide a grant under the Program for a project that is*
 22 *expected to yield a significant reduction in greenhouse gas*
 23 *emissions from the surface transportation system and—*

24 “(1) *is a project eligible for assistance under this*
 25 *title or under chapter 53 of title 49, or is a capital*

1 *project for vehicles and facilities, whether publicly or*
2 *privately owned, that are used to provide intercity*
3 *passenger service by bus; or*

4 *“(2) is a capital project as defined in section*
5 *22906 of title 49 to improve intercity passenger rail*
6 *that will yield a significant reduction in single occu-*
7 *pant vehicle trips and improve mobility on public*
8 *roads.*

9 *“(f) ELIGIBLE USES.—Grant amounts received for a*
10 *project under the Program may be used for—*

11 *“(1) development phase activities, including*
12 *planning, feasibility analysis, revenue forecasting, en-*
13 *vironmental review, preliminary engineering and de-*
14 *sign work, and other preconstruction activities; and*

15 *“(2) construction, reconstruction, rehabilitation,*
16 *acquisition of real property (including land related to*
17 *the project and improvements to the land), environ-*
18 *mental mitigation, construction contingencies, acqui-*
19 *sition of equipment, and operational improvements.*

20 *“(g) PROJECT PRIORITIZATION.—In making grants*
21 *for projects under the Program, the Secretary shall give pri-*
22 *ority to projects that are expected to yield the most signifi-*
23 *cant reductions in greenhouse gas emissions from the sur-*
24 *face transportation system.*

1 “(h) *ADDITIONAL CONSIDERATIONS.—In making*
2 *grants for projects under the Program, the Secretary shall*
3 *consider the extent to which—*

4 “(1) *a project maximizes greenhouse gas reduc-*
5 *tions in a cost-effective manner;*

6 “(2) *a project reduces dependence on single-occu-*
7 *pant vehicle trips or provides additional transpor-*
8 *tation options;*

9 “(3) *a project improves the connectivity and ac-*
10 *cessibility of the surface transportation system, par-*
11 *ticularly to low- and zero-emission forms of transpor-*
12 *tation, including public transportation, walking, and*
13 *bicycling;*

14 “(4) *an applicant has adequately considered or*
15 *will adequately consider, including through the oppor-*
16 *tunity for public comment, the environmental justice*
17 *and equity impacts of the project;*

18 “(5) *a project contributes to geographic diversity*
19 *among grant recipients, including to achieve a bal-*
20 *ance between urban, suburban, and rural commu-*
21 *nities;*

22 “(6) *a project serves low-income residents of low-*
23 *income communities, including areas of persistent*
24 *poverty, while not displacing such residents;*

1 “(7) a project uses pavement materials that dem-
2 onstrate reductions in greenhouse gas emissions
3 through sequestration or innovative manufacturing
4 processes;

5 “(8) a project repurposes neglected or underused
6 infrastructure, including abandoned highways,
7 bridges, railways, trail ways, and adjacent underused
8 spaces, into new hybrid forms of public space that
9 support multiple modes of transportation; and

10 “(9) a project includes regional multimodal
11 transportation system management and operations
12 elements that will improve the effectiveness of such
13 project and encourage reduction of single occupancy
14 trips by providing the ability of users to plan, use,
15 and pay for multimodal transportation alternatives.

16 “(i) *FUNDING.*—

17 “(1) *MAXIMUM AMOUNT.*—The maximum
18 amount of a grant under the Program shall be
19 \$25,000,000.

20 “(2) *TECHNICAL ASSISTANCE.*—Of the amounts
21 made available to carry out the Program, the Sec-
22 retary may use up to 1 percent to provide technical
23 assistance to applicants and potential applicants.

24 “(j) *TREATMENT OF PROJECTS.*—

1 “(1) *FEDERAL REQUIREMENTS.—The Secretary*
2 *shall, with respect to a project funded by a grant*
3 *under this section, apply—*

4 “(A) *the requirements of this title to a high-*
5 *way project;*

6 “(B) *the requirements of chapter 53 of title*
7 *49 to a public transportation project; and*

8 “(C) *the requirements of section 22905 of*
9 *title 49 to a passenger rail or freight rail project.*

10 “(2) *MULTIMODAL PROJECTS.—*

11 “(A) *IN GENERAL.—Except as otherwise*
12 *provided in this paragraph, if an eligible project*
13 *is a multimodal project, the Secretary shall—*

14 “(i) *determine the predominant modal*
15 *component of the project; and*

16 “(ii) *apply the applicable requirements*
17 *of such predominant modal component to*
18 *the project.*

19 “(B) *EXCEPTIONS.—*

20 “(i) *PASSENGER OR FREIGHT RAIL*
21 *COMPONENT.—For any passenger or freight*
22 *rail component of a project, the require-*
23 *ments of section 22907(j)(2) of title 49 shall*
24 *apply.*

1 “(ii) *PUBLIC TRANSPORTATION COMPO-*
 2 *NENT.—For any public transportation com-*
 3 *ponent of a project, the requirements of sec-*
 4 *tion 5333 of title 49 shall apply.*

5 “(C) *BUY AMERICA.—In applying the Buy*
 6 *America requirements under section 313 of this*
 7 *title and sections 5320, 22905(a), and 24305(f)*
 8 *of title 49 to a multimodal project under this*
 9 *paragraph, the Secretary shall—*

10 “(i) *consider the various modal compo-*
 11 *nents of the project; and*

12 “(ii) *seek to maximize domestic jobs.*

13 “(k) *SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILI-*
 14 *TIES.—None of the funds provided under this section may*
 15 *be used for a project that will result in the construction*
 16 *of new capacity available to single occupant vehicles unless*
 17 *the project consists of a high-occupancy vehicle facility and*
 18 *is consistent with section 166.*

19 “(l) *PUBLIC COMMENT.—Prior to issuing the notice of*
 20 *funding opportunity for funding under this section for fis-*
 21 *cal year 2023, the Secretary, in consultation with the Ad-*
 22 *ministrator of the Environmental Protection Agency, shall*
 23 *solicit public comment on the method of determining the*
 24 *significant reduction in greenhouse gas emissions required*
 25 *under subsection (e).*

1 “(m) *CONSULTATION.*—Prior to making an award
 2 under this section in a given fiscal year, the Secretary shall
 3 consult with the Administrator of the Environmental Pro-
 4 tection Agency to determine which projects are expected to
 5 yield a significant reduction in greenhouse gas emissions
 6 as required under subsection (e).

7 “(n) *RURAL SET-ASIDE.*—

8 “(1) *IN GENERAL.*—The Secretary shall set aside
 9 not less than 10 percent of the amounts made avail-
 10 able to carry out this section for projects located in
 11 rural areas.

12 “(2) *DEFINITION OF RURAL AREA.*—In this sub-
 13 section, the term ‘rural area’ means all areas of a
 14 State or territory that are outside of an urbanized
 15 area with a population greater than 74,999 individ-
 16 uals, as determined by the Bureau of the Census.”.

17 “(b) *CLERICAL AMENDMENT.*—The analysis for chapter
 18 1 of title 23, United States Code, is amended by inserting
 19 after the item relating to section 171 the following:

“172. Community climate innovation grants.”.

20 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

21 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
 22 tation shall establish a metro performance program in ac-
 23 cordance with this section to enhance local decision making
 24 and provide enhanced local control in transportation
 25 project delivery.

1 (b) *DIRECT RECIPIENT DESIGNATION.*—

2 (1) *IN GENERAL.*—*The Secretary shall designate*
3 *high-performing metropolitan planning organizations*
4 *based on the criteria in paragraph (3) to be direct re-*
5 *cipients of funds under this section.*

6 (2) *AUTHORITY.*—*Nothing in this section shall be*
7 *construed to prohibit a direct recipient from taking*
8 *any action otherwise authorized to secure and expend*
9 *Federal funds authorized under chapter 1 of title 23,*
10 *United States Code.*

11 (3) *CRITERIA.*—*In designating an applicant*
12 *under this subsection, the Secretary shall consider—*

13 (A) *the legal, financial, and technical ca-*
14 *capacity of the applicant;*

15 (B) *the level of coordination between the ap-*
16 *plicant and—*

17 (i) *the State department of transpor-*
18 *tation of the State or States in which the*
19 *metropolitan planning area represented by*
20 *the applicant is located;*

21 (ii) *local governments and providers of*
22 *public transportation within the metropoli-*
23 *tan planning area represented by the appli-*
24 *cant; and*

1 (iii) if more than one metropolitan
2 planning organization is designated within
3 an urbanized area represented by the appli-
4 cant, any other such metropolitan planning
5 organization;

6 (C) in the case of an applicant that rep-
7 resents an urbanized area population of greater
8 than 200,000, the effectiveness of project delivery
9 and timely obligation of funds made available
10 under section 133(d)(1)(A)(i) of title 23, United
11 States Code;

12 (D) if the applicant or a local government
13 within the metropolitan planning area that the
14 applicant represents has been the recipient of a
15 discretionary grant from the Secretary within
16 the preceding 5 years, the administration of such
17 grant;

18 (E) the extent to which the planning and
19 decision making process of the applicant, includ-
20 ing the long-range transportation plan and the
21 approved transportation improvement program
22 under section 134 of such title, support—

23 (i) the performance goals established
24 under section 150(b) of such title; and

1 (ii) the achievement of metropolitan or
2 statewide performance targets established
3 under section 150(d) of such title;

4 (F) whether the applicant is a designated
5 recipient of funds as described under subpara-
6 graphs (A) and (B) of section 5302(4) of title 49,
7 United States Code, or a direct recipient of
8 funds under section 5307 of such title from the
9 Federal Transit Administration; and

10 (G) any other criteria established by the
11 Secretary.

12 (4) REQUIREMENTS.—

13 (A) CALL FOR NOMINATION.—Not later than
14 February 1, 2022, the Secretary shall publish in
15 the Federal Register a notice soliciting applica-
16 tions for designation under this subsection.

17 (B) GUIDANCE.—The notification under
18 paragraph (1) shall include guidance on the re-
19 quirements and responsibilities of a direct re-
20 cipient under this section, including imple-
21 menting regulations.

22 (C) DETERMINATION.—The Secretary shall
23 make all designations under this section for fis-
24 cal year 2023 not later than June 1, 2022.

1 (5) *TERM.—Except as provided in paragraph*
2 (6), a designation under this subsection shall—

3 (A) *be for a period of not less than 5 years;*

4 *and*

5 (B) *be renewable.*

6 (6) *TERMINATION.—*

7 (A) *IN GENERAL.—The Secretary shall es-*
8 *tablish procedures for the termination of a des-*
9 *ignation under this subsection.*

10 (B) *CONSIDERATIONS.—In establishing pro-*
11 *cedures under subparagraph (A), the Secretary*
12 *shall consider—*

13 (i) *with respect to projects carried out*
14 *under this section, compliance with the re-*
15 *quirements of title 23, United States Code,*
16 *or chapter 53 of title 49, United States*
17 *Code; and*

18 (ii) *the obligation rate of any funds—*

19 (I) *made available under this sec-*
20 *tion; and*

21 (II) *in the case of a metropolitan*
22 *planning organization that represents*
23 *a metropolitan planning area with an*
24 *urbanized area population of greater*
25 *than 200,000, made available under*

1 *section 133(d)(1)(A)(i) of title 23,*
2 *United States Code.*

3 *(c) USE OF FUNDS.—*

4 *(1) ELIGIBLE PROJECTS.—Funds made available*
5 *under this section may be obligated for the purposes*
6 *described in section 133(b) of title 23, United States*
7 *Code.*

8 *(2) ADMINISTRATIVE EXPENSES AND TECHNICAL*
9 *ASSISTANCE.—Of the amounts made available under*
10 *this section, the Secretary may set aside not more*
11 *than \$5,000,000 in each of fiscal years 2023 through*
12 *2026 for program management, oversight, and tech-*
13 *nical assistance to direct recipients.*

14 *(d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—*

15 *(1) DIRECT AVAILABILITY OF FUNDS.—Notwith-*
16 *standing title 23, United States Code, the amounts*
17 *made available under this section shall be allocated to*
18 *each direct recipient for obligation.*

19 *(2) DISTRIBUTION OF AMOUNTS AMONG DIRECT*
20 *RECIPIENTS.—*

21 *(A) IN GENERAL.—Subject to subparagraph*
22 *(B), on the first day of the fiscal year for which*
23 *funds are made available under this section, the*
24 *Secretary shall allocate such funds to each direct*
25 *recipient as the proportion of the population (as*

1 *determined by data collected by the Bureau of*
2 *the Census) of the urbanized area represented by*
3 *any 1 direct recipient bears to the total popu-*
4 *lation of all of urbanized areas represented by all*
5 *direct recipients.*

6 *(B) MINIMUM AND MAXIMUM AMOUNTS.—Of*
7 *funds allocated to direct recipients under sub-*
8 *paragraph (A), each direct recipient shall receive*
9 *not less than \$10,000,000 and not more than*
10 *\$50,000,000 each fiscal year.*

11 *(C) MINIMUM GUARANTEED AMOUNT.—In*
12 *making a determination whether to designate a*
13 *metropolitan planning organization as a direct*
14 *recipient under subsection (b), the Secretary*
15 *shall ensure that each direct recipient receives*
16 *the minimum required allocation under subpara-*
17 *graph (B).*

18 *(D) ADDITIONAL AMOUNTS.—If any*
19 *amounts remain undistributed after the distribu-*
20 *tion described in this subsection, such remaining*
21 *amounts and an associated amount of obligation*
22 *limitation shall be made available as if suballo-*
23 *cated under clauses (i) and (ii) of section*
24 *133(d)(1)(A) of title 23, United States Code, and*
25 *distributed among the States in the proportion*

1 *that the relative shares of the population (as de-*
2 *termined by data collected by the Bureau of the*
3 *Census) of the urbanized areas of each State*
4 *bears to the total populations of all urbanized*
5 *areas across all States.*

6 (3) *PROJECT DELIVERY.*—

7 (A) *IN GENERAL.*—*For 1 or more projects*
8 *carried out with funds provided under this sec-*
9 *tion, the direct recipient may, consistent with*
10 *the agreement entered into with the Secretary*
11 *under this paragraph, assume the Federal-aid*
12 *highway project approval and oversight respon-*
13 *sibilities vested in the State department of trans-*
14 *portation under section 106 of title 23, United*
15 *States Code.*

16 (B) *PARTNERSHIP.*—*The direct recipient*
17 *may partner with a State, unit of local govern-*
18 *ment, regional entity, or transit agency to carry*
19 *out a project under this section.*

20 (C) *PROCEDURAL, LEGAL, AND SUB-*
21 *STANTIVE REQUIREMENTS.*—*A direct recipient*
22 *entering into an agreement with the Secretary*
23 *under this section shall assume responsibility for*
24 *compliance with all procedural and substantive*
25 *requirements as would apply if that responsi-*

1 *bility were carried out by a State, unless the di-*
2 *rect recipient or the Secretary determines that*
3 *such assumption of responsibility for 1 or more*
4 *of the procedural and substantive requirements is*
5 *not appropriate.*

6 (D) *WRITTEN AGREEMENT.—The Secretary*
7 *and the direct recipient shall enter into an*
8 *agreement in writing relating to the extent to*
9 *which the direct recipient assumes the respon-*
10 *sibilities of the Secretary under this paragraph.*
11 *Such agreement shall be developed in consulta-*
12 *tion with the State.*

13 (E) *USE OF FUNDS.—The direct recipient*
14 *may use amounts made available under this sec-*
15 *tion for costs incurred in implementing this*
16 *paragraph and to compensate a State, unit of*
17 *local government, or transit agency for costs in-*
18 *curring in providing assistance under this para-*
19 *graph.*

20 (F) *LIMITATIONS.—The direct recipient*
21 *may not assume responsibilities described in sub-*
22 *paragraph (A) for any project that the Secretary*
23 *determines to be in a high-risk category, includ-*
24 *ing projects on the National Highway System.*

25 (e) *EXPENDITURE OF FUNDS.—*

1 (1) *CONSISTENCY WITH METROPOLITAN PLAN-*
2 *NING.—Except as otherwise provided in this section,*
3 *programming and expenditure of funds for projects*
4 *under this section shall be consistent with the require-*
5 *ments of section 134 of title 23, United States Code,*
6 *and section 5303 of title 49, United States Code.*

7 (2) *SELECTION OF PROJECTS.—*

8 (A) *IN GENERAL.—Notwithstanding sub-*
9 *sections (j)(5) and (k)(4) of section 134 of title*
10 *23, United States Code, or subsections (j)(5) and*
11 *(k)(4) of section 5303 of title 49, United States*
12 *Code, a direct recipient shall select, from the ap-*
13 *proved transportation improvement program*
14 *under such sections, all projects to be funded*
15 *under this section, including projects on the Na-*
16 *tional Highway System.*

17 (B) *ELIGIBLE PROJECTS.—The project se-*
18 *lection process described in this subsection shall*
19 *apply to all federally funded projects within the*
20 *boundaries of a metropolitan planning area*
21 *served by a direct recipient that are carried out*
22 *under this section.*

23 (C) *CONSULTATION REQUIRED.—In select-*
24 *ing a project under this subsection, the metro-*

1 *politan planning organization shall consult*
 2 *with—*

3 *(i) in the case of a highway project, the*
 4 *State and locality in which such project is*
 5 *located; and*

6 *(ii) in the case of a transit project, any*
 7 *affected public transportation operator.*

8 *(3) RULE OF CONSTRUCTION.—Nothing in this*
 9 *section shall be construed to limit the ability of a di-*
 10 *rect recipient to partner with a State department of*
 11 *transportation or other recipient of Federal funds*
 12 *under title 23, United States Code, or chapter 53 of*
 13 *title 49, United States Code, to carry out a project.*

14 *(f) TREATMENT OF FUNDS.—*

15 *(1) IN GENERAL.—Except as provided in this*
 16 *section, funds made available to carry out this section*
 17 *shall be administered as if apportioned under chapter*
 18 *1 of title 23, United States Code.*

19 *(2) FEDERAL SHARE.—The Federal share of the*
 20 *cost of a project carried out under this section shall*
 21 *be determined in accordance with section 120 of title*
 22 *23, United States Code.*

23 *(g) REPORT.—*

24 *(1) DIRECT RECIPIENT REPORT.—Not later than*
 25 *60 days after the end of each fiscal year, each direct*

1 *recipient shall submit to the Secretary a report that*
2 *includes—*

3 *(A) a list of projects funded with amounts*
4 *provided under this section;*

5 *(B) a description of any obstacles to com-*
6 *plete projects or timely obligation of funds; and*

7 *(C) recommendations to improve the effec-*
8 *tiveness of the program under this section.*

9 *(2) REPORT TO CONGRESS.—Not later than Oc-*
10 *tober 1, 2024, the Secretary shall submit to the Com-*
11 *mittee on Environment and Public Works of the Sen-*
12 *ate and the Committee on Transportation and Infra-*
13 *structure of the House of Representatives a report*
14 *that—*

15 *(A) summarizes the findings of each direct*
16 *recipient provided under paragraph (1);*

17 *(B) describes the efforts undertaken by both*
18 *direct recipients and the Secretary to ensure*
19 *compliance with the requirements of title 23 and*
20 *chapter 53 of title 49, United States Code;*

21 *(C) analyzes the capacity of direct recipi-*
22 *ents to receive direct allocations of funds under*
23 *chapter 1 of title 23, United States Code; and*

24 *(D) provides recommendations from the*
25 *Secretary to—*

1 (i) improve the administration, over-
2 sight, and performance of the program es-
3 tablished under this section;

4 (ii) improve the effectiveness of direct
5 recipients to complete projects and obligate
6 funds in a timely manner; and

7 (iii) evaluate options to expand the au-
8 thority provided under this section, includ-
9 ing to allow for the direct allocation to met-
10 ropolitan planning organizations of funds
11 made available to carry out clause (i) or
12 (ii) of section 133(d)(1)(A) of title 23,
13 United States Code.

14 (3) *UPDATE*.—Not less frequently than every 2
15 years, the Secretary shall update the report described
16 in paragraph (2).

17 (h) *DEFINITIONS*.—

18 (1) *DIRECT RECIPIENT*.—In this section, the
19 term “direct recipient” means a metropolitan plan-
20 ning organization designated by the Secretary as
21 high-performing under subsection (b) and that was
22 directly allocated funds as described in subsection (d).

23 (2) *METROPOLITAN PLANNING AREA*.—The term
24 “metropolitan planning area” has the meaning given

1 *such term in section 134 of title 23, United States*
 2 *Code.*

3 (3) *METROPOLITAN PLANNING ORGANIZATION.*—
 4 *The term “metropolitan planning organization” has*
 5 *the meaning given such term in section 134 of title*
 6 *23, United States Code.*

7 (4) *NATIONAL HIGHWAY SYSTEM.*—*The term*
 8 *“National Highway System” has the meaning given*
 9 *such term in section 101 of title 23, United States*
 10 *Code.*

11 (5) *STATE.*—*The term “State” has the meaning*
 12 *given such term in section 101 of title 23, United*
 13 *States Code.*

14 (6) *URBANIZED AREA.*—*The term “urbanized*
 15 *area” has the meaning given such term in section 134*
 16 *of title 23, United States Code.*

17 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

18 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 19 *tation shall establish a gridlock reduction program to make*
 20 *grants, on a competitive basis, for projects to reduce, and*
 21 *mitigate the adverse impacts of, traffic congestion.*

22 (b) *APPLICATIONS.*—*To be eligible for a grant under*
 23 *this section, an applicant shall submit to the Secretary an*
 24 *application in such form, at such time, and containing such*
 25 *information as the Secretary determines appropriate.*

1 (c) *ELIGIBILITY.*—

2 (1) *ELIGIBLE APPLICANTS.*—*The Secretary may*
3 *make grants under this section to an applicant that*
4 *serves an eligible area and that is—*

5 (A) *a metropolitan planning organization;*

6 (B) *a unit of local government or a group*
7 *of local governments;*

8 (C) *a multijurisdictional group of entities*
9 *described in subparagraphs (A) and (B);*

10 (D) *a special purpose district or public au-*
11 *thority with a transportation function, including*
12 *a port authority; or*

13 (E) *a State that is in partnership with an*
14 *entity or group of entities described in subpara-*
15 *graph (A), (B), or (C).*

16 (2) *ELIGIBLE AREA.*—*An eligible area for an eli-*
17 *gible entity under paragraph (1) shall be—*

18 (A) *a combined statistical area, as defined*
19 *by the Office of Management and Budget, with*
20 *a population of not less than 1,300,000; or*

21 (B) *a metropolitan statistical area that is*
22 *not part of a combined statistical area, as de-*
23 *fined by the Office of Management and Budget,*
24 *that has a population of not less than 750,000.*

1 (d) *ELIGIBLE PROJECTS.*—*The Secretary may award*
2 *grants under this section to applicants that submit a com-*
3 *prehensive program of surface transportation-related*
4 *projects to reduce traffic congestion and related adverse im-*
5 *pacts, including a project for one or more of the following:*

6 (1) *Transportation systems management and op-*
7 *erations, including strategies to improve the oper-*
8 *ations of high-occupancy vehicle lanes.*

9 (2) *Intelligent transportation systems to improve*
10 *connectivity and innovation.*

11 (3) *Real-time traveler information.*

12 (4) *Traffic incident management.*

13 (5) *Active traffic management.*

14 (6) *Traffic signal timing.*

15 (7) *Multimodal travel payment systems.*

16 (8) *Transportation demand management, includ-*
17 *ing employer-based commuting programs such as car-*
18 *pool, vanpool, transit benefit, parking cashout, shut-*
19 *tle, or telework programs.*

20 (9) *A project to provide transportation options*
21 *to reduce traffic congestion, including—*

22 (A) *a project under chapter 53 of title 49,*
23 *United States Code, including value capture and*
24 *transit-oriented development projects;*

1 (B) a bicycle or pedestrian project, includ-
2 ing a project to provide safe and connected active
3 transportation networks; and

4 (C) a surface transportation project carried
5 out in accordance with the national travel and
6 tourism infrastructure strategic plan under sec-
7 tion 1431(e) of the FAST Act (49 U.S.C. 301
8 note).

9 (10) Any other project, as determined appro-
10 priate by the Secretary utilizing eligible projects.

11 (e) AWARD PRIORITIZATION.—

12 (1) IN GENERAL.—In selecting grants under this
13 section, the Secretary shall prioritize applicants serv-
14 ing urbanized areas, as described in subsection (c),
15 that are experiencing a high degree of recurrent trans-
16 portation congestion, as determined by the Secretary.

17 (2) ADDITIONAL CONSIDERATIONS.—In selecting
18 grants under this section, the Secretary shall also con-
19 sider the extent to which the project would—

20 (A) reduce traffic congestion and improve
21 the reliability of the surface transportation sys-
22 tem;

23 (B) mitigate the adverse impacts of traffic
24 congestion on the surface transportation system,
25 including safety and environmental impacts;

1 (C) *maximize the use of existing capacity;*
2 *and*

3 (D) *employ innovative, integrated, and*
4 *multimodal solutions to the items described in*
5 *subparagraphs (A), (B), and (C).*

6 (f) *FEDERAL SHARE.—*

7 (1) *IN GENERAL.—The Federal share of the cost*
8 *of a project carried out under this section may not ex-*
9 *ceed 60 percent.*

10 (2) *MAXIMUM FEDERAL SHARE.—Federal assist-*
11 *ance other than a grant for a project under this sec-*
12 *tion may be used to satisfy the non-Federal share of*
13 *the cost of such project, except that the total Federal*
14 *assistance provided for a project receiving a grant*
15 *under this section may not exceed 80 percent of the*
16 *total project cost.*

17 (g) *USE OF FUNDS.—Funds made available for a*
18 *project under this section may be used for—*

19 (1) *development phase activities, including plan-*
20 *ning, feasibility analysis, revenue forecasting, envi-*
21 *ronmental review, preliminary engineering and de-*
22 *sign work, and other preconstruction activities; and*

23 (2) *construction, reconstruction, rehabilitation,*
24 *acquisition of real property (including land related to*
25 *the project and improvements to the land), environ-*

1 *mental mitigation, construction contingencies, acqui-*
2 *sition of equipment, and operational improvements.*

3 *(h) FUNDING.—*

4 *(1) GRANT AMOUNT.—A grant under this section*
5 *shall be in an amount not less than \$10,000,000 and*
6 *not more than \$50,000,000.*

7 *(2) AVAILABILITY.—Funds made available under*
8 *this program shall be available until expended.*

9 *(i) FREIGHT PROJECT SET-ASIDE.—*

10 *(1) IN GENERAL.—The Secretary shall set aside*
11 *not less than 50 percent of the funds made available*
12 *to carry out this section for grants for freight projects*
13 *under this subsection.*

14 *(2) ELIGIBLE USES.—The Secretary shall pro-*
15 *vide funds set aside under this subsection to appli-*
16 *cants that submit a comprehensive program of surface*
17 *transportation-related projects to reduce freight-re-*
18 *lated traffic congestion and related adverse impacts,*
19 *including—*

20 *(A) freight intelligent transportation sys-*
21 *tems;*

22 *(B) real-time freight parking information;*

23 *(C) real-time freight routing information;*

24 *(D) freight transportation and delivery*
25 *safety projects;*

1 (E) *first-mile and last-mile delivery solu-*
2 *tions;*

3 (F) *shifting freight delivery to off-peak trav-*
4 *el times;*

5 (G) *reducing greenhouse gas emissions and*
6 *air pollution from freight transportation and de-*
7 *livery, including through the use of innovative*
8 *vehicles that produce fewer greenhouse gas emis-*
9 *sions;*

10 (H) *use of centralized delivery locations;*

11 (I) *designated freight vehicle parking and*
12 *staging areas;*

13 (J) *curb space management; and*

14 (K) *other projects, as determined appro-*
15 *priate by the Secretary.*

16 (3) *AWARD PRIORITIZATION.—*

17 (A) *IN GENERAL.—In providing funds set*
18 *aside under this section, the Secretary shall*
19 *prioritize applicants serving urbanized areas, as*
20 *described in subsection (c), that are experiencing*
21 *a high degree of recurrent congestion due to*
22 *freight transportation, as determined by the Sec-*
23 *retary.*

24 (B) *ADDITIONAL CONSIDERATIONS.—In*
25 *providing funds set aside under this subsection,*

1 *the Secretary shall consider the extent to which*
2 *the proposed project—*

3 *(i) reduces freight-related traffic con-*
4 *gestion and improves the reliability of the*
5 *freight transportation system;*

6 *(ii) mitigates the adverse impacts of*
7 *freight-related traffic congestion on the sur-*
8 *face transportation system, including safety*
9 *and environmental impacts;*

10 *(iii) maximizes the use of existing ca-*
11 *capacity;*

12 *(iv) employs innovative, integrated,*
13 *and multimodal solutions to the items de-*
14 *scribed in clauses (i) through (iii);*

15 *(v) leverages Federal funds with non-*
16 *Federal contributions; and*

17 *(vi) integrates regional multimodal*
18 *transportation management and oper-*
19 *ational projects that address both passenger*
20 *and freight congestion.*

21 (4) *FLEXIBILITY.—If the Secretary determines*
22 *that there are insufficient qualified applicants to use*
23 *the funds set aside under this subsection, the Sec-*
24 *retary may use such funds for grants for any projects*
25 *eligible under this section.*

1 (j) *REPORT.*—

2 (1) *RECIPIENT REPORT.*—*The Secretary shall*
3 *ensure that not later than 2 years after the Secretary*
4 *awards grants under this section, the recipient of each*
5 *such grant submits to the Secretary a report that con-*
6 *tains—*

7 (A) *information on each activity or project*
8 *that received funding under this section;*

9 (B) *a summary of any non-Federal re-*
10 *sources leveraged by a grant under this section;*

11 (C) *any statistics, measurements, or quan-*
12 *titative assessments that demonstrate the conges-*
13 *tion reduction, reliability, safety, and environ-*
14 *mental benefits achieved through activities or*
15 *projects that received funding under this section;*
16 *and*

17 (D) *any additional information required by*
18 *the Secretary.*

19 (2) *REPORT TO CONGRESS.*—*Not later than 9*
20 *months after the date specified in paragraph (1), the*
21 *Secretary shall submit to the Committee on Transpor-*
22 *tation and Infrastructure of the House of Representa-*
23 *tives and the Committee on Environment and Public*
24 *Works, the Committee on Commerce, Science, and*
25 *Transportation, and the Committee on Banking,*

1 *Housing, and Urban Affairs of the Senate, and make*
2 *publicly available on a website, a report detailing—*

3 *(A) a summary of any information pro-*
4 *vided under paragraph (1); and*

5 *(B) recommendations and best practices*
6 *to—*

7 *(i) reduce traffic congestion, including*
8 *freight-related traffic congestion, and im-*
9 *prove the reliability of the surface transpor-*
10 *tation system;*

11 *(ii) mitigate the adverse impacts of*
12 *traffic congestion, including freight-related*
13 *traffic congestion, on the surface transpor-*
14 *tation system, including safety and environ-*
15 *mental impacts; and*

16 *(iii) employ innovative, integrated,*
17 *and multimodal solutions to the items de-*
18 *scribed in clauses (i) and (ii).*

19 *(k) NOTIFICATION.—Not later than 3 business days be-*
20 *fore awarding a grant under this section, the Secretary*
21 *shall notify the Committee on Transportation and Infra-*
22 *structure of the House of Representatives and the Committee*
23 *on Environment and Public Works, the Committee on Com-*
24 *merce, Science, and Transportation, and the Committee on*

1 *Banking, Housing, and Urban Affairs of the Senate of the*
2 *intention to award such a grant.*

3 *(l) TREATMENT OF PROJECTS.—*

4 *(1) FEDERAL REQUIREMENTS.—The Secretary*
5 *shall, with respect to a project funded by a grant*
6 *under this section, apply—*

7 *(A) the requirements of title 23, United*
8 *States Code, to a highway project;*

9 *(B) the requirements of chapter 53 of title*
10 *49, United States Code, to a public transpor-*
11 *tation project; and*

12 *(C) the requirements of section 22905 of*
13 *title 49, United States Code, to a passenger rail*
14 *or freight rail project.*

15 *(2) MULTIMODAL PROJECTS.—*

16 *(A) IN GENERAL.—Except as otherwise pro-*
17 *vided in this paragraph, if an eligible project is*
18 *a multimodal project, the Secretary shall—*

19 *(i) determine the predominant modal*
20 *component of the project; and*

21 *(ii) apply the applicable requirements*
22 *of such predominant modal component to*
23 *the project.*

24 *(B) EXCEPTIONS.—*

1 (i) *PASSENGER OR FREIGHT RAIL COM-*
 2 *PONENT.—For any passenger or freight rail*
 3 *component of a project, the requirements of*
 4 *section 22907(j)(2) of title 49, United States*
 5 *Code, shall apply.*

6 (ii) *PUBLIC TRANSPORTATION COMPO-*
 7 *NENT.—For any public transportation com-*
 8 *ponent of a project, the requirements of sec-*
 9 *tion 5333 of title 49, United States Code,*
 10 *shall apply.*

11 (C) *BUY AMERICA.—In applying the Buy*
 12 *America requirements under section 313 of title*
 13 *23, United States Code, and sections 5320,*
 14 *22905(a), and 24305(f) of title 49, United States*
 15 *Code, to a multimodal project under this para-*
 16 *graph, the Secretary shall—*

17 (i) *consider the various modal compo-*
 18 *nents of the project; and*

19 (ii) *seek to maximize domestic jobs.*

20 (m) *TREATMENT OF FUNDS.—Except as provided in*
 21 *subsection (l), funds authorized for the purposes described*
 22 *in this section shall be available for obligation in the same*
 23 *manner as if the funds were apportioned under chapter 1*
 24 *of title 23, United States Code.*

1 **SEC. 1307. REBUILD RURAL BRIDGES PROGRAM.**

2 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
3 *tation shall establish a rebuild rural bridges program to*
4 *improve the safety and state of good repair of bridges in*
5 *rural communities.*

6 (b) *GRANT AUTHORITY.*—*In carrying out the program*
7 *established in subsection (a), the Secretary shall make*
8 *grants, on a competitive basis, to eligible applicants in ac-*
9 *cordance with this section.*

10 (c) *APPLICATIONS.*—*To be eligible for a grant under*
11 *this section, an eligible entity shall submit to the Secretary*
12 *an application in such form, at such time, and containing*
13 *such information as the Secretary determines appropriate.*

14 (d) *ELIGIBLE PROJECTS.*—*The Secretary—*

15 (1) *shall provide grants under this section to*
16 *projects eligible under title 23, United States Code,*
17 *including projects on and off of the Federal-aid high-*
18 *way system, to inspect, replace, rehabilitate, or pre-*
19 *serve—*

20 (A) *an off-system bridge;*

21 (B) *a bridge on Tribal land; or*

22 (C) *a bridge in poor condition located in a*
23 *rural community; and*

24 (2) *may provide a grant for a bundle of bridges*
25 *described in paragraph (1).*

1 (e) *ELIGIBLE PROJECT COSTS.*—A recipient of a grant
2 under this section may use such grant for—

3 (1) *development phase activities, including plan-*
4 *ning, feasibility analysis, revenue forecasting, envi-*
5 *ronmental review, preliminary engineering and de-*
6 *sign work, and other preconstruction activities;*

7 (2) *construction, reconstruction, rehabilitation,*
8 *acquisition of real property (including land related to*
9 *the project and improvements to the land), environ-*
10 *mental mitigation, and construction contingencies;*
11 *and*

12 (3) *bridge inspection, evaluation, and preserva-*
13 *tion.*

14 (f) *FEDERAL SHARE.*—

15 (1) *IN GENERAL.*—The Federal share of the cost
16 of a project carried out using a grant under this sec-
17 tion may not exceed 80 percent of the total cost of
18 such project.

19 (2) *MAXIMUM FEDERAL ASSISTANCE.*—Federal
20 assistance other than a grant under this section may
21 be used to satisfy up to 100 percent of the total cost
22 of such project.

23 (g) *CONSIDERATIONS.*—In making grants under this
24 section, the Secretary shall consider—

1 (1) *whether the project can be completed without*
2 *additional Federal funding or financial assistance*
3 *available to the project sponsor, beyond existing Fed-*
4 *eral apportionments; and*

5 (2) *the level of benefits the project is expected to*
6 *generate, including—*

7 (A) *the costs avoided by the prevention of*
8 *closure or reduced use of the asset to be improved*
9 *by the project;*

10 (B) *reductions in maintenance costs over*
11 *the life of the asset;*

12 (C) *safety benefits, including the reduction*
13 *of accidents and related costs; and*

14 (D) *benefits to the economy of the rural or*
15 *Tribal community.*

16 (h) *INVESTMENTS IN COLONIAS.—*

17 (1) *IN GENERAL.—Of the grants made available*
18 *under this section, for fiscal years 2023 through 2026,*
19 *a total of not less than \$10,000,000 shall be made*
20 *available to provide grants that improve the safety,*
21 *state of good repair, or connectivity through bridge*
22 *investments in and providing access to, colonias.*

23 (2) *COLONIA DEFINED.—In this section, the term*
24 *“colonia” means any identifiable community that—*

1 (A) is in the State of Arizona, California,
2 New Mexico, or Texas;

3 (B) is in the area of the United States with-
4 in 150 miles of the border between the United
5 States and Mexico, except that the term does not
6 include any standard metropolitan statistical
7 area that has a population exceeding 1,000,000;

8 (C) is determined to be a colonia on the
9 basis of objective criteria, including lack of pota-
10 ble water supply, lack of adequate sewage sys-
11 tems, and lack of decent, safe, and sanitary hous-
12 ing; and

13 (D) was in existence as a colonia before No-
14 vember 28, 1990.

15 (i) NOTIFICATION.—Not later than 3 business days be-
16 fore awarding a grant under this section, the Secretary
17 shall notify the Committee on Transportation and Infra-
18 structure of the House of Representatives and the Committee
19 on Environment and Public Works of the Senate of the in-
20 tention to award such a grant.

21 (j) DEFINITIONS.—In this section:

22 (1) ELIGIBLE APPLICANT.—The term “eligible
23 applicant” means—

24 (A) a State;

1 (B) a metropolitan planning organization
 2 or a regional transportation planning organiza-
 3 tion;

4 (C) a unit of local government;

5 (D) a Federal land management agency;

6 (E) an Indian Tribe or Tribal organiza-
 7 tion;

8 (F) a territory; and

9 (G) a multijurisdictional group of entities
 10 described in subparagraph (A) through (F).

11 (2) *OFF SYSTEM BRIDGE*.—The term “off-system
 12 bridge” has the meaning given such term in section
 13 133(f) of title 23, United States Code, (as added by
 14 this Act).

15 (3) *RURAL COMMUNITY*.—The term “rural com-
 16 munity” means an area that is not an urbanized
 17 area, as such term is defined in section 101(a) of title
 18 23, United States Code.

19 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

20 (a) *ESTABLISHMENT*.—The Secretary of Transpor-
 21 tation shall establish a program under which the Secretary
 22 shall make grants, on a competitive basis, to eligible entities
 23 to address the shortage of parking for commercial motor ve-
 24 hicles to improve the safety of commercial motor vehicle op-
 25 erators.

1 (b) *APPLICATIONS*.—To be eligible for a grant under
2 this section, an eligible entity shall submit to the Secretary
3 an application in such form, at such time, and containing
4 such information as the Secretary may require.

5 (c) *ELIGIBLE PROJECTS*.—Projects eligible under this
6 section are projects that—

7 (1) construct safety rest areas that include park-
8 ing for commercial motor vehicles;

9 (2) construct commercial motor vehicle parking
10 facilities—

11 (A) adjacent to private commercial truck-
12 stops and travel plazas;

13 (B) within the boundaries of, or adjacent to,
14 a publicly owned freight facility, including a
15 port terminal operated by a public authority;
16 and

17 (C) at existing facilities, including inspec-
18 tion and weigh stations and park-and-ride loca-
19 tions;

20 (3) open existing weigh stations, safety rest
21 areas, and park-and-ride facilities to commercial
22 motor vehicle parking;

23 (4) facilitate access to publicly and privately
24 provided commercial motor vehicle parking, such as
25 through the use of intelligent transportation systems;

1 (5) *construct turnouts along a Federal-aid high-*
2 *way for commercial motor vehicles;*

3 (6) *make capital improvements to public com-*
4 *mercial motor vehicle parking facilities that are*
5 *closed on a seasonal basis to allow the facilities to re-*
6 *main open year-round;*

7 (7) *open existing commercial motor vehicle*
8 *chain-up areas that are closed on a seasonal basis to*
9 *allow the facilities to remain open year-round for*
10 *commercial motor vehicle parking;*

11 (8) *address commercial motor vehicle parking*
12 *and layover needs in emergencies that strain the ca-*
13 *capacity of existing publicly and privately provided*
14 *commercial motor vehicle parking; and*

15 (9) *make improvements to existing commercial*
16 *motor vehicle parking facilities, including advanced*
17 *truckstop electrification systems.*

18 (d) *USE OF FUNDS.—*

19 (1) *IN GENERAL.—An eligible entity may use a*
20 *grant under this section for—*

21 (A) *development phase activities, including*
22 *planning, feasibility analysis, benefit-cost anal-*
23 *ysis, environmental review, preliminary engi-*
24 *neering and design work, and other*

1 *preconstruction activities necessary to advance a*
2 *project described in subsection (c); and*

3 *(B) construction and operational improve-*
4 *ments, as such terms are defined in section 101*
5 *of title 23, United States Code.*

6 *(2) PRIVATE SECTOR PARTICIPATION.—An eligi-*
7 *ble entity that receives a grant under this section may*
8 *partner with a private entity to carry out an eligible*
9 *project under this section.*

10 *(3) LIMITATION.—Not more than 10 percent of*
11 *the amounts made available to carry out this section*
12 *may be used to promote the availability of existing*
13 *commercial motor vehicle parking.*

14 *(e) SELECTION CRITERIA.—In making grants under*
15 *this section, the Secretary shall consider—*

16 *(1) in the case of construction of new commercial*
17 *motor vehicle parking capacity, the shortage of public*
18 *and private commercial motor vehicle parking near*
19 *the project; and*

20 *(2) the extent to which each project—*

21 *(A) would increase commercial motor vehi-*
22 *cle parking capacity or utilization;*

23 *(B) would facilitate the efficient movement*
24 *of freight;*

1 (C) would improve safety, traffic congestion,
2 and air quality;

3 (D) is cost effective; and

4 (E) reflects consultation with motor car-
5 riers, commercial motor vehicle operators, and
6 private providers of commercial motor vehicle
7 parking.

8 (f) NOTIFICATION OF CONGRESS.—Not later than 3
9 business days before announcing a project selected to receive
10 a grant under this section, the Secretary of Transportation
11 shall notify the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Committee
13 on Environment and Public Works of the Senate of the in-
14 tentions to award such a grant.

15 (g) FEDERAL SHARE.—The Federal share of the cost
16 of a project under this section shall be determined in accord-
17 ance with subsections (b) and (c) of section 120 of title 23,
18 United States Code.

19 (h) PROHIBITION ON CHARGING FEES.—To be eligible
20 for a grant under this section, an eligible entity shall certify
21 that no fees will be charged for the use of a project assisted
22 with such grant.

23 (i) AMENDMENT TO MAP-21.—Section 1401(c)(1) of
24 MAP-21 (23 U.S.C. 137 note) is amended—

1 (1) by inserting “and private providers of com-
2 mercial motor vehicle parking” after “personnel”; and

3 (2) in subparagraph (A) by striking “the capa-
4 bility of the State to provide” and inserting “the
5 availability of”.

6 (j) *SURVEY; COMPARATIVE ASSESSMENT; REPORT.*—

7 (1) *UPDATE.*—Not later than 2 years after the
8 date of enactment of this Act, the Secretary shall up-
9 date the survey of each State required under section
10 1401(c)(1) of the MAP-21 (23 U.S.C. 137 note).

11 (2) *REPORT.*—Not later than 1 year after the
12 deadline under paragraph (1), the Secretary shall
13 publish on the website of the Department of Transpor-
14 tation a report that—

15 (A) evaluates the availability of adequate
16 parking and rest facilities for commercial motor
17 vehicles engaged in interstate transportation;

18 (B) evaluates the effectiveness of the projects
19 funded under this section in improving access to
20 commercial motor vehicle parking; and

21 (C) reports on the progress being made to
22 provide adequate commercial motor vehicle park-
23 ing facilities in the State.

1 (3) *CONSULTATION.*—*The Secretary shall pre-*
2 *pare the report required under paragraph (2) in con-*
3 *sultation with—*

4 (A) *relevant State motor carrier safety per-*
5 *sonnel;*

6 (B) *motor carriers and commercial motor*
7 *vehicle operators; and*

8 (C) *private providers of commercial motor*
9 *vehicle parking.*

10 (k) *DEFINITIONS.*—*In this section:*

11 (1) *COMMERCIAL MOTOR VEHICLE.*—*The term*
12 *“commercial motor vehicle” has the meaning given*
13 *such term in section 31132 of title 49, United States*
14 *Code.*

15 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
16 *ty” means—*

17 (A) *a State;*

18 (B) *a metropolitan planning organization;*

19 (C) *a unit of local government;*

20 (D) *a political subdivision of a State or*
21 *local government carrying out responsibilities re-*
22 *lating to commercial motor vehicle parking; and*

23 (E) *a multistate or multijurisdictional*
24 *group of entities described in subparagraphs (A)*
25 *through (D).*

1 (3) *SAFETY REST AREA*.—*The term “safety rest*
2 *area” has the meaning given such term in section*
3 *120(c) of title 23, United States Code.*

4 **SEC. 1309. ACTIVE CONNECTED TRANSPORTATION GRANT**
5 **PROGRAM.**

6 (a) *ESTABLISHMENT*.—*The Secretary of Transpor-*
7 *tation shall establish an active connected transportation*
8 *grant program to provide for safe and connected active*
9 *transportation networks and active transportation connec-*
10 *tors.*

11 (b) *GRANT AUTHORITY*.—*In carrying out the program*
12 *established in subsection (a), the Secretary shall make*
13 *grants, on a competitive basis, in accordance with this sec-*
14 *tion.*

15 (c) *ELIGIBLE APPLICANTS*.—*The Secretary may make*
16 *a grant under this section to—*

17 (1) *a State;*

18 (2) *a metropolitan planning organization;*

19 (3) *a regional transportation authority;*

20 (4) *a unit of local government, including a coun-*
21 *ty or multi-county special district;*

22 (5) *a Federal land management agency;*

23 (6) *a natural resource or public land agency;*

24 (7) *an Indian Tribe or Tribal organization;*

1 (8) *any local or regional governmental entity*
2 *with responsibility for or oversight of transportation*
3 *or recreational trails; and*

4 (9) *a multistate or multijurisdictional group of*
5 *entities described in this subsection.*

6 (d) *APPLICATIONS.—To be eligible for a grant under*
7 *this section, an entity specified under subsection (c) shall*
8 *submit to the Secretary an application in such form, at*
9 *such time, and containing such information as the Sec-*
10 *retary determines appropriate.*

11 (e) *ELIGIBLE PROJECTS.—The Secretary shall provide*
12 *grants under this section to projects that improve the*
13 *connectivity and the use of active transportation facili-*
14 *ties—*

15 (1) *including—*

16 (A) *active transportation networks;*

17 (B) *active transportation connectors; and*

18 (C) *planning related to the development*

19 *of—*

20 (i) *active transportation networks;*

21 (ii) *active transportation connectors;*

22 *and*

23 (iii) *vision zero plans or complete*

24 *streets prioritization plans under section*

25 *1601; and*

1 (2) *that have—*

2 (A) *total project costs of not less than*
3 *\$15,000,000; or*

4 (B) *in the case of planning grants under*
5 *subsection (f)(2), a total cost of not less than*
6 *\$100,000.*

7 (f) *USE OF FUNDS.—*

8 (1) *IN GENERAL.—Of the amounts made avail-*
9 *able to carry out this section for fiscal years 2023*
10 *through 2026 and except as provided in paragraph*
11 *(2), the Secretary shall obligate—*

12 (A) *not less than 30 percent to eligible*
13 *projects that construct active transportation net-*
14 *works; and*

15 (B) *not less than 30 percent to eligible*
16 *projects that construct active transportation con-*
17 *nectors.*

18 (2) *PLANNING GRANTS.—Of the amounts made*
19 *available to carry out this section for fiscal years*
20 *2023 through 2026, the Secretary may use not more*
21 *than 10 percent to provide planning grants to eligible*
22 *applicants for activities under subsection (e)(1)(C).*

23 (g) *CONSIDERATIONS.—In making grants under this*
24 *section, the Secretary shall consider the extent to which—*

1 (1) *a project is likely to provide substantial ad-*
2 *ditional opportunities for active transportation, in-*
3 *cluding walking and bicycling, including through the*
4 *creation of—*

5 (A) *active transportation networks con-*
6 *necting destinations within or between commu-*
7 *nities, including between schools, workplaces,*
8 *residences, businesses, recreation areas, and other*
9 *community areas; and*

10 (B) *active transportation connectors con-*
11 *necting 2 or more communities, metropolitan*
12 *areas, or States, including greenway paths;*

13 (2) *an applicant has adequately considered or*
14 *will consider, including through the opportunity for*
15 *public comment, the environmental justice and equity*
16 *impacts of the project;*

17 (3) *the project would improve safety for vulner-*
18 *able road users, including through the use of complete*
19 *street design policies or a safe system approach; and*

20 (4) *a project integrates active transportation fa-*
21 *cilities with public transportation services, where*
22 *available, to improve access to public transportation.*

23 (h) *LIMITATION.—*

1 (1) *IN GENERAL.*—*The share of the cost of a*
2 *project assisted with a grant under this section may*
3 *not exceed 80 percent.*

4 (2) *MAXIMUM FEDERAL ASSISTANCE.*—*Federal*
5 *assistance other than a grant under this section may*
6 *be used to satisfy up to 100 percent of the total*
7 *project cost.*

8 (i) *ELIGIBLE PROJECT COSTS.*—*Amounts made avail-*
9 *able for a project under this section may be used for—*

10 (1) *development phase activities, including plan-*
11 *ning, feasibility analysis, revenue forecasting, envi-*
12 *ronmental review, preliminary engineering and de-*
13 *sign work, and other preconstruction activities; and*

14 (2) *construction, reconstruction, rehabilitation,*
15 *acquisition of real property (including land related to*
16 *the project and improvements to the land), environ-*
17 *mental mitigation, construction contingencies, acqui-*
18 *sition of equipment, and operational improvements.*

19 (j) *NOTIFICATION.*—*Not later than 3 business days be-*
20 *fore awarding a grant under this section, the Secretary of*
21 *Transportation shall notify the Committee on Transpor-*
22 *tation and Infrastructure of the House of Representatives*
23 *and the Committee on Environment and Public Works of*
24 *the Senate of the intention to award such a grant.*

25 (k) *DEFINITIONS.*—*In this section:*

1 (1) *ACTIVE TRANSPORTATION NETWORK.*—*The*
2 *term “active transportation network” means facilities*
3 *built for alternative methods of transportation to*
4 *motor vehicles for individuals, including sidewalks,*
5 *bikeways, and pedestrian and bicycle trails, that con-*
6 *nect destinations within an area covered by a unit of*
7 *local government, a county, a community, including*
8 *a community on Federal lands, or a metropolitan*
9 *area.*

10 (2) *ACTIVE TRANSPORTATION CONNECTOR.*—*The*
11 *term “active transportation connector” means facili-*
12 *ties built for alternative methods of transportation to*
13 *motor vehicles for individuals, including sidewalks,*
14 *bikeways, and pedestrian and bicycle trails, that con-*
15 *nect 2 or more active transportation networks or con-*
16 *nect communities, areas covered by a unit of local*
17 *government, counties, metropolitan areas, Federal*
18 *lands, or States.*

19 (3) *GREENWAY PATH.*—*The term “greenway*
20 *path” means an active transportation connector*
21 *that—*

22 (A) *crosses jurisdictional boundaries, in-*
23 *cluding State lines, and provides for connectivity*
24 *between multiple communities, counties, metro-*
25 *politan areas, or States; or*

1 (B) is a component of a regionally or na-
2 tionally significant network.

3 (4) *SAFE SYSTEM APPROACH*.—The term “safe
4 system approach” has the meaning given such term
5 in section 148(a) of title 23, United States Code.

6 (5) *VULNERABLE ROAD USER*.—The term “vul-
7 nerable road user” has the meaning given such term
8 in section 148(a) of title 23, United States Code.

9 **SEC. 1310. WILDLIFE CROSSINGS PROGRAM.**

10 (a) *ESTABLISHMENT*.—The Secretary shall establish a
11 competitive wildlife crossings grant program (referred to in
12 this section as the “program”) to provide grants for projects
13 that seek to achieve—

14 (1) a reduction in the number of wildlife-vehicle
15 collisions; and

16 (2) improved habitat connectivity for terrestrial
17 and aquatic species.

18 (b) *ELIGIBLE ENTITIES*.—The Secretary may make
19 grants under the program to the following entities:

20 (1) A State.

21 (2) An Indian Tribe or Tribal organization.

22 (3) A territory.

23 (4) A Federal land management agency de-
24 scribed in section 203(b) of title 23, United States
25 Code.

1 (5) *A group of entities described in paragraphs*
2 *(1) through (4).*

3 (c) *APPLICATIONS.—To be eligible to receive a grant*
4 *under the program, an eligible entity shall submit to the*
5 *Secretary an application at such time, in such manner, and*
6 *containing such information as the Secretary may require.*

7 (d) *CONSIDERATIONS.—In selecting grant recipients*
8 *under the program, the Secretary shall consider the fol-*
9 *lowing:*

10 (1) *PRIMARY CRITERIA.—The extent to which the*
11 *proposed project is likely to protect motorists and*
12 *wildlife by reducing the number of wildlife-vehicle col-*
13 *lisions and improve habitat connectivity for terres-*
14 *trial and aquatic species.*

15 (2) *SECONDARY CRITERIA.—*

16 (A) *The resilience benefits of the project.*

17 (B) *The extent to which the project incor-*
18 *porates climate science, including expected*
19 *changes in migration patterns.*

20 (C) *The extent to which the project sponsor*
21 *has coordinated with the relevant State agency*
22 *with jurisdiction over fish and wildlife, if appro-*
23 *priate.*

24 (D) *In the case of a project involving spe-*
25 *cies listed as threatened species or endangered*

1 *species under the Endangered Species Act of*
2 *1973 (16 U.S.C. 1531 et seq.), whether the*
3 *project sponsor has coordinated with the United*
4 *States Fish and Wildlife Service.*

5 *(E) Other ecological benefits of the project,*
6 *including—*

7 *(i) reductions in stormwater runoff*
8 *and other water pollution; and*

9 *(ii) the benefits of improved habitat*
10 *connectivity for pollinators and the use of*
11 *natively appropriate grasses.*

12 *(F) Whether the project supports local eco-*
13 *nomics development and improvement of visita-*
14 *tion opportunities.*

15 *(G) The extent to which the project incor-*
16 *porates innovative technologies, including ad-*
17 *vanced design techniques and other strategies to*
18 *enhance efficiency and effectiveness in reducing*
19 *wildlife-vehicle collisions and improving habitat*
20 *connectivity for terrestrial and aquatic species.*

21 *(H) The extent to which the project provides*
22 *educational and outreach opportunities.*

23 *(I) Whether the project will further research*
24 *to evaluate, compare effectiveness of, and identify*
25 *best practices in selected projects.*

1 (J) *How the benefits compare to the costs of*
2 *the project.*

3 (K) *Any other criteria relevant to reducing*
4 *the number of wildlife-vehicle collisions and im-*
5 *proving habitat connectivity for terrestrial and*
6 *aquatic species, as the Secretary determines to be*
7 *appropriate.*

8 (e) *ELIGIBLE PROJECT COSTS.—Grant amounts for a*
9 *project under this section may be used for—*

10 (1) *development phase activities, including plan-*
11 *ning, feasibility analysis, revenue forecasting, envi-*
12 *ronmental review, preliminary engineering and de-*
13 *sign work, and other preconstruction activities;*

14 (2) *construction (including construction of pro-*
15 *jective features), reconstruction, rehabilitation, acqui-*
16 *sition of real property (including land related to the*
17 *project and improvements to the land), environmental*
18 *mitigation, construction contingencies, acquisition of*
19 *equipment, and operational improvements; and*

20 (3) *planning and technical assistance activities*
21 *consistent with section 5107 of title 49, United States*
22 *Code, including—*

23 (A) *data collection on wildlife-vehicle colli-*
24 *sions;*

1 (B) integration of State, Tribal, territorial,
2 regional, or Federal wildlife conservation plans
3 and data collection with transportation planning
4 and project selection;

5 (C) technical assistance, including work-
6 force development training, on reducing wildlife-
7 vehicle collisions and improving habitat
8 connectivity for terrestrial and aquatic species;
9 and

10 (D) education and public outreach to reduce
11 wildlife-vehicle collisions.

12 (f) *PARTNERSHIPS*.—

13 (1) *IN GENERAL*.—A grant received under the
14 program may be used to provide funds to an eligible
15 partner as a subrecipient, in accordance with the
16 terms of the project agreement and subject to the re-
17 quirements of this section.

18 (2) *ELIGIBLE PARTNER DEFINED*.—In this sec-
19 tion, the term “eligible partner” means—

20 (A) an eligible entity described in subsection

21 (b);

22 (B) a metropolitan planning organization;

23 (C) a unit of local government;

24 (D) a regional transportation authority;

1 (E) a special purpose district or public au-
 2 thority with a transportation function, including
 3 a port authority;

4 (F) a non-profit entity or institution of
 5 higher education; or

6 (G) a Federal, Tribal, regional, State, or
 7 local governmental entity not described in sub-
 8 section (b).

9 (g) REQUIREMENTS.—

10 (1) RURAL PROJECTS.—The Secretary shall re-
 11 serve not less than 50 percent of the amounts made
 12 available under this section for projects located in a
 13 rural community.

14 (2) RESILIENCE.—A project under this section
 15 shall be designed to ensure resilience over the antici-
 16 pated service life of the asset.

17 (3) LIMITATION.—The Secretary may not award
 18 more than 10 percent of the amounts made available
 19 under this section for grants that propose only activi-
 20 ties described in subsection (e)(3).

21 (h) NOTIFICATION.—Not later than 3 business days be-
 22 fore awarding a grant under this section, the Secretary
 23 shall notify the Committee on Transportation and Infra-
 24 structure of the House of Representatives and the Committee

1 *on Environment and Public Works of the Senate of the in-*
2 *tention to award such a grant.*

3 *(i) ANNUAL REPORT.—*

4 *(1) IN GENERAL.—Not later than December 31 of*
5 *each calendar year, the Secretary shall publish, on the*
6 *website of the Department of Transportation, a report*
7 *describing the activities under the program for the fis-*
8 *cal year that ends during that calendar year.*

9 *(2) CONTENTS.—The report under paragraph (1)*
10 *shall include—*

11 *(A) a detailed description of the activities*
12 *carried out under the program;*

13 *(B) an evaluation of the effectiveness of the*
14 *program in meeting the purposes described in*
15 *subsection (b); and*

16 *(C) policy recommendations, if any, to im-*
17 *prove the effectiveness of the program.*

18 *(j) DEFINITIONS.—In this section:*

19 *(1) PROTECTIVE FEATURES.—The term “protec-*
20 *tive features” has the meaning given such term in sec-*
21 *tion 101 of title 23, United States Code.*

22 *(2) RESILIENCE.—The term “resilience” has the*
23 *meaning given that term in section 101 of title 23,*
24 *United States Code.*

1 (3) *RURAL COMMUNITY*.—The term “rural com-
2 munity” means any area of a State or territory that
3 is not an urbanized area, as such term is defined in
4 section 101 of title 23, United States Code.

5 (4) *SECRETARY*.—The term “Secretary” has the
6 meaning given such term in section 101 of title 23,
7 United States Code.

8 (5) *STATE*.—The term “State” has the meaning
9 given such term in section 101 of title 23, United
10 States Code.

11 **SEC. 1311. RECONNECTING NEIGHBORHOODS PROGRAM.**

12 (a) *ESTABLISHMENT*.—The Secretary of Transpor-
13 tation shall establish a reconnecting neighborhoods program
14 under which an eligible entity may apply for funding in
15 order to identify, remove, replace, retrofit, or remediate the
16 effects from eligible facilities and restore or improve
17 connectivity, mobility, and access in disadvantaged and un-
18 derserved communities, including—

19 (1) *studying the feasibility and impacts of re-*
20 *moving, retrofitting, or remediating the effects on*
21 *community connectivity from an existing eligible fa-*
22 *cility;*

23 (2) *conducting preliminary engineering and*
24 *final design activities for a project to remove, retrofit,*

1 or remediate the effects on community connectivity
2 from an existing eligible facility;

3 (3) conducting construction activities necessary
4 to carry out a project to remove, retrofit, or remediate
5 the effects on community connectivity from an exist-
6 ing eligible facility; and

7 (4) ensuring any activities carried out under
8 this section—

9 (A) focus on improvements that will benefit
10 the populations impacted by or previously dis-
11 placed by the eligible facility; and

12 (B) emphasize equity by garnering commu-
13 nity engagement, avoiding future displacement,
14 and ensuring local participation in the planning
15 process.

16 (b) *ELIGIBLE ENTITIES.*—

17 (1) *IN GENERAL.*—The Secretary may award a
18 planning grant or a capital construction grant to—

19 (A) a State;

20 (B) a unit of local government;

21 (C) an Indian Tribe or Tribal organization;

22 (D) a territory;

23 (F) a metropolitan planning organization;

24 (G) a transit agency;

1 (H) a special purpose district with a trans-
2 portation function; and

3 (I) a group of entities described in this
4 paragraph.

5 (2) *PARTNERSHIPS*.—An eligible entity may
6 enter into an agreement with the following entities to
7 carry out the eligible activities under this section:

8 (A) A nonprofit organization.

9 (B) An institution of higher education, as
10 such term is defined in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001), includ-
12 ing historically black colleges and universities,
13 defined as the term “Predominantly Black insti-
14 tution” is defined in section 371(c) of the Higher
15 Education Act of 1965 (20 U.S.C. 1067q(c)).

16 (c) *PLANNING GRANTS*.—

17 (1) *IN GENERAL*.—The Secretary may award
18 grants (referred to in this section as a “planning
19 grants”) to carry out planning activities described in
20 paragraph (2).

21 (2) *ELIGIBLE ACTIVITIES DESCRIBED*.—The
22 planning activities referred to in paragraph (1) are—

23 (A) planning studies to evaluate the feasi-
24 bility of removing, retrofitting, or remediating

1 *an existing eligible facility to restore community*
2 *connectivity, including evaluations of—*

3 *(i) current traffic patterns on the eligi-*
4 *ble facility proposed for removal, retrofit, or*
5 *remediation and the surrounding street net-*
6 *work;*

7 *(ii) the capacity of existing transpor-*
8 *tation networks to maintain mobility needs;*

9 *(iii) an analysis of alternative road-*
10 *way designs or other uses for the right-of-*
11 *way of the eligible facility, including an*
12 *analysis of whether the available right-of-*
13 *way would suffice to create an alternative*
14 *roadway design;*

15 *(iv) the effect of the removal, retrofit,*
16 *or remediation of the eligible facility on the*
17 *mobility of freight and people;*

18 *(v) the effect of the removal, retrofit, or*
19 *remediation of the eligible facility on the*
20 *safety of the traveling public;*

21 *(vi) the cost to remove, retrofit, or re-*
22 *mediate the eligible facility—*

23 *(I) to restore community*
24 *connectivity; and*

1 (II) to convert the eligible facility
2 to a roadway design or use that in-
3 creases safety, mobility, and access for
4 all users, compared to any expected
5 costs for necessary maintenance or re-
6 construction of the eligible facility; and
7 (vii) the environmental impacts of re-
8 taining or reconstructing the eligible facil-
9 ity and the anticipated effect of the pro-
10 posed alternative use or roadway design;

11 (B) public engagement activities to provide
12 opportunities for public input into a plan to re-
13 move, replace, retrofit, or remediate the effects
14 from an eligible facility, including—

15 (i) building organizational or commu-
16 nity capacity to, and educating community
17 members on how to, engage in and con-
18 tribute to eligible planning activities de-
19 scribed in subsection (c)(2);

20 (ii) identifying community needs and
21 desires for community improvements and
22 developing community driven solutions in
23 carrying out eligible planning activities de-
24 scribed in subsection (c)(2);

1 (iii) conducting assessments of equity,
2 mobility and access, environmental justice,
3 affordability, economic opportunity, health
4 outcomes, and other local goals to be used in
5 carrying out eligible planning activities de-
6 scribed in subsection (c)(2); and

7 (iv) forming a community advisory
8 board in accordance with subsection (d)(7);

9 (C) other transportation planning activities
10 required in advance of a project to remove, ret-
11 rofit, or remediate an existing eligible facility to
12 restore community connectivity, as determined
13 by the Secretary;

14 (D) evaluating land use and zoning changes
15 necessary to improve equity and maximize tran-
16 sit-oriented development in connection with
17 project eligible for a capital construction grant,
18 including activities eligible under section 5327 of
19 title 49, United States Code; and

20 (E) establishment of anti-displacement and
21 equitable neighborhood revitalization strategies
22 in connection with project eligible for a capital
23 construction grant, including establishment of a
24 community land trust for land acquisition, land

1 *banking, and equitable transit-oriented develop-*
 2 *ment.*

3 (3) *TECHNICAL ASSISTANCE.*—

4 (A) *IN GENERAL.*—*The Secretary may pro-*
 5 *vide technical assistance described in subpara-*
 6 *graph (B) to an eligible entity.*

7 (B) *TECHNICAL ASSISTANCE DESCRIBED.*—
 8 *The technical assistance referred to in subpara-*
 9 *graph (A) is technical assistance in building or-*
 10 *ganizational or community capacity—*

11 (i) *to conduct transportation planning;*

12 *and*

13 (ii) *to identify innovative solutions to*
 14 *challenges posed by existing eligible facili-*
 15 *ties, including reconnecting communities*
 16 *that—*

17 (I) *are bifurcated by eligible fa-*
 18 *cilities; or*

19 (II) *lack safe, reliable, and afford-*
 20 *able transportation choices.*

21 (4) *SELECTION.*—*The Secretary shall—*

22 (A) *solicit applications for—*

23 (i) *planning grants;*

24 (ii) *technical assistance under para-*
 25 *graph (3); and*

1 (iii) the activities would benefit popu-
2 lations impacted by or previously displaced
3 by an eligible facility; and

4 (B) evaluate applications for a planning
5 grant on the basis of the demonstration by the
6 applicant that—

7 (i) the eligible facility—

8 (I) creates barriers to mobility,
9 access, or economic development; or

10 (II) is not justified by current
11 and forecast future travel demand; and

12 (ii) on the basis of preliminary assess-
13 ment into the feasibility of removing, retro-
14 fitting, or remediating the eligible facility
15 to restore community connectivity, and in-
16 crease safety, mobility, and access for all
17 users, further planning activities are nec-
18 essary and likely to be productive.

19 (5) AWARD AMOUNTS.—A planning grant may
20 not exceed \$2,000,000 for any recipient.

21 (6) FEDERAL SHARE.—The total Federal share
22 of the cost of a planning activity for which a plan-
23 ning grant is used may not exceed 80 percent.

24 (d) CAPITAL CONSTRUCTION GRANTS.—

1 (1) *ELIGIBLE ENTITIES.*—*The Secretary may*
2 *award grants (referred to in this section as a “capital*
3 *construction grants”)* *to eligible entities to carry out*
4 *eligible projects described in paragraph (3).*

5 (2) *PARTNERSHIPS.*—*In the case that the owner*
6 *of an eligible facility that is the subject of the capital*
7 *construction grant is not an eligible entity, an eligible*
8 *entity shall demonstrate the existence of a partnership*
9 *with the owner of the eligible facility.*

10 (3) *ELIGIBLE PROJECTS.*—*A project eligible to be*
11 *carried out with a capital construction grant includes*
12 *the following:*

13 (A) *The removal, retrofit, or remediation of*
14 *the effects on community connectivity from of an*
15 *eligible facility.*

16 (B) *The replacement of an eligible facility*
17 *with a new facility that—*

18 (i) *restores community connectivity;*

19 (ii) *employs context sensitive solutions*
20 *appropriate for the surrounding commu-*
21 *nity; and*

22 (iii) *is otherwise eligible for funding*
23 *under title 23, United States Code.*

24 (C) *Support for community partnerships,*
25 *including a community advisory board described*

1 under paragraph (7), in connection with a cap-
2 ital construction grant awarded under this sub-
3 section.

4 (D) Other activities required to remove, re-
5 place, retrofit, or remediate an existing eligible
6 facility, as determined by the Secretary.

7 (4) *SELECTION.*—The Secretary shall—

8 (A) solicit applications for capital construc-
9 tion grants;

10 (B) evaluate applications on the basis of—

11 (i) the degree to which the project will
12 improve mobility and access through the re-
13 moval of barriers;

14 (ii) the appropriateness of removing,
15 retrofitting, or remediating the effects on
16 community connectivity from the eligible fa-
17 cility, based on current traffic patterns and
18 the ability of the project and the regional
19 transportation network to absorb transpor-
20 tation demand and provide safe mobility
21 and access;

22 (iii) the impact of the project on
23 freight movement;

24 (iv) the results of a cost-benefit anal-
25 ysis of the project;

1 (v) the extent to which the grantee has
2 plans for inclusive economic development in
3 place, including the existing land use and
4 whether the zoning provides for equitable
5 and transit-oriented development of under-
6 utilized land;

7 (vi) the degree to which the eligible fa-
8 cility is out of context with the current or
9 planned land use;

10 (vii) the results of any feasibility study
11 completed for the project;

12 (viii) whether the eligible facility is
13 likely to need replacement or significant re-
14 construction within the 20-year period be-
15 ginning on the date of the submission of the
16 application;

17 (ix) whether the project is consistent
18 with the relevant long-range transportation
19 plan and included in the relevant statewide
20 transportation improvement program;

21 (x) whether the project is consistent
22 with, and how the project would impact, the
23 relevant transportation performance man-
24 agement targets; and

1 (xi) the extent to which the project ben-
 2 efits populations impacted by or previously
 3 displaced by the eligible facility;

4 (C) ensure that the project has conducted
 5 sufficient community engagement, such as the
 6 activities described in subsection (c)(2)(B); and

7 (D) ensure that the jurisdiction in which
 8 the eligible facility is located has an anti-dis-
 9 placement policy or a community land trust in
 10 place.

11 (5) *MINIMUM AWARD AMOUNTS.*—A capital con-
 12 struction grant shall be in an amount not less than
 13 \$5,000,000 for each recipient.

14 (6) *FEDERAL SHARE.*—

15 (A) *IN GENERAL.*—Subject to subparagraph
 16 (B), the Federal share of the total cost of a
 17 project carried out using a capital construction
 18 grant may not exceed 80 percent.

19 (B) *MAXIMUM FEDERAL INVOLVEMENT.*—
 20 Federal assistance other than a capital construc-
 21 tion grant may be used to satisfy the non-Fed-
 22 eral share of the cost of a project for which the
 23 grant is awarded.

24 (7) *COMMUNITY ADVISORY BOARD.*—

1 (A) *IN GENERAL.*—*To help achieve inclusive*
2 *economic development benefits with respect to the*
3 *project for which a grant is awarded, a grant re-*
4 *cipient may form a community advisory board,*
5 *which, if formed, shall—*

6 (i) *facilitate community engagement*
7 *with respect to the project; and*

8 (ii) *track progress with respect to com-*
9 *mitments of the grant recipient to inclusive*
10 *employment, contracting, and economic de-*
11 *velopment under the project.*

12 (B) *MEMBERSHIP.*—*If a grant recipient*
13 *forms a community advisory board under sub-*
14 *paragraph (A), the community advisory board*
15 *shall be composed of representatives of—*

16 (i) *the community, including residents*
17 *in the immediate vicinity of the project;*

18 (ii) *owners of businesses that serve the*
19 *community;*

20 (iii) *labor organizations that represent*
21 *workers that serve the community;*

22 (iv) *State and local government; and*

23 (v) *private and non-profit organiza-*
24 *tions that represent local community devel-*
25 *opment.*

1 (C) *DIVERSITY.*—*The community advisory*
2 *board shall be representative of the community*
3 *served by the project.*

4 (e) *PRIORITIES.*—*In selecting recipients of planning*
5 *grants, capital construction grants, and technical assistance*
6 *under this section, the Secretary shall give priority to—*

7 (1) *an application from a community that is*
8 *economically disadvantaged, including an environ-*
9 *mental justice community, an underserved commu-*
10 *nity, or a community located in an area of persistent*
11 *poverty (as such term is defined in section 101 of title*
12 *23, United States Code); and*

13 (2) *an eligible entity that has—*

14 (A) *entered into a community benefits*
15 *agreement with representatives of the community*
16 *or formed a community advisory board under*
17 *paragraph (7) of subsection (d);*

18 (B) *demonstrated a plan for employing resi-*
19 *dents in the area impacted by the activity or*
20 *project through targeted hiring programs; and*

21 (C) *demonstrated a plan for improving*
22 *transportation system access.*

23 (f) *ADMINISTRATIVE EXPENSES.*—*Of amounts made*
24 *available to carry out this section, the Secretary may set*

1 *aside not more than \$5,000,000 in each fiscal year for the*
2 *costs of administering the program under this section.*

3 (g) *TECHNICAL ASSISTANCE.*—*Of amounts made*
4 *available to carry out this section, the Secretary may set*
5 *aside not more than \$5,000,000 in each fiscal year to pro-*
6 *vide technical assistance to eligible entities under subsection*
7 *(c)(3).*

8 (h) *REPORT.*—*Not later than 2 years after the date*
9 *of enactment of this Act, the Secretary shall submit to the*
10 *Committee on Transportation and Infrastructure of the*
11 *House of Representatives and the Committee on Environ-*
12 *ment and Public Works of the Senate a report that—*

13 (1) *identifies and creates an online mapping tool*
14 *showing any examples of potential projects to remove*
15 *eligible facilities, and assesses the potential impacts of*
16 *carrying out such projects; and*

17 (2) *assesses projects funded under subsection (d)*
18 *to provide best practices.*

19 (i) *DEFINITIONS.*—*In this section:*

20 (1) *ANTI-DISPLACEMENT POLICY.*—*The term*
21 *“anti-displacement policy” means a policy that limits*
22 *the displacement of low-income, disadvantaged, and*
23 *underserved communities from neighborhoods due to*
24 *new investments in housing, businesses, and infra-*
25 *structure.*

1 (2) *COMMUNITY LAND TRUST.*—*The term “com-*
 2 *munity land trust” means a nonprofit organization*
 3 *established or with the responsibility, as applicable—*

4 *(A) to develop the real estate created by the*
 5 *removal or capping of an eligible facility; and*

6 *(B) to carry out anti-displacement or com-*
 7 *munity development strategies, including—*

8 *(i) affordable housing preservation and*
 9 *development;*

10 *(ii) homeownership and property im-*
 11 *provement programs;*

12 *(iii) the development or rehabilitation*
 13 *of park space or recreation facilities; and*

14 *(iv) community revitalization and eco-*
 15 *nomic development projects.*

16 (3) *ELIGIBLE FACILITY.*—

17 *(A) IN GENERAL.*—*The term “eligible facil-*
 18 *ity” means a highway or other transportation*
 19 *facility that creates a barrier to community*
 20 *connectivity, including barriers to mobility, ac-*
 21 *cess, or economic development, due to high*
 22 *speeds, grade separations, or other design factors.*

23 *(B) INCLUSIONS.*—*In this section, the term*
 24 *“eligible facility” may include—*

25 *(i) a limited access highway;*

- 1 (ii) a railway;
- 2 (iii) a viaduct;
- 3 (iv) a principal arterial facility; or
- 4 (v) any other transportation facility
- 5 for which the high speeds, grade separation,
- 6 or other design factors create an obstacle to
- 7 connectivity.

8 **SEC. 1312. APPRENTICESHIP UTILIZATION.**

9 (a) *IN GENERAL.*—

10 (1) *CERTIFICATION REQUIREMENT.*—*To receive a*
 11 *grant under sections 117 and 173 of title 23, United*
 12 *States Code, and section 1311 of this Act, each appli-*
 13 *cant shall include in a grant application a certifi-*
 14 *cation that such applicant will ensure that any con-*
 15 *tractor or subcontractor utilized in carrying out ac-*
 16 *tivities with such grant—*

17 (A) *meets or exceeds the apprenticeship em-*
 18 *ployment goal; and*

19 (B) *to the extent practicable, employs quali-*
 20 *fied apprentices from traditionally underrep-*
 21 *resented populations, including women and mi-*
 22 *norities, in meeting or exceeding such goal.*

23 (2) *EXCEPTIONS.*—*The Secretary may adjust the*
 24 *requirements of this section if the grant applicant—*

1 (A) demonstrates a lack of availability of
2 qualified apprentices in a specific geographic
3 area; or

4 (B) makes a good faith effort to comply
5 with the requirements of this section.

6 (b) *REGULATIONS.*—The Secretary shall have the au-
7 thority to issue such regulations or other guidance, forms,
8 instructions, and publications as may be necessary or ap-
9 propriate to carry out the requirements of this section, in-
10 cluding reporting requirements for applicants awarded a
11 grant.

12 (c) *REPORT TO CONGRESS.*—Not later than 3 years
13 after the date of enactment of this Act, the Secretary shall
14 submit to the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and the Committee on
16 Environment and Public Works of the Senate a report on
17 the utilization of qualified apprentices for projects carried
18 out under sections 117 and 173 of title 23, United States
19 Code, and section 1311 of this Act, that includes—

20 (1) the total number of labor hours fulfilled by
21 qualified apprentices;

22 (2) the total number of qualified apprentices em-
23 ployed;

24 (3) the total number of grant recipients that met
25 or exceeded the apprenticeship employment goal; and

1 (4) *best practices utilized by grant recipients*
 2 *that met or exceeded the apprenticeship employment*
 3 *goal.*

4 (d) *PUBLIC TRANSPARENCY.—At the end of each fiscal*
 5 *year, the Secretary shall make available on a public website*
 6 *information on the utilization of qualified apprentices in*
 7 *the preceding fiscal year for each grant program under sec-*
 8 *tions 117 and 173 of title 23, United States Code, and sec-*
 9 *tion 1311 of this Act, including—*

10 (1) *the total number of grant applicants that*
 11 *certified they would be able to meet or exceed the ap-*
 12 *prenticeship employment goal under subsection (a);*
 13 *and*

14 (2) *the total number of grants awarded for which*
 15 *applicants certified they would be able to meet or ex-*
 16 *ceed the apprenticeship employment goal.*

17 (e) *DEFINITIONS.—In this section:*

18 (1) *APPRENTICESHIP EMPLOYMENT GOAL.—The*
 19 *term “apprenticeship employment goal” means the*
 20 *utilization of qualified apprentices for not less than*
 21 *15 percent of the total labor hours used for construc-*
 22 *tion activities for a project.*

23 (2) *QUALIFIED APPRENTICE.—The term “quali-*
 24 *fied apprentice” means an employee participating in*
 25 *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)—

1 (A) by redesignating paragraphs (6) and
 2 (7) as paragraphs (7) and (8), respectively; and
 3 (B) by inserting after paragraph (5) the fol-
 4 lowing:

5 “(6) *STIP*.—The term ‘*STIP*’ means a statewide
 6 transportation improvement program developed by a
 7 State under section 135(g).”;

8 (3) in subsection (c)—

9 (A) in paragraph (1) by striking “and
 10 transportation improvement programs” and in-
 11 serting “and *TIPs*”; and

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

13 “(4) *CONSIDERATION*.—In developing the plans
 14 and *TIPs*, metropolitan planning organizations shall
 15 consider direct and indirect emissions of greenhouse
 16 gases.”;

17 (4) in subsection (d)—

18 (A) in paragraph (2) by striking “Not later
 19 than 2 years after the date of enactment of
 20 *MAP-21*, each” and inserting “*Each*”;

21 (B) in paragraph (3) by adding at the end
 22 the following:

23 “(D) *EQUITABLE AND PROPORTIONAL REP-*
 24 *RESENTATION*.—

1 “(i) *IN GENERAL.*—*In designating offi-*
 2 *cials or representatives under paragraph*
 3 *(2), the metropolitan planning organization*
 4 *shall ensure the equitable and proportional*
 5 *representation of the population of the met-*
 6 *ropolitan planning area.*

7 “(ii) *SAVINGS CLAUSE.*—*Nothing in*
 8 *this paragraph shall require a metropolitan*
 9 *planning organization in existence on the*
 10 *date of enactment of this subparagraph to*
 11 *be restructured.*

12 “(iii) *REDESIGNATION.*—*Notwith-*
 13 *standing clause (ii), the requirements of this*
 14 *paragraph shall apply to any metropolitan*
 15 *planning organization redesignated under*
 16 *paragraph (6).”;*

17 *(C) in paragraph (6)(B) by striking “para-*
 18 *graph (2)” and inserting “paragraphs (2) or*
 19 *(3)(D)”;* and

20 *(D) in paragraph (7)—*

21 *(i) by striking “an existing metropoli-*
 22 *tan planning area” and inserting “an ur-*
 23 *banized area”;* and

1 (ii) by striking “the existing metropoli-
 2 tan planning area” and inserting “the
 3 area”;

4 (5) in subsection (g)—

5 (A) in paragraph (1) by striking “a metro-
 6 politan area” and inserting “an urbanized
 7 area”;

8 (B) in paragraph (2) by striking “MPOS”
 9 and inserting “METROPOLITAN PLANNING
 10 AREAS”;

11 (C) in paragraph (3)(A) by inserting
 12 “emergency response and evacuation, climate
 13 change adaptation and resilience,” after “dis-
 14 aster risk reduction,”; and

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

16 “(4) COORDINATION BETWEEN MPOS.—

17 “(A) IN GENERAL.—If more than one met-
 18 ropolitan planning organization is designated
 19 within an urbanized area under subsection
 20 (d)(7), the metropolitan planning organizations
 21 designated within the area shall ensure, to the
 22 maximum extent practicable, the consistency of
 23 any data used in the planning process, including
 24 information used in forecasting transportation
 25 demand.

1 “(B) SAVINGS CLAUSE.—Nothing in this
2 paragraph requires metropolitan planning orga-
3 nizations designated within a single urbanized
4 area to jointly develop planning documents, in-
5 cluding a unified long-range transportation plan
6 or unified TIP.”;

7 (6) in subsection (h)(1)—

8 (A) by striking subparagraph (E) and in-
9 serting the following:

10 “(E) protect and enhance the environment,
11 promote energy conservation, reduce greenhouse
12 gas emissions, improve the quality of life and
13 public health, and promote consistency between
14 transportation improvements and State and
15 local planned growth and economic development
16 patterns, including housing and land use pat-
17 terns;”;

18 (B) in subparagraph (I)—

19 (i) by inserting “, sea level rise, ex-
20 treme weather, and climate change” after
21 “stormwater”; and

22 (ii) by striking “and” at the end;

23 (C) by redesignating subparagraph (J) as
24 subparagraph (M); and

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

3 “(J) support emergency management, re-
4 sponse, and evacuation and hazard mitigation;

5 “(K) improve the level of transportation
6 system access;

7 “(L) support inclusive zoning policies and
8 land use planning practices that incentivize af-
9 fordable, elastic, and diverse housing supply, fa-
10 cilitate long-term economic growth by improving
11 the accessibility of housing to jobs, and prevent
12 high housing costs from displacing economically
13 disadvantaged households; and”;

14 (7) in subsection (h)(2) by striking subpara-
15 graph (A) and inserting the following:

16 “(A) IN GENERAL.—Through the use of a
17 performance-based approach, transportation in-
18 vestment decisions made as a part of the metro-
19 politan transportation planning process shall
20 support the national goals described in section
21 150(b), the achievement of metropolitan and
22 statewide targets established under section
23 150(d), the improvement of transportation sys-
24 tem access (consistent with section 150(f)), and

1 *the general purposes described in section 5301 of*
2 *title 49.”;*

3 *(8) in subsection (i)—*

4 *(A) in paragraph (2)(D)(i) by inserting*
5 *“reduce greenhouse gas emissions and” before*
6 *“restore and maintain”;*

7 *(B) in paragraph (2)(G) by inserting “and*
8 *climate change” after “infrastructure to natural*
9 *disasters”;*

10 *(C) in paragraph (2)(H) by inserting*
11 *“greenhouse gas emissions,” after “pollution,”;*

12 *(D) in paragraph (5)—*

13 *(i) in subparagraph (A) by inserting*
14 *“air quality, public health, housing, trans-*
15 *portation, resilience, hazard mitigation,*
16 *emergency management,” after “conserva-*
17 *tion,”; and*

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

20 *“(B) ISSUES.—The consultation shall in-*
21 *volve, as appropriate, comparison of transpor-*
22 *tation plans to other relevant plans, including, if*
23 *available—*

24 *“(i) State conservation plans or maps;*
25 *and*

1 “(ii) inventories of natural or historic
2 resources.”; and

3 (E) by amending paragraph (6)(C) to read
4 as follows:

5 “(C) METHODS.—

6 “(i) IN GENERAL.—In carrying out
7 subparagraph (A), the metropolitan plan-
8 ning organization shall, to the maximum
9 extent practicable—

10 “(I) hold any public meetings at
11 convenient and accessible locations and
12 times;

13 “(II) employ visualization tech-
14 niques to describe plans; and

15 “(III) make public information
16 available in electronically accessible
17 format and means, such as the inter-
18 net, as appropriate to afford reasonable
19 opportunity for consideration of public
20 information under subparagraph (A).

21 “(ii) ADDITIONAL METHODS.—In addi-
22 tion to the methods described in clause (i),
23 in carrying out subparagraph (A), the met-
24 ropolitan planning organization shall, to
25 the maximum extent practicable—

1 “(I) use virtual public involve-
 2 ment, social media, and other web-
 3 based tools to encourage public partici-
 4 pation and solicit public feedback; and

5 “(II) use other methods, as appro-
 6 priate, to further encourage public par-
 7 ticipation of historically underrep-
 8 resented individuals in the transpor-
 9 tation planning process.”;

10 (9) in subsection (j) by striking “transportation
 11 improvement program” and inserting “TIP” each
 12 place it appears; and

13 (10) by striking “Federally” each place it ap-
 14 pears and inserting “federally”.

15 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
 16 **PORTATION PLANNING.**

17 Section 135 of title 23, United States Code, is amend-
 18 ed—

19 (1) in subsection (a)—

20 (A) in paragraph (1) by striking “statewide
 21 transportation improvement program” and in-
 22 serting “STIP”;

23 (B) in paragraph (2)—

1 (i) by striking “The statewide trans-
2 portation plan and the” and inserting the
3 following:

4 “(A) *IN GENERAL.*—The statewide transpor-
5 tation plan and the”;

6 (ii) by striking “transportation im-
7 provement program” and inserting “STIP”;
8 and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(B) *CONSIDERATION.*—In developing the
12 statewide transportation plans and STIPs,
13 States shall consider direct and indirect emis-
14 sions of greenhouse gases.”; and

15 (C) in paragraph (3) by striking “transpor-
16 tation improvement program” and inserting
17 “STIP”;

18 (2) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (E)—

21 (I) by inserting “reduce green-
22 house gas emissions,” after “promote
23 energy conservation,”;

1 (II) by inserting “and public
2 health” after “improve the quality of
3 life”; and

4 (III) by inserting “, including
5 housing and land use patterns” after
6 “economic development patterns”;

7 (ii) in subparagraph (I)—

8 (I) by inserting “, sea level rise,
9 extreme weather, and climate change”
10 after “mitigate stormwater”; and

11 (II) by striking “and” after the
12 semicolon;

13 (iii) by redesignating subparagraph
14 (J) as subparagraph (M); and

15 (iv) by inserting after subparagraph
16 (I) the following:

17 “(J) facilitate emergency management, re-
18 sponse, and evacuation and hazard mitigation;

19 “(K) improve the level of transportation
20 system access;

21 “(L) support inclusive zoning policies and
22 land use planning practices that incentivize af-
23 fordable, elastic, and diverse housing supply, fa-
24 cilitate long-term economic growth by improving
25 the accessibility of housing to jobs, and prevent

1 *high housing costs from displacing economically*
2 *disadvantaged households; and”;*

3 *(B) in paragraph (2)—*

4 *(i) by striking subparagraph (A) and*
5 *inserting the following:*

6 *“(A) IN GENERAL.—Through the use of a*
7 *performance-based approach, transportation in-*
8 *vestment decisions made as a part of the state-*
9 *wide transportation planning process shall sup-*
10 *port—*

11 *“(i) the national goals described in sec-*
12 *tion 150(b);*

13 *“(ii) the consideration of transpor-*
14 *tation system access (consistent with section*
15 *150(f));*

16 *“(iii) the achievement of statewide tar-*
17 *gets established under section 150(d); and*

18 *“(iv) the general purposes described in*
19 *section 5301 of title 49.”; and*

20 *(ii) in subparagraph (D) by striking*
21 *“statewide transportation improvement pro-*
22 *gram” and inserting “STIP”; and*

23 *(C) in paragraph (3) by striking “statewide*
24 *transportation improvement program” and in-*
25 *serting “STIP”;*

1 (3) in subsection (e)(3) by striking “transportation improvement program” and inserting “STIP”;

2 (4) in subsection (f)—

3 (A) in paragraph (2)(D)—

4 (i) in clause (i) by inserting “air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,” after “conservation,”; and

5 (ii) by amending clause (ii) to read as follows:

6 “(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

7 “(I) State and tribal conservation plans or maps; and

8 “(II) inventories of natural or historic resources.”;

9 (B) in paragraph (3)(B)—

10 (i) by striking “In carrying out” and inserting the following:

11 “(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)—

1 (A) in paragraph (1)(A) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (3) by striking “opera-
5 tors),,” and inserting “operators),”;

6 (C) in paragraph (4) by striking “statewide
7 transportation improvement program” and in-
8 serting “STIP” each place it appears;

9 (D) in paragraph (5)—

10 (i) in subparagraph (A) by striking
11 “transportation improvement program”
12 and inserting “STIP”;

13 (ii) in subparagraph (B)(ii) by strik-
14 ing “metropolitan transportation improve-
15 ment program” and inserting “TIP”;

16 (iii) in subparagraph (C) by striking
17 “transportation improvement program”
18 and inserting “STIP” each place it ap-
19 pears;

20 (iv) in subparagraph (E) by striking
21 “transportation improvement program”
22 and inserting “STIP”;

23 (v) in subparagraph (F)(i) by striking
24 “transportation improvement program”

1 *and inserting “STIP” each place it ap-*
2 *pears;*

3 *(vi) in subparagraph (G)(ii) by strik-*
4 *ing “transportation improvement program”*
5 *and inserting “STIP”; and*

6 *(vii) in subparagraph (H) by striking*
7 *“transportation improvement program”*
8 *and inserting “STIP”;*

9 *(E) in paragraph (6)—*

10 *(i) in subparagraph (A)—*

11 *(I) by striking “transportation*
12 *improvement program” and inserting*
13 *“STIP”; and*

14 *(II) by striking “and projects car-*
15 *ried out under the bridge program or*
16 *the Interstate maintenance program”;*
17 *and*

18 *(ii) in subparagraph (B)—*

19 *(I) by striking “or under the*
20 *bridge program or the Interstate main-*
21 *tenance program”;*

22 *(II) by striking “5310, 5311,*
23 *5316, and 5317” and inserting “5310*
24 *and 5311”; and*

1 (III) by striking “statewide trans-
2 portation improvement program” and
3 inserting “STIP”;

4 (F) in paragraph (7)—

5 (i) in the heading by striking “TRANS-
6 PORTATION IMPROVEMENT PROGRAM” and
7 inserting “STIP”; and

8 (ii) by striking “transportation im-
9 provement program” and inserting “STIP”;

10 (G) in paragraph (8) by striking “statewide
11 transportation plans and programs” and insert-
12 ing “statewide transportation plans and STIPs”;
13 and

14 (H) in paragraph (9) by striking “trans-
15 portation improvement program” and inserting
16 “STIP”;

17 (6) in subsection (h)(2)(A) by striking “Not later
18 than 5 years after the date of enactment of the MAP-
19 21,” and inserting “Not less frequently than once
20 every 4 years,”;

21 (7) in subsection (k) by striking “transportation
22 improvement program” and inserting “STIP” each
23 place it appears; and

24 (8) in subsection (m) by striking “transportation
25 improvement programs” and inserting “STIPs”.

1 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
2 **MENT MEASURES.**

3 (a) *IN GENERAL.*—Section 150 of title 23, United
4 States Code, is amended—

5 (1) *in subsection (b)*—

6 (A) *in paragraph (1) by inserting “or*
7 *elimination” after “significant reduction”;*

8 (B) *by redesignating paragraph (7) as*
9 *paragraph (8); and*

10 (C) *by inserting after paragraph (6) the fol-*
11 *lowing:*

12 “(7) *COMBATING CLIMATE CHANGE.*—To reduce
13 carbon dioxide and other greenhouse gas emissions
14 and reduce the climate impacts of the transportation
15 system.”;

16 (2) *in subsection (c)*—

17 (A) *in paragraph (1) by striking “Not later*
18 *than 18 months after the date of enactment of the*
19 *MAP–21, the Secretary” and inserting “The Sec-*
20 *retary”;* and

21 (B) *by adding at the end the following:*

22 “(7) *GREENHOUSE GAS EMISSIONS.*—The Sec-
23 retary shall establish, in consultation with the Ad-
24 ministrator of the Environmental Protection Agency,
25 measures for States to use to assess—

1 “(A) carbon dioxide emissions per capita on
2 public roads;

3 “(B) carbon dioxide emissions using dif-
4 ferent parameters than described in subpara-
5 graph (A) that the Secretary determines to be
6 appropriate; and

7 “(C) any other greenhouse gas emissions on
8 public roads that the Secretary determines to be
9 appropriate.”;

10 (3) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) by striking “Not later than 1 year
13 after the Secretary has promulgated the
14 final rulemaking under subsection (c), each”
15 and inserting “Each”; and

16 (ii) by striking “and (6)” and insert-
17 ing “(6), and (7)”; and

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

19 “(3) *REGRESSIVE TARGETS.*—

20 “(A) *IN GENERAL.*—A State may not estab-
21 lish a regressive target for the measures described
22 under paragraph (4) or paragraph (7) of sub-
23 section (c).

24 “(B) *REGRESSIVE TARGET DEFINED.*—In
25 this paragraph, the term ‘regressive target’

1 *means a target that fails to demonstrate constant*
 2 *or improved performance for a particular meas-*
 3 *ure.”;*

4 *(4) in subsection (e)—*

5 *(A) by striking “Not later than 4 years*
 6 *after the date of enactment of the MAP-21 and*
 7 *biennially thereafter, a” and inserting “A”; and*

8 *(B) by inserting “biennial” after “the Sec-*
 9 *retary a”; and*

10 *(5) by adding at the end the following:*

11 *“(f) TRANSPORTATION SYSTEM ACCESS.—*

12 *“(1) IN GENERAL.—The Secretary shall establish*
 13 *measures for States and metropolitan planning orga-*
 14 *nizations to use to assess the level of safe, reliable, and*
 15 *convenient transportation system access to—*

16 *“(A) employment; and*

17 *“(B) services.*

18 *“(2) CONSIDERATIONS.—The measures estab-*
 19 *lished pursuant to paragraph (1) shall include the*
 20 *ability for States and metropolitan planning organi-*
 21 *zations to assess—*

22 *“(A) the change in the level of transpor-*
 23 *tation system access for various modes of travel,*
 24 *including connection to other modes of transpor-*

1 *tation, that would result from new transpor-*
 2 *tation investments;*

3 *“(B) the level of transportation system ac-*
 4 *cess for economically disadvantaged commu-*
 5 *nities, including to affordable housing; and*

6 *“(C) the extent to which transportation ac-*
 7 *cess is impacted by zoning policies and land use*
 8 *planning practices that effect the affordability,*
 9 *elasticity, and diversity of the housing supply.*

10 *“(3) DEFINITION OF SERVICES.—In this sub-*
 11 *section, the term ‘services’ includes healthcare facili-*
 12 *ties, child care, education and workforce training,*
 13 *food sources, banking and other financial institutions,*
 14 *and other retail shopping establishments.”.*

15 *(b) METROPOLITAN TRANSPORTATION PLANNING;*
 16 *TITLE 23.—Section 134 of title 23, United States Code, is*
 17 *further amended—*

18 *(1) in subsection (j)(2)(D)—*

19 *(A) by striking “PERFORMANCE TARGET*
 20 *ACHIEVEMENT” in the heading and inserting*
 21 *“PERFORMANCE MANAGEMENT”;*

22 *(B) by striking “The TIP” and inserting*
 23 *the following:*

24 *“(i) IN GENERAL.—The TIP”; and*

25 *(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*

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

3 “(ii) the overall level of transportation
4 system access for various modes of travel
5 within the metropolitan planning area, in-
6 cluding the level of access for economically
7 disadvantaged communities, consistent with
8 section 150(f), that is based on a coopera-
9 tively developed and implemented metro-
10 politan-wide strategy, assessing both new
11 and existing transportation facilities eligi-
12 ble for funding under this title and chapter
13 53 of title 49.”; and

14 (B) in paragraph (5)(B)—

15 (i) in clause (i) by striking “; and”
16 and inserting a semicolon;

17 (ii) in clause (ii) by striking the pe-
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iii) the TIP approved under clause
22 (ii) makes progress towards improving the
23 level of transportation system access, con-
24 sistent with section 150(f).”; and

25 (3) in subsection (l)(2)—

1 (A) by striking “5 years after the date of
2 enactment of the MAP-21” and inserting “2
3 years after the date of enactment of the INVEST
4 in America Act, and every 2 years thereafter”;

5 (B) in subparagraph (C) by striking “and
6 whether metropolitan planning organizations are
7 developing meaningful performance targets; and”
8 and inserting a semicolon; and

9 (C) by striking subparagraph (D) and in-
10 serting the following:

11 “(D) a listing of all metropolitan planning
12 organizations that are establishing performance
13 targets and whether such performance targets es-
14 tablished by the metropolitan planning organiza-
15 tion are meaningful or regressive (as defined in
16 section 150(d)(3)(B)); and

17 “(E) the progress of implementing the meas-
18 ure established under section 150(f).”.

19 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
20 TATION PLANNING; TITLE 23.—Section 135(g)(4) of title 23,
21 United States Code, is further amended—

22 (1) by striking “PERFORMANCE TARGET
23 ACHIEVEMENT” in the heading and inserting “PER-
24 FORMANCE MANAGEMENT”;

1 (2) *by striking “shall include, to the maximum*
 2 *extent practicable, a discussion” and inserting the fol-*
 3 *lowing: “shall include—*

4 *“(A) a discussion”;*

5 (3) *by striking the period at the end and insert-*
 6 *ing “; and”; and*

7 (4) *by adding at the end the following:*

8 *“(B) a consideration of the anticipated ef-*
 9 *fect of the STIP on the overall level of transpor-*
 10 *tation system access, consistent with section*
 11 *150(f).”.*

12 (d) *METROPOLITAN TRANSPORTATION PLANNING;*
 13 *TITLE 49.—Section 5303 of title 49, United States Code,*
 14 *is amended—*

15 (1) *in subsection (j)(2)(D)—*

16 (A) *by striking “PERFORMANCE TARGET*
 17 *ACHIEVEMENT” and inserting “PERFORMANCE*
 18 *MANAGEMENT”;*

19 (B) *by striking “The transportation im-*
 20 *provement plan” and inserting the following:*

21 *“(i) IN GENERAL.—The TIP”; and*

22 (C) *by adding at the end the following:*

23 *“(ii) TRANSPORTATION MANAGEMENT*
 24 *AREAS.—For metropolitan planning areas*
 25 *that represent an urbanized area designated*

1 *as a transportation management area*
2 *under subsection (k), the TIP shall in-*
3 *clude—*

4 *“(I) a discussion of the antici-*
5 *pated effect of the TIP toward achiev-*
6 *ing the performance targets established*
7 *in the metropolitan transportation*
8 *plan, linking investment priorities to*
9 *such performance targets; and*

10 *“(II) a description of how the an-*
11 *ticipated effect of the TIP would im-*
12 *prove the overall level of transportation*
13 *system access, consistent with section*
14 *150(f) of title 23.”;*

15 *(2) in subsection (k)—*

16 *(A) in paragraph (3)(A)—*

17 *(i) by striking “shall address conges-*
18 *tion management” and inserting the fol-*
19 *lowing: “shall address—*

20 *“(i) congestion management”;*

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

23 *(iii) by adding at the end the fol-*
24 *lowing:*

1 “(ii) the overall level of transportation
2 system access for various modes of travel
3 within the metropolitan planning area, in-
4 cluding the level of access for economically
5 disadvantaged communities, consistent with
6 section 150(f) of title 23, that is based on a
7 cooperatively developed and implemented
8 metropolitan-wide strategy, assessing both
9 new and existing transportation facilities
10 eligible for funding under this chapter and
11 title 23.”; and

12 (B) in paragraph (5)(B)—

13 (i) in clause (i) by striking “; and”
14 and inserting a semicolon;

15 (ii) in clause (ii) by striking the pe-
16 riod and inserting “; and”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(iii) the TIP approved under clause
20 (ii) makes progress towards improving the
21 level of transportation system access, con-
22 sistent with section 150(f) of title 23.”; and

23 (3) in subsection (l)(2)—

24 (A) by striking “5 years after the date of
25 enactment of the Federal Public Transportation

1 *Act of 2012” and inserting “2 years after the*
 2 *date of enactment of the INVEST in America*
 3 *Act, and every 2 years thereafter”;*

4 *(B) in subparagraph (C) by striking “and*
 5 *whether metropolitan planning organizations are*
 6 *developing meaningful performance targets; and”*
 7 *and inserting a semicolon; and*

8 *(C) by striking subparagraph (D) and in-*
 9 *serting the following:*

10 *“(D) a listing of all metropolitan planning*
 11 *organizations that are establishing performance*
 12 *targets and whether such performance targets es-*
 13 *tablished by the metropolitan planning organiza-*
 14 *tion are meaningful or regressive (as defined in*
 15 *section 150(d)(3)(B) of title 23); and*

16 *“(E) the progress of implementing the meas-*
 17 *ure established under section 150(f) of title 23.”.*

18 *(e) STATEWIDE AND NONMETROPOLITAN TRANSPOR-*
 19 *TATION PLANNING; TITLE 49.—Section 5304(g)(4) of title*
 20 *49, United States Code, is amended—*

21 *(1) by striking “PERFORMANCE TARGET*
 22 *ACHIEVEMENT” and inserting “PERFORMANCE MAN-*
 23 *AGEMENT”;*

1 (2) *by striking “shall include, to the maximum*
 2 *extent practicable, a discussion” and inserting the fol-*
 3 *lowing: “shall include—*

4 *“(A) a discussion”;*

5 (3) *by striking the period at the end and insert-*
 6 *ing “; and”;*

7 (4) *by striking “statewide transportation im-*
 8 *provement program” and inserting “STIP” each*
 9 *place it appears; and*

10 (5) *by adding at the end the following:*

11 *“(B) a consideration of the anticipated ef-*
 12 *fect of the STIP on the overall level of transpor-*
 13 *tation system access, consistent with section*
 14 *150(f) of title 23.”.*

15 (f) *SAVINGS CLAUSE.—*

16 (1) *REGRESSIVE TARGETS.—The prohibition in*
 17 *the amendment made by subsection (a)(3)(B) shall*
 18 *apply to States beginning on the date that is 1 year*
 19 *before the subsequent State target and reporting dead-*
 20 *lines related to safety performance management estab-*
 21 *lished pursuant to section 150 of title 23, United*
 22 *States Code.*

23 (2) *ACCESS PLANNING REQUIREMENTS.—The re-*
 24 *quirements in the amendments made by subsections*
 25 *(b), (c), (d), and (e) shall apply beginning on the date*

1 on which the requirements for the measure described
2 in section 150(f) of title 23, United States Code, take
3 effect.

4 (g) *DEVELOPMENT OF GREENHOUSE GAS MEAS-*
5 *URE.*—Not later than 1 year after the date of enactment
6 of this Act, the Secretary of Transportation shall issue such
7 regulations as are necessary to carry out paragraph (7) of
8 section 150(c) of title 23, United States Code, as added by
9 this Act.

10 (h) *DEVELOPMENT OF TRANSPORTATION SYSTEM AC-*
11 *CESS MEASURE.*—

12 (1) *ESTABLISHMENT.*—Not later than 120 days
13 after the date of enactment of this Act, the Secretary
14 of Transportation shall establish a working group to
15 assess the provisions of paragraphs (1) and (2) of sec-
16 tion 150(f) and make recommendations regarding the
17 establishment of measures for States and metropolitan
18 planning organizations to use to assess the level of
19 transportation system access for various modes of
20 travel, consistent with section 150(f) of title 23,
21 United States Code.

22 (2) *MEMBERS.*—The working group established
23 pursuant to paragraph (1) shall include representa-
24 tives from—

25 (A) the Department of Transportation;

1 (B) State departments of transportation,
2 including representatives that specialize in pe-
3 destrian and bicycle safety;

4 (C) the Bureau of Transportation Statistics;

5 (D) metropolitan planning organizations
6 representing transportation management areas
7 (as those terms are defined in section 134 of title
8 23, United States Code);

9 (E) other metropolitan planning organiza-
10 tions or local governments;

11 (F) providers of public transportation;

12 (G) nonprofit entities related to transpor-
13 tation, including relevant safety groups;

14 (H) experts in the field of transportation
15 access data; and

16 (I) any other stakeholders, as determined by
17 the Secretary.

18 (3) *REPORT.*—

19 (A) *SUBMISSION.*—Not later than 1 year
20 after the establishment of the working group pur-
21 suant to paragraph (1), the working group shall
22 submit to the Secretary a report of recommenda-
23 tions regarding the establishment of measures for
24 States and metropolitan planning organizations
25 to use to assess the level of transportation system

1 *access, consistent with section 150(f) of title 23,*
2 *United States Code.*

3 *(B) PUBLICATION.—Not later than 30 days*
4 *after the date on which the Secretary receives the*
5 *report under subparagraph (A), the Secretary*
6 *shall publish the report on a publicly accessible*
7 *website of the Department of Transportation.*

8 *(4) RULEMAKING.—Not later than 2 years after*
9 *the date on which the Secretary receives the report*
10 *under paragraph (3), the Secretary shall issue such*
11 *regulations as are necessary to implement the require-*
12 *ments of section 150(f) of title 23, United States Code.*

13 *(5) TERMINATION.—The Secretary shall termi-*
14 *nate the working group established pursuant to para-*
15 *graph (1) on the date on which the regulation issued*
16 *pursuant to paragraph (4) takes effect.*

17 *(i) TRANSPORTATION SYSTEM ACCESS DATA.—*

18 *(1) IN GENERAL.—Not later than 90 days after*
19 *the date on which the Secretary of Transportation es-*
20 *tablishes the measure required under section 150(f) of*
21 *title 23, United States Code, the Secretary shall de-*
22 *velop or procure eligible transportation system access*
23 *data sets and analytical tools and make such data*
24 *sets and analytical tools available to State depart-*
25 *ments of transportation and metropolitan planning*

1 *areas that represent transportation management*
2 *areas.*

3 (2) *REQUIREMENTS.—An eligible transportation*
4 *system access data set and analytical tool shall have*
5 *the following characteristics:*

6 (A) *The ability to quantify the level of safe,*
7 *reliable, and convenient transportation system*
8 *access to—*

9 (i) *employment;*

10 (ii) *services; and*

11 (iii) *connections to other modes of*
12 *transportation.*

13 (B) *The ability to quantify transportation*
14 *system access for various modes of travel, includ-*
15 *ing—*

16 (i) *driving;*

17 (ii) *public transportation;*

18 (iii) *walking (including conveyance for*
19 *persons with disabilities); and*

20 (iv) *cycling (including micromobility).*

21 (C) *The ability to disaggregate the level of*
22 *transportation system access by various trans-*
23 *portation modes by a variety of population cat-*
24 *egories, including—*

25 (i) *low-income populations;*

1 (ii) *minority populations;*

2 (iii) *age;*

3 (iv) *disability; and*

4 (v) *geographical location.*

5 (D) *The ability to assess the change in the*
6 *level of transportation system access that would*
7 *result from new transportation investments.*

8 (3) *CONSIDERATION.—An eligible transportation*
9 *system access data set and analytical tool shall take*
10 *into consideration safe and connected networks for*
11 *walking, cycling, and persons with disabilities.*

12 (j) *DEFINITIONS.—In this section:*

13 (1) *TRANSPORTATION SYSTEM ACCESS.—The*
14 *term “transportation system access” has the meaning*
15 *given such term in section 101 of title 23, United*
16 *States Code.*

17 (2) *SERVICES.—The term “services” has the*
18 *meaning given such term in section 150(f) of title 23,*
19 *United States Code.*

20 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
21 **ELING STUDY.**

22 (a) *STUDY.—*

23 (1) *IN GENERAL.—The Secretary of Transpor-*
24 *tation shall conduct a study on transportation de-*
25 *mand data and modeling, including transportation*

1 *demand forecasting, and make recommendations for*
2 *developing and utilizing transportation and traffic*
3 *demand models with a demonstrated record of accu-*
4 *racy.*

5 (2) *CONTENTS.—In carrying out the study under*
6 *this section, the Secretary shall—*

7 (A) *collect observed transportation demand*
8 *data and transportation demand forecasts from*
9 *States and metropolitan planning organizations,*
10 *including data and forecasts on—*

11 (i) *traffic counts;*

12 (ii) *transportation mode share and*
13 *public transportation ridership; and*

14 (iii) *vehicle occupancy measures;*

15 (B) *compare the transportation demand*
16 *forecasts with the observed transportation de-*
17 *mand data gathered under subparagraph (A),*
18 *including an analysis of the level of accuracy of*
19 *forecasts and possible reasons for large discrep-*
20 *ancies; and*

21 (C) *use the information described in sub-*
22 *paragraphs (A) and (B) to—*

23 (i) *develop best practices and guidance*
24 *for States and metropolitan planning orga-*
25 *nizations to use in forecasting transpor-*

1 *tation demand for future investments in*
2 *transportation improvements;*

3 *(ii) evaluate the impact of transpor-*
4 *tation investments, including new roadway*
5 *capacity, on transportation behavior and*
6 *transportation demand, including public*
7 *transportation ridership, induced highway*
8 *transportation, and congestion;*

9 *(iii) support more accurate transpor-*
10 *tation demand forecasting by States and*
11 *metropolitan planning organizations;*

12 *(iv) enhance the capacity of States and*
13 *metropolitan planning organizations to—*

14 *(I) forecast transportation de-*
15 *mand; and*

16 *(II) track observed transportation*
17 *behavior responses, including induced*
18 *transportation, to changes in transpor-*
19 *tation capacity, pricing, and land use*
20 *patterns; and*

21 *(v) develop transportation demand*
22 *management strategies to maximize the effi-*
23 *ciency of the transportation system, im-*
24 *prove mobility, reduce congestion, and lower*
25 *vehicle emissions.*

1 (3) *COVERED ENTITIES.*—*In carrying out the*
2 *study under this section, the Secretary shall ensure*
3 *that data and forecasts described in paragraph (2)(A)*
4 *are collected from—*

5 (A) *States;*

6 (B) *metropolitan planning organizations*
7 *that serve an area with a population of 200,000*
8 *people or fewer; and*

9 (C) *metropolitan planning organizations*
10 *that serve an area with a population of over*
11 *200,000 people.*

12 (4) *WORKING WITH THE PRIVATE SECTOR.*—*In*
13 *carrying out this section, the Secretary may, and is*
14 *encouraged to, procure additional data as necessary*
15 *from university transportation centers, private sector*
16 *providers, and other entities as is needed and may*
17 *use funds authorized under section 503(b) of title 23,*
18 *United States Code, for carrying out this paragraph.*

19 (5) *WORKING WITH AFFECTED COMMUNITIES.*—
20 *In carrying out this section, the Secretary shall con-*
21 *sult with, and collect data and input from, represent-*
22 *atives of—*

23 (A) *the Department of Transportation;*

24 (B) *State departments of transportation;*

25 (C) *metropolitan planning organizations;*

1 (D) local governments;

2 (E) providers of public transportation;

3 (F) nonprofit entities related to transpor-
4 tation, including safety, cycling, disability, and
5 equity groups; and

6 (G) any other stakeholders, as determined
7 by the Secretary.

8 (b) *REPORT*.—Not later than 2 years after the date
9 of enactment of this Act, the Secretary shall submit to Con-
10 gress a report containing the findings of the study con-
11 ducted under subsection (a).

12 (c) *SECRETARIAL SUPPORT*.—The Secretary shall seek
13 opportunities to support the transportation planning proc-
14 esses under sections 134 and 135 of title 23, United States
15 Code, through the provision of data to States and metropoli-
16 tan planning organizations to improve the quality of trans-
17 portation plans, models, and demand forecasts.

18 (d) *UPDATE GUIDANCE AND REGULATIONS*.—The Sec-
19 retary shall—

20 (1) update Department of Transportation guid-
21 ance and procedures to utilize best practices docu-
22 mented throughout the Federal program; and

23 (2) ensure that best practices included in the re-
24 port are incorporated into appropriate regulations as
25 such regulations are updated.

1 (e) *CONTINUING IMPROVEMENT.*—*The Secretary shall*
 2 *set out a process to repeat the study under this section every*
 3 *2 years as part of the conditions and performance report,*
 4 *including—*

5 (1) *progress in the accuracy of model projections;*

6 (2) *further recommendations for improvement;*

7 *and*

8 (3) *further changes to guidance, regulation, and*
 9 *procedures required for the Department of Transpor-*
 10 *tation to adopt best practices.*

11 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
 12 **PORTATION PLANS.**

13 *Not later than 1 year after the date of enactment of*
 14 *this Act, the Secretary shall amend section*
 15 *450.324(f)(11)(v) of title 23, Code of Federal Regulations,*
 16 *to ensure that the outer years of a metropolitan transpor-*
 17 *tation plan are defined as “beyond the first 4 years”.*

18 ***Subtitle E—Federal Lands, Tribes,***
 19 ***and Territories***

20 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
 21 **GRAM.**

22 (a) *IN GENERAL.*—*Section 165 of title 23, United*
 23 *States Code, is amended—*

24 (1) *by striking subsection (a) and inserting the*
 25 *following:*

1 “(a) *ANNUAL ALLOCATION.*—*For the Puerto Rico and*
 2 *territorial highway program, there shall be made avail-*
 3 *able—*

4 “(1) \$340,000,000 for the Puerto Rico highway
 5 program under subsection (b) for each of fiscal years
 6 2023 through 2026; and

7 “(2) for the territorial highway program under
 8 subsection (c)—

9 “(A) \$113,044,097 for fiscal year 2023;

10 “(B) \$114,961,294 for fiscal year 2024;

11 “(C) \$117,190,719 for fiscal year 2025; and

12 “(D) \$119,237,332 for fiscal year 2026.”;

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

15 “(D) *TRANSFERABILITY.*—*Of the amounts*
 16 *described in clauses (i) and (ii) of subparagraph*
 17 *(C) for the Puerto Rico highway program, Puer-*
 18 *to Rico may transfer not to exceed 50 percent in*
 19 *a fiscal year of such amounts for activities de-*
 20 *scribed in clause (iii) of such subparagraph.”.*

21 (3) in subsection (c)(6)(A)—

22 (A) by redesignating clauses (iv), (v), (vi),
 23 and (vii) as clauses (v), (vi), (vii), and (viii), re-
 24 spectively; and

1 (B) by inserting after clause (iii) the fol-
 2 lowing:

3 “(iv) *Ferry boats and terminal facili-*
 4 *ties that are privately or majority privately*
 5 *owned, in accordance with paragraphs (1),*
 6 *(2), (4), (5), (6), and (7) of section 129(c),*
 7 *that provide a substantial public benefit.”;*
 8 and

9 (4) by adding at the end the following:

10 “(d) *PARTICIPATION OF TERRITORIES IN DISCRE-*
 11 *TIONARY PROGRAMS.—For any program in which the Sec-*
 12 *retary may allocate funds out of the Highway Trust Fund*
 13 *(other than the Mass Transit Account) to a State at the*
 14 *discretion of the Secretary, the Secretary may allocate funds*
 15 *to one or more territory for any project or activity that*
 16 *otherwise would be eligible under such program if such*
 17 *project or activity was being carried out in a State.”.*

18 (b) *ACCESS AND DEVELOPMENT ROADS.—Section*
 19 *118(d) of title 23, United States Code, is amended by strik-*
 20 *ing “and the Commonwealth of Puerto Rico” and inserting*
 21 *“, the Commonwealth of Puerto Rico, and any other terri-*
 22 *tory of the United States”.*

23 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

24 Section 202 of title 23, United States Code, is amend-
 25 ed—

1 (1) in subsection (d)—

2 (A) in paragraph (1) by striking “improv-
3 ing deficient” and inserting “the construction
4 and reconstruction of”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A) by inserting
7 “construct,” after “project to”; and

8 (ii) in subparagraph (B)—

9 (I) by striking “deficient”; and

10 (II) by inserting “in poor condi-
11 tion” after “facility bridges”; and

12 (C) in paragraph (3)—

13 (i) in the heading by striking “ELIGI-
14 BLE BRIDGES” and inserting “ELIGIBILITY
15 FOR EXISTING BRIDGES”;

16 (ii) by striking “a bridge” and insert-
17 ing “an existing bridge”; and

18 (iii) in subparagraph (C) by striking
19 “structurally deficient or functionally obso-
20 lete” and inserting “in poor condition”;
21 and

22 (2) in subsection (e) by striking “for eligible
23 projects described in section 148(a)(4).” and inserting
24 the following: “for—

1 “(A) eligible projects described in section
2 148(a)(4);

3 “(B) projects to promote public awareness
4 and education concerning highway safety mat-
5 ters (including bicycle, all-terrain, motorcyclist,
6 and pedestrian safety); or

7 “(C) projects to enforce highway safety
8 laws.”.

9 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

10 (a) *TRIBAL TRANSPORTATION PROGRAM.*—Section 202
11 of title 23, United States Code, is amended—

12 (1) by redesignating subsection (f) as subsection
13 (g); and

14 (2) by inserting after subsection (e) the following:

15 “(f) *TRIBAL HIGH PRIORITY PROJECTS PROGRAM.*—
16 Before making any distribution under subsection (b), the
17 Secretary shall set aside \$50,000,000 from the funds made
18 available under the tribal transportation program for each
19 fiscal year to carry out the Tribal High Priority Projects
20 program under section 1123 of MAP–21 (23 U.S.C. 202
21 note).”.

22 (b) *TRIBAL HIGH PRIORITY PROJECTS PROGRAM.*—
23 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
24 ed—

1 (1) in subsection (a)(1)(C) by striking “required
2 by that section” and inserting “required under such
3 program”;

4 (2) in subsection (b)(1) by striking “use amounts
5 made available under subsection (h) to”;

6 (3) in subsection (d)—

7 (A) in paragraph (2) by inserting “, in
8 consultation with the Secretary of the Interior,”
9 after “The Secretary”; and

10 (B) in paragraph (3) by striking “of the In-
11 terior” each place it appears;

12 (4) in subsection (f) by striking “\$1,000,000”
13 and inserting “\$5,000,000”;

14 (5) in subsection (g) by striking “and the Sec-
15 retary” and inserting “or the Secretary”; and

16 (6) by striking subsection (h) and inserting the
17 following:

18 “(h) *ADMINISTRATION.*—The funds made available to
19 carry out this section shall be administered in the same
20 manner as funds made available for the Tribal transpor-
21 tation program under section 202 of title 23, United States
22 Code.”.

23 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

24 (a) *IN GENERAL.*—Section 203(a) of title 23, United
25 States Code, is amended by adding at the end the following:

1 “(6) *TRANSFER FOR HIGH-COMMUTER COR-*
2 *RIDORS.*—

3 “(A) *REQUEST.*—*If the head of a covered*
4 *agency determines that a high-commuter cor-*
5 *ridor requires additional investment, based on*
6 *the criteria described in subparagraph (D), the*
7 *head of a covered agency, with respect to such*
8 *corridor, shall submit to the State—*

9 “(i) *information on condition of pave-*
10 *ments and bridges;*

11 “(ii) *an estimate of the amounts need-*
12 *ed to bring such corridor into a state of*
13 *good repair, taking into consideration any*
14 *planned future investments; and*

15 “(iii) *at the discretion of the head of a*
16 *covered agency, a request that the State*
17 *transfer to the covered agency, under the*
18 *authority of section 132 or section 204, or*
19 *to the Federal Highway Administration,*
20 *under the authority of section 104, a por-*
21 *tion of such amounts necessary to address*
22 *the condition of the corridor.*

23 “(B) *STATE RESPONSE.*—*Not later than 45*
24 *days after the date of receipt of the request de-*

1 scribed in subparagraph (A)(iii), the State
2 shall—

3 “(i) approve the request;

4 “(ii) deny the request and explain the
5 reasons for such denial; or

6 “(iii) request any additional informa-
7 tion necessary to take action on the request.

8 “(C) NOTIFICATION TO THE SECRETARY.—
9 The head of a covered agency shall provide to the
10 Secretary a copy of any request described under
11 subparagraph (A)(iii) and response described
12 under subparagraph (B).

13 “(D) CRITERIA.—In making a determina-
14 tion under subparagraph (A), the head of a cov-
15 ered agency, with respect to the corridor, shall
16 consider—

17 “(i) the condition of roads, bridges,
18 and tunnels; and

19 “(ii) the average annual daily traffic.

20 “(E) DEFINITIONS.—In this paragraph:

21 “(i) COVERED AGENCY.—The term
22 ‘covered agency’ means a Federal agency el-
23 igible to receive funds under this section,
24 section 203, or section 204, including the
25 Army Corps of Engineers, Bureau of Rec-

1 *lamation, and the Bureau of Land Manage-*
 2 *ment.*

3 “(ii) *HIGH-COMMUTER CORRIDOR.*—
 4 *The term ‘high-commuter corridor’ means a*
 5 *Federal lands transportation facility that*
 6 *has an average annual daily traffic of not*
 7 *less than 20,000 vehicles.’.*

8 (b) *GAO STUDY REGARDING NPS MAINTENANCE.*—

9 (1) *STUDY.*—*The Comptroller General of the*
 10 *United States shall study the National Park Service*
 11 *maintenance prioritization of Federal lands transpor-*
 12 *tation facilities.*

13 (2) *CONTENTS.*—*At minimum, the study under*
 14 *paragraph (1) shall examine—*

15 (A) *general administrative maintenance of*
 16 *the National Park Service;*

17 (B) *how the National Park Service cur-*
 18 *rently prioritizes maintenance of Federal facili-*
 19 *ties covered under the Federal Lands Transpor-*
 20 *tation Program;*

21 (C) *what kind of maintenance the National*
 22 *Parkway Service is performing;*

23 (D) *to what degree does the National Park*
 24 *Service prioritize high-commuter corridors; and*

1 (E) how the National Park Service can bet-
 2 ter service the needs of high commuter corridors.

3 (3) *REPORT*.—Not later than 1 year after the
 4 date of enactment of this Act, the Comptroller General
 5 shall submit to the Committee on Transportation and
 6 Infrastructure of the House of Representatives and the
 7 Committee on Environment and Public Works of the
 8 Senate a report summarizing the study and the re-
 9 sults of such study, including recommendations for
 10 addressing the maintenance needs and prioritization
 11 of high-commuter corridors.

12 (4) *DEFINITION OF HIGH-COMMUTER COR-*
 13 *RIDOR*.—In this section, the term “high-commuter
 14 corridor” means a Federal lands transportation facil-
 15 ity that has average annual daily traffic of not less
 16 than 20,000 vehicles.

17 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
 18 **PROGRAM.**

19 (a) *IN GENERAL*.—Chapter 2 of title 23, United States
 20 Code, is amended by inserting after section 207 the fol-
 21 lowing:

22 **“§ 208. Federal lands and Tribal major projects pro-**
 23 **gram**

24 “(a) *ESTABLISHMENT*.—The Secretary shall establish
 25 a Federal lands and Tribal major projects program (re-

1 *ferred to in this section as the ‘program’) to provide funding*
2 *to construct, reconstruct, or rehabilitate critical Federal*
3 *lands and Tribal transportation infrastructure.*

4 “(b) *ELIGIBLE APPLICANTS.—*

5 “(1) *IN GENERAL.—Except as provided in para-*
6 *graph (2), entities eligible to receive funds under sec-*
7 *tions 201, 202, 203, and 204 may apply for funding*
8 *under the program.*

9 “(2) *SPECIAL RULE.—A State, county, or unit of*
10 *local government may only apply for funding under*
11 *the program if sponsored by an eligible Federal agen-*
12 *cy or Indian Tribe.*

13 “(c) *ELIGIBLE PROJECTS.—An eligible project under*
14 *the program shall be on a Federal lands transportation fa-*
15 *cility, a Federal lands access transportation facility, or a*
16 *tribal transportation facility, except that such facility is*
17 *not required to be included in an inventory described in*
18 *section 202 or 203, and for which—*

19 “(1) *the project—*

20 “(A) *has completed the activities required*
21 *under the National Environmental Policy Act of*
22 *1969 (42 U.S.C. 4321 et seq.) which has been*
23 *demonstrated through—*

24 “(i) *a record of decision with respect to*
25 *the project;*

1 “(ii) a finding that the project has no
2 significant impact; or

3 “(iii) a determination that the project
4 is categorically excluded; or

5 “(B) is reasonably expected to begin con-
6 struction not later than 18 months after the date
7 of obligation of funds for the project; and

8 “(2) the project has an estimated cost equal to or
9 exceeding—

10 “(A) \$12,500,000 if it is on a Federal lands
11 transportation facility or a Federal lands access
12 transportation facility; and

13 “(B) \$5,000,000 if it is on a Tribal trans-
14 portation facility.

15 “(d) *ELIGIBLE ACTIVITIES*.—Grant amounts received
16 for a project under this section may be used for—

17 “(1) development phase activities, including
18 planning, feasibility analysis, revenue forecasting, en-
19 vironmental review, preliminary engineering and de-
20 sign work, and other preconstruction activities; and

21 “(2) construction, reconstruction, and rehabilita-
22 tion activities.

23 “(e) *APPLICATIONS*.—Eligible applicants shall submit
24 to the Secretary an application at such time, in such form,

1 *and containing such information as the Secretary may re-*
2 *quire.*

3 “(f) *PROJECT REQUIREMENTS.—The Secretary may*
4 *select a project to receive funds under the program only if*
5 *the Secretary determines that the project—*

6 “(1) *improves the condition of critical transpor-*
7 *tation facilities, including multimodal facilities;*

8 “(2) *cannot be easily and efficiently completed*
9 *with amounts made available under section 202, 203,*
10 *or 204; and*

11 “(3) *is cost effective.*

12 “(g) *MERIT CRITERIA.—In making a grant under this*
13 *section, the Secretary shall consider whether the project—*

14 “(1) *will generate state of good repair, resilience,*
15 *economic competitiveness, quality of life, mobility, or*
16 *safety benefits;*

17 “(2) *in the case of a project on a Federal lands*
18 *transportation facility or a Federal lands access*
19 *transportation facility, has costs matched by funds*
20 *that are not provided under this section or this title;*
21 *and*

22 “(3) *generates benefits for land owned by mul-*
23 *tiple Federal land management agencies or Indian*
24 *Tribes, or which spans multiple States.*

1 “(h) *EVALUATION AND RATING.*—To evaluate applica-
2 tions, the Secretary shall—

3 “(1) *determine whether a project meets the re-*
4 *quirements under subsection (f);*

5 “(2) *evaluate, through a discernable and trans-*
6 *parent methodology, how each application addresses*
7 *one or more merit criteria established under sub-*
8 *section (g);*

9 “(3) *assign a rating for each merit criteria for*
10 *each application; and*

11 “(4) *consider applications only on the basis of*
12 *such quality ratings and which meet the minimally*
13 *acceptable level for each of the merit criteria.*

14 “(i) *COST SHARE.*—

15 “(1) *FEDERAL LANDS PROJECTS.*—

16 “(A) *IN GENERAL.*—Notwithstanding sec-
17 *tion 120, the Federal share of the cost of a*
18 *project on a Federal lands transportation facil-*
19 *ity or a Federal lands access transportation fa-*
20 *cility shall be up to 90 percent.*

21 “(B) *NON-FEDERAL SHARE.*—Notwith-
22 *standing any other provision of law, any Federal*
23 *funds may be used to pay the non-Federal share*
24 *of the cost of a project carried out under this sec-*
25 *tion.*

1 “(2) *TRIBAL PROJECTS.*—*The Federal share of*
 2 *the cost of a project on a Tribal transportation facil-*
 3 *ity shall be 100 percent.*

4 “(j) *USE OF FUNDS.*—*For each fiscal year, of the*
 5 *amounts made available to carry out this section, not more*
 6 *than 50 percent shall be used for eligible projects on Federal*
 7 *lands transportation facilities or Federal lands access*
 8 *transportation facilities and Tribal transportation facili-*
 9 *ties, respectively.”.*

10 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 11 *2 of title 23, United States Code, is amended by inserting*
 12 *after the item relating to section 207 the following new item:*

“208. Federal lands and Tribal major projects program.”.

13 (c) *REPEAL.*—*Section 1123 of the FAST Act (23*
 14 *U.S.C. 201 note), and the item related to such section in*
 15 *the table of contents under section 1(b) of such Act, are re-*
 16 *pealed.*

17 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

18 *Section 102 of title 49, United States Code, is amend-*
 19 *ed—*

20 (1) *in subsection (e)(1)—*

21 (A) *by striking “6 Assistant” and inserting*
 22 *“7 Assistant”;*

23 (B) *in subparagraph (C) by striking “;*
 24 *and” and inserting a semicolon;*

1 (C) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (D) by inserting after subparagraph (C) the
4 following:

5 “(D) an Assistant Secretary for Tribal Gov-
6 ernment Affairs, who shall be appointed by the
7 President; and”; and
8 (2) in subsection (f)—

9 (A) in the heading by striking “DEPUTY
10 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
11 MENT AFFAIRS” and inserting “OFFICE OF
12 TRIBAL GOVERNMENT AFFAIRS”; and

13 (B) by striking paragraph (1) and inserting
14 the following:

15 “(1) ESTABLISHMENT.—There is established in
16 the Department an Office of Tribal Government Af-
17 fairs, under the Assistant Secretary for Tribal Gov-
18 ernment Affairs, to—

19 “(A) oversee the Tribal transportation self-
20 governance program under section 207 of title
21 23;

22 “(B) plan, coordinate, and implement poli-
23 cies and programs serving Indian Tribes and
24 Tribal organizations;

1 “(C) coordinate Tribal transportation pro-
 2 grams and activities in all offices and adminis-
 3 trations of the Department;

4 “(D) provide technical assistance to Indian
 5 Tribes and Tribal organizations;

6 “(E) be a participant in any negotiated
 7 rulemakings relating to, or having an impact on,
 8 projects, programs, or funding associated with
 9 the tribal transportation program under section
 10 202 of title 23; and

11 “(F) ensure that Department programs have
 12 in place, implement, and enforce requirements
 13 and obligations for regular and meaningful con-
 14 sultation and collaboration with Tribes and
 15 Tribal officials under Executive Order No. 13175
 16 and to serve as the primary advisor to the Sec-
 17 retary and other Department components regard-
 18 ing violations of those requirements.”.

19 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

20 (a) *LAND MANAGEMENT AGENCIES AND TRIBAL GOV-*
 21 *ERNMENTS.*—Section 201 of title 23, United States Code,
 22 *is amended by adding at the end the following:*

23 “(f) *ALTERNATIVE CONTRACTING METHODS.*—

24 “(1) *IN GENERAL.*—Notwithstanding any other
 25 provision of law, the Secretary may use a contracting

1 *method available to a State under this title on behalf*
2 *of—*

3 “(A) a Federal land management agency,
4 *with respect to any funds available pursuant to*
5 *section 203 or 204;*

6 “(B) a Federal land management agency,
7 *with respect to any funds available pursuant to*
8 *section 1535 of title 31 for any eligible use de-*
9 *scribed in sections 203(a)(1) and 204(a)(1) of*
10 *this title; or*

11 “(C) a Tribal Government, *with respect to*
12 *any funds available pursuant to section*
13 *202(b)(7)(D).*

14 “(2) *METHODS DESCRIBED.—The contracting*
15 *methods referred to in paragraph (1) shall include, at*
16 *a minimum—*

17 “(A) *project bundling;*

18 “(B) *bridge bundling;*

19 “(C) *design-build contracting;*

20 “(D) *2-phase contracting;*

21 “(E) *long-term concession agreements; and*

22 “(F) *any method tested, or that could be*
23 *tested, under an experimental program relating*
24 *to contracting methods carried out by the Sec-*
25 *retary.*

1 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection—*

3 “(A) *affects the application of the Federal*
4 *share for a project carried out with a contracting*
5 *method under this subsection; or*

6 “(B) *modifies the point of obligation of Fed-*
7 *eral salaries and expenses.”.*

8 (b) *USE OF ALTERNATIVE CONTRACTING METHOD.*—
9 *In carrying out the amendments made by this section, the*
10 *Secretary shall—*

11 (1) *in consultation with the applicable Federal*
12 *land management agencies, establish procedures that*
13 *are—*

14 (A) *applicable to each alternative con-*
15 *tracting method; and*

16 (B) *to the maximum extent practicable,*
17 *consistent with requirements for Federal procure-*
18 *ment transactions;*

19 (2) *solicit input on the use of each alternative*
20 *contracting method from any affected industry prior*
21 *to using such method; and*

22 (3) *analyze and prepare an evaluation of the use*
23 *of each alternative contracting method.*

1 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

2 (a) *IN GENERAL.*—*The Commissioner of the Bureau*
3 *of Reclamation may transfer ownership of a bridge that is*
4 *owned by the Bureau of Reclamation if—*

5 (1) *the ownership of the bridge is transferred to*
6 *a State with the concurrence of such State;*

7 (2) *the State to which ownership is transferred*
8 *agrees to operate and maintain the bridge;*

9 (3) *the transfer of ownership complies with all*
10 *applicable Federal requirements, including—*

11 (A) *section 138 of title 23, United States*
12 *Code;*

13 (B) *section 306108 of title 54, United States*
14 *Code; and*

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

17 (4) *the Bureau of Reclamation and the State to*
18 *which ownership is being transferred jointly notify*
19 *the Secretary of Transportation of the intent to con-*
20 *duct a transfer prior to such transfer.*

21 (b) *ACCESS.*—*In a transfer of ownership of a bridge*
22 *under this section, the Commissioner of the Bureau of Rec-*
23 *lamation—*

24 (1) *shall not be required to transfer ownership of*
25 *the land on which the bridge is located or any adja-*
26 *cent lands; and*

1 (2) *shall make arrangements with the State to*
2 *which ownership is being transferred to allow for ade-*
3 *quate access to such bridge, including for the purposes*
4 *of construction, maintenance, and bridge inspections*
5 *pursuant to section 144 of title 23, United States*
6 *Code.*

7 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
8 **DIAN TRIBES.**

9 *Not later than January 31 of each year, the Secretary*
10 *of Transportation shall submit to the Committee on Trans-*
11 *portation and Infrastructure of the House of Representa-*
12 *tives and the Committee on Environment and Public Works*
13 *of the Senate a report that—*

14 (1) *identifies the number of Indian Tribes that*
15 *were direct recipients of funds under any discre-*
16 *tionary Federal highway, transit, or highway safety*
17 *program in the prior fiscal year;*

18 (2) *lists the total amount of such funds made*
19 *available directly to such Tribes;*

20 (3) *identifies the number and location of Indian*
21 *Tribes that were indirect recipients of funds under*
22 *any formula-based Federal highway, transit, or high-*
23 *way safety program in the prior fiscal year; and*

24 (4) *lists the total amount of such funds made*
25 *available indirectly to such tribes through states or*

1 *other direct recipients of Federal highway, transit or*
2 *highway safety funding.*

3 **SEC. 1510. GAO STUDY.**

4 *(a) IN GENERAL.—The Comptroller General of the*
5 *United States shall conduct a study on the deferred mainte-*
6 *nance of United States forest roads, including—*

7 *(1) the current backlog;*

8 *(2) the current actions on such maintenance and*
9 *backlog;*

10 *(3) the impacts of public safety due to such de-*
11 *ferred maintenance; and*

12 *(4) recommendations for Congress on ways to*
13 *address such backlog.*

14 *(b) REPORT.—Not later than 1 year after the date of*
15 *enactment of this Act, the Comptroller General of the United*
16 *States shall submit to the Committee on Transportation*
17 *and Infrastructure of the House of Representatives and the*
18 *Committee on Environment and Public Works of the Senate*
19 *a report containing the results of the study conducted under*
20 *subsection (a).*

21 **SEC. 1511. FEDERAL LANDS ACCESS PROGRAM.**

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

24 *(1) in paragraph (1)(A)—*

1 (A) in the matter preceding clause (i), by
2 inserting “context-sensitive solutions,” after “res-
3 toration,”;

4 (B) in clause (i), by inserting “, including
5 interpretive panels in or adjacent to those areas”
6 after “areas”;

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

9 (D) by redesignating clause (vi) as clause
10 (ix); and

11 (E) by inserting after clause (v) the fol-
12 lowing:

13 “(vi) contextual wayfinding markers;

14 “(vii) landscaping;

15 “(viii) cooperative mitigation of visual
16 blight, including screening or removal;
17 and”; and

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

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

23 “(A) the use of locally adapted native plant
24 materials; and

1 “(B) designs that minimize runoff and heat
2 generation.”.

3 ***Subtitle F—Additional Provisions***

4 ***SEC. 1601. VISION ZERO.***

5 (a) *IN GENERAL.*—A local government, metropolitan
6 planning organization, or regional transportation planning
7 organization may develop and implement a vision zero
8 plan to significantly reduce or eliminate transportation-re-
9 lated fatalities and serious injuries within a specified time-
10 frame, not to exceed 20 years.

11 (b) *USE OF FUNDS.*—Amounts apportioned to a State
12 under paragraph (2) or (3) of section 104(b) of title 23,
13 United States Code, may be used—

14 (1) to carry out vision zero planning under this
15 section or a vulnerable road user safety assessment;
16 and

17 (2) to implement an existing vision zero plan.

18 (c) *CONTENTS OF PLAN.*—A vision zero plan under
19 this section shall include—

20 (1) a description of programs, strategies, or poli-
21 cies intended to significantly reduce or eliminate
22 transportation-related fatalities and serious injuries
23 within a specified timeframe, not to exceed 20 years,
24 that is consistent with a State strategic highway safe-

1 *ty plan and uses existing transportation data and*
2 *consideration of risk factors;*

3 *(2) plans for implementation of, education of the*
4 *public about, and enforcement of such programs,*
5 *strategies, or policies;*

6 *(3) a description of how such programs, strate-*
7 *gies, or policies, and the enforcement of such pro-*
8 *grams, strategies, or policies will—*

9 *(A) equitably invest in the safety needs of*
10 *low-income and minority communities;*

11 *(B) ensure that such communities are not*
12 *disproportionately targeted by law enforcement;*
13 *and*

14 *(C) protect the rights of members of such*
15 *communities with respect to title VI of the Civil*
16 *Rights Act of 1964 (42 U.S.C. 2000d et seq.);*
17 *and*

18 *(4) a description of a mechanism to evaluate*
19 *progress of the development and implementation of*
20 *the plan, including the gathering and use of transpor-*
21 *tation safety and demographic data.*

22 *(d) INCLUSIONS.—A vision zero plan may include a*
23 *complete streets prioritization plan that identifies a specific*
24 *list of projects to—*

1 (1) *create a connected network of active trans-*
2 *portation facilities, including sidewalks, bikeways, or*
3 *pedestrian and bicycle trails, to connect communities*
4 *and provide safe, reliable, affordable, and convenient*
5 *access to employment, housing, and services, con-*
6 *sistent with the goals described in section 150(b) of*
7 *title 23, United States Code;*

8 (2) *integrate active transportation facilities with*
9 *public transportation service or improve access to*
10 *public transportation; and*

11 (3) *improve transportation options for low-in-*
12 *come and minority communities.*

13 (e) *COORDINATION.*—*A vision zero plan under this sec-*
14 *tion shall provide for coordination of various subdivisions*
15 *of a unit of local government in the implementation of the*
16 *plan, including subdivisions responsible for law enforce-*
17 *ment, public health, data collection, and public works.*

18 (f) *SAFETY PERFORMANCE MANAGEMENT.*—*A vision*
19 *zero plan under this section is not sufficient to demonstrate*
20 *compliance with the safety performance or planning re-*
21 *quirements of section 148 or 150 of title 23, United States*
22 *Code.*

23 (g) *GUIDANCE ON SAFE SYSTEM APPROACH.*—*The*
24 *Secretary of Transportation shall develop guidance on the*
25 *consideration of a safe system approach in project plan-*

1 *ning, scoping, and design to facilitate the implementation*
 2 *of vision zero plans under this section and vulnerable road*
 3 *user assessments under section 148 of title 23, United States*
 4 *Code.*

5 *(h) DEFINITIONS.—In this section, the terms “safe sys-*
 6 *tem approach” and “vulnerable road user safety assess-*
 7 *ment” have the meanings given such terms in section 148*
 8 *of title 23, United States Code.*

9 **SEC. 1602. SPEED LIMITS.**

10 *(a) SPEED LIMITS.—The Secretary of Transportation*
 11 *shall revise the Manual on Uniform Traffic Control Devices*
 12 *to provide for a safe system approach to setting speed lim-*
 13 *its, consistent with the safety recommendations issued by*
 14 *the National Transportation Safety Board on August 15,*
 15 *2017, numbered H–17–27 and H–17–028.*

16 *(b) CONSIDERATIONS.—In carrying out subparagraph*
 17 *(A), the Secretary shall consider—*

- 18 *(1) crash statistics;*
- 19 *(2) road geometry characteristics;*
- 20 *(3) roadside characteristics;*
- 21 *(4) traffic volume;*
- 22 *(5) the possibility and likelihood of human error;*
- 23 *(6) human injury tolerance;*
- 24 *(7) the prevalence of vulnerable road users; and*

1 (8) *any other consideration, consistent with a*
 2 *safe system approach, as determined by the Secretary.*

3 (c) *REPORT ON SPEED MANAGEMENT PROGRAM*
 4 *PLAN.*—*Not later than 1 year after the date of enactment*
 5 *of this Act, the Secretary shall update and report on the*
 6 *implementation progress of the Speed Management Pro-*
 7 *gram Plan of the Department of Transportation, as de-*
 8 *scribed in the safety recommendation issued by the National*
 9 *Transportation Safety Board on August 15, 2017, num-*
 10 *bered H–17–018.*

11 (d) *DEFINITIONS.*—*In this section, the terms “safe sys-*
 12 *tem approach” and “vulnerable road user” have the mean-*
 13 *ings given such terms in section 148(a) of title 23, United*
 14 *States Code.*

15 **SEC. 1603. DIG ONCE FOR BROADBAND INFRASTRUCTURE**
 16 **DEPLOYMENT.**

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

18 (1) *APPROPRIATE STATE AGENCY.*—*The term*
 19 *“appropriate State agency” means a State govern-*
 20 *mental agency that is recognized by the executive*
 21 *branch of the State as having the experience necessary*
 22 *to evaluate and facilitate the installation and oper-*
 23 *ation of broadband infrastructure within the State.*

24 (2) *BROADBAND.*—*The term “broadband” has*
 25 *the meaning given the term “advanced telecommuni-*

1 *cations capability” in section 706 of the Tele-*
2 *communications Act of 1996 (47 U.S.C. 1302).*

3 (3) *BROADBAND CONDUIT.—The term*
4 *“broadband conduit” means a conduit or innerduct*
5 *for fiber optic cables (or successor technology of great-*
6 *er quality and speed) that supports the provision of*
7 *broadband.*

8 (4) *BROADBAND INFRASTRUCTURE.—The term*
9 *“broadband infrastructure” means any buried or un-*
10 *derground facility and any wireless or wireline con-*
11 *nection that enables the provision of broadband.*

12 (5) *BROADBAND PROVIDER.—The term*
13 *“broadband provider” means an entity that provides*
14 *broadband to any person, including, with respect to*
15 *such entity—*

16 (A) *a corporation, company, association,*
17 *firm, partnership, nonprofit organization, or*
18 *any other private entity;*

19 (B) *a State or local broadband provider;*

20 (C) *an Indian Tribe; and*

21 (D) *a partnership between any of the enti-*
22 *ties described in subparagraphs (A), (B), and*
23 *(C).*

24 (6) *COVERED HIGHWAY CONSTRUCTION*
25 *PROJECT.—*

1 (A) *IN GENERAL.*—The term “covered high-
2 way construction project” means, without regard
3 to ownership of a highway, a project funded
4 under title 23, United States Code, and adminis-
5 tered by a State department of transportation to
6 construct a new highway or an additional lane
7 for an existing highway, to reconstruct an exist-
8 ing highway, or new construction, including con-
9 struction of a paved shoulder.

10 (B) *EXCLUSIONS.*—The term “covered high-
11 way construction project” excludes any project—

12 (i) awarded before the date on which
13 regulations required under subsection (b)
14 take effect;

15 (ii) that does not include work beyond
16 the edge of pavement or current paved
17 shoulder;

18 (iii) that is less than a mile in length;

19 or

20 (iv) that is—

21 (I) a project primarily for resur-
22 facing, restoration, rehabilitation, or
23 maintenance;

24 (II) a bicycle, pedestrian, trans-
25 portation alternatives, sidewalk, rec-

1 *reational trails, or safe routes to school*
 2 *project;*

3 *(III) an operational improvement*
 4 *(as such term is defined in section 101*
 5 *of title 23, United States Code);*

6 *(IV) a project primarily to install*
 7 *signage; or*

8 *(V) a culvert project.*

9 *(7) DIG ONCE REQUIREMENT.—The term “dig*
 10 *once requirement” means a requirement designed to*
 11 *reduce the cost and accelerate the deployment of*
 12 *broadband by minimizing the number and scale of re-*
 13 *peated excavations for the installation and mainte-*
 14 *nance of broadband conduit or broadband infrastruc-*
 15 *ture in rights-of-way.*

16 *(8) INDIAN TRIBE.—The term “Indian Tribe”*
 17 *has the meaning given such term in section 4(e) of the*
 18 *Indian Self-Determination and Education Assistance*
 19 *Act (25 U.S.C. 5304(e)).*

20 *(9) NTIA ADMINISTRATOR.—The term “NTIA*
 21 *Administrator” means the Assistant Secretary of*
 22 *Commerce for Communications and Information.*

23 *(10) PROJECT.—The term “project” has the*
 24 *meaning given such term in section 101 of title 23,*
 25 *United States Code.*

1 (11) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Transportation.*

3 (12) *STATE.*—*The term “State” has the meaning*
4 *given such term in section 401 of title 23, United*
5 *States Code.*

6 (13) *STATE OR LOCAL BROADBAND PROVIDER.*—
7 *The term “State or local broadband provider” means*
8 *a State or political subdivision thereof, or any agen-*
9 *cy, authority, or instrumentality of a State or polit-*
10 *ical subdivision thereof, that provides broadband to*
11 *any person or facilitates the provision of broadband*
12 *to any person in such State.*

13 (b) *DIG ONCE REQUIREMENT.*—*Not later than 12*
14 *months after the date of enactment of this Act, to facilitate*
15 *the installation of broadband infrastructure, the Secretary*
16 *shall issue such regulations as may be necessary to ensure*
17 *that each State that receives funds under chapter 1 of title*
18 *23, United States Code, complies with the following provi-*
19 *sions:*

20 (1) *BROADBAND PLANNING AND NOTICE.*—*The*
21 *State department of transportation, in consultation*
22 *with appropriate State agencies, shall—*

23 (A) *review existing State broadband plans,*
24 *including existing dig once requirements of the*
25 *State, municipal governments incorporated*

1 *under State law, and Indian tribes within the*
2 *State, to determine opportunities to coordinate*
3 *covered highway construction projects occurring*
4 *within or across highway rights-of-way with*
5 *planned broadband infrastructure projects;*

6 *(B) identify a broadband coordinator, who*
7 *may have additional responsibilities in the State*
8 *department of transportation or in another State*
9 *agency, that is responsible for facilitating the*
10 *broadband infrastructure right-of-way efforts*
11 *within the State; and*

12 *(C) establish a process—*

13 *(i) for the registration of broadband*
14 *providers that seek to be included in the ad-*
15 *vance notification of, and opportunity to*
16 *participate in, broadband infrastructure*
17 *right-of-way facilitation efforts within the*
18 *State; and*

19 *(ii) to electronically notify all*
20 *broadband providers registered under clause*
21 *(i)—*

22 *(I) of the State transportation im-*
23 *provement program on at least an an-*
24 *nual basis; and*

1 (II) of covered highway construc-
2 tion projects within the highway right-
3 of-way for which Federal funding is
4 expected to be obligated in the subse-
5 quent fiscal year.

6 (2) COORDINATION AND COMPLIANCE.—

7 (A) MOBILE NOW ACT.—A State department
8 of transportation shall be considered to meet the
9 requirements of subparagraphs (B) and (C) of
10 paragraph (1) if such State department of trans-
11 portation has been determined to be in compli-
12 ance with the requirements established under sec-
13 tion 607 of division P of the Consolidated Ap-
14 propriations Act, 2018 (47 U.S.C. 1504).

15 (B) WEBSITE.—A State department of
16 transportation shall be considered to meet the re-
17 quirements of paragraph (1)(C) if the State pub-
18 lishes on a public website—

19 (i) the State transportation improve-
20 ment program on at least an annual basis;
21 and

22 (ii) covered highway construction
23 projects within the highway right-of-way for
24 which Federal funding is expected to be ob-
25 ligated in the subsequent fiscal year.

1 (C) *COORDINATION.*—*The State department*
2 *of transportation, in consultation with appro-*
3 *priate State agencies, shall by rule or regulation*
4 *establish a process for a broadband provider to*
5 *commit to installing broadband conduit or*
6 *broadband infrastructure as part of any covered*
7 *highway construction project.*

8 (D) *APPROPRIATE STATE AGENCY.*—*In lieu*
9 *of the State department of transportation, at the*
10 *discretion of the State, an appropriate State*
11 *agency, in consultation with the State depart-*
12 *ment of transportation, may carry out the re-*
13 *quirements of paragraph (1).*

14 (3) *REQUIRED INSTALLATION OF BROADBAND*
15 *CONDUIT.*—

16 (A) *IN GENERAL.*—*The State department of*
17 *transportation shall install broadband conduit,*
18 *in accordance with this paragraph (except as de-*
19 *scribed in subparagraph (F)), as part of any*
20 *covered highway construction project, unless a*
21 *broadband provider has committed to install*
22 *broadband conduit or broadband infrastructure*
23 *as part of such project in a process described*
24 *under paragraph (2)(C).*

1 (B) *INSTALLATION REQUIREMENTS.*—*In in-*
2 *stalling broadband conduit or broadband infra-*
3 *structure as part of a covered highway construc-*
4 *tion project, the State department of transpor-*
5 *tation shall ensure that—*

6 (i) *installation pursuant to this para-*
7 *graph of broadband conduit, broadband in-*
8 *frastructure, and means or points of access*
9 *to such conduit or infrastructure (such as*
10 *poles, hand holes, manholes, pull tape, or*
11 *ducts) shall provide for the current and fu-*
12 *ture safe operation of the traveled way, is*
13 *consistent with part 645 of title 23, Code of*
14 *Federal Regulations, and any accommoda-*
15 *tion policies of the State under such part to*
16 *reasonably enable deployment of such con-*
17 *duit, infrastructure, and means or points of*
18 *access, and any Damage Prevention and*
19 *Underground Facilities Protection or re-*
20 *lated requirements of the State;*

21 (ii) *an appropriate number of*
22 *broadband conduits, as determined in con-*
23 *sultation with the appropriate State agen-*
24 *cies, are installed along the right-of-way of*
25 *a covered highway construction project to*

1 *accommodate multiple broadband providers,*
2 *with consideration given to the availability*
3 *of existing broadband conduits;*

4 *(iii) the size of each broadband conduit*
5 *is consistent with industry best practices,*
6 *consistent with the requirements of part 645*
7 *of title 23, Code of Federal Regulations, and*
8 *sufficient to accommodate anticipated de-*
9 *mand, as determined in consultation with*
10 *the appropriate State agencies;*

11 *(iv) any hand holes and manholes nec-*
12 *essary for fiber access and pulling with re-*
13 *spect to such conduit are placed at intervals*
14 *consistent with standards determined in*
15 *consultation with the appropriate State*
16 *agencies (which may differ by type of road,*
17 *topologies, and rurality) the requirements of*
18 *part 645 of title 23, Code of Federal Regu-*
19 *lations, and other applicable safety require-*
20 *ments;*

21 *(v) each broadband conduit installed*
22 *pursuant to this paragraph includes a pull*
23 *tape and is capable of supporting fiber*
24 *optic cable placement techniques consistent*
25 *with best practices and the requirements of*

1 *part 645 of title 23, Code of Federal Regu-*
2 *lations;*

3 *(vi) broadband conduit is placed at a*
4 *depth consistent with requirements of the*
5 *covered highway construction project and*
6 *best practices and that, in determining the*
7 *depth of placement, consideration is given*
8 *to the location of existing utilities and cable*
9 *separation requirements of State and local*
10 *electrical codes; and*

11 *(vii) installation of broadband conduit*
12 *shall not preclude the installation of other*
13 *specific socially, environmentally, or eco-*
14 *nomically beneficial uses of the right-of-*
15 *way, such as planned energy transmission*
16 *or renewable energy generation projects.*

17 (C) *PROGRAMMATIC REVIEW.*—*The State*
18 *department of transportation may make deter-*
19 *minations on the implementation of the require-*
20 *ments described in subparagraph (B) on a pro-*
21 *grammatic basis.*

22 (D) *ACCESS.*—

23 (i) *IN GENERAL.*—*The State depart-*
24 *ment of transportation shall ensure that*
25 *any requesting broadband provider has ac-*

1 cess to each broadband conduit installed by
2 the State pursuant to this paragraph, on a
3 competitively neutral and nondiscrim-
4 inatory basis and in accordance with State
5 permitting, licensing, leasing, or other simi-
6 lar laws and regulations.

7 (ii) *SOCIALLY BENEFICIAL USE.*—The
8 installation of broadband conduit as part of
9 a covered highway construction project shall
10 be considered a socially-beneficial use of the
11 right-of-way under section 156(b) of title
12 23, United States Code.

13 (iii) *IN-KIND COMPENSATION.*—The
14 State department of transportation may ne-
15 gotiate in-kind compensation with any
16 broadband provider requesting access to
17 broadband conduit installed under the pro-
18 visions of this paragraph.

19 (iv) *SAFETY CONSIDERATIONS.*—The
20 State department of transportation shall
21 provide for a process for a broadband pro-
22 vider to safely access to the highway right-
23 of-way during installation and on-going
24 maintenance of the broadband conduit and

1 *broadband infrastructure, including a traf-*
2 *fic control safety plan.*

3 (v) *COMMUNICATION.—A broadband*
4 *provider with access to the conduit installed*
5 *pursuant to this subsection shall notify, and*
6 *receive permission from, the relevant agen-*
7 *cies of State responsible for the installation*
8 *of such broadband conduit prior to access-*
9 *ing any highway or highway right-of-way,*
10 *in accordance with applicable Federal re-*
11 *quirements.*

12 (E) *TREATMENT OF PROJECTS.—Notwith-*
13 *standing any other provision of law, broadband*
14 *conduit and broadband infrastructure installa-*
15 *tion projects installed by a State under this*
16 *paragraph shall comply with section 113(a) of*
17 *title 23, United States Code.*

18 (F) *WAIVER AUTHORITY.—*

19 (i) *IN GENERAL.—A State department*
20 *of transportation may waive the required*
21 *installation of broadband conduit for part*
22 *or all of any covered highway construction*
23 *project under this paragraph if, in the de-*
24 *termination of the State department of*
25 *transportation—*

1 (I) broadband infrastructure, ter-
2 restrial broadband infrastructure, aer-
3 ial broadband fiber cables, or
4 broadband conduit is present near a
5 majority of the length of the covered
6 highway construction project;

7 (II) installation of terrestrial or
8 aerial broadband fiber cables associated
9 with the covered highway construction
10 project is more appropriate for the con-
11 text or a more cost-effective means to
12 facilitate broadband service to an area
13 not adequately served by broadband
14 and such installation is present or
15 planned;

16 (III) the installation of broadband
17 conduit increases overall costs of a cov-
18 ered highway construction project by
19 1.5 percent or greater;

20 (IV) the installation of broadband
21 conduit associated with the covered
22 highway construction project is not
23 reasonably expected to be utilized or
24 connected to future broadband infra-
25 structure in the 20 years following the

1 *date on which such determination is*
2 *made, as determined by the State de-*
3 *partment of transportation, in con-*
4 *sultation with appropriate State agen-*
5 *cies and potentially affected local gov-*
6 *ernments and Indian tribes;*

7 *(V) the requirements of this para-*
8 *graph would require installation of*
9 *conduit redundant with a dig once re-*
10 *quirement of a local government or In-*
11 *dian tribe;*

12 *(VI) there exists a circumstance*
13 *involving force majeure; or*

14 *(VII) the installation of conduit is*
15 *not appropriate based on other rel-*
16 *evant factors established by the Sec-*
17 *retary in consultation with the NTIA*
18 *Administrator through regulation.*

19 *(ii) CONTENTS OF WAIVER.—A waiver*
20 *authorized under this subparagraph shall—*

21 *(I) identify the covered highway*
22 *construction project; and*

23 *(II) include a brief description of*
24 *the determination of the State for*
25 *issuing such waiver.*

1 (iii) *AVAILABILITY OF WAIVER.*—Noti-
2 fication of a waiver authorized under this
3 subparagraph shall be made publicly avail-
4 able, such as on a public website of the
5 State department of transportation de-
6 scribed in paragraph (2)(B).

7 (iv) *WAIVER DETERMINATION.*—

8 (I) *IN GENERAL.*—The State de-
9 partment of transportation shall be re-
10 sponsible for the waiver determination
11 described under this paragraph, con-
12 sistent with the regulation issued pur-
13 suant to this subsection, and may
14 grant a programmatic waiver for cat-
15 egories of projects excluded under this
16 subparagraph.

17 (II) *NO PRIVATE CAUSE OF AC-*
18 *TION.*—The waiver determination de-
19 scribed under this paragraph shall be
20 final and conclusive. Nothing in this
21 section shall provide a private right or
22 cause of action to challenge such deter-
23 mination in any court of law.

24 (4) *PRIORITY.*—If a State provides for the in-
25 stallation of broadband infrastructure or broadband

1 *conduit in the right-of-way of a covered highway con-*
2 *struction project, the State department of transpor-*
3 *tation, along with appropriate State agencies, shall*
4 *carry out appropriate measures to ensure that an ex-*
5 *isting broadband provider is afforded access that is*
6 *non-discriminatory, competitively neutral, and equal*
7 *in opportunity, as compared to other broadband pro-*
8 *viders, with respect to the program under this sub-*
9 *section.*

10 *(c) GUIDANCE FOR THE INSTALLATION OF BROADBAND*
11 *CONDUIT.—The Secretary, in consultation with the NTIA*
12 *Administrator, shall issue guidance for best practices re-*
13 *lated to the installation of broadband conduit as described*
14 *in subsection (b)(2) and of conduit and similar infrastruc-*
15 *ture for intelligent transportation systems (as such term is*
16 *defined in section 501 of title 23, United States Code) that*
17 *may utilize broadband conduit installed pursuant to sub-*
18 *section (b)(2).*

19 *(d) CONSULTATION.—*

20 *(1) IN GENERAL.—In issuing regulations re-*
21 *quired by this subsection or to implement any part*
22 *of this section, the Secretary shall consult—*

23 *(A) the NTIA Administrator;*

24 *(B) the Federal Communications Commis-*
25 *sion;*

- 1 (C) State departments of transportation;
- 2 (D) appropriate State agencies;
- 3 (E) agencies of local governments respon-
- 4 sible for transportation and rights-of-way, utili-
- 5 ties, and telecommunications and broadband;
- 6 (F) Indian tribes;
- 7 (G) broadband providers; and
- 8 (H) manufacturers of optical fiber, conduit,
- 9 pull tape, and related items.

10 (2) *BROADBAND USERS.*—*The Secretary shall en-*
11 *sure that the entities consulted under subparagraphs*
12 *(C) through (F) of paragraph (1) include entities that*
13 *have expertise with rural areas and populations with*
14 *limited access to broadband infrastructure.*

15 (3) *BROADBAND PROVIDERS.*—*The Secretary*
16 *shall ensure that the entities consulted under subpara-*
17 *graph (G) of paragraph (1) include entities that pro-*
18 *vide broadband to rural areas and populations with*
19 *limited access to broadband infrastructure.*

20 (4) *CONSULTING SMALL MUNICIPALITIES.*—*The*
21 *Secretary shall ensure that the agencies of local gov-*
22 *ernments consulted under subparagraph (E) of para-*
23 *graph (1) include rural areas, specifically agencies of*
24 *local governments with populations less than 50,000.*

25 (e) *OVERSIGHT.*—

1 (1) *IN GENERAL.*—*The Secretary shall periodically*
2 *review compliance with the regulations issued*
3 *pursuant to this section and ensure that State waiver*
4 *determinations are consistent with such regulations.*

5 (2) *EFFICIENT REVIEW.*—*The review described*
6 *under paragraph (1) may be carried out through the*
7 *risk-based stewardship and oversight program de-*
8 *scribed under section 106(g) of title 23, United States*
9 *Code.*

10 (3) *EFFECT OF SUBSECTION.*—*Nothing in this*
11 *subsection shall affect or discharge any oversight re-*
12 *sponsibility of the Secretary specifically provided for*
13 *under title 23, United States Code, or any other Fed-*
14 *eral law.*

15 (f) *ADDITIONAL PROVISIONS.*—

16 (1) *APPLICABILITY.*—

17 (A) *IN GENERAL.*—*The portion of the regu-*
18 *lation issued pursuant to subsection (b) relating*
19 *to the provisions under paragraph (3) of such*
20 *subsection shall not take effect until a source of*
21 *dedicated funding for the installation and long*
22 *term maintenance of broadband conduit de-*
23 *scribed in subsection (g)(2) is established.*

24 (B) *APPLICABILITY DATE.*—*Paragraphs (2)*
25 *through (4) of subsection (b) and subsection (d)*

1 *shall apply only to covered highway construction*
2 *projects for which Federal obligations or expend-*
3 *itures are initially approved on or after the date*
4 *on which regulations required under this sub-*
5 *section take effect.*

6 (2) *RULES OF CONSTRUCTION.—*

7 (A) *STATE LAW.—Nothing in this sub-*
8 *section shall be construed to require a State to*
9 *install or allow the installation of broadband*
10 *conduit or broadband infrastructure—*

11 (i) *that is otherwise inconsistent with*
12 *what is allowable under State law; or*

13 (ii) *where the State lacks the authority*
14 *for such installation, such as any property*
15 *right or easement necessary for such instal-*
16 *lation.*

17 (B) *NO REQUIREMENT FOR INSTALLATION*
18 *OF MOBILE SERVICES EQUIPMENT.—Nothing in*
19 *this section shall be construed to require a State,*
20 *a municipal government incorporated under*
21 *State law, or an Indian Tribe to install or allow*
22 *for the installation of equipment essential for the*
23 *provision of commercial mobile services (as de-*
24 *finied in section 332(d) of the Communications*
25 *Act of 1934 (47 U.S.C. 332(d))) or commercial*

1 *mobile data service (as defined in section 6001*
2 *of the Middle Class Tax Relief and Job Creation*
3 *Act of 2012 (47 U.S.C. 1401)), other than*
4 *broadband conduit and associated equipment de-*
5 *scribed in paragraph (3)(B).*

6 (3) *RELATION TO STATE DIG ONCE REQUIRE-*
7 *MENTS.—Nothing in subsections (b), (c), (d), or (e) or*
8 *any regulations issued pursuant to subsection (b)*
9 *shall be construed to alter or supersede any provision*
10 *of a State law or regulation that provides for a dig*
11 *once requirement that includes similar or more strin-*
12 *gent requirements to the provisions of subsections (b),*
13 *(c), (d), or (e) and any regulations promulgated*
14 *under subsection (b).*

15 (g) *DIG ONCE FUNDING TASK FORCE.—*

16 (1) *ESTABLISHMENT.—The Secretary and the*
17 *NTIA Administrator shall jointly establish an inde-*
18 *pendent task force on funding the nationwide dig once*
19 *requirement described in this section to be known as*
20 *the “Dig Once Funding Task Force” (hereinafter re-*
21 *ferred to as the “Task Force”).*

22 (2) *DUTIES.—The duties of the Task Force shall*
23 *be to—*

1 (A) estimate the annual cost for imple-
2 menting, administering, and maintaining a na-
3 tionwide dig once requirement;

4 (B) propose and evaluate options for fund-
5 ing a nationwide dig once requirement described
6 in this section that includes—

7 (i) a discussion of the role and poten-
8 tial share of costs of—

9 (I) the Federal Government;

10 (II) State and local governments
11 and Indian tribes; and

12 (III) broadband providers install-
13 ing broadband conduit or broadband
14 infrastructure under this section;

15 (ii) consideration of the role of existing
16 dig once requirements on States, local gov-
17 ernments, and Indian tribes and the role of
18 private broadband investment, with a goal
19 to not discourage or disincentivize such dig
20 once requirements or such investment; and

21 (iii) evaluating the appropriate entity
22 or entities responsible for maintaining the
23 broadband infrastructure and conduit in-
24 stalled pursuant to a dig once requirement;
25 and

1 (C) propose a cost-based model fee schedule
2 for a State to charge a broadband provider to ac-
3 cess and use conduit installed by such State pur-
4 suant to this section that—

5 (i) shall consider costs (including ad-
6 ministrative costs) associated with installa-
7 tion and long-term maintenance of the
8 broadband conduit installed pursuant to
9 this section;

10 (ii) may vary by topography, location,
11 type of road, rurality, and other factors;
12 and

13 (iii) may consider financial and mar-
14 ket incentives for expanding broadband in-
15 frastructure.

16 (3) *REPORTS.*—

17 (A) *INTERIM REPORT AND BRIEFING.*—Not
18 later than 9 months after the appointment of
19 Members to the Task Force under paragraph
20 (4)(D), the Task Force shall—

21 (i) submit to Congress an interim re-
22 port on the findings of the Task Force; and

23 (ii) provide briefings for Congress on
24 the findings of the Task Force.

1 (B) *FINAL REPORT*.—Not later than 3
2 months after the submission of the interim report
3 under subparagraph (A), the Task Force shall
4 submit to Congress a final report on the findings
5 of the Task Force.

6 (4) *MEMBERS*.—

7 (A) *APPOINTMENTS*.—The Task Force shall
8 consist of 14 members, comprising—

9 (i) 2 co-chairs described in subpara-
10 graph (B);

11 (ii) 6 members jointly appointed by
12 the Speaker and minority leader of the
13 House of Representatives, in consultation
14 with the respective Chairs and Ranking
15 Members of—

16 (I) the Committee on Transpor-
17 tation and Infrastructure of the House
18 of Representatives;

19 (II) the Committee on Energy and
20 Commerce of the House of Representa-
21 tives; and

22 (III) the Committee on Appro-
23 priations of the House of Representa-
24 tives; and

1 (iii) 6 members jointly appointed by
2 the majority leader and minority leader of
3 the Senate, in consultation with the respec-
4 tive Chairs and Ranking Members of the—

5 (I) the Committee on Environ-
6 ment and Public Works of the Senate;

7 (II) the Committee on Commerce,
8 Science, and Transportation of the
9 Senate; and

10 (III) the Committee on Appro-
11 priations of the Senate.

12 (B) CO-CHAIRS.—The Task Force shall be
13 co-chaired by the Secretary and the NTIA Ad-
14 ministrator, or the designees of the Secretary and
15 NTIA Administrator.

16 (C) COMPOSITION.—The Task Force shall
17 include at least—

18 (i) 1 representative from a State de-
19 partment of transportation;

20 (ii) 1 representative from a local gov-
21 ernment;

22 (iii) 1 representative from an Indian
23 tribe;

24 (iv) 1 representative from a broadband
25 provider;

1 (v) 1 representative from a State or
2 local broadband provider;

3 (vi) 1 representative from a labor
4 union; and

5 (vii) 1 representative from a public in-
6 terest organization.

7 (D) *APPOINTMENT DEADLINE.*—Members
8 shall be appointed to the Task Force not later
9 than 60 days after the date of enactment of this
10 Act.

11 (E) *TERMS.*—Members shall be appointed
12 for the life of the Task Force. A vacancy in the
13 Task Force shall not affect the powers of the Task
14 Force and the vacancy shall be filled in the same
15 manner as the initial appointment was made.

16 (5) *CONSULTATIONS.*—In carrying out the duties
17 required under this subsection, the Task Force shall
18 consult, at a minimum—

19 (A) the Federal Communications Commis-
20 sion;

21 (B) agencies of States including—

22 (i) State departments of transpor-
23 tation; and

24 (ii) appropriate State agencies;

1 (C) agencies of local governments respon-
2 sible for transportation and rights-of-way, utili-
3 ties, and telecommunications and broadband;

4 (D) Indian tribes;

5 (E) broadband providers and other tele-
6 communications providers;

7 (F) labor unions; and

8 (G) State or local broadband providers and
9 Indian tribes that act as broadband providers.

10 (6) *ADDITIONAL PROVISIONS.*—

11 (A) *EXPENSES FOR NON-FEDERAL MEM-*
12 *BERS.*—*Non-Federal members of the Task Force*
13 *shall be allowed travel expenses, including per*
14 *diem in lieu of subsistence, at rates authorized*
15 *for employees under subchapter I of chapter 57*
16 *of title 5, United States Code, while away from*
17 *the homes or regular places of business of such*
18 *members in the performance of services for the*
19 *Task Force.*

20 (B) *STAFF.*—*Staff of the Task Force shall*
21 *comprise detailees with relevant expertise from*
22 *the Department of Transportation and the Na-*
23 *tional Telecommunications and Information Ad-*
24 *ministration, or another Federal agency that the*
25 *co-chairpersons consider appropriate, with the*

1 *consent of the head of the Federal agency, and*
 2 *such detailees shall retain the rights, status, and*
 3 *privileges of the regular employment of such*
 4 *detailees without interruption.*

5 (C) *ADMINISTRATIVE ASSISTANCE.—The*
 6 *Secretary and NTIA Administrator shall provide*
 7 *to the Task Force on a reimbursable basis ad-*
 8 *ministrative support and other services for the*
 9 *performance of the functions of the Task Force.*

10 (7) *TERMINATION.—The Task Force shall termi-*
 11 *nate not later than 90 days after submission of the*
 12 *final report required under paragraph (3)(B).*

13 **SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.**

14 (a) *STUDY.—*

15 (1) *IN GENERAL.—Not later than 180 days after*
 16 *the date of enactment of this Act, the Secretary of*
 17 *Transportation and the Administrator shall seek to*
 18 *enter into an agreement with the Transportation Re-*
 19 *search Board of the National Academy of Sciences to*
 20 *under which the Transportation Research Board shall*
 21 *conduct a study—*

22 (A) *to estimate pollutant loads from*
 23 *stormwater runoff from highways and pedestrian*
 24 *facilities eligible for assistance under title 23,*
 25 *United States Code, to inform the development of*

1 *appropriate total maximum daily load require-*
2 *ments;*

3 *(B) to provide recommendations (including*
4 *recommended revisions to existing laws and reg-*
5 *ulations) regarding the evaluation and selection*
6 *by State departments of transportation of poten-*
7 *tial stormwater management and total max-*
8 *imum daily load compliance strategies within a*
9 *watershed, including environmental restoration*
10 *and pollution abatement carried out under sec-*
11 *tion 328 of title 23, United States Code;*

12 *(C) to examine the potential for the Sec-*
13 *retary to assist State departments of transpor-*
14 *tation in carrying out and communicating*
15 *stormwater management practices for highways*
16 *and pedestrian facilities that are eligible for as-*
17 *sistance under title 23, United States Code,*
18 *through information-sharing agreements, data-*
19 *base assistance, or an administrative platform to*
20 *provide the information described in subpara-*
21 *graphs (A) and (B) to entities issued permits*
22 *under the Federal Water Pollution Control Act*
23 *(33 U.S.C. 1251 et seq.); and*

24 *(D) to examine the benefit of concentrating*
25 *stormwater retrofits in impaired watersheds and*

1 *selecting such retrofits according to a process*
2 *that depends on a watershed management plan*
3 *developed in accordance with section 319 of the*
4 *Federal Water Pollution Control Act (33 U.S.C.*
5 *1329).*

6 (2) *REQUIREMENTS.—In conducting the study*
7 *under the agreement entered into pursuant to para-*
8 *graph (1), the Transportation Research Board shall—*

9 (A) *review and supplement, as appropriate,*
10 *the methodologies examined and recommended in*
11 *the 2019 report of the National Academies of*
12 *Sciences, Engineering, and Medicine titled “Ap-*
13 *proaches for Determining and Complying with*
14 *TMDL Requirements Related to Roadway*
15 *Stormwater Runoff”;*

16 (B) *consult with—*

17 (i) *the Secretary of Transportation;*

18 (ii) *the Secretary of Agriculture;*

19 (iii) *the Administrator;*

20 (iv) *the Secretary of the Army, acting*
21 *through the Chief of Engineers; and*

22 (v) *State departments of Transpor-*
23 *tation; and*

24 (C) *solicit input from—*

1 (i) *stakeholders with experience in im-*
2 *plementing stormwater management prac-*
3 *tices for projects; and*

4 (ii) *educational and technical*
5 *stormwater management groups.*

6 (3) *REPORT.—In carrying out the agreement en-*
7 *tered into pursuant to paragraph (1), not later than*
8 *18 months after the date of enactment of this Act, the*
9 *Transportation Research Board shall submit to the*
10 *Secretary of Transportation, the Administrator, the*
11 *Committee on Transportation and Infrastructure of*
12 *the House of Representatives, and the Committee on*
13 *Environment and Public Works of the Senate a report*
14 *describing the results of the study.*

15 (b) *STORMWATER BEST MANAGEMENT PRACTICES RE-*
16 *PORTS.—*

17 (1) *REISSUANCE.—Not later than 180 days after*
18 *the date of enactment of this Act, the Administrator*
19 *shall update and reissue the best management prac-*
20 *tices reports to reflect new information and advance-*
21 *ments in stormwater management.*

22 (2) *UPDATES.—Not less frequently than once*
23 *every 5 years after the date on which the Secretary*
24 *reissues the best management practices reports under*
25 *paragraph (1), the Secretary shall update and reissue*

1 *the best management practices reports, unless the con-*
2 *tents of the best management practices reports have*
3 *been incorporated (including by reference) into appli-*
4 *cable regulations of the Secretary.*

5 *(c) DEFINITIONS.—In this section:*

6 (1) *ADMINISTRATOR.—The term “Adminis-*
7 *trator” means the Administrator of the Environ-*
8 *mental Protection Agency.*

9 (2) *BEST MANAGEMENT PRACTICES REPORTS.—*
10 *The term “best management practices reports”*
11 *means—*

12 (A) *the 2014 report sponsored by the De-*
13 *partment of Transportation titled “Determining*
14 *the State of the Practice in Data Collection and*
15 *Performance Measurement of Stormwater Best*
16 *Management Practices” (FHWA–HEP–16–021);*
17 *and*

18 (B) *the 2000 report sponsored by the De-*
19 *partment of Transportation titled “Stormwater*
20 *Best Management Practices in an Ultra-Urban*
21 *Setting: Selection and Monitoring”.*

22 (3) *TOTAL MAXIMUM DAILY LOAD.—The term*
23 *“total maximum daily load” has the meaning given*
24 *such term in section 130.2 of title 40, Code of Federal*
25 *Regulations (or successor regulations).*

1 **SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
2 **OF-WAY.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Architectural and Trans-
5 portation Barriers Compliance Board under the authority
6 of section 502(b)(3) of the Rehabilitation Act of 1973 (29
7 U.S.C. 792(b)(3)), shall publish final accessibility guide-
8 lines setting forth minimum standards for pedestrian facili-
9 ties in the public right-of-way, including shared use paths.

10 (b) *ADOPTION OF REGULATIONS.*—Not later than 180
11 days after the establishment of the guidelines pursuant to
12 subsection (a), the Secretary shall issue such regulations as
13 are necessary to adopt such guidelines.

14 **SEC. 1606. HIGHWAY FORMULA MODERNIZATION REPORT.**

15 (a) *HIGHWAY FORMULA MODERNIZATION STUDY.*—

16 (1) *IN GENERAL.*—The Secretary of Transpor-
17 tation, in consultation with the State departments of
18 transportation and representatives of local govern-
19 ments (including metropolitan planning organiza-
20 tions), shall conduct a highway formula moderniza-
21 tion study to assess the method and data used to ap-
22 portion Federal-aid highway funds under subsections
23 (b) and (c) of section 104 of title 23, United States
24 Code, and issue recommendations on such method and
25 data.

1 (2) *ASSESSMENT.*—*The highway formula modernization study required under paragraph (1) shall*
2 *include an assessment of, based on the latest available*
3 *data, whether the apportionment method under such*
4 *section results in—*

5 *(A) an equitable distribution of funds based*
6 *on the estimated tax payments attributable to—*

7 *(i) highway users in the State that are*
8 *paid into the Highway Trust Fund; and*

9 *(ii) individuals in the State that are*
10 *paid to the Treasury, based on contribu-*
11 *tions to the Highway Trust Fund from the*
12 *general fund of the Treasury; and*

13 *(B) the achievement of the goals described*
14 *in section 101(b)(3) of title 23, United States*
15 *Code.*

16 (3) *CONSIDERATIONS.*—*In carrying out the as-*
17 *essment under paragraph (2), the Secretary shall*
18 *consider the following:*

19 *(A) The factors described in sections 104(b),*
20 *104(f)(2), 104(h)(2), 130(f), and 144(e) of title*
21 *23, United States Code, as in effect on the date*
22 *of enactment of SAFETEA-LU (Public Law*
23 *109–59).*

1 (B) *The availability and accuracy of data*
2 *necessary to calculate formula apportionments*
3 *under the factors described in subparagraph (A).*

4 (C) *The measures established under section*
5 *150 of title 23, United States Code, and whether*
6 *such measures are appropriate for consideration*
7 *as formula apportionment factors.*

8 (D) *The results of the CMAQ formula mod-*
9 *ernization study required under subsection (b).*

10 (E) *Inclusion of the Commonwealth of*
11 *Puerto Rico in the apportionment under sub-*
12 *sections (b) and (c) of section 104 of such title,*
13 *including an estimate of the anticipated con-*
14 *tributions to the Highway Trust Fund from the*
15 *citizens of Puerto Rico if Puerto Rico was sub-*
16 *ject to applicable highway user fees.*

17 (F) *A needs-based assessment of the share of*
18 *Federal-aid highway funds that should be made*
19 *available to the territories described under sec-*
20 *tion 165(c) of such title.*

21 (G) *Any other factors that the Secretary de-*
22 *termines are appropriate.*

23 (4) *RECOMMENDATIONS.—The Secretary shall,*
24 *in consultation with the State departments of trans-*
25 *portation 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

1 *Environmental Protection Agency shall provide to the*
2 *Secretary an analysis of—*

3 *(A) factors that contribute to the apportion-*
4 *ment, including population, types of pollutants,*
5 *and severity of pollutants, as such factors were*
6 *determined on the date prior to the date of enact-*
7 *ment of MAP-21;*

8 *(B) the weighting of the factors listed under*
9 *subparagraph (A); and*

10 *(C) the recency of the data used in making*
11 *the apportionment under section 104(b)(4) of*
12 *title 23, United States Code.*

13 *(3) RECOMMENDATIONS.—If, in conducting the*
14 *study under this subsection, the Secretary finds that*
15 *modifying the apportionment method under section*
16 *104(b)(4) of title 23, United States Code, would best*
17 *achieve the air quality goals of section 149 of title 23,*
18 *United States Code, the Secretary shall, in consulta-*
19 *tion with the Administrator, include in such study*
20 *recommendations for a new apportionment method,*
21 *including—*

22 *(A) the factors recommended to be included*
23 *in such apportionment method;*

24 *(B) the weighting recommended to be ap-*
25 *plied to the factors under subparagraph (A); and*

1 (C) any other recommendations to ensure
 2 that the apportionment method best achieves the
 3 air quality goals section 149 of such title.

4 (c) *REPORT*.—No later than 2 years after the date of
 5 enactment of this Act, the Secretary shall submit to the
 6 Committee on Transportation and Infrastructure of the
 7 House of Representatives and the Committee on Environ-
 8 ment and Public Works of the Senate a report containing
 9 the results of the highway formula modernization study and
 10 the CMAQ formula modernization study.

11 **SEC. 1607. CONSOLIDATION OF PROGRAMS.**

12 Section 1519 of MAP-21 (Public Law 112-141) is
 13 amended—

14 (1) in subsection (a)—

15 (A) by striking “fiscal years 2016 through
 16 2020” and inserting “fiscal years 2023 through
 17 2026”; and

18 (B) by striking “\$3,500,000” and inserting
 19 “\$4,000,000”;

20 (2) by redesignating subsections (b) and (c) as
 21 subsections (c) and (d), respectively; and

22 (3) by inserting after subsection (a) the fol-
 23 lowing:

1 “(b) *FEDERAL SHARE*.—*The Federal share of the cost*
2 *of a project or activity carried out under subsection (a)*
3 *shall be 100 percent.*”.

4 **SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.**

5 (a) *REPORT*.—*Not later than 180 days after the date*
6 *of enactment of this Act, the Secretary of Transportation*
7 *shall submit to the Committee on Transportation and In-*
8 *frastructure of the House of Representatives and the Com-*
9 *mittee on Environment and Public Works of the Senate a*
10 *report that describes the efforts of the Department of Trans-*
11 *portation to encourage elementary, secondary, and post-sec-*
12 *ondary students to pursue careers in the surface transpor-*
13 *tation sector.*

14 (b) *CONTENTS*.—*The report required under subsection*
15 *(a) shall include—*

16 (1) *a description of efforts to increase awareness*
17 *of careers related to surface transportation among ele-*
18 *mentary, secondary, and post-secondary students;*

19 (2) *a description of efforts to prepare and in-*
20 *spire such students for surface transportation careers;*

21 (3) *a description of efforts to support the devel-*
22 *opment of a diverse, well-qualified workforce for fu-*
23 *ture surface transportation needs; and*

24 (4) *the effectiveness of the efforts described in*
25 *paragraphs (1) through (3).*

1 **SEC. 1609. TASK FORCE ON DEVELOPING A 21ST CENTURY**
2 **SURFACE TRANSPORTATION WORKFORCE.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall establish a task force on developing a 21st cen-
6 tury surface transportation workforce (in this section re-
7 ferred to as the “Task Force”).

8 (b) *DUTIES.*—Not later than 12 months after the estab-
9 lishment of the Task Force under subsection (a), the Task
10 Force shall develop and submit to the Secretary rec-
11 ommendations and strategies for the Department of Trans-
12 portation to—

13 (1) *evaluate the current and future state of the*
14 *surface transportation workforce, including projected*
15 *job needs in the surface transportation sector;*

16 (2) *identify factors influencing individuals pur-*
17 *suing careers in surface transportation, including*
18 *barriers to attracting individuals into the workforce;*

19 (3) *address barriers to retaining individuals in*
20 *surface transportation careers;*

21 (4) *identify and address potential impacts of*
22 *emerging technologies on the surface transportation*
23 *workforce;*

24 (5) *increase access for vulnerable or underrep-*
25 *resented populations, especially women and minori-*

1 *ties, to high-skill, in-demand surface transportation*
2 *careers;*

3 *(6) facilitate and encourage elementary, sec-*
4 *ondary, and post-secondary students in the United*
5 *States to pursue careers in the surface transportation*
6 *sector; and*

7 *(7) identify and develop pathways for students*
8 *and individuals to secure pre-apprenticeships, reg-*
9 *istered apprenticeships, and other work-based learn-*
10 *ing opportunities in the surface transportation sector*
11 *of the United States.*

12 *(c) CONSIDERATIONS.—In developing recommenda-*
13 *tions and strategies under subsection (b), the Task Force*
14 *shall—*

15 *(1) identify factors that influence whether young*
16 *people pursue careers in surface transportation, espe-*
17 *cially traditionally underrepresented populations, in-*
18 *cluding women and minorities;*

19 *(2) consider how the Department, businesses, in-*
20 *dustry, labor, educators, and other stakeholders can*
21 *coordinate efforts to support qualified individuals in*
22 *pursuing careers in the surface transportation sector;*

23 *(3) identify methods of enhancing surface trans-*
24 *portation pre-apprenticeships and registered appren-*
25 *ticeships, job skills training, mentorship, education,*

1 *and outreach programs that are exclusive to youth in*
2 *the United States; and*

3 *(4) identify potential sources of funding, includ-*
4 *ing grants and scholarships, that may be used to sup-*
5 *port youth and other qualified individuals in pur-*
6 *suing careers in the surface transportation sector.*

7 *(d) CONSULTATION.—In developing the recommenda-*
8 *tions and strategies required under subsection (b), the Task*
9 *Force may consult with—*

10 *(1) local educational agencies and institutes of*
11 *higher education, including community colleges and*
12 *vocational schools; and*

13 *(2) State workforce development boards.*

14 *(e) REPORT.—Not later than 60 days after the submis-*
15 *sion of the recommendations and strategies under subsection*
16 *(b), the Secretary shall submit to the Committee on Trans-*
17 *portation and Infrastructure of the House of Representa-*
18 *tives and the Committee on Environment and Public Works*
19 *of the Senate a report containing such recommendations*
20 *and strategies.*

21 *(f) COMPOSITION OF TASK FORCE.—The Secretary*
22 *shall appoint members to the Task Force whose diverse*
23 *background and expertise allow such members to contribute*
24 *balanced points of view and ideas in carrying out this sec-*

1 tion, comprised of equal representation from each of the fol-
 2 lowing:

3 (1) Industries in the surface transportation sec-
 4 tor.

5 (2) Surface transportation sector labor organiza-
 6 tions.

7 (3) Such other surface transportation stake-
 8 holders and experts as the Secretary considers appro-
 9 priate.

10 (g) *PERIOD OF APPOINTMENT.*—Members shall be ap-
 11 pointed to the Task Force for the duration of the existence
 12 of the Task Force.

13 (h) *COMPENSATION.*—Task Force members shall serve
 14 without compensation.

15 (i) *SUNSET.*—The Task Force shall terminate upon the
 16 submission of the report required under subsection (e).

17 (j) *DEFINITIONS.*—In this section:

18 (1) *PRE-APPRENTICESHIP.*—The term “pre-ap-
 19 prenticeship” means a training model or program
 20 that prepares individuals for acceptance into a reg-
 21 istered apprenticeship and has a demonstrated part-
 22 nership with one or more registered apprenticeships.

23 (2) *REGISTERED APPRENTICESHIP.*—The term
 24 “registered apprenticeship” means an apprenticeship
 25 program registered under the Act of August 16, 1937

1 (29 U.S.C. 50 *et seq.*; commonly known as the “Na-
 2 tional Apprenticeship Act”), that satisfies the require-
 3 ments of parts 29 and 30 of title 29, Code of Federal
 4 Regulations (as in effect on January 1, 2020).

5 **SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
 6 **ICES.**

7 Section 140(b) of title 23, United States Code, is
 8 amended to read as follows:

9 “(b) **WORKFORCE TRAINING AND DEVELOPMENT.**—

10 “(1) **IN GENERAL.**—The Secretary, in coopera-
 11 tion with the Secretary of Labor and any other de-
 12 partment or agency of the Government, State agency,
 13 authority, association, institution, Indian Tribe or
 14 Tribal organization, corporation (profit or nonprofit),
 15 or any other organization or person, is authorized to
 16 develop, conduct, and administer surface transpor-
 17 tation and technology training, including skill im-
 18 provement programs, and to develop and fund sum-
 19 mer transportation institutes.

20 “(2) **STATE RESPONSIBILITIES.**—A State depart-
 21 ment of transportation participating in the program
 22 under this subsection shall—

23 “(A) develop an annual workforce plan that
 24 identifies immediate and anticipated workforce
 25 gaps and underrepresentation of women and mi-

1 *norities and a detailed plan to fill such gaps and*
2 *address such underrepresentation;*

3 *“(B) establish an annual workforce develop-*
4 *ment compact with the State workforce develop-*
5 *ment board and appropriate agencies to provide*
6 *a coordinated approach to workforce training,*
7 *job placement, and identification of training and*
8 *skill development program needs, which shall be*
9 *coordinated to the extent practical with an insti-*
10 *tution or agency, such as a State workforce de-*
11 *velopment board under section 101 of the Work-*
12 *force Innovation and Opportunities Act (29*
13 *U.S.C. 3111), that has established skills training,*
14 *recruitment, and placement resources; and*

15 *“(C) demonstrate program outcomes, in-*
16 *cluding—*

17 *“(i) impact on areas with transpor-*
18 *tation workforce shortages;*

19 *“(ii) diversity of training participants;*

20 *“(iii) number and percentage of par-*
21 *ticipants obtaining certifications or creden-*
22 *tials required for specific types of employ-*
23 *ment;*

24 *“(iv) employment outcome, including*
25 *job placement and job retention rates and*

1 *earnings, using performance metrics estab-*
 2 *lished in consultation with the Secretary of*
 3 *Labor and consistent with metrics used by*
 4 *programs under the Workforce Innovation*
 5 *and Opportunity Act (29 U.S.C. 3101 et*
 6 *seq.); and*

7 *“(v) to the extent practical, evidence*
 8 *that the program did not preclude workers*
 9 *that participate in training or registered*
 10 *apprenticeship activities under the program*
 11 *from being referred to, or hired on, projects*
 12 *funded under this chapter.*

13 *“(3) FUNDING.—From administrative funds*
 14 *made available under section 104(a), the Secretary*
 15 *shall deduct such sums as necessary, not to exceed*
 16 *\$10,000,000 in each fiscal year, for the administra-*
 17 *tion of this subsection. Such sums shall remain avail-*
 18 *able until expended.*

19 *“(4) NONAPPLICABILITY OF TITLE 41.—Sub-*
 20 *sections (b) through (d) of section 6101 of title 41*
 21 *shall not apply to contracts and agreements made*
 22 *under the authority granted to the Secretary under*
 23 *this subsection.*

24 *“(5) USE OF SURFACE TRANSPORTATION PRO-*
 25 *GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-*

9 (a) *IN GENERAL.*—Any funds made available to a
10 State for the Appalachian development highway system
11 program under subtitle IV of title 40, United States Code,
12 before the date of enactment of this Act may be used, at
13 the request of such State to the Secretary of Transportation,
14 for the purposes described in section 133(b) of title 23,
15 United States Code.

•HR 3684 RH

1 **SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT**
2 **PROGRAM.**

3 *Section 504 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (e)(1) by inserting “and (8)*
6 *through (9)” after “paragraphs (1) through (4)”;* and
7 *(2) in subsection (f) by adding at the end the fol-*
8 *lowing:*

9 *“(4) REPORTS.—The Secretary shall submit to*
10 *the Committee on Transportation and Infrastructure*
11 *of the House of Representatives and the Committee on*
12 *Commerce, Science, and Transportation of the Senate*
13 *an annual report that includes—*

14 *“(A) a list of all grant recipients under this*
15 *subsection;*

16 *“(B) an explanation of why each recipient*
17 *was chosen in accordance with the criteria under*
18 *paragraph (2);*

19 *“(C) a summary of each recipient’s objective*
20 *to carry out the purpose described in paragraph*
21 *(1) and an analysis of progress made toward*
22 *achieving each such objective;*

23 *“(D) an accounting for the use of Federal*
24 *funds obligated or expended in carrying out this*
25 *subsection; and*

1 “(E) an analysis of outcomes of the pro-
2 gram under this subsection.”.

3 **SEC. 1613. WORKING GROUP ON CONSTRUCTION RE-**
4 **SOURCES.**

5 (a) *ESTABLISHMENT.*—Not later than 120 days after
6 the date of enactment of this Act, the Secretary of Transpor-
7 tation shall establish a working group (in this section re-
8 ferred to as the “Working Group”) to conduct a study on
9 access to covered resources for infrastructure projects.

10 (b) *MEMBERSHIP.*—

11 (1) *APPOINTMENT.*—The Secretary shall appoint
12 to the Working Group individuals with knowledge
13 and expertise in the production and transportation of
14 covered resources.

15 (2) *REPRESENTATION.*—The Working Group
16 shall include at least one representative of each of the
17 following:

18 (A) State departments of transportation.

19 (B) State agencies associated with covered
20 resources protection.

21 (C) State planning and geologic survey and
22 mapping agencies.

23 (D) Commercial motor vehicle operators, in-
24 cluding small business operators and operators
25 who transport covered resources.

1 (E) Covered resources producers.

2 (F) Construction contractors.

3 (G) Labor organizations.

4 (H) Metropolitan planning organizations
5 and regional planning organizations.

6 (I) Indian Tribes.

7 (J) Professional surveying, mapping, and
8 geospatial organizations.

9 (K) Any other stakeholders that the Sec-
10 retary determines appropriate.

11 (3) *TERMINATION.*—The Working Group shall
12 terminate 6 months after the date on which the Sec-
13 retary receives the report under subsection (e)(1).

14 (c) *DUTIES.*—In carrying out the study required
15 under subsection (a), the Working Group shall analyze—

16 (1) the use of covered resources in transportation
17 projects funded with Federal dollars;

18 (2) how the proximity of covered resources to
19 such projects affects the cost and environmental im-
20 pact of such projects;

21 (3) whether and how State, Tribal, and local
22 transportation and planning agencies consider cov-
23 ered resources when developing transportation
24 projects; and

1 (4) *any challenges for transportation project*
2 *sponsors regarding access and proximity to covered*
3 *resources.*

4 (d) *CONSULTATION.—In carrying out the study re-*
5 *quired under subsection (a), the Working Group shall con-*
6 *sult with, as appropriate—*

7 (1) *chief executive officers of States;*

8 (2) *State and local transportation planning*
9 *agencies;*

10 (3) *Indian Tribes;*

11 (4) *other relevant State, Tribal, and local agen-*
12 *cies, including State agencies associated with covered*
13 *resources protection;*

14 (5) *members of the public with industry experi-*
15 *ence with respect to covered resources;*

16 (6) *other Federal entities that provide funding*
17 *for transportation projects; and*

18 (7) *any other stakeholder the Working Group de-*
19 *termines appropriate.*

20 (e) *REPORTS.—*

21 (1) *WORKING GROUP REPORT.—Not later than 2*
22 *years after the date on which the Working Group is*
23 *established, the Working Group shall submit to the*
24 *Secretary a report that includes—*

1 (A) *the findings of the study required under*
2 *subsection (a), including a summary of com-*
3 *ments received during the consultation process*
4 *under subsection (d); and*

5 (B) *any recommendations to preserve access*
6 *to and reduce the costs and environmental im-*
7 *pacts of covered resources for infrastructure*
8 *projects.*

9 (2) *DEPARTMENTAL REPORT.—Not later than 3*
10 *months after the date on which the Secretary receives*
11 *the report under paragraph (1), the Secretary shall*
12 *submit to the Committee on Transportation and In-*
13 *frastructure of the House of Representatives and the*
14 *Committee on Environment and Public Works of the*
15 *Senate a summary of the findings under such report*
16 *and any recommendations, as appropriate.*

17 (f) *DEFINITIONS.—In this section:*

18 (1) *COVERED RESOURCES.—The term “covered*
19 *resources” means common variety materials used in*
20 *transportation infrastructure construction and main-*
21 *tenance, including stone, sand, and gravel.*

22 (2) *STATE.—The term “State” means each of the*
23 *several States, the District of Columbia, and each ter-*
24 *ritory or possession of the United States.*

1 **SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTER-**
2 **CHANGES.**

3 (a) *IN GENERAL.*—Notwithstanding section 315 of title
4 23, United States Code, and section 1.36 of title 23, Code
5 of Federal Regulations, the Secretary of Transportation
6 may not impose a penalty on a State that does not comply
7 with section 2E.31 of the Manual on Uniform Traffic Con-
8 trol Devices (or a successor section) with respect to the num-
9 bering of highway interchanges.

10 (b) *APPLICABILITY.*—Subsection (a) shall only apply
11 to a method of numbering of a highway interchange in effect
12 on the date of enactment of this Act.

13 **SEC. 1615. TOLL CREDITS.**

14 (a) *PURPOSES.*—The Secretary of Transportation
15 shall—

16 (1) *identify the extent of the demand to purchase*
17 *toll credits;*

18 (2) *identify the expected cash price of toll credits;*

19 (3) *analyze the impact of the exchange of toll*
20 *credits on transportation expenditures; and*

21 (4) *identify any other repercussions of estab-*
22 *lishing a toll credit exchange.*

23 (b) *SOLICITATION.*—To carry out the requirements of
24 this section, the Secretary shall solicit information from
25 States eligible to use a credit under section 120(i) of title
26 23, United States Code, including—

1 (1) *the amount of unused toll credits, includ-*
2 *ing—*

3 (A) *toll revenue generated and the sources of*
4 *that revenue;*

5 (B) *toll revenue used by public, quasi-pub-*
6 *lic, and private agencies to build, improve, or*
7 *maintain highways, bridges, or tunnels that*
8 *serve the public purpose of interstate commerce;*
9 *and*

10 (C) *an accounting of any Federal funds*
11 *used by the public, quasi-public, or private agen-*
12 *cy to build, improve, or maintain the toll facil-*
13 *ity, to validate that the credit has been reduced*
14 *by a percentage equal to the percentage of the*
15 *total cost of building, improving, or maintaining*
16 *the facility that was derived from Federal funds;*

17 (2) *the documentation of maintenance of effort*
18 *for toll credits earned by the State; and*

19 (3) *the accuracy of the accounting system of the*
20 *State to earn and track toll credits.*

21 (c) *WEBSITE.—The Secretary shall make available a*
22 *publicly accessible website on which a State eligible to use*
23 *a credit under section 120(i) of title 23, United States Code*
24 *shall publish the information described under subsection*
25 *(b)(1).*

1 (d) *EVALUATION AND RECOMMENDATIONS TO CON-*
 2 *GRESS.*—Not later than 2 years after the date of enactment
 3 of this Act, the Secretary shall provide to the Committee
 4 on Transportation and Infrastructure of the House of Rep-
 5 resentatives and the Committee on Environment and Public
 6 Works of the Senate, and make publicly available on the
 7 website of the Department of Transportation—

8 (1) *an evaluation of the accuracy of the account-*
 9 *ing and documentation of toll credits earned under*
 10 *section 120(i);*

11 (2) *a determination whether a toll credit market-*
 12 *place is viable and cost effective;*

13 (3) *estimates, to the extent possible, of the aver-*
 14 *age sale price of toll credits; and*

15 (4) *recommendations on any modifications nec-*
 16 *essary, including legislative changes, to establish and*
 17 *implement a toll credit exchange program.*

18 (e) *DEFINITION.*—In this section, the term “State” has
 19 the meaning given the term in section 101(a) of title 23,
 20 United States Code.

21 **SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS**
 22 **PROCUREMENT.**

23 (a) *ESTABLISHMENT.*—Not later than 180 days after
 24 the date of enactment of this Act, the Secretary of Transpor-
 25 tation shall initiate a review of the procurement processes

1 *used by State departments of transportation to select con-*
2 *struction materials on projects utilizing Federal-aid high-*
3 *way funds.*

4 (b) *CONTENTS.*—*The review under subsection (a) shall*
5 *include—*

6 (1) *a review of competitive practices in the bid-*
7 *ding process for transportation construction mate-*
8 *rials;*

9 (2) *a list of States that currently issue bids that*
10 *include flexibility in the type of construction mate-*
11 *rials used to meet the project specifications;*

12 (3) *any information provided by States on con-*
13 *siderations that influence the decision to include com-*
14 *petition by type of material in transportation con-*
15 *struction projects;*

16 (4) *any data on whether issuing bids that in-*
17 *clude flexibility in the type of construction materials*
18 *used to meet the project specifications will affect*
19 *project costs over the lifecycle of an asset;*

20 (5) *any data on the degree to which competition*
21 *leads to greater use of sustainable, innovative, or re-*
22 *silient materials; and*

23 (6) *an evaluation of any barriers to more wide-*
24 *spread use of competitive bidding processes for trans-*
25 *portation construction materials.*

1 (c) *REPORT.*—Not later than 18 months after the date
2 of enactment of this Act, the Secretary shall submit to the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives and the Committee on Environ-
5 ment and Public Works of the Senate, and make publicly
6 available, a report on the review initiated by the Secretary
7 pursuant to this section.

8 **SEC. 1617. NATIONWIDE ROAD SAFETY ASSESSMENT.**

9 (a) *IN GENERAL.*—The Secretary of Transportation
10 shall, every 2 years, conduct nationwide, on-the-ground
11 road safety assessments focused on pedestrian and bicycle
12 safety in each State.

13 (b) *REQUIREMENTS.*—The assessments required under
14 subsection (a) shall be conducted—

15 (1) by Department of Transportation field offices
16 from the Federal Highway Administration, the Na-
17 tional Highway Transportation Safety Administra-
18 tion, the Federal Transit Administration, and the
19 Federal Motor Carrier Safety Administration; and

20 (2) in consultation with—

21 (A) State and local agencies with jurisdic-
22 tion over pedestrian and bicycle safety;

23 (B) pedestrian safety and bicycle safety ad-
24 vocacy organizations; and

1 (C) *other relevant pedestrian and bicycle*
2 *safety stakeholders.*

3 (c) *PURPOSES.—The purpose of the assessments under*
4 *this section is to—*

5 (1) *identify and examine specific locations with*
6 *documented or perceived problems with pedestrian*
7 *and bicycle safety and access;*

8 (2) *examine barriers to providing safe pedestrian*
9 *and bicycle access to transportation infrastructure;*
10 *and*

11 (3) *develop and issue recommendations designed*
12 *to effectively address specific safety and access issues*
13 *and enhance pedestrian and bicycle safety in high*
14 *risk areas.*

15 (d) *REPORT ON STATE ASSESSMENTS.—Upon comple-*
16 *tion of the assessment of a State, the Secretary shall issue,*
17 *and make available to the public, a report containing the*
18 *assessment that includes—*

19 (1) *a list of locations that have been assessed as*
20 *presenting a danger to pedestrians or bicyclists; and*

21 (2) *recommendations to enhance pedestrian and*
22 *bicycle safety in those locations.*

23 (e) *REPORT ON NATIONWIDE PROGRAM.—Upon com-*
24 *pletion of the biannual assessment nationwide required*
25 *under this section, the Secretary shall issue, and make*

1 *available to the public, that covers assessments for all juris-*
2 *dictions and also present it to the congressional transpor-*
3 *tation committees.*

4 (f) *NATIONAL PEDESTRIAN AND BICYCLE SAFETY*
5 *DATABASE.*—*The Secretary, in order to enhance pedestrian*
6 *and bicycle safety and improve information sharing on pe-*
7 *destrian and bicycle safety challenges between the Federal*
8 *Government and State and local governments, shall main-*
9 *tain a national pedestrian and bicycle safety database that*
10 *includes—*

11 (1) *a list of high-risk intersections, roads, and*
12 *highways with a documented history of pedestrian or*
13 *bicycle accidents or fatalities and details regarding*
14 *those incidents; and*

15 (2) *information on corrective measures that have*
16 *been implemented at the State, local, or Federal level*
17 *to enhance pedestrian and bicyclist safety at those*
18 *high risk areas, including details on the nature and*
19 *date of corrective action.*

20 (g) *STATE DEFINED.*—*In this section, the term*
21 *“State” means each of the States, the District of Columbia,*
22 *and Puerto Rico.*

1 **SEC. 1618. CLIMATE RESILIENT TRANSPORTATION INFRA-**
2 **STRUCTURE STUDY.**

3 (a) *CLIMATE RESILIENT TRANSPORTATION INFRA-*
4 *STRUCTURE STUDY.*—Not later than 180 days after the date
5 of enactment of this Act, the Secretary of Transportation
6 shall seek to enter into an agreement with the Transpor-
7 tation Research Board of the National Academies to conduct
8 a study of the actions needed to ensure that Federal agencies
9 are taking into account current and future climate condi-
10 tions in planning, designing, building, operating, main-
11 taining, investing in, and upgrading any federally funded
12 transportation infrastructure investments.

13 (b) *METHODOLOGIES.*—In conducting the study, the
14 Transportation Research Board shall build on the meth-
15 odologies examined and recommended in—

16 (1) the 2018 report issued the American Society
17 of Civil Engineers, titled “Climate-Resilient Infra-
18 structure: Adaptive Design and Risk Management”;
19 and

20 (2) the report issued by the California Climate-
21 Safe Infrastructure Working Group, titled “Paying it
22 Forward: The Path Toward Climate-Safe Infrastruc-
23 ture in California”.

24 (c) *CONTENTS OF STUDY.*—The study shall include
25 specific recommendations regarding the following:

1 (1) *Integrating scientific knowledge of projected*
2 *climate change impacts, and other relevant data and*
3 *information, into Federal infrastructure planning,*
4 *design, engineering, construction, operation and*
5 *maintenance.*

6 (2) *Addressing critical information gaps and*
7 *challenges.*

8 (3) *Financing options to help fund climate-resil-*
9 *ient infrastructure.*

10 (4) *A platform or process to facilitate commu-*
11 *nication between climate scientists and other experts*
12 *with infrastructure planners, engineers and other rel-*
13 *evant experts.*

14 (5) *A stakeholder process to engage with rep-*
15 *resentatives of State, local, tribal and community*
16 *groups.*

17 (6) *A platform for tracking Federal funding of*
18 *climate-resilient infrastructure.*

19 (7) *Labor and workforce needs to implement cli-*
20 *mate-resilient transportation infrastructure projects*
21 *including new and emerging skills, training pro-*
22 *grams, competencies and recognized postsecondary*
23 *credentials that may be required to adequately equip*
24 *the workforce.*

1 (8) *Outlining how Federal infrastructure plan-*
2 *ning, design, engineering, construction, operation,*
3 *and maintenance impact the environment and public*
4 *health of disproportionately exposed communities. For*
5 *purposes of this paragraph, the term “disproportion-*
6 *ately exposed communities” means a community in*
7 *which climate change, pollution, or environmental de-*
8 *struction have exacerbated systemic racial, regional,*
9 *social, environmental, and economic injustices by dis-*
10 *proportionately affecting indigenous peoples, commu-*
11 *nities of color, migrant communities, deindustrialized*
12 *communities, depopulated rural communities, the*
13 *poor, low-income workers, women, the elderly, people*
14 *experiencing homelessness, people with disabilities,*
15 *people who are incarcerated, or youth.*

16 (d) *CONSIDERATIONS.—In carrying out the study, the*
17 *Transportation Research Board shall determine the need for*
18 *information related to climate resilient transportation in-*
19 *frastructure by considering—*

20 (1) *the current informational and institutional*
21 *barriers to integrating projected infrastructure risks*
22 *posed by climate change into federal infrastructure*
23 *planning, design, engineering, construction, operation*
24 *and maintenance;*

1 (2) *the critical information needed by engineers,*
2 *planners and those charged with infrastructure up-*
3 *grades and maintenance to better incorporate climate*
4 *change risks and impacts over the lifetime of projects;*

5 (3) *how to select an appropriate, adaptive engi-*
6 *neering design for a range of future climate scenarios*
7 *as related to infrastructure planning and investment;*

8 (4) *how to incentivize and incorporate systems*
9 *thinking into engineering design to maximize the ben-*
10 *efits of multiple natural functions and emissions re-*
11 *duction, as well as regional planning;*

12 (5) *how to take account of the risks of cascading*
13 *infrastructure failures and develop more holistic ap-*
14 *proaches to evaluating and mitigating climate risks;*

15 (6) *how to ensure that investments in infrastruc-*
16 *ture resilience benefit all communities, including com-*
17 *munities of color, low-income communities and In-*
18 *dian Tribes that face a disproportionate risk from cli-*
19 *mate change and in many cases have experienced*
20 *long-standing unmet needs and underinvestment in*
21 *critical infrastructure;*

22 (7) *how to incorporate capital assessment and*
23 *planning training and techniques, including a range*
24 *of financing options to help local and State govern-*
25 *ments plan for and provide matching funds;*

1 (8) *how federal agencies can track and monitor*
2 *federally funded resilient infrastructure in a coordi-*
3 *nated fashion to help build the understanding of the*
4 *cost-benefit of resilient infrastructure and to build the*
5 *capacity for implementing resilient infrastructure;*
6 *and*

7 (9) *the occupations, skillsets, training programs,*
8 *competencies and recognized postsecondary credentials*
9 *that will be needed to implement such climate-resil-*
10 *ient transportation infrastructure projects, and how*
11 *to ensure that any new jobs created by such projects*
12 *ensure that priority hiring considerations are given*
13 *to individuals facing barriers to employment, commu-*
14 *nities of color, low-income communities and Indian*
15 *Tribes that face a disproportionate risk from climate*
16 *change and have been excluded from job opportunities.*

17 (e) *CONSULTATION.—In carrying out the study, the*
18 *Transportation Research Board—*

19 (1) *shall convene and consult with a panel of na-*
20 *tional experts, including operators and users of Fed-*
21 *eral transportation infrastructure and private sector*
22 *stakeholders; and*

23 (2) *is encouraged to consult with—*

1 (A) representatives from the thirteen federal
2 agencies that comprise the United States Global
3 Change Research Program;

4 (B) representatives from the Department of
5 the Treasury;

6 (C) professional engineers with relevant ex-
7 pertise in infrastructure design;

8 (D) scientists from the National Academies
9 with relevant expertise;

10 (E) scientists, social scientists and experts
11 from academic and research institutions who
12 have expertise in climate change projections and
13 impacts; engineering; architecture; or other rel-
14 evant areas of expertise;

15 (F) licensed architects with relevant experi-
16 ence in infrastructure design;

17 (G) certified planners;

18 (H) representatives of State and local gov-
19 ernments and Indian Tribes;

20 (I) representatives of environmental justice
21 groups; and

22 (J) representatives of labor unions that rep-
23 resent key trades and industries involved in in-
24 frastructure projects.

1 (f) *REPORT*.—Not later than 3 years after the date of
 2 enactment of this Act, the Transportation Research Board
 3 shall submit to the Secretary, the Committee on Transpor-
 4 tation and Infrastructure of the House of Representatives,
 5 and the Committee on Environment and Public Works of
 6 the Senate a report on the results of the study conducted
 7 under this section.

8 **SEC. 1619. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
 9 **EMISSION VEHICLES.**

10 Subsection (s) of section 127 of title 23, United States
 11 Code is amended to read as follows:

12 “(s) *NATURAL GAS, ELECTRIC BATTERY, AND ZERO*
 13 *EMISSION VEHICLES*.—A vehicle, if operated by an engine
 14 fueled primarily by natural gas, powered primarily by
 15 means of electric battery power, or fueled primarily by
 16 means of other zero emission fuel technologies, may exceed
 17 the weight limit on the power unit by up to 2,000 pounds
 18 (up to a maximum gross vehicle weight of 82,000 pounds)
 19 under this section.”.

20 **SEC. 1620. GUIDANCE ON EVACUATION ROUTES.**

21 (a) *IN GENERAL*.—

22 (1) *GUIDANCE*.—The Administrator of the Fed-
 23 eral Highway Administration, in coordination with
 24 the Administrator of the Federal Emergency Manage-
 25 ment Agency, and consistent with guidance issued by

1 *the Federal Emergency Management Agency pursuant*
2 *to section 1209 of the Disaster Recovery Reform Act*
3 *of 2018 (Public Law 115–254), shall revise existing*
4 *guidance or issue new guidance as appropriate for*
5 *State and local governments and Indian Tribes re-*
6 *garding the design, construction, maintenance, ret-*
7 *rofit, and repair of evacuation routes.*

8 (2) *CONSIDERATIONS.—In revising or issuing*
9 *guidance under subsection (a)(1), the Administrator*
10 *of the Federal Highway Administration shall con-*
11 *sider—*

12 (A) *methods that assist evacuation routes*
13 *to—*

14 (i) *withstand the effects of hydrostatic*
15 *and hydrodynamic forces on viability, in-*
16 *cluding recommendations regarding appro-*
17 *priate drainage structures or other flood*
18 *prevention mechanisms to manage*
19 *stormwater, runoff, and the effect of storm*
20 *surge;*

21 (ii) *withstand the risks that flamma-*
22 *bility poses to viability;*

23 (iii) *improve durability, strength (in-*
24 *cluding the ability to withstand tensile*

1 stresses and compressive stresses), and sus-
2 tainability; and

3 (iv) provide for long-term cost savings;

4 (B) the ability of evacuation routes to effec-
5 tively manage contraflow operations;

6 (C) for evacuation routes on public lands,
7 the viewpoints of the applicable Federal land
8 management agency regarding emergency oper-
9 ations, sustainability, and resource protection;
10 and

11 (D) such other items the Administrator of
12 the Federal Highway Administration considers
13 appropriate.

14 (3) *REPORT.*—In the case in which the Adminis-
15 trator of the Federal Highway Administration, in
16 consultation with the Administrator of the Federal
17 Emergency Management Agency, concludes existing
18 guidance addresses the considerations in paragraph
19 (2), The Administrator of the Federal Highway Ad-
20 ministration shall submit to the Committee on Trans-
21 portation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Environment and
23 Public Works of the Senate a detailed report describ-
24 ing how existing guidance addresses such consider-
25 ations.

1 (b) *STUDY.*—

2 (1) *IN GENERAL.*—*The Administrator of the Fed-*
3 *eral Highway Administration, in coordination with*
4 *the Administrator of the Federal Emergency Manage-*
5 *ment Agency, shall study the vulnerability of evacu-*
6 *ation routes that are part of the national highway*
7 *system to the risks of extreme weather, including*
8 *flooding and storm surge.*

9 (2) *CONTENTS.*—*In conducting the study under*
10 *paragraph (1), the Administrator shall examine—*

11 (A) *the likelihood of Federal evacuation*
12 *routes flooding during a 100-year, 500-year, and*
13 *1000-year weather event;*

14 (B) *whether Federal evacuation routes that*
15 *have historically flooded have recovered quickly*
16 *from extreme weather events;*

17 (C) *the availability of alternative evacu-*
18 *ation routes to accommodate the flow of evacuees*
19 *in the event of an evacuation route becoming im-*
20 *passable due to flooding; and*

21 (D) *the impact of impassable evacuation*
22 *routes on vulnerable individuals, with consider-*
23 *ation of the return of evacuees after an extreme*
24 *weather event, including—*

1 (i) *individuals with a physical or men-*
2 *tal disability;*

3 (ii) *individuals in schools, daycare*
4 *centers, mobile home parks, prisons, nursing*
5 *homes, and other long-term care facilities*
6 *and detention centers;*

7 (iii) *individuals with limited pro-*
8 *ficiency in English;*

9 (iv) *the elderly; and*

10 (v) *individuals who are tourists, sea-*
11 *sonal workers, or homeless.*

12 (3) *REPORT.*—*Not later than 1 year after the*
13 *date of enactment of this Act, the Administrator shall*
14 *submit to the Committee on Transportation and In-*
15 *frastructure of the House of Representatives and the*
16 *Committee on Commerce, Science, and Transpor-*
17 *tation of the Senate a report summarizing the study*
18 *and the results of such study, including identifying*
19 *which segments of Federal evacuation routes are most*
20 *vulnerable to becoming impassable due to flooding.*

21 **SEC. 1621. HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-**
22 **WAY SYSTEM.**

23 (a) *IDENTIFICATION.*—

1 (1) CENTRAL TEXAS CORRIDOR.—Section
2 1105(c)(84) of the Intermodal Surface Transportation
3 Efficiency Act of 1991 is amended to read as follows:

4 “(84) The Central Texas Corridor, including the
5 route—

6 “(A) commencing in the vicinity of Texas
7 Highway 338 in Odessa, Texas, running east-
8 ward generally following Interstate Route 20,
9 connecting to Texas Highway 158 in the vicinity
10 of Midland, Texas, then following Texas High-
11 way 158 eastward to United States Route 87
12 and then following United States Route 87
13 southeastward, passing in the vicinity of San
14 Angelo, Texas, and connecting to United States
15 Route 190 in the vicinity of Brady, Texas;

16 “(B) commencing at the intersection of
17 Interstate Route 10 and United States Route 190
18 in Pecos County, Texas, and following United
19 States Route 190 to Brady, Texas;

20 “(C) following portions of United States
21 Route 190 eastward, passing in the vicinity of
22 Fort Hood, Killeen, Belton, Temple, Bryan, Col-
23 lege Station, Huntsville, Livingston, Woodville,
24 and Jasper, to the logical terminus of Texas
25 Highway 63 at the Sabine River Bridge at

1 *Burrs Crossing and including a loop generally*
 2 *encircling Bryan/College Station, Texas;*

3 “(D) following United States Route 83
 4 *southward from the vicinity of Eden, Texas, to*
 5 *a logical connection to Interstate Route 10 at*
 6 *Junction, Texas;*

7 “(E) following United States Route 69 from
 8 *Interstate Route 10 in Beaumont, Texas, north*
 9 *to United States Route 190 in the vicinity of*
 10 *Woodville, Texas;*

11 “(F) following United States Route 96 from
 12 *Interstate Route 10 in Beaumont, Texas, north*
 13 *to United States Route 190 in the vicinity of*
 14 *Jasper, Texas; and*

15 “(G) following United States Route 190,
 16 *State Highway 305, and United States Route*
 17 *385 from Interstate Route 10 in Pecos County,*
 18 *Texas to Interstate 20 at Odessa, Texas.”.*

19 (2) *CENTRAL LOUISIANA CORRIDOR.*—Section
 20 *1105(c) of the Intermodal Surface Transportation Ef-*
 21 *ficiency Act of 1991 is amended by adding at the end*
 22 *the following:*

23 “(91) *The Central Louisiana Corridor com-*
 24 *mencing at the logical terminus of Louisiana High-*
 25 *way 8 at the Sabine River Bridge at Burrs Crossing*

1 *and generally following portions of Louisiana High-*
 2 *way 8 to Leesville, Louisiana, and then eastward on*
 3 *Louisiana Highway 28, passing in the vicinity of Al-*
 4 *exandria, Pineville, Walters, and Archie, to the log-*
 5 *ical terminus of United States Route 84 at the Mis-*
 6 *issippi River Bridge at Vidalia, Louisiana.”.*

7 (3) *CENTRAL MISSISSIPPI CORRIDOR.*—Section
 8 *1105(c) of the Intermodal Surface Transportation Ef-*
 9 *iciency Act of 1991, as amended by this Act, is fur-*
 10 *ther amended by adding at the end the following:*

11 “(92) *The Central Mississippi Corridor, includ-*
 12 *ing the route—*

13 “(A) *commencing at the logical terminus of*
 14 *United States Route 84 at the Mississippi River*
 15 *and then generally following portions of United*
 16 *States Route 84 passing in the vicinity of Natch-*
 17 *ez, Brookhaven, Monticello, Prentiss, and Collins,*
 18 *to Interstate 59 in the vicinity of Laurel, Mis-*
 19 *issippi, and continuing on Interstate Route 59*
 20 *north to Interstate Route 20 and on Interstate*
 21 *Route 20 to the Mississippi-Alabama State Bor-*
 22 *der; and*

23 “(B) *commencing in the vicinity of Laurel,*
 24 *Mississippi, running south on Interstate Route*
 25 *59 to United States Route 98 in the vicinity of*

1 *Hattiesburg, connecting to United States Route*
 2 *49 south then following United States Route 49*
 3 *south to Interstate Route 10 in the vicinity of*
 4 *Gulfport and following Mississippi Route 601*
 5 *southerly terminating near the Mississippi State*
 6 *Port at Gulfport.”.*

7 (4) *MIDDLE ALABAMA CORRIDOR.*—Section
 8 *1105(c) of the Intermodal Surface Transportation Ef-*
 9 *iciency Act of 1991, as amended by this Act, is fur-*
 10 *ther amended by adding at the end the following:*

11 “(93) *The Middle Alabama Corridor including*
 12 *the route—*

13 “(A) *beginning at the Alabama-Mississippi*
 14 *Border generally following portions of I–20 until*
 15 *following a new interstate extension paralleling*
 16 *United States Highway 80 specifically:*

17 “(B) *crossing Alabama Route 28 near*
 18 *Coatopa, Alabama, traveling eastward crossing*
 19 *United States Highway 43 and Alabama Route*
 20 *69 near Selma, Alabama, traveling eastwards*
 21 *closely paralleling United States Highway 80 to*
 22 *the south crossing over Alabama Routes 22, 41,*
 23 *and 21, until its intersection with I–65 near*
 24 *Hope Hull, Alabama;*

1 “(C) continuing east along the proposed
2 Montgomery Outer Loop south of Montgomery,
3 Alabama where it would next join with I–85 east
4 of Montgomery, Alabama;

5 “(D) continuing along I–85 east bound
6 until its intersection with United States High-
7 way 280 near Opelika, Alabama or United
8 States Highway 80 near Tuskegee, Alabama; and

9 “(E) generally following the most expedient
10 route until intersecting with existing United
11 States Highway 80 (JR Allen Parkway) through
12 Phenix City until continuing into Columbus,
13 Georgia.”.

14 (5) MIDDLE GEORGIA CORRIDOR.—Section
15 1105(c) of the Intermodal Surface Transportation Ef-
16 ficiency Act of 1991, as amended by this Act, is fur-
17 ther amended by adding at the end the following:

18 “(94) The Middle Georgia Corridor including the
19 route—

20 “(A) beginning at the Alabama-Georgia
21 Border generally following the Fall Line Free-
22 way from Columbus Georgia to Augusta, Georgia
23 specifically:

24 “(B) travelling along United States Route
25 80 (JR Allen Parkway) through Columbus, Geor-

gia 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—

1 “(A) Interstate 10, between its intersections
2 with Interstate 12 and Louisiana Highway 415;

3 “(B) Louisiana Highway 415, between its
4 intersections with Interstate 10 and United
5 States route 190;

6 “(C) United States route 190, between its
7 intersections with Louisiana Highway 415 and
8 intersection with Interstate 110;

9 “(D) Interstate 110, between its intersec-
10 tions with United States route 190 and Inter-
11 state 10;

12 “(E) Louisiana Highway 30, near St. Ga-
13 briel, LA and its intersections with Interstate 10;

14 “(F) Louisiana Highway 1, near White
15 Castle, LA and its intersection with Interstate
16 10; and

17 “(G) A bridge connecting Louisiana High-
18 way 1 with Louisiana Highway 30, south of the
19 Interstate described in subparagraph (A).”.

20 (b) *INCLUSION OF CERTAIN SEGMENTS ON INTER-*
21 *STATE SYSTEM.*—Section 1105(e)(5)(A) of the *Intermodal*
22 *Surface Transportation Efficiency Act of 1991* is amend-
23 ed—

1 (1) by inserting “subclauses (I) through (IX) of
 2 subsection (c)(38)(A)(i), subsection (c)(38)(A)(iv),”
 3 after “subsection (c)(37),”;

4 (2) by inserting “subsection (c)(84),” after “sub-
 5 section (c)(83),”; and

6 (3) by striking “and subsection (c)(91)” and in-
 7 serting “subsection (c)(91), subsection (c)(92), sub-
 8 section (c)(93), subsection (c)(94), subsection (c)(95),
 9 and subsection (c)(96)”.

10 (c) *DESIGNATION*.—Section 1105(e)(5)(C) of the Inter-
 11 modal Surface Transportation Efficiency Act of 1991 is
 12 amended by striking “The route referred to in subsection
 13 (c)(84) is designated as Interstate Route I–14.” and insert-
 14 ing “The route referred to in subsection (c)(84)(A) is des-
 15 ignated as Interstate Route I–14 North. The route referred
 16 to in subsection (c)(84)(B) is designated as Interstate Route
 17 I–14 South. The Bryan/College Station, Texas loop referred
 18 to in subsection (c)(84) is designated as Interstate Route
 19 I–214. The routes referred to in subparagraphs (C), (D),
 20 (E), (F), and (G) of subsection (c)(84) and in subsections
 21 (c)(91), (c)(92), (c)(93), and (c)(94) are designated as Inter-
 22 state Route I–14.”.

1 **SEC. 1622. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 (a) *GUIDANCE.*—*The Administrator of the Federal*
4 *Highway Administration, in coordination with the Admin-*
5 *istrator of the Federal Emergency Management Agency,*
6 *shall review the guidance issued pursuant to section 1228*
7 *of the Disaster Recovery Reform Act of 2018 (Public Law*
8 *115–254), and revise or issue new guidance regarding re-*
9 *pair, restoration, and replacement of inundated and sub-*
10 *merged roads damaged or destroyed by a major disaster de-*
11 *clared pursuant to the Robert T. Stafford Disaster Relief*
12 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with*
13 *respect to roads eligible for assistance under Federal High-*
14 *way Administration programs.*

15 (b) *CONSIDERATIONS.*—*In revising or issuing new*
16 *guidance under subsection (a), the Administrator shall con-*
17 *sider methods of repair, restoration, and replacement of*
18 *damaged or destroyed roads that—*

19 (1) *improve the ability of a previously inundated*
20 *or submerged road to withstand the effects of hydro-*
21 *static and hydrodynamic forces, including*
22 *stormwater, runoff, or storm surge; and*

23 (2) *provide for long-term cost savings.*

24 **SEC. 1623. DRY BULK WEIGHT TOLERANCE.**

25 *Section 127 of title 23, United States Code, is amended*
26 *by adding at the end the following:*

1 “(v) *DRY BULK WEIGHT TOLERANCE.*—

2 “(1) *DEFINITION OF DRY BULK GOODS.*—*In this*
 3 *subsection, the term ‘dry bulk goods’ means any ho-*
 4 *mogeneous unmarked nonliquid cargo being trans-*
 5 *ported in a trailer specifically designed for that pur-*
 6 *pose.*

7 “(2) *WEIGHT TOLERANCE.*—*Notwithstanding*
 8 *any other provision of this section, except for the*
 9 *maximum gross vehicle weight limitation, a commer-*
 10 *cial motor vehicle transporting dry bulk goods may*
 11 *not exceed 110 percent of the maximum weight on*
 12 *any axle or axle group described in subsection (a), in-*
 13 *cluding any enforcement tolerance.’.*

14 **SEC. 1624. HIGHWAY USE TAX EVASION PROJECTS.**

15 *Section 143(b)(2)(A) of title 23, United States Code,*
 16 *is amended by striking “2016 through 2020” and inserting*
 17 *“2023 through 2026”.*

18 **SEC. 1625. LABOR STANDARDS.**

19 *It is the policy of the United States that funds author-*
 20 *ized or made available by this Act, or the amendments made*
 21 *by this Act, should not be used to purchase products pro-*
 22 *duced whole or in part through the use of child labor, as*
 23 *such term is defined in Article 3 of the International Labor*
 24 *Organization Convention concerning the prohibition and*
 25 *immediate action for the elimination of the worst forms of*

1 *child labor (December 2, 2000), or in violation of human*
2 *rights.*

3 **SEC. 1626. CLIMATE RESILIENCY REPORT BY GAO.**

4 *(a) IN GENERAL.—Not later than 1 year after the date*
5 *of enactment of this Act, and every 5 years thereafter, the*
6 *Comptroller General of the United States shall evaluate and*
7 *issue a report to Congress on the economic benefits, includ-*
8 *ing avoided impacts on property and life, of the use of*
9 *model, consensus-based building codes, standards, and pro-*
10 *visions that support resilience to climate risks and impacts,*
11 *including—*

- 12 *(1) flooding;*
- 13 *(2) wildfires;*
- 14 *(3) hurricanes;*
- 15 *(4) heat waves;*
- 16 *(5) droughts;*
- 17 *(6) rises in sea level; and*
- 18 *(7) extreme weather.*

19 *(b) REPORT ISSUES.—The report required under sub-*
20 *section (a) shall include the following:*

- 21 *(1) An assessment of the status of adoption of*
22 *building codes, standards, and provisions within the*
23 *States, territories, and tribes at the State or jurisdic-*
24 *tional level; including whether the adopted codes meet*

1 or exceed the most recent published edition of a na-
2 tional, consensus-based model code.

3 (2) *An analysis of the extent to which pre-dis-*
4 *aster mitigation measures provide benefits to the na-*
5 *tion and individual States, territories and tribes, in-*
6 *cluding—*

7 (A) *an economic analysis of the benefits to*
8 *the design and construction of new resilient in-*
9 *frastructure;*

10 (B) *losses avoided, including economic*
11 *losses, number of structures (buildings, roads,*
12 *bridges), and injuries and deaths by utilizing*
13 *building codes and standards that prioritize re-*
14 *siliency; and*

15 (C) *an economic analysis of the benefits to*
16 *using hazard resistant building codes in rebuild-*
17 *ing and repairing infrastructure following a dis-*
18 *aster.*

19 (3) *An assessment of the building codes and*
20 *standards referenced or otherwise currently incor-*
21 *porated into Federal policies and programs, including*
22 *but not limited to grants, incentive programs, tech-*
23 *nical assistance and design and construction criteria,*
24 *administered by the Federal Emergency Management*

1 Agency (hereinafter referred to as “FEMA”), includ-
 2 ing—

3 (A) the extent to which such codes and
 4 standards contribute to increasing climate resil-
 5 iency;

6 (B) recommendations for how FEMA could
 7 improve their use of codes and standards to pre-
 8 pare for climate change and address resiliency in
 9 housing, public buildings, and infrastructure
 10 such as roads and bridges; and

11 (C) how FEMA could increase efforts to
 12 support the adoption of hazard resistant codes by
 13 the States, territories, and Indian Tribes.

14 (4) Recommendations for FEMA on how to bet-
 15 ter incorporate climate resiliency into efforts to re-
 16 build after natural disasters.

17 **SEC. 1627. DESIGNATION OF JOHN R. LEWIS VOTING**
 18 **RIGHTS HIGHWAY.**

19 (a) *DESIGNATION.*—The portion of United States
 20 Route 80 from Selma, Alabama to Montgomery, Alabama
 21 shall be known as the “John R. Lewis Voting Rights High-
 22 way”.

23 (b) *REFERENCES.*—Any reference in a law, map, regu-
 24 lation, document, paper, or other record of the United
 25 States to the portion of United States Route 80 from Selma,

1 *Alabama to Montgomery, Alabama is deemed to be a ref-*
 2 *erence to the “John R. Lewis Voting Rights Highway”.*

3 **SEC. 1628. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FER-**
 4 **RIES.**

5 *(a) IN GENERAL.—The Comptroller General of the*
 6 *United States shall conduct a study on the capital invest-*
 7 *ment needs of United States public ferries and how Federal*
 8 *funding programs are meeting such needs.*

9 *(b) CONSIDERATIONS.—In carrying out the study*
 10 *under subsection (a), the Comptroller General shall examine*
 11 *the feasibility of including United States public ferries in*
 12 *the conditions and performance report of the Department*
 13 *of Transportation.*

14 *(c) REPORT TO CONGRESS.—Not later than 1 year*
 15 *after the date of enactment of this Act, the Comptroller Gen-*
 16 *eral shall submit to Congress a report describing the results*
 17 *of the study described in subsection (a), including any rec-*
 18 *ommendations for how to include ferries in the conditions*
 19 *and performance report of the Department of Transpor-*
 20 *tation.*

21 **SEC. 1629. USE OF MODELING AND SIMULATION TECH-**
 22 **NOLOGY.**

23 *It is the sense of Congress that the Department of*
 24 *Transportation should utilize, to the fullest and most eco-*
 25 *nomically feasible extent practicable, modeling and simula-*

1 *tion technology to analyze highway and public transpor-*
2 *tation projects authorized by this Act and the amendments*
3 *made by this Act to ensure that these projects—*

4 *(1) increase transportation capacity and safety,*
5 *alleviate congestion, and reduce travel time and envi-*
6 *ronmental impacts; and*

7 *(2) are as cost effective as practicable.*

8 **SEC. 1630. GAO STUDY ON PER-MILE USER FEE EQUITY.**

9 *(a) ESTABLISHMENT.—Not later than 2 years after the*
10 *date of enactment of this Act, the Comptroller General of*
11 *the United States shall carry out a study on the impact*
12 *of equity issues associated with per-mile user fee funding*
13 *systems on the surface transportation system.*

14 *(b) CONTENTS.—The study under subsection (a) shall*
15 *include the following with respect to per-mile user fee sys-*
16 *tems:*

17 *(1) The financial, social, and other impacts of*
18 *per-mile user fee systems on individuals, low-income*
19 *individuals, and individuals of different races.*

20 *(2) The impact that access to alternative modes*
21 *of transportation, including public transportation,*
22 *has in carrying out per-mile user fee systems.*

23 *(3) The ability to access jobs and services, which*
24 *may include healthcare facilities, child care, edu-*
25 *cation and workforce training, food sources, banking*

1 *and other financial institutions, and other retail*
2 *shopping establishments.*

3 (4) *Equity issues for low-income individuals in*
4 *urban and rural areas.*

5 (5) *Any differing impacts on passenger vehicles*
6 *and commercial vehicles.*

7 (c) *INCLUSIONS.—In carrying out the study under*
8 *subsection (a), the Comptroller General shall include an*
9 *analysis of the following programs:*

10 (1) *The State surface transportation system*
11 *funding pilot program under section 6020 of the*
12 *FAST Act; and*

13 (2) *The national surface transportation system*
14 *funding pilot under section 5402 of this Act.*

15 (d) *REPORT.—Not later than 2 years after the date*
16 *of the enactment after this Act, the Comptroller General*
17 *shall submit to the Committee on Transportation and In-*
18 *frastructure of the House of Representatives and the Com-*
19 *mittee on Environment and Public Works of the Senate,*
20 *and make publicly available, a report containing the results*
21 *of the study under subsection (a), including recommenda-*
22 *tions for how to equitably implement per-mile user fee sys-*
23 *tems.*

24 (e) *DEFINITIONS.—*

1 (1) *PER-MILE USER FEE.*—The term “per-mile
2 *user fee*” means a revenue mechanism that—

3 (A) *is applied to road users operating*
4 *motor vehicles on the surface transportation sys-*
5 *tem; and*

6 (B) *is based on the number of vehicle miles*
7 *traveled by an individual road user.*

8 (2) *COMMERCIAL VEHICLE.*—The term “commer-
9 *cial vehicle*” has the meaning given the term commer-
10 *cial motor vehicle in section 31101 of title 49, United*
11 *States Code.*

12 **SEC. 1631. GAO REVIEW OF EQUITY CONSIDERATIONS AT**
13 **STATE DOTs.**

14 (a) *REVIEW REQUIRED.*—Not later than 1 year after
15 *the date of enactment of this Act, the Comptroller General*
16 *shall undertake a review of the extent to which State depart-*
17 *ments of transportation have in place best practices, stand-*
18 *ards, and protocols designed to ensure equity considerations*
19 *in transportation planning, project selection, and project*
20 *delivery, including considerations of the diverse transpor-*
21 *tation needs of low-income populations, minority popu-*
22 *lations, and other diverse populations.*

23 (b) *EVALUATION.*—After the completion of the review
24 *under subsection (a), the Comptroller General shall issue*

1 *and make available on a publicly accessible Website a re-*
2 *port detailing—*

3 *(1) findings based on the review in subsection*
4 *(a);*

5 *(2) a comprehensive set of recommendations for*
6 *State departments of transportation to improve eq-*
7 *uity considerations, which may include model legisla-*
8 *tion, best practices, or guidance; and*

9 *(3) any recommendations to Congress for addi-*
10 *tional statutory authority needed to support State de-*
11 *partment of transportation efforts to incorporate eq-*
12 *uity considerations into transportation planning,*
13 *project selection, and project delivery.*

14 *(c) REPORT.—After completing the review and evalua-*
15 *tion required under subsections (a) and (b), and not later*
16 *than 2 years after the date of enactment of this Act, the*
17 *Comptroller General shall make available on a publicly ac-*
18 *cessible Website, a report that includes—*

19 *(1) findings based on the review conducted under*
20 *subsection (a);*

21 *(2) the outcome of the evaluation conducted*
22 *under subsection (b);*

23 *(3) a comprehensive set of recommendations to*
24 *improve equity considerations in the public transpor-*

1 *tation industry, including recommendations for statu-*
2 *tory changes if applicable; and*

3 *(4) the actions that the Secretary of Transpor-*
4 *tation could take to effectively address the rec-*
5 *ommendations provided under paragraph (3).*

6 **SEC. 1632. STUDY ON EFFECTIVENESS OF SUICIDE PREVEN-**
7 **TION NETS AND BARRIERS FOR STRUCTURES**
8 **OTHER THAN BRIDGES.**

9 *(a) STUDY.—The Comptroller General of the United*
10 *States shall conduct a study to identify—*

11 *(1) the types of structures, other than bridges,*
12 *that attract a high number of individuals attempting*
13 *suicide-by-jumping;*

14 *(2) the characteristics that distinguish structures*
15 *identified under paragraph (1) from similar struc-*
16 *tures that do not attract a high number of individ-*
17 *uals attempting suicide-by-jumping;*

18 *(3) the types of nets or barriers that are effective*
19 *at reducing suicide-by-jumping with respect to the*
20 *structures identified under paragraph (1);*

21 *(4) methods of reducing suicide-by-jumping with*
22 *respect to the structures identified under paragraph*
23 *(1) other than nets and barriers;*

24 *(5) quantitative measures of the effectiveness of*
25 *the nets and barriers identified under paragraph (3);*

1 (6) *quantitative measures of the effectiveness of*
2 *the additional methods identified under paragraph*
3 (4);

4 (7) *the entities that typically install the nets and*
5 *barriers identified under paragraph (3); and*

6 (8) *the costs of the nets and barriers identified*
7 *under paragraph (3).*

8 (b) *REPORT.*—*Not later than 1 year after the date of*
9 *the enactment of this Act, the Comptroller General shall*
10 *submit to the Committee on Transportation and Infrastruc-*
11 *ture of the House of Representatives and the Committee on*
12 *Commerce, Science, and Transportation of the Senate a re-*
13 *port on the results of the study conducted under subsection*
14 (a).

15 **SEC. 1633. TRANSPORTATION PLANNING ACTIVITIES.**

16 *The Secretary or Transportation shall take all reason-*
17 *able efforts to provide assistance for an Olympic or*
18 *Paralympic event, or a Special Olympics International*
19 *event, including the following:*

20 (1) *Planning activities of States and metropoli-*
21 *tan planning organizations and transportation*
22 *projects relating to an international Olympic or*
23 *Paralympic event, or a Special Olympics Inter-*
24 *national event, under sections 134 and 135 of title 23,*
25 *United States Code.*

1 (2) *Developing intermodal transportation plans*
 2 *necessary for the projects, in coordination with State*
 3 *and local transportation agencies.*

4 (3) *Efforts to expedite review and comment by*
 5 *the Department of Transportation on any required*
 6 *submittals pertaining to an Olympic or Paralympic*
 7 *event or a Special Olympics International event.*

8 (4) *Providing technical assistance.*

9 **SEC. 1634. BETTER UTILIZING INFRASTRUCTURE FOR LAST-**
 10 **ING DEVELOPMENT OF VETERANS BUSI-**
 11 **NESSES ACT.**

12 (a) *DEFINITIONS.—In this section, the following defi-*
 13 *nitions apply:*

14 (1) *SMALL BUSINESS CONCERN.—The term*
 15 *“small business concern” has the meaning given the*
 16 *term in section 3 of the Small Business Act (15*
 17 *U.S.C. 632).*

18 (2) *VETERAN.—The term “veteran” has the*
 19 *meaning given the term in section 101(2) of title 38,*
 20 *United States Code.*

21 (3) *VETERAN OWNED SMALL BUSINESS CON-*
 22 *CERN.—The term “veteran owned small business con-*
 23 *cern” has the meaning given the term “small business*
 24 *concern owned and controlled by veterans” in section*
 25 *3(q) of the Small Business Act (15 U.S.C. 632 (q)).*

1 (b) *AMOUNTS FOR VETERAN OWNED SMALL BUSINESS*

2 *CONCERNS.—Except to the extent that the Secretary of*
3 *Transportation determines otherwise, not less than 3 per-*
4 *cent of the amounts made available for any program under*
5 *titles I, II, V, and VII of this division and section 403 of*
6 *title 23, United States Code, shall be expended through vet-*
7 *eran owned small business concerns.*

8 (c) *UNIFORM CRITERIA.—The Secretary shall establish*
9 *minimum uniform criteria for use by State governments*
10 *in certifying whether a concern qualifies as a veteran owned*
11 *small business concern for the purpose of this section. Such*
12 *criteria shall include a limit on the personal net worth of*
13 *the veterans who own and control the small business con-*
14 *cern.*

15 (d) *REPORTING.—The Secretary shall establish min-*
16 *imum requirements for use by State government in report-*
17 *ing to the Secretary—*

18 (1) *information concerning veteran owned small*
19 *business concern awards, commitments, and achieve-*
20 *ment; and*

21 (2) *such other information as the Secretary de-*
22 *termined to be appropriate for the proper monitoring*
23 *of the veterans business enterprise program.*

1 **SEC. 1635. VEHICLE WEIGHT LIMITATIONS.**

2 Section 127(i)(1)(A) of title 23, United States Code,
3 is amended by inserting “an emergency or” before “a major
4 disaster”.

5 **SEC. 1636. ROADWAY WORKER PROTECTION WORKING**
6 **GROUP.**

7 (a) *ESTABLISHMENT.*—Not later than 180 days after
8 the date of enactment of this Act, the Secretary of Transpor-
9 tation shall establish a working group (in this section re-
10 ferred to as the “Working Group”) to review the methods,
11 practices, and technologies necessary to protect workers in
12 roadway work zones.

13 (b) *MEMBERSHIP.*—

14 (1) *APPOINTMENT.*—The Secretary shall appoint
15 to the Working Group individuals with knowledge
16 and expertise in roadway safety.

17 (2) *REPRESENTATION.*—The Working group
18 shall include at least one representative of each of the
19 following:

20 (A) State departments of transportation.

21 (B) Local governments or metropolitan
22 planning organizations.

23 (C) Temporary traffic control organiza-
24 tions.

25 (D) Roadway user organizations.

1 (E) *Vehicle and commercial vehicle manu-*
2 *facturers.*

3 (F) *Labor organizations.*

4 (G) *Traffic safety organizations.*

5 (H) *Motor carrier and independent owner-*
6 *operator organizations.*

7 (I) *Law enforcement and first responder or-*
8 *ganizations.*

9 (J) *Autonomous vehicle technology compa-*
10 *nies.*

11 (K) *Any other stakeholders that the Sec-*
12 *retary determines appropriate.*

13 (3) *TERMINATION.—The Working Group shall*
14 *terminate 6 months after the date on which the Sec-*
15 *retary receives the report under subsection (f)(1).*

16 (c) *DUTIES.—In carrying out the review required*
17 *under subsection (a), the Working Group shall—*

18 (1) *evaluate and analyze current work zone safe-*
19 *ty and worker protection traffic control best practices;*

20 (2) *identify causes of work zone injuries and fa-*
21 *talities;*

22 (3) *identify and evaluate technologies related to*
23 *vehicle interaction with work zones and workers in*
24 *work zones; and*

1 (4) *identify challenges for transportation con-*
2 *struction project sponsors regarding improving work*
3 *zone safety.*

4 (d) *CONSULTATION.—In carrying out the review re-*
5 *quired under subsection (a), the Working Group shall con-*
6 *sult with—*

7 (1) *transportation construction contractor orga-*
8 *nizations;*

9 (2) *roadway and roadway safety equipment*
10 *manufacturer organizations;*

11 (3) *academic experts; and*

12 (4) *any other stakeholder the Working Group de-*
13 *termines appropriate.*

14 (e) *REPORTS.—*

15 (1) *WORKING GROUP REPORT.—Not later than 2*
16 *years after the date on which the Working Group is*
17 *established, the Working Group shall submit to the*
18 *Secretary a report that includes—*

19 (A) *the findings of the review required*
20 *under subsection (a), including a summary of*
21 *any comments received during the consultation*
22 *process under subsection (d); and*

23 (B) *recommendations on safety counter-*
24 *measures, technologies, programs and policies for*

1 *the Department of Transportation to improve*
2 *roadway work zone safety and practices.*

3 (2) *REPORT TO CONGRESS.*—*Not later than 1*
4 *month after the date on which the Secretary receives*
5 *a report under paragraph (1), the Secretary shall*
6 *submit to the Committee on Transportation and In-*
7 *frastructure of the House of Representatives and the*
8 *Committee on Environment and Public Works of the*
9 *Senate a summary of the report.*

10 **SEC. 1637. GAO STUDY ON NATURE-BASED SOLUTIONS FOR**
11 **COASTAL HIGHWAY RESILIENCE.**

12 (a) *STUDY.*—*The Comptroller General of the United*
13 *States shall conduct a study on the utilization of nature-*
14 *based solutions for improving the resilience of coastal high-*
15 *ways and bridges.*

16 (b) *CONTENTS.*—*In conducting the study under sub-*
17 *section (a), the Comptroller General shall examine—*

18 (1) *the resiliency benefits of nature-based fea-*
19 *tures that work in conjunction with structural fea-*
20 *tures to protect coastal highways and bridges by re-*
21 *ducing the impacts of floods or other risks of extreme*
22 *weather;*

23 (2) *the ecological benefits of nature-based features*
24 *for habitat restoration, water quality improvements,*
25 *and recreational aesthetics;*

1 (3) *any potential savings to taxpayers over the*
2 *lifecycles of roadways produced by an integrated ap-*
3 *proach to resilience against extreme weather;*

4 (4) *the utilization rates for integrated nature-*
5 *based solutions among transportation agencies; and*

6 (5) *any barriers to the use of nature-based solu-*
7 *tions by transportation agencies to improve the resil-*
8 *ience of coastal roads and bridges.*

9 (c) *REPORT.*—*Not later than 1 year after the date of*
10 *enactment of this Act, the Comptroller General shall submit*
11 *to the Committee on Transportation and Infrastructure of*
12 *the House of Representatives and the Committee on Com-*
13 *merce, Science, and Transportation of the Senate a report*
14 *summarizing the study under subsection (a) and the results*
15 *of such study, including recommendations for how the Fed-*
16 *eral Highway Administration can encourage transpor-*
17 *tation agencies to use natural and nature-based features to*
18 *improve the resilience of coastal highways and bridges.*

19 **SEC. 1638. PROHIBITION ON THE USE OF CIVIL PENALTIES**
20 **FOR CAMPAIGN FINANCE.**

21 *No amounts may be assessed on funds collected pursu-*
22 *ant to section 5309 of this Act or section 20704, 20171,*
23 *20174, or 80502 of title 49, United States Code, (as added*
24 *by this Act) for purposes of making payments in support*
25 *of a campaign for election for the office of Senator or Rep-*

1 *representative in, or Delegate or Resident Commissioner to,*
 2 *Congress.*

3 **SEC. 1639. REPEAL OF PILOT PROGRAM.**

4 *Section 325 of title 23, United States Code, is repealed.*

5 **SEC. 1640. TECHNICAL CORRECTIONS.**

6 *(a) IN GENERAL.— Title 23, United States Code, is*
 7 *amended as follows:*

8 *(1) NAME CORRECTION.—Section*
 9 *101(a)(16)(C),as amended, is amended by striking*
 10 *“United States Customs and Immigration Services”*
 11 *and inserting “ U.S. Customs and Border Protec-*
 12 *tion”.*

13 *(2) TRANSFER OF FUNDS.—Section 104(f)(3) is*
 14 *amended—*

15 *(A) in subparagraph (A), by striking “the*
 16 *Federal Highway Administration” and inserting*
 17 *“an operating administration of the Department*
 18 *of Transportation”; and*

19 *(B) in the paragraph heading, by striking*
 20 *“Federal Highway Administration” and insert-*
 21 *ing “an operating administration of the Depart-*
 22 *ment of Transportation”.*

23 *(3) TERMS AND CONDITIONS.—Section*
 24 *108(c)(3)(F) is amended—*

1 (A) by inserting “of 1969 (42 U.S.C. 4321
2 et seq.)” after “Policy Act”; and

3 (B) by striking “this Act” and inserting
4 “this title”.

5 (4) *EXCLUSION.*—Section 112(b)(2) is amended
6 in subparagraph (F) by striking “(F)” and all that
7 follows through “Subparagraphs” and inserting “(F)
8 Subparagraphs”.

9 (5) *REFERENCE TO STATEWIDE TRANSPORTATION*
10 *IMPROVEMENT PROGRAM.*—Section 115(c) is
11 amended by striking “135(f)” and inserting “135(g)”.

12 (6) *OPPORTUNITY FOR COMMENT.*—Section
13 134(j) is amended by striking “subsection (i)(5)” both
14 places it appears and inserting “subsection (i)(6)”.

15 (7) *PERFORMANCE-BASED APPROACH.*—Section
16 135(f)(7)(B) is amended by striking the semicolon at
17 the end and inserting a period.

18 (8) *EFFICIENT ENVIRONMENTAL REVIEWS FOR*
19 *PROJECT DECISIONMAKING.*—Section 139 is amend-
20 ed—

21 (A) in subsection (b)(1) by inserting “(42
22 U.S.C. 4321 et seq.)” after “of 1969”;

23 (B) in subsection (c) by inserting “(42
24 U.S.C. 4321 et seq.)” after “of 1969” each place
25 it appears; and

1 (C) in subsection (k)(2) by inserting “(42
2 U.S.C. 4321 et seq.)” after “of 1969”.

3 (9) NONDISCRIMINATION.—Section 140(a) is
4 amended, in the third sentence, by inserting a comma
5 after “Secretary”.

6 (10) PUBLIC TRANSPORTATION.—Section 142 is
7 amended by striking subsection (i).

8 (11) CONGESTION MITIGATION AND AIR QUALITY
9 IMPROVEMENT PROGRAM.—Section 149 is amended—

10 (A) in subsection (b)(1)(A)(ii) by striking “;
11 or,” and inserting “; or”; and

12 (B) in subsection (g)(2)(B) by striking the
13 semicolon at the end and inserting “; and”.

14 (12) TRIBAL TRANSPORTATION PROGRAM DATA
15 COLLECTION.—Section 201(c)(6)(A)(ii) is amended by
16 striking “(25 U.S.C. 450 et seq.)” and inserting “(25
17 U.S.C. 5301 et seq.)”.

18 (13) TRIBAL TRANSPORTATION PROGRAM.—Sec-
19 tion 202 is amended—

20 (A) by striking “(25 U.S.C. 450 et seq.)”
21 each place it appears and inserting “(25 U.S.C.
22 5301 et seq.)”;

23 (B) in subsection (a)(10)(B) by striking
24 “(25 U.S.C. 450e(b))” and inserting “(25 U.S.C.
25 5307(b))”; and

1 (C) in subsection (b)—

2 (i) in paragraph (5) in the matter pre-
3 ceding subparagraph (A) by inserting “the”
4 after “agreement under”; and

5 (ii) in paragraph (6)(A) by inserting
6 “the” after “in accordance with”.

7 (14) *PERMISSIBLE USES OF RECREATIONAL*
8 *TRAILS PROGRAM APPORTIONED FUNDS.*—Section
9 206(d)(2)(G) is amended by striking “use of rec-
10 reational trails” and inserting “uses of recreational
11 trails”.

12 (15) *TRIBAL TRANSPORTATION SELF-GOVERN-*
13 *ANCE PROGRAM.*—Section 207 is amended—

14 (A) in subsection (g)—

15 (i) by striking “(25 U.S.C. 450j-1)”
16 and inserting “(25 U.S.C. 5325)”; and

17 (ii) by striking “(25 U.S.C. 450j-1(f))”
18 and inserting “(25 U.S.C. 5325(f))”;

19 (B) in subsection (l)—

20 (i) in paragraph (1), by striking “(25
21 U.S.C. 458aaa-5)” and inserting “(25
22 U.S.C. 5386)”;

23 (ii) in paragraph (2), by striking “(25
24 U.S.C. 458aaa-6)” and inserting “(25
25 U.S.C. 5387)”;

1 (iii) in paragraph (3), by striking
2 “(25 U.S.C. 458aaa-7)” and inserting “(25
3 U.S.C. 5388)”;

4 (iv) in paragraph (4), by striking “(25
5 U.S.C. 458aaa-9)” and inserting “(25
6 U.S.C. 5390)”;

7 (v) in paragraph (5), by striking “(25
8 U.S.C. 458aaa-10)” and inserting “(25
9 U.S.C. 5391)”;

10 (vi) in paragraph (6), by striking “(25
11 U.S.C. 458aaa-11)” and inserting “(25
12 U.S.C. 5392)”;

13 (vii) in paragraph (7), by striking
14 “(25 U.S.C. 458aaa-14)” and inserting
15 “(25 U.S.C. 5395)”;

16 (viii) in paragraph (8), by striking
17 “(25 U.S.C. 458aaa-15)” and inserting
18 “(25 U.S.C. 5396)”;

19 (ix) in paragraph (9), by striking “(25
20 U.S.C. 458aaa-17)” and inserting “(25
21 U.S.C. 5398)”;

22 (C) in subsection (m)(2)—

23 (i) by striking “505” and inserting
24 “501”; and

1 (ii) by striking “(25 U.S.C. 450b;
2 458aaa)” and inserting “(25 U.S.C. 5304;
3 5381)”.

4 (16) *BUY AMERICA*.—Section 313 is amended—

5 (A) in subsection (e)(2) by striking
6 “States;” and inserting “States,”; and

7 (B) in subsection (f)(1) by striking “, and”
8 and inserting “; and”.

9 (17) *PROCEDURES FOR A GIFT OR DONATION*.—

10 Section 323(d) is amended in the matter preceding
11 paragraph (1) by inserting “(42 U.S.C. 4321 et seq.)”
12 after “of 1969”.

13 (18) *HIGHWAY SAFETY PROGRAMS*.—Section

14 402(b)(1)(E) is amended by striking the semicolon at
15 the end and inserting “; and”.

16 (19) *USE OF FREIGHT CAPACITY BUILDING PRO-*

17 *GRAM FUNDS*.—Section 504(g)(6) is amended by
18 striking “make grants or to” and inserting “make
19 grants to”.

20 (20) *DEVELOPMENT PHASE ACTIVITIES*.—Section

21 602(e) is amended by striking “601(a)(1)(A)” and in-
22 serting “601(a)(2)(A)”.

23 (b) *CLERICAL AMENDMENTS*.—

24 (1) *IN GENERAL*.—The table of contents for title
25 23, United States Code, is amended in the item relat-

ing 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.

1 “(2) *ALLOCATION OF FUNDS.—Of the amounts*
2 *made available under paragraph (1)—*

3 “(A) \$189,879,151 for fiscal year 2023,
4 \$192,841,266 for fiscal year 2024, \$195,926,726
5 for fiscal year 2025, and \$199,002,776 for fiscal
6 year 2026, shall be available to carry out section
7 5305;

8 “(B) \$7,505,830,848 for fiscal year 2023,
9 \$7,622,921,809 for fiscal year 2024,
10 \$7,744,888,558 for fiscal year 2025, and
11 \$7,866,483,309 for fiscal year 2026 shall be allo-
12 cated in accordance with section 5336 to provide
13 financial assistance for urbanized areas under
14 section 5307;

15 “(C) \$101,510,000 for fiscal year 2023,
16 \$103,093,556 for fiscal year 2024, \$104,743,053
17 for fiscal year 2025, and \$106,387,519 for fiscal
18 year 2026 shall be available for grants under sec-
19 tion 5308;

20 “(D) \$434,830,298 for fiscal year 2023,
21 \$441,613,651 for fiscal year 2024, \$448,679,469
22 for fiscal year 2025, and \$455,723,737 for fiscal
23 year 2026 shall be available to carry out section
24 5310, of which not less than—

1 “(i) \$5,075,500 for fiscal year 2023,
2 \$5,154,678 for fiscal year 2024, \$5,237,153
3 for fiscal year 2025, and \$5,319,376 for fis-
4 cal year 2026 shall be available to carry out
5 section 5310(j); and

6 “(ii) \$20,302,000 for fiscal year 2023,
7 \$20,618,711 for fiscal year 2024,
8 \$20,948,611 for fiscal year 2025, and
9 \$21,277,504 for fiscal year 2026 shall be
10 available to carry out section 5310(k);

11 “(E) \$1,025,199,724 for fiscal year 2023,
12 \$1,041,192,839 for fiscal year 2024,
13 \$1,057,851,925 for fiscal year 2025, and
14 \$1,074,460,200 for fiscal year 2026 shall be
15 available to carry out section 5311, of which not
16 less than—

17 “(i) \$55,679,500 for fiscal year 2023,
18 \$56,392,100 for fiscal year 2024,
19 \$57,134,374 for fiscal year 2025, and
20 \$57,874,383 for fiscal year 2026 shall be
21 available to carry out section 5311(c)(1);
22 and

23 “(ii) \$50,755,000 for fiscal year 2023,
24 \$51,546,778 for fiscal year 2024,
25 \$52,371,526 for fiscal year 2025, and

1 \$53,193,759 for fiscal year 2026 shall be
2 available to carry out section 5311(c)(2);

3 “(F) \$53,498,300 for fiscal year 2023;
4 \$54,020,873 for fiscal year 2024; \$54,565,207 for
5 fiscal year 2025; \$55,107,881 for fiscal year
6 2026 shall be available to carry out section 5312,
7 of which not less than—

8 “(i) \$5,075,500 for fiscal year 2023,
9 \$5,154,678 for fiscal year 2024, \$5,237,153
10 for fiscal year 2025, and \$5,319,376 for fis-
11 cal year 2026 shall be available to carry out
12 each of sections 5312(d)(3) and 5312(d)(4);

13 “(ii) \$3,045,300 for fiscal year 2023,
14 \$3,092,807 for fiscal year 2024, \$3,142,292
15 for fiscal year 2025, and \$3,191,626 for fis-
16 cal year 2026 shall be available to carry out
17 section 5312(h);

18 “(iii) \$10,151,000 for fiscal year 2023,
19 \$10,309,356 for fiscal year 2024,
20 \$10,474,305 for fiscal year 2025, and
21 \$10,638,752 for fiscal year 2026 shall be
22 available to carry out section 5312(i); and

23 “(iv) \$10,075,500 for fiscal year 2023,
24 \$10,154,678 for fiscal year 2024,
25 \$10,237,153 for fiscal year 2025, and

1 \$10,319,376 shall be available to carry out
2 section 5312(j);

3 “(G) \$23,347,300 for fiscal year 2023,
4 \$23,711,518 for fiscal year 2024, \$24,090,902 for
5 fiscal year 2025, and \$24,469,129 for fiscal year
6 2026 shall be available to carry out section 5314,
7 of which not less than—

8 “(i) \$4,060,400 for fiscal year 2023,
9 \$4,123,742 for fiscal year 2024, \$4,189,722
10 for fiscal year 2025, and \$4,255,501 for fis-
11 cal year 2026 shall be available to carry out
12 section of 5314(a);

13 “(ii) \$5,075,500 for fiscal year 2023,
14 \$5,154,678 for fiscal year 2024, \$5,237,153
15 for fiscal year 2025, and \$5,319,376 for fis-
16 cal year 2026 shall be available to carry out
17 section 5314(c); and

18 “(iii) \$12,181,200 for fiscal year 2023,
19 \$12,371,227 for fiscal year 2024,
20 \$12,569,166 for fiscal year 2025, and
21 \$12,766,502 for fiscal year 2026 shall be
22 available to carry out section 5314(b)(2);

23 “(H) \$5,075,500 for fiscal year 2023,
24 \$5,154,678 for fiscal year 2024, \$5,237,153 for

1 *fiscal year 2025, and \$5,319,376 for fiscal year*
2 *2026 shall be available to carry out section 5318;*

3 *“(I) \$30,453,000 for fiscal year 2023,*
4 *\$30,928,067 for fiscal year 2024, \$31,422,916 for*
5 *fiscal year 2025, and \$31,916,256 for fiscal year*
6 *2026 shall be available to carry out section 5328,*
7 *of which not less than—*

8 *“(i) \$25,377,500 for fiscal year 2023,*
9 *\$25,773,389 for fiscal year 2024,*
10 *\$26,185,763 for fiscal year 2025, and*
11 *\$26,596,880 for fiscal year 2026 shall be*
12 *available to carry out section of 5328(b);*
13 *and*

14 *“(ii) \$2,537,750 for fiscal year 2023,*
15 *\$2,577,339 for fiscal year 2024, \$2,618,576*
16 *for fiscal year 2025, and \$2,659,688 for fis-*
17 *cal year 2026 shall be available to carry out*
18 *section 5328(c);*

19 *“(J) \$4,060,400 for fiscal year 2023,*
20 *\$4,123,742 for fiscal year 2024, \$4,189,722 for*
21 *fiscal year 2025, and \$4,255,501 for fiscal year*
22 *2026 shall be available to carry out section 5335;*

23 *“(K) \$5,366,233,728 for fiscal year 2023,*
24 *\$5,460,789,084 for fiscal year 2024,*
25 *\$5,560,170,578 for fiscal year 2025, and*

1 \$5,660,288,417 for fiscal year 2026 shall be
2 available to carry out section 5337;

3 “(L) to carry out the bus formula program
4 under section 5339(a)—

5 “(i) \$1,240,328,213 for fiscal year
6 2023, \$1,259,667,334 for fiscal year 2024,
7 \$1,279,832,171 for fiscal year 2025, and
8 \$1,299,925,536 for fiscal year 2026; except
9 that

10 “(ii) 15 percent of the amounts under
11 clause (i) shall be available to carry out
12 5339(d);

13 “(M) \$437,080,000 for fiscal year 2023,
14 \$424,748,448 for fiscal year 2024, \$387,944,423
15 for fiscal year 2025, and \$351,100,151 for fiscal
16 year 2026 shall be available to carry out section
17 5339(b);

18 “(N) \$890,000,000 for fiscal year 2023,
19 \$950,000,000 for fiscal year 2024,
20 \$1,065,000,000 for fiscal year 2025, and
21 \$1,180,000,000 for fiscal year 2026 shall be
22 available to carry out section 5339(c); and

23 “(O) \$587,133,905 for each of fiscal years
24 2023 through 2026 shall be available to carry
25 out section 5340 to provide financial assistance

1 *for urbanized areas under section 5307 and*
 2 *rural areas under section 5311, of which—*

3 “(i) \$309,688,908 for each of fiscal
 4 years 2023 through 2026 shall be for grow-
 5 ing States under section 5340(c); and

6 “(ii) \$277,444,997 for each of fiscal
 7 years 2023 through 2026 shall be for high
 8 density States under section 5340(d).

9 “(b) *CAPITAL INVESTMENT GRANTS.*—*There are au-*
 10 *thorized to be appropriated to carry out section 5309*
 11 *\$3,500,000,000 for fiscal year 2023, \$4,250,000,000 for fis-*
 12 *cal year 2024, \$5,000,000,000 for fiscal year 2025, and*
 13 *5,500,000,000 for fiscal year 2026.*

14 “(c) *ADMINISTRATION.*—

15 “(1) *IN GENERAL.*—*There are authorized to be*
 16 *appropriated to carry out section 5334, \$142,060,785*
 17 *for fiscal year 2023, \$144,191,696 for fiscal year*
 18 *2024, \$146,412,248 for fiscal year 2025, and*
 19 *148,652,356 for fiscal year 2026.*

20 “(2) *SECTION 5329.*—*Of the amounts authorized*
 21 *to be appropriated under paragraph (1), not less than*
 22 *\$6,000,000 for each of fiscal years 2023 through 2026*
 23 *shall be available to carry out section 5329.*

24 “(3) *SECTION 5326.*—*Of the amounts made avail-*
 25 *able under paragraph (2), not less than \$2,500,000*

1 *for each of fiscal years 2023 through 2026 shall be*
2 *available to carry out section 5326.*

3 “(d) *OVERSIGHT.*—

4 “(1) *IN GENERAL.*—*Of the amounts made avail-*
5 *able to carry out this chapter for a fiscal year, the*
6 *Secretary may use not more than the following*
7 *amounts for the activities described in paragraph (2):*

8 “(A) *0.5 percent of amounts made available*
9 *to carry out section 5305.*

10 “(B) *0.75 percent of amounts made avail-*
11 *able to carry out section 5307.*

12 “(C) *1 percent of amounts made available*
13 *to carry out section 5309.*

14 “(D) *1 percent of amounts made available*
15 *to carry out section 601 of the Passenger Rail*
16 *Investment and Improvement Act of 2008 (Pub-*
17 *lic Law 110–432; 126 Stat. 4968).*

18 “(E) *0.5 percent of amounts made available*
19 *to carry out section 5310.*

20 “(F) *0.5 percent of amounts made available*
21 *to carry out section 5311.*

22 “(G) *1 percent of amounts made available*
23 *to carry out section 5337, of which not less than*
24 *25 percent of such amounts shall be available to*
25 *carry out section 5329 and of which not less*

1 *than 10 percent of such amounts shall be made*
2 *available to carry out section 5320.*

3 “(H) 1 percent of amounts made available
4 to carry out section 5339 of which not less than
5 10 percent of such amounts shall be made avail-
6 able to carry out section 5320.

7 “(I) 1 percent of amounts made available to
8 carry out section 5308.

9 “(2) *ACTIVITIES.*—*The activities described in*
10 *this paragraph are as follows:*

11 “(A) *Activities to oversee the construction of*
12 *a major capital project.*

13 “(B) *Activities to review and audit the safe-*
14 *ty and security, procurement, management, and*
15 *financial compliance of a recipient or sub-*
16 *recipient of funds under this chapter.*

17 “(C) *Activities to provide technical assist-*
18 *ance generally, and to provide technical assist-*
19 *ance to correct deficiencies identified in compli-*
20 *ance reviews and audits carried out under this*
21 *section.*

22 “(3) *GOVERNMENT SHARE OF COSTS.*—*The Gov-*
23 *ernment shall pay the entire cost of carrying out a*
24 *contract under this subsection.*

1 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
 2 *made available under paragraph (1)(C) shall be made*
 3 *available to the Secretary before allocating the funds*
 4 *appropriated to carry out any project under a full*
 5 *funding grant agreement.*

6 “(e) *GRANTS AS CONTRACTUAL OBLIGATIONS.—*

7 “(1) *GRANTS FINANCED FROM HIGHWAY TRUST*
 8 *FUND.—A grant or contract that is approved by the*
 9 *Secretary and financed with amounts made available*
 10 *from the Mass Transit Account of the Highway Trust*
 11 *Fund pursuant to this section is a contractual obliga-*
 12 *tion of the Government to pay the Government share*
 13 *of the cost of the project.*

14 “(2) *GRANTS FINANCED FROM GENERAL FUND.—*
 15 *A grant or contract that is approved by the Secretary*
 16 *and financed with amounts from future appropria-*
 17 *tions from the general fund of the Treasury pursuant*
 18 *to this section is a contractual obligation of the Gov-*
 19 *ernment to pay the Government share of the cost of*
 20 *the project only to the extent that amounts are appro-*
 21 *priated for such purpose by an Act of Congress.*

22 “(f) *AVAILABILITY OF AMOUNTS.—Amounts made*
 23 *available by or appropriated under this section shall re-*
 24 *main available until expended.*

1 “(g) *LIMITATION ON FINANCIAL ASSISTANCE FOR*
2 *STATE-OWNED ENTERPRISES.*—

3 “(1) *IN GENERAL.*—*Funds provided under this*
4 *section may not be used in awarding a contract, sub-*
5 *contract, grant, or loan to an entity that is owned or*
6 *controlled by, is a subsidiary of, or is otherwise re-*
7 *lated legally or financially to a corporation based in*
8 *a country that—*

9 “(A) *is identified as a nonmarket economy*
10 *country (as defined in section 771(18) of the*
11 *Tariff Act of 1930 (19 U.S.C. 1677(18))) as of*
12 *the date of enactment of the INVEST in America*
13 *Act;*

14 “(B) *was identified by the United States*
15 *Trade Representative in the most recent report*
16 *required by section 182 of the Trade Act of 1974*
17 *(19 U.S.C. 2242) as a priority foreign country*
18 *under subsection (a)(2) of that section; and*

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

22 “(2) *EXCEPTION.*—*For purposes of paragraph*
23 *(1), the term ‘otherwise related legally or financially’*
24 *does not include a minority relationship or invest-*
25 *ment.*

1 “(3) *INTERNATIONAL AGREEMENTS.*—*This sub-*
 2 *section shall be applied in a manner consistent with*
 3 *the obligations of the United States under inter-*
 4 *national agreements.*”.

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) *Section 5312(i)(1) of title 49, United States*
 7 *Code, is amended by striking “5338(a)(2)(G)(ii)” and*
 8 *inserting “5338(a)(2)(F)(iii)”.*

9 (2) *Section 5333(b) of title 49, United States*
 10 *Code, is amended by striking “5328, 5337, and*
 11 *5338(b)” each place it appears and inserting “and*
 12 *5337”.*

13 (3) *Section 5336 of title 49, United States Code,*
 14 *is amended in subsection (d)(1) by striking*
 15 *“5338(a)(2)(C)” and inserting “5338(a)(2)(B)”.*

16 (4) *Subsections (c) and (d)(1) of section 5327 of*
 17 *title 49, United States Code, are amended by striking*
 18 *“5338(f)” and inserting “5338(d)”.*

19 (5) *Section 5340(b) of title 49, United States*
 20 *Code, is amended by striking “5338(b)(2)(N)” and in-*
 21 *serting “5338(a)(2)(O)”.*

22 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

23 *Section 5302 of title 49, United States Code, is amend-*
 24 *ed—*

25 (1) *in paragraph (1)(E)—*

1 (A) by striking “and the installation” and
2 inserting “, the installation”; and

3 (B) by inserting “, charging stations and
4 docks for electric micromobility devices, and
5 bikeshare projects” after “public transportation
6 vehicles”;

7 (2) in paragraph (3)—

8 (A) in subparagraph (G) by striking clause
9 (iii) and inserting the following:

10 “(iii) provides a fair share of revenue
11 established by the Secretary that will be
12 used for public transportation, except for a
13 joint development that is a community serv-
14 ice (as defined by the Federal Transit Ad-
15 ministration), publicly operated facility, or
16 offers a minimum of 50 percent of units as
17 affordable housing, meaning legally binding
18 affordability restricted housing units avail-
19 able to tenants with incomes below 60 per-
20 cent of the area median income or owners
21 with incomes below the area median;”;

22 (B) in subparagraph (M) strike “; or” and
23 insert a semicolon;

24 (C) in subparagraph (N)—

1 (i) by striking “no emission” and in-
2 serting “zero emission”; and

3 (ii) by striking “(as defined in section
4 5339(c)) or facilities.” and inserting “or fa-
5 cilities; or”; and

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

7 “(O) the employment of forensic consult-
8 ants, cybersecurity experts, or third-party pene-
9 tration testers to identify, evaluate, test, and
10 patch ransomware attack vulnerabilities.”; and

11 (3) by adding at the end the following:

12 “(25) *RESILIENCE*.—

13 “(A) *IN GENERAL*.—The term ‘resilience’
14 means, with respect to a facility, the ability to—

15 “(i) anticipate, prepare for, or adapt
16 to conditions; or

17 “(ii) withstand, respond to, or recover
18 rapidly from disruptions.

19 “(B) *INCLUSIONS*.—Such term includes,
20 with respect to a facility, the ability to—

21 “(i) resist hazards or withstand im-
22 pacts from disruptions;

23 “(ii) reduce the magnitude, duration,
24 or impact of a disruption; or

1 “(iii) have the absorptive capacity,
2 adaptive capacity, and recoverability to de-
3 crease vulnerability to a disruption.

4 “(26) ASSAULT ON A TRANSIT WORKER.—The
5 term ‘assault on a transit worker’ means any cir-
6 cumstance in which an individual knowingly, with-
7 out lawful authority or permission, and with intent
8 to endanger the safety of any individual, or with a
9 reckless disregard for the safety of human life, inter-
10 feres with, disables, or incapacitates any transit
11 worker while the transit worker is performing his or
12 her duties.”.

13 **SEC. 2103. GENERAL PROVISIONS.**

14 Section 5323 of title 49, United States Code, is amend-
15 ed—

16 (1) in subsection (d)—

17 (A) in paragraph (1) by striking “urban
18 area” and inserting “urbanized area”;

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

20 “(3) EXCEPTIONS.—This subsection shall not
21 apply to financial assistance under this chapter—

22 “(A) in which the non-Federal share of
23 project costs are provided from amounts received
24 under a service agreement with a State or local
25 social service agency or private social service or-

ganization 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 opera-
tors 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

1 (B) by striking paragraph (2) and redesign-
2 nating paragraph (3) as paragraph (2);

3 (3) by striking subsection (j) and inserting the
4 following:

5 “(j) *REPORTING ACCESSIBILITY COMPLAINTS.*—

6 “(1) *IN GENERAL.*—The Secretary shall ensure
7 that an individual who believes that he or she, or a
8 specific class in which the individual belongs, has
9 been subjected to discrimination on the basis of dis-
10 ability by a State or local governmental entity, pri-
11 vate nonprofit organization, or Tribe that operates a
12 public transportation service and is a recipient or
13 subrecipient of funds under this chapter, may, by the
14 individual or by an authorized representative, file a
15 complaint with the Department of Transportation.

16 “(2) *PROCEDURES.*—Not later than 1 year after
17 the date of enactment of the *INVEST in America Act*,
18 the Secretary shall implement procedures that allow
19 an individual to submit a complaint described in
20 paragraph (1) by phone, mail-in form, and online
21 through the website of the Office of Civil Rights of the
22 Federal Transit Administration.

23 “(3) *NOTICE TO INDIVIDUALS WITH DISABIL-*
24 *ITIES.*—Not later than 12 months after the date of en-
25 actment of the *INVEST in America Act*, the Secretary

1 *shall require that each public transit provider and*
2 *contractor providing paratransit services shall in-*
3 *clude on a publicly available website of the service*
4 *provider, any related mobile device application, and*
5 *online service—*

6 *“(A) notice that an individual can file a*
7 *disability-related complaint with the local tran-*
8 *sit agency and the process and any timelines for*
9 *filing such a complaint;*

10 *“(B) the telephone number, or a comparable*
11 *electronic means of communication, for the dis-*
12 *ability assistance hotline of the Office of Civil*
13 *Rights of the Federal Transit Administration;*

14 *“(C) notice that a consumer can file a dis-*
15 *ability related complaint with the Office of Civil*
16 *Rights of the Federal Transit Administration;*
17 *and*

18 *“(D) an active link to the website of the Of-*
19 *fice of Civil Rights of the Federal Transit Ad-*
20 *ministration for an individual to file a dis-*
21 *ability-related complaint.*

22 *“(4) INVESTIGATION OF COMPLAINTS.—Not later*
23 *than 60 days after the last day of each fiscal year,*
24 *the Secretary shall publish a report that lists the dis-*

1 *position of complaints described in paragraph (1), in-*
2 *cluding—*

3 *“(A) the number and type of complaints*
4 *filed with Department of Transportation;*

5 *“(B) the number of complaints investigated*
6 *by the Department;*

7 *“(C) the result of the complaints that were*
8 *investigated by the Department including wheth-*
9 *er the complaint was resolved—*

10 *“(i) informally;*

11 *“(ii) by issuing a violation through a*
12 *noncompliance Letter of Findings; or*

13 *“(iii) by other means, which shall be*
14 *described; and*

15 *“(D) if a violation was issued for a com-*
16 *plaint, whether the Department resolved the non-*
17 *compliance by—*

18 *“(i) reaching a voluntary compliance*
19 *agreement with the entity;*

20 *“(ii) referring the matter to the Attor-*
21 *ney General; or*

22 *“(iii) by other means, which shall be*
23 *described.*

24 *“(5) REPORT.—The Secretary shall, upon imple-*
25 *mentation of this section and annually thereafter,*

1 submit to the Committee on Transportation and In-
 2 frastructure of the House of Representatives, the Com-
 3 mittee on Banking, Housing, and Urban Affairs of
 4 the Senate, and make publicly available a report con-
 5 taining the information collected under this section.”;

6 (4) by striking subsection (m) and inserting the
 7 following:

8 “(m) *PREAWARD AND POSTDELIVERY REVIEW OF*
 9 *ROLLING STOCK PURCHASES.*—The Secretary shall pre-
 10 scribe regulations requiring a preaward and postdelivery
 11 review of a grant under this chapter to buy rolling stock
 12 to ensure compliance with bid specifications requirements
 13 of grant recipients under this chapter. Under this sub-
 14 section, grantee inspections and review are required, and
 15 a manufacturer certification is not sufficient.”; and

16 (5) by amending subsection (r) to read as fol-
 17 lows:

18 “(r) *REASONABLE ACCESS TO PUBLIC TRANSPOR-*
 19 *TATION FACILITIES.*—

20 “(1) *IN GENERAL.*—A recipient of assistance
 21 under this chapter—

22 “(A) may not deny reasonable access for a
 23 private intercity or charter transportation oper-
 24 ator to federally funded public transportation fa-

1 *cilities, including intermodal facilities, park and*
2 *ride lots, and bus-only highway lanes; and*

3 *“(B) shall respond to any request for rea-*
4 *sonable access within 75 days of the receipt of*
5 *the request and, if a recipient of assistance under*
6 *this chapter denies access to a private intercity*
7 *or charter transportation operator based on the*
8 *reasonable access standards, provide, in writing,*
9 *the reasons for the denial.*

10 *“(2) DETERMINING REASONABLE ACCESS.—In*
11 *determining reasonable access under paragraph*
12 *(1)(A), capacity requirements of the recipient of as-*
13 *sistance and the extent to which access would be detri-*
14 *mental or beneficial to existing public transportation*
15 *services must be considered and demographic makeup*
16 *of the riders of a private intercity or charter trans-*
17 *portation operator may not be cited as a detriment*
18 *to the provision of access.*

19 *“(3) NOTIFICATION.—If a private intercity or*
20 *charter transportation operator requesting access*
21 *under this subsection is denied such access by a re-*
22 *recipient of assistance under this chapter or does not re-*
23 *ceive a written response within 75 days of submitting*
24 *the request, such operator may notify the Secretary*

1 *for purposes of inclusion in the report under para-*
 2 *graph (4).*

3 “(4) *REPORT TO CONGRESS.*—*The Secretary*
 4 *shall annually submit to the Committee on Transpor-*
 5 *tation and Infrastructure of the House of Representa-*
 6 *tives and the Committee on Banking, Housing, and*
 7 *Urban Affairs of the Senate a report listing each in-*
 8 *stance reported under paragraph (3) in which—*

9 “(A) *a private intercity or charter trans-*
 10 *portation operator requested reasonable access*
 11 *and was denied, and the reasons provided by the*
 12 *recipient of assistance under this chapter for the*
 13 *denial; and*

14 “(B) *a recipient of assistance under this*
 15 *chapter did not respond to a request for reason-*
 16 *able access within 75 days.”.*

17 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

18 (a) *STATE OF GOOD REPAIR GRANTS.*—*Section*
 19 *5337(e) of title 49, United States Code, is amended by add-*
 20 *ing at the end the following:*

21 “(3) *ACCESSIBILITY COSTS.*—*Notwithstanding*
 22 *paragraph (1), the Federal share of the net project*
 23 *cost of a project to provide accessibility improvements*
 24 *consistent with standards in compliance with the*

1 *Americans with Disabilities Act of 1990 (42 U.S.C.*
 2 *12101 et seq.) shall be 90 percent.”.*

3 ***(b) APPORTIONMENTS BASED ON GROWING STATES***
 4 ***AND HIGH DENSITY STATES FORMULA FACTORS.***—Section
 5 5340(a) of title 49, United States Code, is amended by in-
 6 serting “and the District of Columbia” after “United
 7 States”.

8 ***(c) TECHNICAL ASSISTANCE AND WORKFORCE DEVEL-***
 9 ***OPMENT.***—Section 5314 of title 49, United States Code, is
 10 amended—

11 *(1) in subsection (a)(1)(B)—*

12 *(A) in clause (i) by striking “; and” and*
 13 *inserting a semicolon;*

14 *(B) in clause (ii) by striking “and vehicle*
 15 *electronics.” and inserting “cybersecurity and*
 16 *mitigating the threat of ransomware, and vehicle*
 17 *electronics; and”; and*

18 *(C) by adding at the end the following:*

19 *“(iii) technical assistance to assist re-*
 20 *cipients with the impacts of a new census*
 21 *count.”;*

22 *(2) in subsection (a)(2)—*

23 *(A) by redesignating subparagraphs (H)*
 24 *and (I) as subparagraphs (J) and (K), respec-*
 25 *tively; and*

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

3 “(H) cybersecurity and mitigating the
4 threat of ransomware;”;

5 (3) in subsection (b)(1)(B) by striking “females”
6 and inserting “women”; and

7 (4) in subsection (c)(4)(A) by inserting “, and
8 not more than 2 percent of amounts under 5311,”
9 after “5339”.

10 (d) NATIONAL TRANSIT DATABASE.—Section 5335 of
11 title 49, United States Code, is amended—

12 (1) in subsection (a) by inserting “, including
13 information on transit routes and ridership on those
14 routes” after “public sector investment decision”; and

15 (2) in subsection (c) by inserting “, any data on
16 each assault on a transit worker, and pedestrian inju-
17 ries and fatalities as a result of an impact with a
18 bus. Each of the data sets shall be publicly reported
19 without aggregating the data with other safety data”
20 after “by the recipient”.

21 (e) URBANIZED AREA FORMULA GRANTS.—Section
22 5307 of title 49, United States Code, is amended—

23 (1) in subsection (a)(2)(A)—

24 (A) in clause (i) by striking “or” at the
25 end; and

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

2 “*(iii) operate a minimum of 101 buses*
3 *and a maximum of 125 buses in fixed route*
4 *service or demand response service, exclud-*
5 *ing ADA complementary paratransit serv-*
6 *ice, during peak service hours, in an*
7 *amount not to exceed 25 percent of the share*
8 *of the apportionment which is attributable*
9 *to such systems within the urbanized area,*
10 *as measured by vehicle revenue hours; or”;*

11 (2) in subsection (a)(2)(B)—

12 (A) in clause (i) by striking “or” at the
13 end;

14 (B) in clause (ii) by striking the period at
15 the end and inserting “; or”; and

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

17 “*(iii) operate a minimum of 101 buses*
18 *and a maximum of 125 buses in fixed route*
19 *service or demand response service, exclud-*
20 *ing ADA complementary paratransit serv-*
21 *ice, during peak service hours, in an*
22 *amount not to exceed 25 percent of the share*
23 *of the apportionment allocated to such sys-*
24 *tems within the urbanized area, as deter-*
25 *mined by the local planning process and in-*

1 cluded in the designated recipient’s final
 2 program of projects prepared under sub-
 3 section (b).”; and

4 (3) in subsection (b)—

5 (A) in paragraph (6) by striking “and” at
 6 the end;

7 (B) by redesignating paragraph (7) as
 8 paragraph (8); and

9 (C) by inserting after paragraph (6) the fol-
 10 lowing:

11 “(7) ensure that the proposed program of projects
 12 provides improved access to transit for the individ-
 13 uals described in section 5336(j); and”.

14 (f) TECHNICAL CORRECTION.—Section
 15 5307(a)(2)(B)(ii) of title 49, United States Code, is amend-
 16 ed by striking “service during peak” and inserting “service,
 17 during peak”.

18 (g) TRANSPORTATION DEVELOPMENT CREDITS AS
 19 LOCAL MATCH.—

20 (1) SECTION 5307.—Section 5307(d)(3) of title
 21 49, United States Code, is amended—

22 (A) in subparagraph (D) by striking “;
 23 and” and inserting a semicolon;

24 (B) in subparagraph (E) by striking the pe-
 25 riod and inserting “; and”; and

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

2 “(F) transportation development credits.”.

3 (2) *SECTION 5309.*—Section 5309 of title 49,
4 *United States Code, is amended—*

5 (A) in subsection (f) by adding at the end
6 the following:

7 “(3) *TRANSPORTATION DEVELOPMENT CRED-*
8 *ITS.*—For purposes of assessments and determinations
9 under this subsection or subsection (h), transportation
10 development credits that are included as a source of
11 local financing or match shall be treated the same as
12 other sources of local financing.”; and

13 (B) in subsection (l)(4)—

14 (i) in subparagraph (B) by striking “;
15 or” and inserting a semicolon;

16 (ii) in subparagraph (C) by striking
17 the period and inserting a semicolon; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(D) transportation development credits;
21 or”.

22 (3) *SECTION 5339.*—Section 5339(a)(7)(B) of title
23 49, *United States Code, is amended—*

24 (A) in clause (iv) by striking “; or” and in-
25 serting a semicolon;

1 (B) in clause (v) by striking the period and
2 inserting “; or”; and

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

4 “(vi) transportation development cred-
5 its.”.

6 (h) *CLARIFICATION OF INCIDENTAL USE*.—Section
7 5310(b)(7) of title 49, United States Code, is amended—

8 (1) in the header by inserting “AND INCIDENTAL
9 USE” after “INDIVIDUALS”;

10 (2) by inserting “or providing other incidental
11 services” after “individuals”; and

12 (3) by striking “delivery service does not con-
13 flict” and inserting “service does not conflict”.

14 **SEC. 2105. POLICIES AND PURPOSES.**

15 Section 5301(b) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (7) by striking “; and” and in-
18 serting a semicolon;

19 (2) in paragraph (8) by striking the period and
20 inserting a semicolon; and

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

22 “(9) reduce the contributions of the surface
23 transportation system to the total carbon pollution of
24 the United States; and

1 “(10) improve the resiliency of the public trans-
2 portation network to withstand weather events and
3 other natural disasters.”.

4 **SEC. 2106. FISCAL YEARS 2022 AND 2023 FORMULAS.**

5 For fiscal years 2022 and 2023, the Secretary of
6 Transportation shall apportion and distribute formula
7 funds provided for under chapter 53 of title 49, United
8 States Code, using data submitted to the 2019 National
9 Transit Database.

10 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

11 Section 5303 of title 49, United States Code, is further
12 amended—

13 (1) by amending subsection (a)(1) to read as fol-
14 lows:

15 “(1) to encourage and promote the safe and effi-
16 cient management, operation, and development of sur-
17 face transportation systems that will serve the mobil-
18 ity needs of people and freight, foster economic growth
19 and development within and between States and ur-
20 banized areas, and take into consideration resiliency
21 and climate change adaptation needs while reducing
22 transportation-related fuel consumption, air pollu-
23 tion, and greenhouse gas emissions through metropoli-
24 tan and statewide transportation planning processes
25 identified in this chapter; and”.

1 (2) in subsection (b)—

2 (A) by redesignating paragraphs (6) and
3 (7) as paragraphs (7) and (8), respectively; and
4 (B) by inserting after paragraph (5) the fol-
5 lowing:

6 “(6) *STIP*.—The term ‘*STIP*’ means a statewide
7 transportation improvement program developed by a
8 State under section 135(g).”;

9 (3) in subsection (c)—

10 (A) in paragraph (1) by striking “and
11 transportation improvement programs” and in-
12 serting “and *TIPs*”; and

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

14 “(4) *CONSIDERATION*.—In developing the plans
15 and *TIPs*, metropolitan planning organizations shall
16 consider direct and indirect emissions of greenhouse
17 gases.”;

18 (4) in subsection (d)—

19 (A) in paragraph (2) by striking “Not later
20 than 2 years after the date of enactment of the
21 Federal Public Transportation Act of 2012,
22 each” and inserting “Each”;

23 (B) in paragraph (3) by adding at the end
24 the following:

1 “(D) *EQUITABLE AND PROPORTIONAL REP-*
 2 *RESENTATION.*—

3 “(i) *IN GENERAL.*—*In designating offi-*
 4 *cials or representatives under paragraph*
 5 *(2), the metropolitan planning organization*
 6 *shall ensure the equitable and proportional*
 7 *representation of the population of the met-*
 8 *ropolitan planning area.*

9 “(ii) *SAVINGS CLAUSE.*—*Nothing in*
 10 *this paragraph shall require a metropolitan*
 11 *planning organization in existence on the*
 12 *date of enactment of this subparagraph to*
 13 *be restructured.*

14 “(iii) *REDESIGNATION.*—*Notwith-*
 15 *standing clause (ii), the requirements of this*
 16 *paragraph shall apply to any metropolitan*
 17 *planning organization redesignated under*
 18 *paragraph (6).”;*

19 (C) *in paragraph (6)(B) by striking “para-*
 20 *graph (2)” and inserting “paragraphs (2) or*
 21 *(3)(D)”;* and

22 (D) *in paragraph (7)—*

23 (i) *by striking “an existing metropoli-*
 24 *tan planning area” and inserting “an ur-*
 25 *banized area”;* and

1 (ii) by striking “the existing metropoli-
 2 tan planning area” and inserting “the
 3 area”;

4 (5) in subsection (g)—

5 (A) in paragraph (1) by striking “a metro-
 6 politan area” and inserting “an urbanized
 7 area”;

8 (B) in paragraph (2) by striking “MPOS”
 9 and inserting “METROPOLITAN PLANNING
 10 AREAS”

11 (C) in paragraph (3)(A) by inserting
 12 “emergency response and evacuation, climate
 13 change adaptation and resilience,” after “dis-
 14 aster risk reduction,”; and

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

16 “(4) COORDINATION BETWEEN MPOS.—

17 “(A) IN GENERAL.—If more than one met-
 18 ropolitan planning organization is designated
 19 within an urbanized area under subsection
 20 (d)(7), the metropolitan planning organizations
 21 designated within the area shall ensure, to the
 22 maximum extent practicable, the consistency of
 23 any data used in the planning process, including
 24 information used in forecasting transportation
 25 demand.

1 “(B) SAVINGS CLAUSE.—Nothing in this
2 paragraph requires metropolitan planning orga-
3 nizations designated within a single urbanized
4 area to jointly develop planning documents, in-
5 cluding a unified long-range transportation plan
6 or unified TIP.”;

7 (6) in subsection (h)(1)—

8 (A) by striking subparagraph (E) and in-
9 serting the following:

10 “(E) protect and enhance the environment,
11 promote energy conservation, reduce greenhouse
12 gas emissions, improve the quality of life and
13 public health, and promote consistency between
14 transportation improvements and State and
15 local planned growth and economic development
16 patterns, including housing and land use pat-
17 terns;”;

18 (B) in subparagraph (H) by striking “and”
19 at the end;

20 (C) in subparagraph (I) by striking the pe-
21 riod at the end and inserting “and reduce or
22 mitigate stormwater, sea level rise, extreme
23 weather, and climate change impacts of surface
24 transportation;”; and

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

3 “(J) support emergency management, re-
4 sponse, and evacuation and hazard mitigation;

5 “(K) improve the level of transportation
6 system access; and

7 “(L) support inclusive zoning policies and
8 land use planning practices that incentivize af-
9 fordable, elastic, and diverse housing supply, fa-
10 cilitate long-term economic growth by improving
11 the accessibility of housing to jobs, and prevent
12 high housing costs from displacing economically
13 disadvantaged households.”;

14 (7) in subsection (h)(2) by striking subpara-
15 graph (A) and inserting the following:

16 “(A) IN GENERAL.—Through the use of a
17 performance-based approach, transportation in-
18 vestment decisions made as a part of the metro-
19 politan transportation planning process shall
20 support the national goals described in section
21 150(b) of title 23, the achievement of metropoli-
22 tan and statewide targets established under sec-
23 tion 150(d) of title 23, the improvement of trans-
24 portation system access (consistent with section

1 150(f)) of title 23, and the general purposes de-
 2 scribed in section 5301 of this title.”;

3 (8) in subsection (i)—

4 (A) in paragraph (2)(D)(i) by inserting
 5 “reduce greenhouse gas emissions and” before
 6 “restore and maintain”;

7 (B) in paragraph (2)(G) by inserting “and
 8 climate change” after “infrastructure to natural
 9 disasters”;

10 (C) in paragraph (2)(H) by inserting
 11 “greenhouse gas emissions,” after “pollution,”;

12 (D) in paragraph (5)—

13 (i) in subparagraph (A) by inserting
 14 “air quality, public health, housing, trans-
 15 portation, resilience, hazard mitigation,
 16 emergency management,” after “conserva-
 17 tion,”; and

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

20 “(B) ISSUES.—The consultation shall in-
 21 volve, as appropriate, comparison of transpor-
 22 tation plans to other relevant plans, including, if
 23 available—

24 “(i) State conservation plans or maps;
 25 and

1 “(ii) inventories of natural or historic
2 resources.”; and

3 (E) by amending paragraph (6)(C) to read
4 as follows:

5 “(C) METHODS.—

6 “(i) IN GENERAL.—In carrying out
7 subparagraph (A), the metropolitan plan-
8 ning organization shall, to the maximum
9 extent practicable—

10 “(I) hold any public meetings at
11 convenient and accessible locations and
12 times;

13 “(II) employ visualization tech-
14 niques to describe plans; and

15 “(III) make public information
16 available in electronically accessible
17 format and means, such as the inter-
18 net, as appropriate to afford reasonable
19 opportunity for consideration of public
20 information under subparagraph (A).

21 “(ii) ADDITIONAL METHODS.—In addi-
22 tion to the methods described in clause (i),
23 in carrying out subparagraph (A), the met-
24 ropolitan planning organization shall, to
25 the maximum extent practicable—

1 “(I) use virtual public involve-
 2 ment, social media, and other web-
 3 based tools to encourage public partici-
 4 pation and solicit public feedback; and

5 “(II) use other methods, as appro-
 6 priate, to further encourage public par-
 7 ticipation of historically underrep-
 8 resented individuals in the transpor-
 9 tation planning process.”;

10 (9) in subsection (j) by striking “transportation
 11 improvement program” and inserting “TIP” each
 12 place it appears; and

13 (10) by striking “Federally” each place it ap-
 14 pears and inserting “federally”.

15 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
 16 **PORTATION PLANNING.**

17 Section 5304 of title 49, United States Code, is amend-
 18 ed—

19 (1) in subsection (a)—

20 (A) in paragraph (1) by striking “statewide
 21 transportation improvement program” and in-
 22 serting “STIP”;

23 (B) in paragraph (2)—

1 (i) by striking “The statewide trans-
2 portation plan and the” and inserting the
3 following:

4 “(A) *IN GENERAL*.—The statewide transpor-
5 tation plan and the”;

6 (ii) by striking “transportation im-
7 provement program” and inserting “STIP”;
8 and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(B) *CONSIDERATION*.—In developing the
12 statewide transportation plans and STIPs,
13 States shall consider direct and indirect emis-
14 sions of greenhouse gases.”; and

15 (C) in paragraph (3) by striking “transpor-
16 tation improvement program” and inserting
17 “STIP”;

18 (2) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (E)—

21 (I) by inserting “reduce green-
22 house gas emissions,” after “promote
23 energy conservation,”;

1 (II) by inserting “and public
2 health” after “improve the quality of
3 life”; and

4 (III) by inserting “, including
5 housing and land use patterns” after
6 “economic development patterns”;

7 (ii) in subparagraph (H) by striking
8 “and”;

9 (iii) in subparagraph (I) by striking
10 the period at the end and inserting “and re-
11 duce or mitigate stormwater, sea level rise,
12 extreme weather, and climate change im-
13 pacts of surface transportation;”; and

14 (iv) by adding at the end the following:
15 “(J) facilitate emergency management, re-
16 sponse, and evacuation and hazard mitigation;

17 “(K) improve the level of transportation
18 system access; and

19 “(L) support inclusive zoning policies and
20 land use planning practices that incentivize af-
21 fordable, elastic, and diverse housing supply, fa-
22 cilitate long-term economic growth by improving
23 the accessibility of housing to jobs, and prevent
24 high housing costs from displacing economically
25 disadvantaged households.”;

1 (B) in paragraph (2)—

2 (i) by striking subparagraph (A) and
3 inserting the following:

4 “(A) *IN GENERAL.*—Through the use of a
5 performance-based approach, transportation in-
6 vestment decisions made as a part of the state-
7 wide transportation planning process shall sup-
8 port—

9 “(i) the national goals described in sec-
10 tion 150(b) of title 23;

11 “(ii) the consideration of transpor-
12 tation system access (consistent with section
13 150(f) of title 23);

14 “(iii) the achievement of statewide tar-
15 gets established under section 150(d) of title
16 23; and

17 “(iv) the general purposes described in
18 section 5301 of this title.”; and

19 (ii) in subparagraph (D) by striking
20 “statewide transportation improvement pro-
21 gram” and inserting “STIP”; and

22 (C) in paragraph (3) by striking “statewide
23 transportation improvement program” and in-
24 serting “STIP”;

1 (3) in subsection (e)(3) by striking “transportation improvement program” and inserting “STIP”;

2 (4) in subsection (f)—

3 (A) in paragraph (2)(D)—

4 (i) in clause (i) by inserting “air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,” after “conservation,”; and

5 (ii) by amending clause (ii) to read as follows:

6 “(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

7 “(I) State and tribal conservation plans or maps; and

8 “(II) inventories of natural or historic resources.”;

9 (B) in paragraph (3)(B)—

10 (i) by striking “In carrying out” and inserting the following:

11 “(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 consump-*

tion in a cost-effective manner and strategies
and investments that preserve and enhance inter-
city bus systems, including systems that are pri-
vately owned and operated” after “transporta-
tion system”;

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking “state-
wide 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 strik-
ing “metropolitan transportation improve-
ment program” and inserting “TIP”;

(iii) in subparagraph (C) by striking
“transportation improvement program”
and inserting “STIP” each place it ap-
pears;

(iv) in subparagraph (E) by striking
“transportation improvement program”
and inserting “STIP”;

(v) in subparagraph (F)(i) by striking
“transportation improvement program”

1 *and inserting “STIP” each place it ap-*
2 *pears;*

3 *(vi) in subparagraph (G)(ii) by strik-*
4 *ing “transportation improvement program”*
5 *and inserting “STIP”; and*

6 *(vii) in subparagraph (H) by striking*
7 *“transportation improvement program”*
8 *and inserting “STIP”;*

9 *(C) in paragraph (6)—*

10 *(i) in subparagraph (A)—*

11 *(I) by striking “transportation*
12 *improvement program” and inserting*
13 *“STIP”; and*

14 *(II) by striking “and projects car-*
15 *ried out under the bridge program or*
16 *the Interstate maintenance program*
17 *under title 23”; and*

18 *(ii) in subparagraph (B)—*

19 *(I) by striking “or under the*
20 *bridge program or the Interstate main-*
21 *tenance program”; and*

22 *(II) by striking “statewide trans-*
23 *portation improvement program” and*
24 *inserting “STIP”;*

25 *(D) in paragraph (7)—*

1 (i) in the heading by striking “TRANS-
2 PORTATION IMPROVEMENT PROGRAM” and
3 inserting “STIP”; and

4 (ii) by striking “transportation im-
5 provement program” and inserting “STIP”;

6 (E) in paragraph (8) by striking “statewide
7 transportation plans and programs” and insert-
8 ing “statewide transportation plans and STIPs”;
9 and

10 (F) in paragraph (9) by striking “transpor-
11 tation improvement program” and inserting
12 “STIP”;

13 (6) in subsection (h)(2)(A) by striking “Not later
14 than 5 years after the date of enactment of the Fed-
15 eral Public Transportation Act of 2012,” and insert-
16 ing “Not less frequently than once every 4 years,”;

17 (7) in subsection (j) by striking “transportation
18 improvement program” and inserting “STIP” each
19 place it appears; and

20 (8) in subsection (l) by striking “transportation
21 improvement programs” and inserting “STIPs”.

22 **SEC. 2109. OBLIGATION LIMITATION.**

23 Notwithstanding any other provision of law, the total
24 of all obligations from amounts made available from the
25 Mass Transit Account of the Highway Trust Fund by sub-

1 *section (a) of section 5338 of title 49, United States Code,*
 2 *shall not exceed—*

3 *(1) \$17,894,460,367 for fiscal year 2023;*

4 *(2) \$18,201,940,770 for fiscal year 2024;*

5 *(3) \$18,551,676,708 for fiscal year 2025; and*

6 *(4) \$18,901,573,693 for fiscal year 2026.*

7 ***SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF***

8 ***FUNDS.***

9 *Section 5324 of title 49, United States Code, is amend-*
 10 *ed by adding at the end the following:*

11 *“(f) IMPOSITION OF DEADLINE.—*

12 *“(1) IN GENERAL.—Notwithstanding any other*
 13 *provision of law, the Secretary may not require any*
 14 *project funded pursuant to this section to advance to*
 15 *the construction obligation stage before the date that*
 16 *is the last day of the sixth fiscal year after the later*
 17 *of—*

18 *“(A) the date on which the Governor de-*
 19 *clared the emergency, as described in subsection*
 20 *(a)(2); or*

21 *“(B) the date on which the President de-*
 22 *clared a major disaster, as described in such sub-*
 23 *section.*

24 *“(2) EXTENSION OF DEADLINE.—If the Secretary*
 25 *imposes a deadline for advancement to the construc-*

1 *tion obligation stage pursuant to paragraph (1), the*
2 *Secretary may, upon the request of the Governor of*
3 *the State, issue an extension of not more than 1 year*
4 *to complete such advancement, and may issue addi-*
5 *tional extensions after the expiration of any exten-*
6 *sion, if the Secretary determines the Governor of the*
7 *State has provided suitable justification to warrant*
8 *an extension.”.*

9 **SEC. 2111. CERTIFICATION REQUIREMENTS.**

10 *The certification requirements described in section*
11 *661.12 of title 49, Code of Federal Regulations, shall, after*
12 *the date of enactment of this Act, include a certification*
13 *that buses or other rolling stock (including train control,*
14 *communication and traction power equipment) being pro-*
15 *cured do not contain or use any covered telecommunications*
16 *equipment or services, as such term is defined by section*
17 *889 of the John S. McCain National Defense Authorization*
18 *Act for Fiscal Year 2019 (Public Law 115–232).*

19 **SEC. 2112. HOLD HARMLESS.**

20 *Notwithstanding any other provision of law, for fiscal*
21 *years 2021 and 2022, the Secretary of Transportation shall*
22 *allow project sponsors, at the request of such sponsor, to*
23 *submit ridership and service data and projections collected*
24 *before January 20, 2020 and projections based on that data*

1 *to determine project eligibility under section 5309 of title*
2 *49, United States Code.*

3 **SEC. 2113. STUDY ON ACCESSIBILITY OF PUBLIC TRANS-**
4 **PORTATION.**

5 *(a) REPORT.—Not later than 1 year after the date of*
6 *enactment of this Act, the Secretary of Transportation shall*
7 *submit to Congress a report that includes—*

8 *(1) a description of the challenges faced by each*
9 *of the populations described in subsection (b) when*
10 *riding public transportation; and*

11 *(2) recommendations to improve the accessibility*
12 *of federally-funded public transportation for the pop-*
13 *ulations described in subsection (b).*

14 *(b) COVERED POPULATIONS.—The populations de-*
15 *scribed in subsection (a) shall be—*

16 *(1) pregnant women; and*

17 *(2) individuals living in areas of persistent pov-*
18 *erty, as such term is defined in section 172(l) of title*
19 *23, United States Code, as added by this Act, and in-*
20 *dividuals that are unbanked or underbanked.*

1 ***Subtitle B—Improving Frequency***
 2 ***and Ridership***

3 ***SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND***
 4 ***RIDERSHIP COMPETITIVE GRANTS.***

5 (a) *IN GENERAL.*—Chapter 53 of title 49, United
 6 States Code, is amended by inserting after section 5307 the
 7 following new section:

8 ***“§5308. Multi-jurisdictional bus frequency and rider-***
 9 ***ship competitive grants***

10 “(a) *IN GENERAL.*—The Secretary shall make grants
 11 under this section, on a competitive basis, to eligible recipi-
 12 ents to increase the frequency of bus service and the rider-
 13 ship of public transit buses.

14 “(b) *APPLICATIONS.*—To be eligible for a grant under
 15 this section, an eligible recipient shall submit to the Sec-
 16 retary an application at such time, in such manner, and
 17 containing such information as the Secretary may require.

18 “(c) *APPLICATION TIMING.*—Not later than 90 days
 19 after amounts are made available to carry out this section,
 20 the Secretary shall solicit grant applications from eligible
 21 recipients for projects described in subsection (d).

22 “(d) *USES OF FUNDS.*—An eligible recipient of a
 23 grant under this section shall use such grant for transpor-
 24 tation capital projects that—

25 “(1) increase—

1 “(A) the frequency of bus service;

2 “(B) bus ridership; and

3 “(C) total person throughput; and

4 “(2) are consistent with, and as described in, the
5 design guidance issued by the National Association of
6 City Transportation Officials and titled ‘Transit
7 Street Design Guide’.

8 “(e) GRANT CRITERIA.—In making grants under this
9 section, the Secretary shall consider the following:

10 “(1) Each eligible recipient’s projected increase
11 in bus frequency.

12 “(2) Each eligible recipient’s projected increase
13 in bus ridership.

14 “(3) Each eligible recipient’s projected increase
15 in total person throughput.

16 “(4) The degree of regional collaboration de-
17 scribed in each eligible recipient’s application, includ-
18 ing collaboration with—

19 “(A) a local government entity that operates
20 a public transportation service;

21 “(B) local government agencies that control
22 street design;

23 “(C) metropolitan planning organizations
24 (as such term is defined in section 5303); and

25 “(D) State departments of transportation.

1 “(f) *GRANT TIMING.*—*The Secretary shall award*
2 *grants under this section not later than 120 days after the*
3 *date on which the Secretary completes the solicitation de-*
4 *scribed in subsection (c).*

5 “(g) *REQUIREMENTS OF THE SECRETARY.*—*In car-*
6 *rying out the program under this section, the Secretary*
7 *shall—*

8 “(1) *not later than the date described in sub-*
9 *section (c), publish in the Federal Register a list of*
10 *all metrics and evaluation procedures to be used in*
11 *making grants under this section; and*

12 “(2) *publish in the Federal Register—*

13 “(A) *a summary of the final metrics and*
14 *evaluations used in making grants under this*
15 *section; and*

16 “(B) *a list of the ratings of eligible recipi-*
17 *ents receiving a grant under this section based*
18 *on such metrics and evaluations.*

19 “(h) *FEDERAL SHARE.*—

20 “(1) *IN GENERAL.*—*The Federal share of the cost*
21 *of a project carried out under this section shall not*
22 *exceed 80 percent.*

23 “(2) *RESTRICTION ON GRANT AMOUNTS.*—*The*
24 *Secretary may make a grant for a project under this*

1 *section in an amount up to 150 percent of the*
2 *amount—*

3 *“(A) provided for such project under title*
4 *23; and*

5 *“(B) provided for such project from non-*
6 *Federal funds budgeted for roadways.*

7 *“(i) REQUIREMENTS OF SECTION 5307.—Except as*
8 *otherwise provided in this section, a grant under this sec-*
9 *tion shall be subject to the requirements of section 5307.*

10 *“(j) AVAILABILITY OF FUNDS.—*

11 *“(1) IN GENERAL.—Amounts made available to*
12 *carry out this section shall remain available for 4 fis-*
13 *cal years after the fiscal year for which the amount*
14 *was made available.*

15 *“(2) UNOBLIGATED AMOUNTS.—After the expira-*
16 *tion of the period described in paragraph (1) for an*
17 *amount made available to carry out this section, any*
18 *unobligated amounts made available to carry out this*
19 *section shall be added to the amounts made available*
20 *for the following fiscal year.*

21 *“(k) ELIGIBLE RECIPIENTS.—In this section, the term*
22 *‘eligible recipient’ means a recipient of a grant under sec-*
23 *tion 5307 in an urbanized area with a population greater*
24 *than 500,000.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *53 of title 49, United States Code, is amended by inserting*
 3 *after the item relating to section 5307 the following new*
 4 *item:*

“5308. *Multi-jurisdictional bus frequency and ridership competitive grants.*”.

5 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
 6 **MULA.**

7 *Section 5336 of title 49, United States Code, is amend-*
 8 *ed—*

9 (1) *in subsection (b)—*

10 (A) *in paragraph (2)—*

11 (i) *in subparagraph (A)—*

12 (I) *in the matter preceding clause*

13 (i) *by striking “95.61 percent” and in-*
 14 *serting “95 percent”;*

15 (II) *in clause (i) by striking*
 16 *“95.61 percent” and inserting “95 per-*
 17 *cent”; and*

18 (III) *in clause (ii) by striking*
 19 *“95.61 percent” and inserting “95 per-*
 20 *cent”; and*

21 (ii) *in subparagraph (B)—*

22 (I) *in the matter preceding clause*

23 (i) *by striking “4.39 percent” and in-*
 24 *serting “5 percent”;*

25 (II) *in clause (i)—*

1 (aa) by inserting “in the
2 highest 25 percent of routes by
3 ridership” before “multiplied by”;
4 and

5 (bb) by striking “vehicle pas-
6 senger miles traveled for each dol-
7 lar of operating cost in an area”
8 and inserting “vehicles operating
9 in peak revenue service per hour
10 in the highest 25 percent of routes
11 by ridership”; and

12 (III) in clause (ii)—

13 (aa) by inserting “in the
14 highest 25 percent of routes by
15 ridership” before “multiplied by”;
16 and

17 (bb) by striking “vehicle pas-
18 senger miles traveled for each dol-
19 lar of operating cost in all areas”
20 and inserting “vehicles operating
21 in peak revenue service per hour
22 in the highest 25 percent of routes
23 by ridership”; and

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

1 “(3) *SPECIAL RULE.*—*For fiscal years 2023 and*
2 *2024, the percentage—*

3 “(A) *in paragraph (2)(A) in the matter*
4 *preceding clause (i) shall be treated as 100 per-*
5 *cent; and*

6 “(B) *in paragraph (2)(B) in the matter*
7 *preceding clause (i) shall be treated as 0 per-*
8 *cent.”;*

9 *(2) in subsection (c)—*

10 *(A) in paragraph (1) by striking “90.8 per-*
11 *cent” and inserting “90 percent” each place it*
12 *appears;*

13 *(B) in paragraph (2)—*

14 *(i) by striking “9.2 percent” and in-*
15 *serting “8 percent”;*

16 *(ii) by striking “200,000” and insert-*
17 *ing “500,000”;*

18 *(iii) by striking subparagraph (A) and*
19 *inserting the following:*

20 “(A) *the number of bus passenger miles*
21 *traveled on the highest 25 percent of routes by*
22 *ridership multiplied by the number of buses op-*
23 *erating in peak revenue service per hour on the*
24 *highest 25 percent of routes by ridership; divided*
25 *by”;* and

1 (iv) by striking subparagraph (B) and
2 inserting the following:

3 “(B) the total number of bus passenger
4 miles traveled on the highest 25 percent of routes
5 by ridership multiplied by the total number of
6 buses operating in peak revenue service per hour
7 on the highest 25 percent of routes by ridership
8 in all areas.”; and

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

10 “(3) Two percent of the total amount appor-
11 tioned under this subsection shall be apportioned so
12 that each urbanized area with a population of at least
13 200,000 and less than 500,000 is entitled to receive
14 an amount using the formula in paragraph (1).

15 “(4) For fiscal years 2023 and 2024, the percent-
16 age—

17 “(A) in paragraph (1) in the matter pre-
18 ceding subparagraph (A) shall be treated as 100
19 percent;

20 “(B) in paragraph (2) in the matter pre-
21 ceding subparagraph (A) shall be treated as 0
22 percent; and

23 “(C) in paragraph (3) shall be treated as 0
24 percent.”; and

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

1 “(k) *PEAK REVENUE SERVICE DEFINED.*—*In this sec-*
 2 *tion, the term ‘peak revenue service’ means the time period*
 3 *between the time in the morning that an agency first ex-*
 4 *ceeds the number of midday vehicles in revenue service and*
 5 *the time in the evening that an agency falls below the num-*
 6 *ber of midday vehicles in revenue service.’.*”

7 **SEC. 2203. MOBILITY INNOVATION.**

8 (a) *IN GENERAL.*—Chapter 53 of title 49, United
 9 States Code, is amended by inserting after section 5315 the
 10 following new section:

11 **“§ 5316. Mobility innovation**

12 “(a) *IN GENERAL.*—Amounts made available to a cov-
 13 ered recipient to carry out sections 5307, 5310, and 5311
 14 may be used by such covered recipient under this section
 15 to assist in the financing of—

16 “(1) *mobility as a service; and*

17 “(2) *mobility on demand services.*

18 “(b) *FEDERAL SHARE.*—

19 “(1) *IN GENERAL.*—Except as provided in para-
 20 graphs (2) and (3), the Federal share of the net cost
 21 of a project carried out under this section shall not
 22 exceed 70 percent.

23 “(2) *INSOURCING INCENTIVE.*—Notwithstanding
 24 paragraph (1), the Federal share of the net cost of a
 25 project described in paragraph (1) shall, at the re-

quest of the project sponsor, be increased by up to 10 percent for mobility on demand service operated exclusively by personnel employed by the recipient.

“(3) *ZERO EMISSION INCENTIVE.*—Notwithstanding paragraph (1), the Federal share of the net cost of a project described in paragraph (1) shall, at the request of the project sponsor, be increased by up to 10 percent if such project involves an eligible use that uses a vehicle that produces zero carbon dioxide or particulate matter.

“(c) *ELIGIBLE USES.*—

“(1) *IN GENERAL.*—The Secretary shall publish guidance describing eligible activities that are demonstrated to—

“(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;

1 “(iii) compliance with the require-
2 ments under the Americans with Disabil-
3 ities Act of 1990 (42 U.S.C. 12101 et seq.);

4 “(iv) low-income service to increase ac-
5 cess to employment, healthcare, and other
6 essential services;

7 “(v) service during times of the day
8 when regular transit service is not oper-
9 ating, as long as regular transit service
10 hours are not reduced;

11 “(vi) new service that operates in areas
12 of lower density that are unserved or under-
13 served by regular transit service;

14 “(vii) rural service; and

15 “(viii) improvement in paratransit
16 service quality.

17 “(2) *FARE COLLECTION MODERNIZATION.*—In
18 developing guidance referred to in this section, the
19 Secretary shall ensure that—

20 “(A) all costs associated with installing,
21 modernizing, and managing fare collection, in-
22 cluding touchless payment systems, shall be con-
23 sidered eligible expenses under this title and sub-
24 ject to the applicable Federal share; and

1 “(B) such guidance includes guidance on
2 how agencies shall provide unbanked and under-
3 banked users with an opportunity to benefit from
4 mobility as a service platforms.

5 “(3) PROHIBITION ON USE OF FUNDS.—Amounts
6 used by a covered recipient for projects eligible under
7 this section may not be used for—

8 “(A) single passenger vehicle miles (in a
9 passenger motor vehicle, as such term is defined
10 in section 32101, that carries less than 9 pas-
11 sengers), unless the trip—

12 “(i) meets the definition of public
13 transportation; and

14 “(ii) begins or completes a fixed route
15 public transportation trip;

16 “(B) deadhead vehicle miles; or

17 “(C) any service considered a taxi service
18 that operates under an exemption from testing
19 requirements under section 5331.

20 “(d) FEDERAL REQUIREMENTS.—A project carried out
21 under this section shall be treated as if such project were
22 carried out under the section from which the funds were
23 provided to carry out such project, including the applica-
24 tion of any additional requirements provided for by law
25 that apply to section 5307, 5310, or 5311, as applicable.

1 “(e) *WAIVER.*—

2 “(1) *INDIVIDUAL WAIVER.*—*Except as provided*
3 *in paragraphs (2) and (3), the Secretary may waive*
4 *any requirement applied to a project carried out*
5 *under this section pursuant to subsection (d) if the*
6 *Secretary determines that the project would—*

7 “(A) *not undermine labor standards;*

8 “(B) *increase employment opportunities of*
9 *the recipient unless the Secretary determines that*
10 *such a waiver does not affect employment oppor-*
11 *tunities; and*

12 “(C) *be consistent with the public interest.*

13 “(2) *WAIVER UNDER OTHER SECTIONS.*—*The*
14 *Secretary may not waive any requirement under*
15 *paragraph (1) for which a waiver is otherwise avail-*
16 *able.*

17 “(3) *PROHIBITION OF WAIVER.*—*Notwith-*
18 *standing paragraph (1), the Secretary may not waive*
19 *any requirement of—*

20 “(A) *section 5333;*

21 “(B) *section 5331;*

22 “(C) *section 5302(14); and*

23 “(D) *chapter 53 that establishes a max-*
24 *imum Federal share for operating costs.*

1 “(4) *APPLICATION OF SECTION 5320.*—*Notwith-*
2 *standing paragraphs (1) and (2), the Secretary may*
3 *only waive the requirements of section 5320 with re-*
4 *spect to—*

5 “(A) *a passenger vehicle owned by an indi-*
6 *vidual;*

7 “(B) *subsection (q) of such section for any*
8 *passenger vehicle not owned by an individual for*
9 *the period beginning on the date of enactment of*
10 *this section and ending 3 years after such date;*

11 “(C) *any shared micromobility device for*
12 *the period beginning on the date of enactment of*
13 *this section and ending on the date that is 3*
14 *years after such date; and*

15 “(D) *rolling stock that is part of a dedi-*
16 *cated fleet of vehicles for the provision of micro-*
17 *transit that is operated by, or exclusively on be-*
18 *half of, the covered recipient for the period begin-*
19 *ning on the date of enactment of this section and*
20 *ending on the date that is 3 years after such*
21 *date.*

22 “(5) *LIMITATION.*—*A waiver issued under sub-*
23 *paragraphs (B), (C), or (D) of paragraph (4) may*
24 *only be issued on an individual project basis at the*
25 *request of the covered recipient and may not be re-*

1 *newed or extended beyond the initial 3-year period of*
2 *the waiver.*

3 “(f) *OPEN DATA STANDARDS.*—

4 “(1) *IN GENERAL.*—Not later than 90 days after
5 *the date of enactment of this section, the Secretary*
6 *shall initiate procedures under subchapter III of*
7 *chapter 5 of title 5 to develop an open data standard*
8 *and an application programming interface necessary*
9 *to carry out this section.*

10 “(2) *REGULATIONS.*—The regulations required
11 *under paragraph (1) shall require public transpor-*
12 *tation agencies, mobility on demand providers, mobil-*
13 *ity as a service technology providers, other non-gov-*
14 *ernment actors, and local governments the efficient*
15 *means to transfer data to—*

16 “(A) *foster the efficient use of transpor-*
17 *tation capacity;*

18 “(B) *enhance the management of new modes*
19 *of mobility;*

20 “(C) *enable the use of innovative planning*
21 *tools;*

22 “(D) *enable single payment systems for all*
23 *mobility on demand services;*

24 “(E) *establish metropolitan planning orga-*
25 *nization, State, and local government access to*

1 *anonymized data for transportation planning,*
2 *real time operations data, and rules;*

3 “(F) *prohibit the transfer of personally*
4 *identifiable information;*

5 “(G) *protect confidential business informa-*
6 *tion;*

7 “(H) *enhance cybersecurity protections; and*

8 “(I) *allow data governance, including but*
9 *not limited to licensing and terms of information*
10 *sharing, periodic risk assessments, policies re-*
11 *garding data retention and information han-*
12 *dling policies, and anonymization techniques.*

13 “(3) *PROHIBITION ON FOR PROFIT ACTIVITY.—*
14 *Any data received by an entity under this subsection*
15 *may not be sold, leased, or otherwise used to generate*
16 *profit, except for the direct provision of the related*
17 *mobility on demand services and mobility as a serv-*
18 *ice.*

19 “(4) *COMMITTEE.—A negotiated rulemaking*
20 *committee established pursuant to section 565 of title*
21 *5 to carry out this subsection shall have a maximum*
22 *of 17 members limited to representatives of the De-*
23 *partment of Transportation, State and local govern-*
24 *ments, metropolitan planning organizations, urban*
25 *and rural covered recipients, associations that rep-*

1 *resent public transit agencies, representatives from at*
 2 *least 3 different organizations engaged in collective*
 3 *bargaining on behalf of transit workers in not fewer*
 4 *than 3 States, mobility on demand providers, and*
 5 *mobility as a service technology providers.*

6 “(5) *PUBLICATION OF PROPOSED REGULA-*
 7 *TIONS.—Proposed regulations to implement this sec-*
 8 *tion shall be published in the Federal Register by the*
 9 *Secretary not later than 18 months after such date of*
 10 *enactment.*

11 “(6) *EXTENSION OF DEADLINES.—A deadline set*
 12 *forth in paragraph (4) may be extended up to 180*
 13 *days if the negotiated rulemaking committee referred*
 14 *to in paragraph (5) concludes that the committee can-*
 15 *not meet the deadline and the Secretary so notifies the*
 16 *Committee on Transportation and Infrastructure of*
 17 *the House of Representatives and the Committee on*
 18 *Banking, Housing, and Urban Affairs of the Senate.*

19 “(g) *APPLICATION OF RECIPIENT VEHICLE REVENUE*
 20 *MILES.—With respect to vehicle revenue miles with one pas-*
 21 *senger of a covered recipient using amounts under this sec-*
 22 *tion, such miles—*

23 “(1) *shall be included in the National Transit*
 24 *Database under section 5335; and*

1 “(2) shall be excluded from vehicle revenue miles
2 data used in the calculation described in section 5336.

3 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
4 section (g) shall not apply to any eligible activities under
5 this section if such activities are—

6 “(1) being carried out in compliance with the
7 Americans with Disabilities Act of 1990 (42 U.S.C.
8 12101 et seq.); or

9 “(2) projects eligible under section 5310 that ex-
10 ceed the requirements of the Americans with Disabil-
11 ities Act of 1990 (42 U.S.C. 12101 et seq.).

12 “(i) DEFINITIONS.—In this section:

13 “(1) COVERED RECIPIENT.—The term ‘covered
14 recipient’ means a State or local government entity,
15 private nonprofit organization, or Tribe that—

16 “(A) operates a public transportation serv-
17 ice; and

18 “(B) is a recipient or subrecipient of funds
19 under section 5307, 5310, or 5311.

20 “(2) DEADHEAD VEHICLE MILES.—The term
21 ‘deadhead vehicle miles’ means the miles that a vehi-
22 cle travels when out of revenue service, including leav-
23 ing or returning to the garage or yard facility, chang-
24 ing routes, when there is no expectation of carrying

1 *revenue passengers, and any miles traveled by a pri-*
 2 *vate operator without a passenger.*

3 “(3) *MOBILITY AS A SERVICE.*—*The term ‘mobil-*
 4 *ity as a service’ means services that constitute the in-*
 5 *tegration of mobility on demand services and public*
 6 *transportation that are available and accessible to all*
 7 *travelers, provide multimodal trip planning, and a*
 8 *unified payment system.*

9 “(4) *MOBILITY ON DEMAND.*—*The term ‘mobility*
 10 *on demand’ means an on-demand transportation*
 11 *service shared among individuals, either concurrently*
 12 *or one after another.”.*

13 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 14 *53 of title 49, United States Code, is amended by inserting*
 15 *after the item relating to section 5315 the following new*
 16 *item:*

“5316. Mobility innovation.”.

17 (c) *EFFECTIVE DATE.*—*This section and the amend-*
 18 *ments made by this section shall take effect on the date on*
 19 *which the Secretary of Transportation has finalized both—*

20 (1) *the guidance required under section 5316(c)*
 21 *of title 49, United States Code; and*

22 (2) *the regulations required under section*
 23 *5316(f) of title 49, United States Code.*

24 (d) *SAVINGS CLAUSE.*—*Nothing in this section, or the*
 25 *amendments made by this section, shall prohibit the use of*

1 *funds for an eligible activity or pilot project of a covered*
 2 *recipient authorized under the law in effect on the day be-*
 3 *fore the date of enactment of this Act before the effective*
 4 *date described in subsection (c).*

5 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

6 *Section 5311 of title 49, United States Code, is amend-*
 7 *ed—*

8 *(1) in subsection (b)—*

9 *(A) in paragraph (2) by adding at the end*
 10 *the following:*

11 *“(D) CENSUS DESIGNATION.—The Secretary*
 12 *may approve a State program that allocates not*
 13 *more than 5 percent of such State’s apportion-*
 14 *ment to assist rural areas that were redesignated*
 15 *as urban areas not more than 2 fiscal years after*
 16 *the last census designation of urbanized area*
 17 *boundaries.”; and*

18 *(B) in paragraph (3) by striking “section*
 19 *5338(a)(2)(F)” and inserting “section*
 20 *5338(a)(2)(E)”;*

21 *(2) in subsection (c)—*

22 *(A) in paragraph (1)—*

23 *(i) in the matter preceding subpara-*
 24 *graph (A) by striking “section*

1 5338(a)(2)(F)” and inserting “section
2 5338(a)(2)(E)”;

3 (ii) in subparagraph (A) by striking
4 “\$5,000,000” and inserting “\$10,000,000”;
5 and

6 (iii) in subparagraph (B) by striking
7 “\$30,000,000” and inserting “the amount
8 remaining under section 5338(a)(2)(E)(i)
9 after the amount under subparagraph (A) is
10 distributed”;

11 (B) in paragraph (2)(C) by striking “sec-
12 tion 5338(a)(2)(F)” and inserting “section
13 5338(a)(2)(E)”;

14 (C) in paragraph (3)—

15 (i) in subparagraph (A) by striking
16 “section 5338(a)(2)(F)” and inserting “sec-
17 tion 5338(a)(2)(E)”;

18 (ii) by striking subparagraphs (B) and
19 (C) and inserting the following:

20 “(B) LAND AREA.—

21 “(i) IN GENERAL.—Subject to clause
22 (ii), each State shall receive an amount that
23 is equal to 15 percent of the amount appor-
24 tioned under this paragraph, multiplied by
25 the ratio of the land area in rural areas in

1 *that State and divided by the land area in*
2 *all rural areas in the United States, as*
3 *shown by the most recent decennial census*
4 *of population.*

5 “(ii) *MAXIMUM APPORTIONMENT.*—No
6 *State shall receive more than 5 percent of*
7 *the amount apportioned under clause (i).*

8 “(C) *POPULATION.*—Each State shall re-
9 *ceive an amount equal to 50 percent of the*
10 *amount apportioned under this paragraph, mul-*
11 *tiplied by the ratio of the population of rural*
12 *areas in that State and divided by the popu-*
13 *lation of all rural areas in the United States, as*
14 *shown by the most recent decennial census of*
15 *population.*

16 “(D) *VEHICLE REVENUE MILES.*—

17 “(i) *IN GENERAL.*—Subject to clause
18 (ii), each State shall receive an amount that
19 is equal to 25 percent of the amount appor-
20 tioned under this paragraph, multiplied by
21 the ratio of vehicle revenue miles in rural
22 areas in that State and divided by the vehi-
23 cle revenue miles in all rural areas in the
24 United States, as determined by national
25 transit database reporting.

1 “(ii) *MAXIMUM APPORTIONMENT.*—No
 2 *State shall receive more than 5 percent of*
 3 *the amount apportioned under clause (i).*

4 “(E) *LOW-INCOME INDIVIDUALS.*—Each
 5 *State shall receive an amount that is equal to 10*
 6 *percent of the amount apportioned under this*
 7 *paragraph, multiplied by the ratio of low-income*
 8 *individuals in rural areas in that State and di-*
 9 *vided by the number of low-income individuals*
 10 *in all rural areas in the United States, as shown*
 11 *by the Bureau of the Census.”;*

12 (3) *in subsection (f)—*

13 (A) *in paragraph (1) by inserting “A State*
 14 *may expend funds to continue service into an-*
 15 *other State to extend a route.” before “Eligible*
 16 *activities under”;*

17 (B) *in paragraph (2) by inserting “and*
 18 *makes the certification and supporting docu-*
 19 *ments publicly available” before the period at the*
 20 *end; and*

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

22 “(3) *MEANINGFUL CONNECTIONS.*—All projects
 23 *funded under this subsection shall directly serve, or*
 24 *make meaningful scheduled connections to, the na-*
 25 *tional intercity bus network.”; and*

1 (4) in subsection (g) by adding at the end the
2 *following:*

3 “(6) *ALLOWANCE FOR VOLUNTEER HOURS.*—

4 “(A) *APPLICABLE REGULATIONS.*—For any
5 *funds provided by a department or agency of the*
6 *Government under paragraph (3)(D) or by a*
7 *service agreement under paragraph (3)(C), and*
8 *such department or agency has regulations in*
9 *place that provide for the valuation of volunteer*
10 *hours as allowable in-kind contributions toward*
11 *the non-Federal share of project costs, such regu-*
12 *lations shall be used to determine the allowable*
13 *valuation of volunteer hours as an in-kind con-*
14 *tribution toward the non-Federal remainder of*
15 *net project costs for a transit project funded*
16 *under this section.*

17 “(B) *LIMITATIONS.*—Subparagraph (A)
18 *shall not apply to the provision of fixed-route*
19 *bus services funded under this section.”.*

20 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

21 Section 5310 of title 49, United States Code, is amend-
22 *ed by adding at the end the following:*

23 “(j) *ONE-STOP PARATRANSIT PROGRAM.*—

24 “(1) *IN GENERAL.*—Not later than 6 months
25 *after the date of enactment of this subsection, the Sec-*

1 *retary shall establish a one-stop paratransit competi-*
2 *tive grant program to encourage an extra stop in*
3 *non-fixed route Americans with Disabilities Act of*
4 *1990 (42 U.S.C. 12101 et seq.) service for a para-*
5 *transit rider to complete essential tasks.*

6 *“(2) PREFERENCE.—The Secretary shall give*
7 *preference to eligible recipients that—*

8 *“(A) have comparable data for the year*
9 *prior to implementation of the grant program*
10 *and made available to the Secretary, academic*
11 *and nonprofit organizations for research pur-*
12 *poses; and*

13 *“(B) plan to use agency personnel to imple-*
14 *ment the pilot program.*

15 *“(3) APPLICATION CRITERIA.—To be eligible to*
16 *participate in the grant program, an eligible recipi-*
17 *ent shall submit to the Secretary an application con-*
18 *taining such information as the Secretary may re-*
19 *quire, including information on—*

20 *“(A) locations the eligible entity intends to*
21 *allow a stop at, if stops are limited, including—*

22 *“(i) childcare or education facilities;*

23 *“(ii) pharmacies;*

24 *“(iii) grocery stores; and*

25 *“(iv) bank or ATM locations;*

1 “(B) methodology for informing the public
2 of the grant program;

3 “(C) vehicles, personnel, and other resources
4 that will be used to implement the grant pro-
5 gram;

6 “(D) if the applicant does not intend the
7 grant program to apply to the full area under
8 the jurisdiction of the applicant, a description of
9 the geographic area in which the applicant in-
10 tends the grant program to apply; and

11 “(E) the anticipated amount of increased
12 operating costs.

13 “(4) *SELECTION.*—The Secretary shall seek to
14 achieve diversity of participants in the grant pro-
15 gram by selecting a range of eligible entities that in-
16 cludes at least—

17 “(A) 5 eligible recipients that serve an area
18 with a population of 50,000 to 200,000;

19 “(B) 10 eligible recipients that serve an
20 area with a population of over 200,000; and

21 “(C) 5 eligible recipients that provide trans-
22 portation for rural communities.

23 “(5) *DATA-SHARING CRITERIA.*—An eligible re-
24 cipient in this subsection shall provide data as the
25 Secretary requires, which may include—

1 “(A) number of ADA paratransit trips con-
2 ducted each year;

3 “(B) requested time of each paratransit
4 trip;

5 “(C) scheduled time of each paratransit
6 trip;

7 “(D) actual pickup time for each para-
8 transit trip;

9 “(E) average length of a stop in the middle
10 of a ride as allowed by this subsection;

11 “(F) any complaints received by a para-
12 transit rider;

13 “(G) rider satisfaction with paratransit
14 services; and

15 “(H) after the completion of the grant, an
16 assessment by the eligible recipient of its capac-
17 ity to continue a one-stop program independ-
18 ently.

19 “(6) REPORT.—

20 “(A) IN GENERAL.—The Secretary shall
21 make publicly available an annual report on the
22 program carried out under this subsection for
23 each fiscal year, not later than December 31 of
24 the calendar year in which such fiscal year ends.

1 “(B) *CONTENTS.*—*The report required*
 2 *under subparagraph (A) shall include a detailed*
 3 *description of the activities carried out under the*
 4 *program, and an evaluation of the program, in-*
 5 *cluding an evaluation of the data shared by eli-*
 6 *gible recipients under paragraph (5).’’.*

7 ***Subtitle C—Buy America and Other***
 8 ***Procurement Reforms***

9 ***SEC. 2301. BUY AMERICA.***

10 *(a) BUY AMERICA.—*

11 *(1) IN GENERAL.*—*Chapter 53 of title 49, United*
 12 *States Code, is amended by inserting before section*
 13 *5321 the following:*

14 ***“§ 5320. Buy America***

15 *“(a) IN GENERAL.*—*The Secretary may obligate an*
 16 *amount that may be appropriated to carry out this chapter*
 17 *for a project only if the steel, iron, and manufactured goods*
 18 *used in the project are produced in the United States.*

19 *“(b) WAIVER.*—*The Secretary may waive subsection*
 20 *(a) if the Secretary finds that—*

21 *“(1) applying subsection (a) would be incon-*
 22 *sistent with the public interest;*

23 *“(2) the steel, iron, and goods produced in the*
 24 *United States are not produced in a sufficient and*

1 *reasonably available amount or are not of a satisfac-*
2 *tory quality;*

3 *“(3) when procuring rolling stock (including*
4 *train control, communication, traction power equip-*
5 *ment, and rolling stock prototypes) under this chap-*
6 *ter—*

7 *“(A) the cost of components and subcompo-*
8 *nents produced in the United States is more*
9 *than 70 percent of the cost of all components of*
10 *the rolling stock; and*

11 *“(B) final assembly of the rolling stock has*
12 *occurred in the United States; or*

13 *“(4) including domestic material will increase*
14 *the cost of the overall project by more than 25 percent.*

15 *“(c) WRITTEN WAIVER DETERMINATION AND ANNUAL*
16 *REPORT.—*

17 *“(1) WAIVER PROCEDURE.—Not later than 120*
18 *days after the submission of a request for a waiver,*
19 *the Secretary shall make a determination under sub-*
20 *section (b)(1), (b)(2), or (b)(4) as to whether to waive*
21 *subsection (a).*

22 *“(2) PUBLIC NOTIFICATION AND COMMENT.—*

23 *“(A) IN GENERAL.—Not later than 30 days*
24 *before making a determination regarding a*
25 *waiver described in paragraph (1), the Secretary*

1 *shall provide notification and an opportunity for*
2 *public comment on the request for such waiver.*

3 “(B) *NOTIFICATION REQUIREMENTS.—The*
4 *notification required under subparagraph (A)*
5 *shall—*

6 “(i) *describe whether the application is*
7 *being made for a waiver described in sub-*
8 *section (b)(1), (b)(2) or (b)(4); and*

9 “(ii) *be provided to the public by elec-*
10 *tronic means, including on a public website*
11 *of the Department of Transportation.*

12 “(3) *DETERMINATION.—Before a determination*
13 *described in paragraph (1) takes effect, the Secretary*
14 *shall publish a detailed justification for such deter-*
15 *mination that addresses all public comments received*
16 *under paragraph (2)—*

17 “(A) *on the public website of the Depart-*
18 *ment of Transportation; and*

19 “(B) *if the Secretary issues a waiver with*
20 *respect to such determination, in the Federal*
21 *Register.*

22 “(4) *ANNUAL REPORT.—Annually, the Secretary*
23 *shall submit to the Committee on Banking, Housing,*
24 *and Urban Affairs of the Senate and the Committee*
25 *on Transportation and Infrastructure of the House of*

1 *Representatives a report listing any waiver issued*
2 *under paragraph (1) during the preceding year.*

3 *“(d) ROLLING STOCK WAIVER CONDITIONS.—*

4 *“(1) LABOR COSTS FOR FINAL ASSEMBLY.—In*
5 *this section, highly skilled labor costs involved in final*
6 *assembly shall be included as a separate component*
7 *in the cost of components and subcomponents under*
8 *subsection (b)(3)(A).*

9 *“(2) HIGH DOMESTIC CONTENT COMPONENT*
10 *BONUS.—In this section, in calculating the domestic*
11 *content of the rolling stock under subsection (b)(3)(A),*
12 *the percent, rounded to the nearest whole number, of*
13 *the domestic content in components of such rolling*
14 *stock, weighted by cost, shall be used in calculating*
15 *the domestic content of the rolling stock, except—*

16 *“(A) with respect to components that ex-*
17 *ceed—*

18 *“(i) 70 percent domestic content, the*
19 *Secretary shall add 10 additional percent to*
20 *the component’s domestic content when cal-*
21 *culating the domestic content of the rolling*
22 *stock; and*

23 *“(ii) 75 percent domestic content, the*
24 *Secretary shall add 15 additional percent to*
25 *the component’s domestic content when cal-*

1 *culating the domestic content of the rolling*
2 *stock; and*

3 *“(B) in no case may a component exceed*
4 *100 percent domestic content when calculating*
5 *the domestic content of the rolling stock.*

6 *“(3) ROLLING STOCK FRAMES OR CAR SHELLS.—*

7 *“(A) INCLUSION OF COSTS.—Subject to the*
8 *substantiation requirement of subparagraph (B),*
9 *in calculating the cost of the domestic content of*
10 *the rolling stock under subsection (b)(3), in the*
11 *case of a rolling stock procurement receiving as-*
12 *sistance under this chapter in which the average*
13 *cost of a rolling stock vehicle in the procurement*
14 *is more than \$300,000, if rolling stock frames or*
15 *car shells are not produced in the United States,*
16 *the Secretary shall include in the calculation of*
17 *the domestic content of the rolling stock the cost*
18 *of the steel or iron that is produced in the*
19 *United States and used in the rolling stock*
20 *frames or car shells.*

21 *“(B) SUBSTANTIATION.—If a rolling stock*
22 *vehicle manufacturer wishes to include in the*
23 *calculation of the vehicle’s domestic content the*
24 *cost of steel or iron produced in the United*
25 *States and used in the rolling stock frames and*

1 *car shells that are not produced in the United*
2 *States, the manufacturer shall maintain and*
3 *provide upon request a mill certification that*
4 *substantiates the origin of the steel or iron.*

5 “(4) *TREATMENT OF WAIVED COMPONENTS AND*
6 *SUBCOMPONENTS.—In this section, a component or*
7 *subcomponent waived under subsection (b) shall be ex-*
8 *cluded from any part of the calculation required*
9 *under subsection (b)(3)(A).*

10 “(5) *ZERO-EMISSION VEHICLE DOMESTIC BAT-*
11 *TERY CELL INCENTIVE.—The Secretary shall add 2.5*
12 *percent to the total domestic content when calculating*
13 *the domestic content of the rolling stock for any zero-*
14 *emission vehicle that uses only battery cells for pro-*
15 *pulsion that are manufactured domestically.*

16 “(6) *PROHIBITION ON DOUBLE COUNTING.—*

17 “(A) *IN GENERAL.—No labor costs included*
18 *in the cost of a component or subcomponent by*
19 *the manufacturer of rolling stock may be treated*
20 *as rolling stock assembly costs for purposes of*
21 *calculating domestic content.*

22 “(B) *VIOLATION.—A violation of this para-*
23 *graph shall be treated as a false claim under*
24 *subchapter III of chapter 37 of title 31.*

1 “(7) *DEFINITION OF HIGHLY SKILLED LABOR*
2 *COSTS.—In this subsection, the term ‘highly skilled*
3 *labor costs’—*

4 “(A) *means the apportioned value of direct*
5 *wage compensation associated with final assem-*
6 *bly activities of workers directly employed by a*
7 *rolling stock original equipment manufacturer*
8 *and directly associated with the final assembly*
9 *activities of a rolling stock vehicle that advance*
10 *the value or improve the condition of the end*
11 *product;*

12 “(B) *does not include any temporary or in-*
13 *direct activities or those hired via a third-party*
14 *contractor or subcontractor;*

15 “(C) *are limited to metalworking, fabrica-*
16 *tion, welding, electrical, engineering, and other*
17 *technical activities requiring training;*

18 “(D) *are not otherwise associated with ac-*
19 *tivities required under section 661.11 of title 49,*
20 *Code of Federal Regulations; and*

21 “(E) *includes only activities performed in*
22 *the United States and does not include that of*
23 *foreign nationals providing assistance at a*
24 *United States manufacturing facility.*

1 “(e) *CERTIFICATION OF DOMESTIC SUPPLY AND DIS-*
2 *CLOSURE.*—

3 “(1) *CERTIFICATION OF DOMESTIC SUPPLY.*—*If*
4 *the Secretary denies an application for a waiver*
5 *under subsection (b)(2), the Secretary shall provide to*
6 *the applicant a written certification that—*

7 “(A) *the steel, iron, or manufactured goods,*
8 *as applicable, (referred to in this paragraph as*
9 *the ‘item’) is produced in the United States in*
10 *a sufficient and reasonably available amount;*

11 “(B) *the item produced in the United States*
12 *is of a satisfactory quality; and*

13 “(C) *includes a list of known manufacturers*
14 *in the United States from which the item can be*
15 *obtained.*

16 “(2) *DISCLOSURE.*—*The Secretary shall disclose*
17 *the waiver denial and the written certification to the*
18 *public in the manner described in subsection (c).*

19 “(f) *WAIVER PROHIBITED.*—*The Secretary may not*
20 *make a waiver under subsection (b) for goods produced in*
21 *a foreign country if the Secretary, in consultation with the*
22 *United States Trade Representative, decides that the gov-*
23 *ernment of that foreign country—*

1 “(1) has an agreement with the United States
2 Government under which the Secretary has waived
3 the requirement of this section; and

4 “(2) has violated the agreement by discrimi-
5 nating against goods to which this section applies
6 that are produced in the United States and to which
7 the agreement applies.

8 “(g) *PENALTY FOR MISLABELING AND MISREPRESENTATION.*—A person is ineligible under subpart 9.4 of the
9 Federal Acquisition Regulation, or any successor thereto, to
10 receive a contract or subcontract made with amounts au-
11 thorized under title II of division B of the INVEST in
12 America Act if a court or department, agency, or instru-
13 mentality of the Government decides the person inten-
14 tionally—
15 tionally—

16 “(1) affixed a ‘Made in America’ label, or a label
17 with an inscription having the same meaning, to
18 goods sold in or shipped to the United States that are
19 used in a project to which this section applies but not
20 produced in the United States; or

21 “(2) represented that goods described in para-
22 graph (1) were produced in the United States.

23 “(h) *STATE REQUIREMENTS.*—The Secretary may not
24 impose any limitation on assistance provided under this
25 chapter that restricts a State from imposing more stringent

1 *requirements than this subsection on the use of articles, ma-*
 2 *terials, and supplies mined, produced, or manufactured in*
 3 *foreign countries in projects carried out with that assistance*
 4 *or restricts a recipient of that assistance from complying*
 5 *with those State-imposed requirements.*

6 “(i) *OPPORTUNITY TO CORRECT INADVERTENT*
 7 *ERROR.*—*The Secretary may allow a manufacturer or sup-*
 8 *plier of steel, iron, or manufactured goods to correct after*
 9 *bid opening any certification of noncompliance or failure*
 10 *to properly complete the certification (but not including*
 11 *failure to sign the certification) under this subsection if*
 12 *such manufacturer or supplier attests under penalty of per-*
 13 *jury that such manufacturer or supplier submitted an in-*
 14 *correct certification as a result of an inadvertent or clerical*
 15 *error. The burden of establishing inadvertent or clerical*
 16 *error is on the manufacturer or supplier.*

17 “(j) *ADMINISTRATIVE REVIEW.*—*A party adversely af-*
 18 *ected by an agency action under this subsection shall have*
 19 *the right to seek review under section 702 of title 5.*

20 “(k) *STEEL AND IRON.*—*For purposes of this section,*
 21 *steel and iron meeting the requirements of section 661.5(b)*
 22 *of title 49, Code of Federal Regulations, may be considered*
 23 *produced in the United States.*

24 “(l) *DEFINITION OF SMALL PURCHASE.*—*For purposes*
 25 *of determining whether a purchase qualifies for a general*

1 *public interest waiver under subsection (b)(1), including*
2 *under any regulation promulgated under such subsection,*
3 *the term ‘small purchase’ means a purchase of not more*
4 *than \$150,000.*

5 “(m) *PREAWARD AND POSTDELIVERY REVIEW OF*
6 *ROLLING STOCK PURCHASES.—*

7 “(1) *IN GENERAL.—The Secretary shall prescribe*
8 *regulations requiring a preaward and postdelivery*
9 *certification of a rolling stock vehicle that meets the*
10 *requirements of this section and Government motor*
11 *vehicle safety requirements to be eligible for a grant*
12 *under this chapter. For compliance with this sec-*
13 *tion—*

14 “(A) *Federal inspections and review are re-*
15 *quired;*

16 “(B) *a manufacturer certification is not*
17 *sufficient; and*

18 “(C) *a rolling stock vehicle that has been*
19 *certified by the Secretary remains certified until*
20 *the manufacturer makes a material change to the*
21 *vehicle, or adjusts the cost of all components of*
22 *the rolling stock, that reduces, by more than half,*
23 *the percentage of domestic content above 70 per-*
24 *cent.*

25 “(2) *CERTIFICATION OF PERCENTAGE.—*

1 “(A) *IN GENERAL.*—*The Secretary may, at*
2 *the request of a component or subcomponent*
3 *manufacturer, certify the percentage of domestic*
4 *content and place of manufacturing for a compo-*
5 *nent or subcomponent.*

6 “(B) *PERIOD OF CERTIFICATION.*—*Any*
7 *component or subcomponent certified by the Sec-*
8 *retary shall remain certified until the manufac-*
9 *turer makes a material change to the domestic*
10 *content or the place of manufacturing of such*
11 *component or subcomponent.*

12 “(3) *FREEDOM OF INFORMATION ACT.*—*In car-*
13 *rying out this subsection, the Secretary shall apply*
14 *the provisions of section 552 of title 5, including sub-*
15 *section (b)(4) of such section.*

16 “(4) *NONCOMPLIANCE.*—*The Secretary shall pro-*
17 *hibit recipients from procuring rolling stock, compo-*
18 *nents, or subcomponents from a supplier that inten-*
19 *tionally provides false information to comply with*
20 *this subsection.*

21 “(n) *SCOPE.*—*The requirements of this section apply*
22 *to all contracts for a public transportation project carried*
23 *out within the scope of the applicable finding, determina-*
24 *tion, or decision under the National Environmental Policy*
25 *Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the fund-*

1 *ing source of such contracts, if at least one contract for the*
2 *public transportation project is funded with amounts made*
3 *available to carry out this chapter.*

4 “(o) *BUY AMERICA CONFORMITY.*—*The Secretary shall*
5 *ensure that all Federal funds for new commuter rail projects*
6 *shall comply with this section and shall not be subject to*
7 *section 22905(a).*

8 “(p) *AUDITS AND REPORTING OF WASTE, FRAUD, AND*
9 *ABUSE.*—

10 “(1) *IN GENERAL.*—*The Inspector General of the*
11 *Department of Transportation shall conduct an an-*
12 *nual audit on certifications under subsection (m) re-*
13 *garding compliance with Buy America.*

14 “(2) *REPORT FRAUD, WASTE, AND ABUSE.*—*The*
15 *Secretary shall display a ‘Report Fraud, Waste, and*
16 *Abuse’ button and link to Department of Transpor-*
17 *tation’s Office of Inspector General Hotline on the*
18 *Federal Transit Administration’s Buy America land-*
19 *ing page.*

20 “(3) *CONTRACT REQUIREMENT.*—*The Secretary*
21 *shall require all recipients who enter into contracts to*
22 *purchase rolling stock with funds provided under this*
23 *chapter to include in such contract information on*
24 *how to contact the Department of Transportation’s*

1 *Office of Inspector General Hotline to report sus-*
 2 *picious of fraud, waste, and abuse.*

3 “(q) *PASSENGER MOTOR VEHICLES.*—

4 “(1) *IN GENERAL.*—*Any domestically manufac-*
 5 *tured passenger motor vehicle shall be considered to be*
 6 *produced in the United States under this section.*

7 “(2) *DOMESTICALLY MANUFACTURED PASSENGER*
 8 *MOTOR VEHICLE.*—*In this subsection, the term ‘do-*
 9 *mestically manufactured passenger motor vehicle’*
 10 *means any passenger motor vehicle, as such term is*
 11 *defined in section 32304(a) that—*

12 “(A) *has under section 32304(b)(1)(B) its*
 13 *final assembly place in the United States; and*

14 “(B) *the percentage (by value) of passenger*
 15 *motor equipment under section 32304(b)(1)(A)*
 16 *equals or exceeds 60 percent value added.*

17 “(r) *ROLLING STOCK COMPONENTS AND SUBCOMPO-*
 18 *NENTS.*—*No bus shell, railcar frame, or other component*
 19 *or subcomponent that is primarily made of steel or iron*
 20 *shall be treated as produced in the United States for pur-*
 21 *poses of subsection (b)(3) or determined to be of domestic*
 22 *origin under section 661.11 of title 49, Code of Federal Reg-*
 23 *ulations, if the material inputs of such component or sub-*
 24 *component were imported into the United States and the*
 25 *processes performed in the United States on the imported*

1 *articles would not result in a change in the article's classi-*
 2 *fication to chapter 86 or 87 of the Harmonized Tariff*
 3 *Schedule of the United States from another chapter or a*
 4 *new heading of any chapter from the heading under which*
 5 *the article was classified upon entry.*

6 “(s) *TREATMENT OF STEEL AND IRON COMPONENTS*
 7 *AS PRODUCED IN THE UNITED STATES.*—Notwithstanding
 8 *any other provision of any law or any rule, regulation, or*
 9 *policy of the Federal Transit Administration, steel and iron*
 10 *components of a system, as defined in section 661.3 of title*
 11 *49, Code of Federal Regulations, and of manufactured end*
 12 *products referred to in Appendix A of such section, may*
 13 *not be considered to be produced in the United States unless*
 14 *such components meet the requirements of section 661.5(b)*
 15 *of title 49, Code of Federal Regulations.*

16 “(t) *REQUIREMENT FOR TRANSIT AGENCIES.*—Not-
 17 *withstanding the provisions of this section, if a transit*
 18 *agency accepts Federal funds, such agency shall adhere to*
 19 *the requirements of this section in procuring rolling stock.”.*

20 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 21 *chapter 53 of title 49, United States Code, is amended*
 22 *by inserting before the item relating to section 5321*
 23 *the following:*

“5320. *Buy America.*”.

24 (3) *CONFORMING AMENDMENTS.*—

1 (A) *TECHNICAL ASSISTANCE AND WORK-*
 2 *FORCE DEVELOPMENT.*—Section 5314(a)(2)(G) of
 3 *title 49, United States Code, is amended by*
 4 *striking “sections 5323(j) and 5323(m)” and in-*
 5 *serting “section 5320”.*

6 (B) *URBANIZED AREA FORMULA GRANTS.*—
 7 *Section 5307(c)(1)(E) of title 49, United States*
 8 *Code, is amended by inserting “, 5320,” after*
 9 *“5323”.*

10 (C) *INNOVATIVE PROCUREMENT.*—Section
 11 *3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.*
 12 *5325 note) is amended by striking “5323(j)” and*
 13 *inserting “5320”.*

14 (b) *BUS ROLLING STOCK.*—Not later than 18 months
 15 *after the date of enactment of this Act, the Secretary of*
 16 *Transportation shall issue such regulations as are necessary*
 17 *to revise Appendix B and Appendix D of section 661.11*
 18 *of title 49, Code of Federal Regulations, with respect to bus*
 19 *rolling stock to maximize job creation and align such sec-*
 20 *tion with modern manufacturing techniques.*

21 (c) *RAIL ROLLING STOCK.*—Not later than 30 months
 22 *after the date of enactment of this Act, the Secretary shall*
 23 *issue such regulations as are necessary to revise subsections*
 24 *(t), (u), and (v) of section 661.11 of title 49, Code of Federal*
 25 *Regulations, with respect to rail rolling stock to maximize*

1 *job creation and align such section with modern manufac-*
2 *turing techniques.*

3 *(d) RULE OF APPLICABILITY.—*

4 *(1) IN GENERAL.—Except as otherwise provided*
5 *in this subsection, the amendments made by this sec-*
6 *tion shall apply to any contract entered into on or*
7 *after the date of enactment of this Act.*

8 *(2) DELAYED APPLICABILITY OF CERTAIN PROVI-*
9 *SIONS.—Contracts described in paragraph (1) shall be*
10 *subject to the following delayed applicability require-*
11 *ments:*

12 *(A) Section 5320(m)(2) shall apply to con-*
13 *tracts entered into on or after the date that is 30*
14 *days after the date of enactment of this Act.*

15 *(B) Notwithstanding subparagraph (A), sec-*
16 *tion 5320(m) shall apply to contracts for the*
17 *procurement of bus rolling stock beginning on the*
18 *earlier of—*

19 *(i) 180 days after the date on which*
20 *final regulations are issued pursuant to*
21 *subsection (b); or*

22 *(ii) the date that is 1 year after the*
23 *date of enactment of this Act.*

24 *(C) Notwithstanding subparagraph (A), sec-*
25 *tion 5320(m) shall apply to contracts for the*

1 *procurement of rail rolling stock beginning on*
2 *the earlier of—*

3 *(i) 180 days after the date on which*
4 *final regulations are issued pursuant to*
5 *subsection (c); or*

6 *(ii) the date that is 2 years after the*
7 *date of enactment of this Act.*

8 *(D) Section 5320(p)(1) shall apply on the*
9 *date that is 1 year after the latest of the applica-*
10 *tion dates described in subparagraphs (A)*
11 *through (C).*

12 *(3) SPECIAL RULE FOR CERTAIN CONTRACTS.—*
13 *For any contract described in paragraph (1) for*
14 *which the delivery for the first production vehicle oc-*
15 *curs before October 1, 2024, paragraphs (1) and (4)*
16 *of section 5320(d) shall not apply.*

17 *(4) SPECIAL RULE FOR BATTERY CELL INCEN-*
18 *TIVES.—For any contract described in paragraph (1)*
19 *for which the delivery for the first production vehicle*
20 *occurs before October 1, 2023, section 5320(d)(5) shall*
21 *not apply.*

22 *(5) APPLICATION OF EXISTING LAW.—During*
23 *any periods described in this subsection, the Secretary*
24 *shall apply the requirements of sections 5323(j) and*
25 *5323(m) of title 49, United States Code, as in effect*

1 on the day before the date of enactment of this Act,
2 as applicable.

3 (e) *SPECIAL RULE FOR DOMESTIC CONTENT.*—

4 (1) *IN GENERAL.*—For the calculation of the per-
5 cent of domestic content calculated under section
6 5320(d)(2) for a contract for rolling stock entered into
7 on or after October 1, 2021—

8 (A) if the delivery of the first production ve-
9 hicle occurs in fiscal year 2023 or fiscal year
10 2024, for components that exceed 70 percent do-
11 mestic content, the Secretary shall add 20 addi-
12 tional percent to the component's domestic con-
13 tent; and

14 (B) if the delivery of the first production ve-
15 hicle occurs in fiscal year 2025 or fiscal year
16 2026—

17 (i) for components that exceed 70 per-
18 cent but do not exceed 75 percent domestic
19 content, the Secretary shall add 15 addi-
20 tional percent to the component's domestic
21 content; or

22 (ii) for components that exceed 75 per-
23 cent domestic content, the Secretary shall
24 add 20 additional percent to the compo-
25 nent's domestic content.

1 (2) *CONTRACTS AFTER OCTOBER 1, 2021.*—For
 2 the calculation of the percent of domestic content cal-
 3 culated under section 5320(d)(2) for a contract for
 4 rolling stock entered into on or after October 1, 2021
 5 for a vehicle described in section 5339(c)(1)(D), and
 6 notwithstanding subsection (e)(1), if the delivery of
 7 the first production vehicle occurs in fiscal year 2023
 8 or 2024, for components that exceed 70 percent domes-
 9 tic content, the Secretary shall add 30 additional per-
 10 cent to the component’s domestic content.

11 (3) *BATTERY CELLS.*—Paragraph (1) and para-
 12 graph (2) of this subsection shall not apply to any
 13 contract for rolling stock if the manufacturer of the
 14 rolling stock or the manufacturer of the battery cells
 15 used for propulsion of the rolling stock is an entity
 16 described in 49 USC 5323(u)(1) and (u)(2).

17 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

18 Section 5323 of title 49, United States Code, is amend-
 19 ed by adding at the end the following:

20 “(x) *BUS PROCUREMENT STREAMLINING.*—

21 “(1) *IN GENERAL.*—The Secretary may only ob-
 22 ligate amounts for acquisition of buses under this
 23 chapter to a recipient that issues a request for pro-
 24 posals for an open market procurement that meets the
 25 following criteria:

1 “(A) *Such request for proposals is limited*
 2 *to performance specifications, except for compo-*
 3 *nents or subcomponents identified in the nego-*
 4 *tiated rulemaking carried out pursuant to this*
 5 *subsection.*

6 “(B) *Such request for proposals does not*
 7 *seek any alternative design or manufacture spec-*
 8 *ification of a bus offered by a manufacturer, ex-*
 9 *cept to require a component or subcomponent*
 10 *identified in the negotiated rulemaking carried*
 11 *out pursuant to this subsection.*

12 “(2) *SPECIFIC BUS COMPONENT NEGOTIATED*
 13 *RULEMAKING.—*

14 “(A) *INITIATION.—Not later than 120 days*
 15 *after the date of enactment of the INVEST in*
 16 *America Act, the Secretary shall initiate proce-*
 17 *dures under subchapter III of chapter 5 of title*
 18 *5 to negotiate and issue such regulations as are*
 19 *necessary to establish as limited a list as is prac-*
 20 *ticable of bus components and subcomponents de-*
 21 *scribed in subparagraph (B).*

22 “(B) *LIST OF COMPONENTS.—The regula-*
 23 *tions required under subparagraph (A) shall es-*
 24 *tablish a list of bus components and subcompo-*
 25 *nents that may be specified in a request for pro-*

1 *posals described in paragraph (1) by a recipient.*
2 *The Secretary shall ensure the list is limited in*
3 *scope and limited to only components and sub-*
4 *components that cannot be selected with perform-*
5 *ance specifications to ensure interoperability.*

6 *“(C) PUBLICATION OF PROPOSED REGULA-*
7 *TIONS.—Proposed regulations to implement this*
8 *section shall be published in the Federal Register*
9 *by the Secretary not later than 18 months after*
10 *such date of enactment.*

11 *“(D) COMMITTEE.—A negotiated rule-*
12 *making committee established pursuant to sec-*
13 *tion 565 of title 5 to carry out this paragraph*
14 *shall have a maximum of 11 members limited to*
15 *representatives of the Department of Transpor-*
16 *tation, urban and rural recipients (including*
17 *State government recipients), and transit vehicle*
18 *manufacturers.*

19 *“(E) EXTENSION OF DEADLINES.—A dead-*
20 *line set forth in subparagraph (C) may be ex-*
21 *tended up to 180 days if the negotiated rule-*
22 *making committee referred to in subparagraph*
23 *(D) concludes that the committee cannot meet the*
24 *deadline and the Secretary so notifies the Com-*
25 *mittee on Transportation and Infrastructure of*

1 *the House of Representatives and the Committee*
 2 *on Banking, Housing, and Urban Affairs of the*
 3 *Senate.*

4 “(3) SAVINGS CLAUSE.—Nothing in this section
 5 shall be construed to provide additional authority for
 6 the Secretary to restrict what a bus manufacturer of-
 7 fers to sell to a public transportation agency.”.

8 **SEC. 2303. BUS TESTING FACILITY.**

9 Section 5318 of title 49, United States Code, is amend-
 10 ed by adding at the end the following:

11 “(f) TESTING SCHEDULE.—The Secretary shall—

12 “(1) determine eligibility of a bus manufactur-
 13 er’s request for testing within 10 business days; and

14 “(2) make publicly available the current backlog
 15 (in months) to begin testing a new bus at the bus test-
 16 ing facility.”.

17 **SEC. 2304. REPAYMENT REQUIREMENT.**

18 (a) IN GENERAL.—A transit agency shall repay into
 19 the general fund of the Treasury any funds received from
 20 the Federal Transit Administration under section 3401 of
 21 the American Rescue Plan Act of 2021 (Public Law 117–
 22 2) if the funds were used to award a contract or subcontract
 23 to an entity for the procurement of rolling stock for use in
 24 public transportation if the manufacturer of the rolling
 25 stock—

1 (1) *is incorporated in or has manufacturing fa-*
2 *cilities in the United States; and*

3 (2) *is owned or controlled by, is a subsidiary of,*
4 *or is otherwise related legally or financially to a cor-*
5 *poration based in a country that—*

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

10 (B) *was identified by the United States*
11 *Trade Representative in the most recent report*
12 *required by section 182 of the Trade Act of 1974*
13 *(19 U.S.C. 2242) as a priority foreign country*
14 *under subsection (a)(2) of that section; and*

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

18 (b) *CERTIFICATION.—Not later than 60 days after the*
19 *date of enactment of this section, a transit agency that re-*
20 *ceived funds pursuant to the laws specified in subsection*
21 *(a) shall certify that the agency has not and shall not use*
22 *such funds to purchase rolling stock described in subsection*
23 *(a).*

1 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
2 **A MAJOR DISASTER.**

3 (a) *IN GENERAL.*—Section 5323 of title 49, United
4 States Code, is amended by adding at the end the following:

5 “(y) *URBANIZED AREAS FOLLOWING A MAJOR DIS-*
6 *ASTER.*—

7 “(1) *DEFINED TERM.*—In this subsection, the
8 term ‘decennial census date’ has the meaning given
9 the term in section 141(a) of title 13.

10 “(2) *URBANIZED AREA MAJOR DISASTER POPU-*
11 *LATION CRITERIA.*—Notwithstanding section 5302, for
12 purposes of this chapter, the Secretary shall treat an
13 area as an urbanized area for the period described in
14 paragraph (3) if—

15 “(A) a major disaster was declared by the
16 President under section 401 of the Robert T.
17 Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5170) for the area during
19 the 3-year period preceding the decennial census
20 date for the 2010 decennial census or for any
21 subsequent decennial census;

22 “(B) the area was defined and designated
23 as an ‘urbanized area’ by the Secretary of Com-
24 merce in the decennial census immediately pre-
25 ceding the major disaster described in subpara-
26 graph (A); and

1 “(C) the population of the area fell below
2 50,000 as a result of the major disaster described
3 in subparagraph (A).

4 “(3) COVERED PERIOD.—The Secretary shall
5 treat an area as an urbanized area under paragraph
6 (2) during the period—

7 “(A) beginning on—

8 “(i) in the case of a major disaster de-
9 scribed in paragraph (2)(A) that occurred
10 during the 3-year period preceding the de-
11 cennial census date for the 2010 decennial
12 census, October 1 of the first fiscal year that
13 begins after the date of enactment of this
14 subsection; or

15 “(ii) in the case of any other major
16 disaster described in paragraph (2)(A), Oc-
17 tober 1 of the first fiscal year—

18 “(I) that begins after the decen-
19 nial census date for the first decennial
20 census conducted after the major dis-
21 aster; and

22 “(II) for which the Secretary has
23 sufficient data from that census to de-
24 termine that the area qualifies for

1 *treatment as an urbanized area under*
 2 *paragraph (2); and*

3 *“(B) ending on the day before the first fiscal*
 4 *year—*

5 *“(i) that begins after the decennial cen-*
 6 *sus date for the second decennial census con-*
 7 *ducted after the major disaster described in*
 8 *paragraph (2)(A); and*

9 *“(ii) for which the Secretary has suffi-*
 10 *cient data from that census to determine*
 11 *which areas are urbanized areas for pur-*
 12 *poses of this chapter.*

13 *“(4) POPULATION CALCULATION.—An area treat-*
 14 *ed as an urbanized area under this subsection shall*
 15 *be assigned the population and square miles of the ur-*
 16 *banized area designated by the Secretary of Commerce*
 17 *in the most recent decennial census conducted before*
 18 *the major disaster described in paragraph (2)(A).*

19 *“(5) SAVINGS PROVISION.—Nothing in this sub-*
 20 *section may be construed to affect apportionments*
 21 *made under this chapter before the date of enactment*
 22 *of this subsection.”.*

23 *(b) AMENDMENT TAKES EFFECT ON ENACTMENT.—*
 24 *Notwithstanding section 1001, the amendment made by sub-*

1 *section (a) shall take effect on the date of enactment of this*
 2 *Act.*

3 **SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK**
 4 **PROCUREMENTS.**

5 *(a) CERTIFICATION.—Section 5323(u)(4) of title 49,*
 6 *United States Code, is amended—*

7 *(1) in subparagraph (A) in the heading by strik-*
 8 *ing “RAIL”; and*

9 *(2) by adding at the end the following:*

10 *“(C) NONRAIL ROLLING STOCK.—Notwith-*
 11 *standing subparagraph (B) of paragraph (5), as*
 12 *a condition of financial assistance made avail-*
 13 *able in a fiscal year under section 5339, a re-*
 14 *cipient shall certify in that fiscal year that the*
 15 *recipient will not award any contract or sub-*
 16 *contract for the procurement of rolling stock for*
 17 *use in public transportation with a rolling stock*
 18 *manufacturer described in paragraph (1).”.*

19 *(b) SPECIAL RULE.—Section 5323(u)(5)(A) of title 49,*
 20 *United States Code, is amended by striking “made by a*
 21 *public transportation agency with a rail rolling stock man-*
 22 *ufacturer described in paragraph (1)” and all that follows*
 23 *through the period at the end and inserting “as of December*
 24 *20, 2019, including options and other requirements tied to*
 25 *these contracts or subcontracts, made by a public transpor-*

1 *tation agency with a restricted rail rolling stock manufac-*
 2 *turer.”.*

3 **SEC. 2307. SPARE RATIO WAIVER.**

4 *Section 5323 of title 49, United States Code, is further*
 5 *amended by adding at the end the following:*

6 *“(z) SPARE RATIO WAIVER.—The Federal Transit Ad-*
 7 *ministration shall waive spare ratio policies for rolling*
 8 *stock found in FTA Grant Management Requirements Cir-*
 9 *cular 5010.1, FTA Circular 9030.1 providing Urbanized*
 10 *Area Formula Program guidance, and other guidance docu-*
 11 *ments for 2 years from the date of enactment of the INVEST*
 12 *in America Act.”.*

13 ***Subtitle D—Bus Grant Reforms***

14 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

15 *Section 5339(a) of title 49, United States Code, is*
 16 *amended—*

17 *(1) in paragraph (1)—*

18 *(A) by inserting “and subsection (d)” after*

19 *“In this subsection”;*

20 *(B) in subparagraph (A) by striking “term*

21 *low or no emission vehicle’ has” and inserting*

22 *“term ‘zero emission vehicle’ has”;*

23 *(C) in subparagraph (B) by inserting “and*

24 *the District of Columbia” after “United States”;*

25 *and*

1 (D) in subparagraph (C) by striking “the
2 District of Columbia,”;

3 (2) in paragraph (2)(A) by striking “low or no
4 emission vehicles” and inserting “zero emission vehi-
5 cles”;

6 (3) in paragraph (4)—

7 (A) in subparagraph (A) by inserting “and
8 subsection (d)” after “this subsection”; and

9 (B) in subparagraph (B) by inserting “and
10 subsection (d)” after “this subsection”;

11 (4) in paragraph (5)(A)—

12 (A) by striking “\$90,500,000” and inserting
13 “\$156,750,000”;

14 (B) by striking “2016 through 2020” and
15 inserting “2023 through 2026”;

16 (C) by striking “\$1,750,000” and inserting
17 “\$3,000,000”; and

18 (D) by striking “\$500,000” and inserting
19 “\$750,000”;

20 (5) in paragraph (7) by adding at the end the
21 following:

22 “(C) SPECIAL RULE FOR BUSES AND RE-
23 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
24 CLES.—Notwithstanding subparagraph (A), a
25 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”;

1 (B) by inserting “and certain buses” after
2 “capital projects”;

3 (C) in subparagraph (A) by striking “buses
4 or related equipment” and inserting “bus-related
5 facilities”; and

6 (D) by striking subparagraph (B) and in-
7 serting the following:

8 “(B) purchasing or leasing buses that will
9 not replace buses in the applicant’s fleet at the
10 time of application and will be used to—

11 “(i) increase the frequency of bus serv-
12 ice; or

13 “(ii) increase the service area of the
14 applicant.”;

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

17 “(2) GRANT CONSIDERATIONS.—In making
18 grants—

19 “(A) under subparagraph (1)(A), the Sec-
20 retary shall only consider—

21 “(i) the age and condition of bus-re-
22 lated facilities of the applicant compared to
23 all applicants and proposed improvements
24 to the resilience (as such term is defined in
25 section 5302) of such facilities;

1 “(ii) for a facility that, in whole or in
 2 part, encroaches within the limits of a
 3 flood-prone area, the extent to which the fa-
 4 cility is designed and constructed in a way
 5 that takes into account, and mitigates where
 6 appropriate, flood risk; and

7 “(iii) for a bus station, the degree of
 8 multi-modal connections at such station;
 9 and

10 “(B) under paragraph (1)(B), the Secretary
 11 shall consider the improvements to headway and
 12 projected new ridership.”; and

13 (4) in paragraph (6) by striking subparagraph
 14 (B) and inserting the following:

15 “(B) GOVERNMENT SHARE OF COSTS.—

16 “(i) IN GENERAL.—The Government
 17 share of the cost of an eligible project car-
 18 ried out under this subsection shall not ex-
 19 ceed 80 percent.

20 “(ii) SPECIAL RULE FOR BUSES AND
 21 RELATED EQUIPMENT FOR ZERO EMISSION
 22 VEHICLES.—Notwithstanding clause (i), the
 23 Government share of the cost of an eligible
 24 project for the financing of buses and re-
 25 lated equipment for hybrid electric buses

1 that make meaningful reductions in energy
 2 consumption and harmful emissions, in-
 3 cluding direct carbon emissions, and zero
 4 emission vehicles shall not exceed 90 per-
 5 cent.”.

6 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

7 (a) *IN GENERAL*.—Section 5339(c) of title 49, United
 8 States Code, is amended—

9 (1) in the heading by striking “LOW OR NO
 10 EMISSION GRANTS” and inserting “ZERO EMISSION
 11 GRANTS”;

12 (2) in paragraph (1)—

13 (A) in subparagraph (B)—

14 (i) in the matter preceding clause (i)
 15 by striking “in an eligible area”;

16 (ii) in clause (i) by striking “low or no
 17 emission” and inserting “zero emission”;

18 (iii) in clause (ii) by striking “low or
 19 no emission” and inserting “zero emission”;

20 (iv) in clause (iii) by striking “low or
 21 no emission” and inserting “zero emission”;

22 (v) in clause (iv) by striking “facilities
 23 and related equipment for low or no emis-
 24 sion” and inserting “related equipment for
 25 zero emission”;

1 (vi) in clause (v) by striking “facilities
2 and related equipment for low or no emis-
3 sion vehicles;” and inserting “related equip-
4 ment for zero emission vehicles; or”;

5 (vii) in clause (vii) by striking “low or
6 no emission” and inserting “zero emission”;

7 (viii) by striking clause (vi); and

8 (ix) by redesignating clause (vii) as
9 clause (vi);

10 (B) by striking subparagraph (D) and in-
11 serting the following:

12 “(D) the term ‘zero emission bus’ means a
13 bus that is a zero emission vehicle;”;

14 (C) by striking subparagraph (E) and in-
15 serting the following:

16 “(E) the term ‘zero emission vehicle’ means
17 a vehicle used to provide public transportation
18 that produces no carbon dioxide or particulate
19 matter;”;

20 (D) in subparagraph (F) by striking “and”
21 at the end;

22 (E) by striking subparagraph (G) and in-
23 serting the following:

24 “(G) the term ‘priority area’ means an area
25 that is—

1 “(i) designated as a nonattainment
2 area for ozone or particulate matter under
3 section 107(d) of the Clean Air Act (42
4 U.S.C. 7407(d));

5 “(ii) a maintenance area, as such term
6 is defined in section 5303, for ozone or par-
7 ticulate matter; or

8 “(iii) in a State that has enacted a
9 statewide zero emission bus transition re-
10 quirement, as determined by the Secretary;
11 and”;

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

13 “(H) the term ‘low-income community’
14 means any population census tract if—

15 “(i) the poverty rate for such tract is
16 at least 20 percent; or

17 “(ii) in the case of a tract—

18 “(I) not located within a metro-
19 politan area, the median family in-
20 come for such tract does not exceed 80
21 percent of statewide median family in-
22 come; or

23 “(II) located within a metropoli-
24 tan area, the median family income
25 for such tract does not exceed 80 per-

1 *cent of the greater statewide median*
2 *family income or the metropolitan area*
3 *median family income.”;*

4 *(3) in paragraph (3)—*

5 *(A) by striking subparagraph (B); and*

6 *(B) by redesignating subparagraph (C) as*
7 *subparagraph (B);*

8 *(4) by striking paragraph (5) and inserting the*
9 *following:*

10 *“(5) GRANT ELIGIBILITY.—In awarding grants*
11 *under this subsection, the Secretary shall make grants*
12 *to eligible projects relating to the acquisition or leas-*
13 *ing of equipment for zero-emission buses or zero-emis-*
14 *sion buses—*

15 *“(A) that procure—*

16 *“(i) at least 10 zero emission buses;*

17 *“(ii) if the recipient operates less than*
18 *50 buses in peak service, at least 5 zero*
19 *emission buses; or*

20 *“(iii) hydrogen buses;*

21 *“(B) for which the recipient’s board of di-*
22 *rectors has approved a long-term integrated fleet*
23 *management plan that—*

24 *“(i) establishes—*

1 “(I) a goal by a set date to con-
2 vert the entire bus fleet to zero emission
3 buses; or

4 “(II) a goal that within 10 years
5 from the date of approval of such plan
6 the recipient will convert a set percent-
7 age of the total bus fleet of such recipi-
8 ent to zero emission buses; and

9 “(ii) examines the impact of the tran-
10 sition on the applicant’s current workforce,
11 by identifying skills gaps, training needs,
12 and retraining needs of the existing workers
13 of such applicant to operate and maintain
14 zero-emission vehicles and related infra-
15 structure, and avoids the displacement of
16 the existing workforce; and

17 “(C) for which the recipient has performed
18 a fleet transition study that includes optimal
19 route planning and an analysis of how utility
20 rates may impact the recipient’s operations and
21 maintenance budget.”;

22 (5) in paragraph (7)(A) by striking “80” and
23 inserting “90”; and

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

1 “(8) *LOW AND MODERATE COMMUNITY*
 2 *GRANTS.*—*Not less than 10 percent of the amounts*
 3 *made available under this subsection in a fiscal year*
 4 *shall be distributed to projects serving predominantly*
 5 *low-income communities.*

6 “(9) *PRIORITY SET-ASIDE.*—*Of the amounts*
 7 *made available under this subsection in a fiscal year,*
 8 *not less than—*

9 “(A) *20 percent shall be distributed to ap-*
 10 *plicants in priority areas; and*

11 “(B) *10 percent shall be distributed to ap-*
 12 *plicants not located in priority areas whose*
 13 *board of directors have approved a long-term in-*
 14 *tegrated fleet management plan that establishes a*
 15 *goal to convert 100 percent of their bus fleet to*
 16 *zero-emission buses within 15 years.”.*

17 (b) *METROPOLITAN TRANSPORTATION PLANNING.*—
 18 *Section 5303(b) of title 49, United States Code, is amended*
 19 *by adding at the end the following:*

20 “(9) *MAINTENANCE AREA.*—*The term ‘mainte-*
 21 *nance area’ has the meaning given the term in sec-*
 22 *tions 171(2) and 175A of the Clean Air Act (42*
 23 *U.S.C. 7501(2); 7505a).”.*

1 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
2 **MULA SUBGRANT.**

3 *Section 5339 of title 49, United States Code, is amend-*
4 *ed by adding at the end the following:*

5 “(d) *RESTORATION TO STATE OF GOOD REPAIR FOR-*
6 *MULA SUBGRANT.*—

7 “(1) *GENERAL AUTHORITY.*—*The Secretary may*
8 *make grants under this subsection to assist eligible re-*
9 *cipients and subrecipients described in paragraph (2)*
10 *in financing capital projects to replace, rehabilitate,*
11 *and purchase buses and related equipment.*

12 “(2) *ELIGIBLE RECIPIENTS AND SUBRECIPI-*
13 *ENTS.*—*Not later than September 1 annually, the Sec-*
14 *retary shall make public a list of eligible recipients*
15 *and subrecipients based on the most recent data*
16 *available in the National Transit Database to cal-*
17 *culate the 20 percent of eligible recipients and sub-*
18 *recipients with the highest percentage of asset vehicle*
19 *miles for buses beyond the useful life benchmark estab-*
20 *lished by the Federal Transit Administration.*

21 “(3) *URBAN APPORTIONMENTS.*—*Funds allocated*
22 *under section 5338(a)(2)(L)(ii) shall be—*

23 “(A) *distributed to—*

24 “(i) *designated recipients in an urban-*
25 *ized area with a population of at least*

1 200,000 made eligible by paragraph (1);
2 and

3 “(ii) States based on subrecipients
4 made eligible by paragraph (1) in an ur-
5 banized area under 200,000; and

6 “(B) allocated pursuant to the formula set
7 forth in section 5336 other than subsection (b),
8 using the data from the 20 percent of eligible re-
9 cipients and subrecipients.

10 “(4) RURAL ALLOCATION.—The Secretary
11 shall—

12 “(A) calculate the percentage of funds under
13 section 5338(a)(2)(L)(ii) to allocate to rural sub-
14 recipients by dividing—

15 “(i) the asset vehicle miles for buses be-
16 yond the useful life benchmark (established
17 by the Federal Transit Administration) of
18 the rural subrecipients described in para-
19 graph (2); by

20 “(ii) the total asset vehicle miles for
21 buses beyond such benchmark of all eligible
22 recipients and subrecipients described in
23 paragraph (2); and

24 “(B) prior to the allocation described in
25 paragraph (3)(B), apportion to each State the

1 *amount of the total rural allocation calculated*
2 *under subparagraph (A) attributable to such*
3 *State based the proportion that—*

4 “(i) *the asset vehicle miles for buses be-*
5 *yond the useful life benchmark (established*
6 *by the Federal Transit Administration) for*
7 *rural subrecipients described in paragraph*
8 *(2) in such State; bears to*

9 “(ii) *the total asset vehicle miles de-*
10 *scribed in subparagraph (A)(i).*

11 “(5) *APPLICATION OF OTHER PROVISIONS.—*
12 *Paragraphs (3), (7), and (8) of subsection (a) shall*
13 *apply to eligible recipients and subrecipients de-*
14 *scribed in paragraph (2) of a grant under this sub-*
15 *section.*

16 “(6) *PROHIBITION.—No eligible recipient or sub-*
17 *recipient outside the top 5 percent of asset vehicle*
18 *miles for buses beyond the useful life benchmark estab-*
19 *lished by the Federal Transit Administration may re-*
20 *ceive a grant in both fiscal year 2023 and fiscal year*
21 *2024.*

22 “(7) *REQUIREMENT.—The Secretary shall re-*
23 *quire—*

24 “(A) *States to expend, to the benefit of the*
25 *subrecipients eligible under paragraph (2), the*

1 *apportioned funds attributed to such subrecipi-*
 2 *ents; and*

3 *“(B) designated recipients to provide the al-*
 4 *located funds to the recipients eligible under*
 5 *paragraph (2) the apportioned funds attributed*
 6 *to such recipients.”.*

7 **SEC. 2405. WORKFORCE DEVELOPMENT TRAINING GRANTS.**

8 *Section 5339 of title 49, United States Code, is amend-*
 9 *ed by adding at the end the following:*

10 “(e) WORKFORCE DEVELOPMENT TRAINING
 11 GRANTS.—

12 “(1) *IN GENERAL.*—Not less than 12.5 percent of
 13 *funds authorized to be made available for subsection*
 14 *(c) shall be available to fund workforce development*
 15 *training eligible under section 5314(b)(2) (including*
 16 *registered apprenticeships and other labor-manage-*
 17 *ment training programs), related to operations or*
 18 *maintenance of zero emission vehicles.*

19 “(2) *ELIGIBLE RECIPIENTS.*—Recipients eligible
 20 *under subsection (c) shall be eligible to receive a grant*
 21 *under this subsection.*

22 “(3) *FEDERAL SHARE.*—The Federal share of the
 23 *cost of an eligible project carried out under this sub-*
 24 *section shall be 100 percent.*

1 “(4) *PRIORITIZATION.*—*In making grants under*
 2 *this subsection, the Secretary shall prioritize applica-*
 3 *tions that jointly fund training as part of a vehicle*
 4 *procurement application under subsection (c).’’.*

5 ***Subtitle E—Supporting All Riders***

6 ***SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.***

7 *Section 5336(j) of title 49, United States Code, is*
 8 *amended—*

9 *(1) in paragraph (1) by striking “75 percent”*
 10 *and inserting “50 percent”;*

11 *(2) in paragraph (2) by striking “25 percent”*
 12 *and inserting “12.5 percent”; and*

13 *(3) by adding at the end the following:*

14 *“(3) 30 percent of the funds shall be apportioned*
 15 *among designated recipients for urbanized areas with*
 16 *a population of 200,000 or more in the ratio that—*

17 *“(A) the number of individuals in each such*
 18 *urbanized area residing in an urban census tract*
 19 *with a poverty rate of at least 20 percent during*
 20 *the 5 years most recently ending; bears to*

21 *“(B) the number of individuals in all such*
 22 *urbanized areas residing in an urban census*
 23 *tract with a poverty rate of at least 20 percent*
 24 *during the 5 years most recently ending.*

1 “(4) 7.5 percent of the funds shall be apportioned
2 among designated recipients for urbanized areas with
3 a population less than 200,000 in the ratio that—

4 “(A) the number of individuals in each such
5 urbanized area residing in an urban census tract
6 with a poverty rate of at least 20 percent during
7 the 5 years most recently ending; bears to

8 “(B) the number of individuals in all such
9 areas residing in an urban census tract with a
10 poverty rate of at least 20 percent during the 5
11 years most recently ending.”.

12 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

13 Section 5311 of title 49, United States Code, as amend-
14 ed in section 2204, is further amended—

15 (1) in subsection (a) by adding at the end the
16 following:

17 “(3) *PERSISTENT POVERTY COUNTY*.—The term
18 ‘persistent poverty county’ means any county with a
19 poverty rate of at least 20 percent—

20 “(A) as determined in each of the 1990 and
21 2000 decennial censuses;

22 “(B) in the *Small Area Income and Poverty*
23 *Estimates of the Bureau of the Census for the*
24 *most recent year for which the estimates are*
25 *available; and*

1 “(C) has at least 25 percent of its popu-
2 lation in rural areas.”;

3 (2) in subsection (b)(2)(C)(i) by inserting “and
4 persistent poverty counties” before the semicolon; and
5 (3) in subsection (c) by striking paragraph (2)
6 and inserting the following:

7 “(2) *PERSISTENT POVERTY PUBLIC TRANSPOR-*
8 *TATION ASSISTANCE PROGRAM.*—

9 “(A) *IN GENERAL.*—The Secretary shall
10 carry out a public transportation assistance pro-
11 gram for areas of persistent poverty.

12 “(B) *APPORTIONMENT.*—Of amounts made
13 available or appropriated for each fiscal year
14 under section 5338(a)(2)(E)(ii) to carry out this
15 paragraph, the Secretary shall apportion funds
16 to recipients for service in, or directly benefit-
17 ting, persistent poverty counties for any eligible
18 purpose under this section in the ratio that—

19 “(i) the number of individuals in each
20 such rural area residing in a persistent
21 poverty county; bears to

22 “(ii) the number of individuals in all
23 such rural areas residing in a persistent
24 poverty county.”.

1 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
2 **duced FARE TRANSIT.**

3 *Section 5312 of title 49, United States Code, is amend-*
4 *ed by adding at the end the following:*

5 “(j) *DEMONSTRATION GRANTS TO SUPPORT REDUCED*
6 *FARE TRANSIT.*—

7 “(1) *IN GENERAL.*—Not later than 300 days
8 *after the date of enactment of the INVEST in Amer-*
9 *ica Act, the Secretary shall award grants (which shall*
10 *be known as ‘Access to Jobs Grants’) to eligible enti-*
11 *ties, on a competitive basis, to implement reduced*
12 *fare transit service.*

13 “(2) *NOTICE.*—Not later than 180 days after the
14 *date of enactment of the INVEST in America Act, the*
15 *Secretary shall provide notice to eligible entities of the*
16 *availability of grants under paragraph (1).*

17 “(3) *APPLICATION.*—To be eligible to receive a
18 *grant under this subsection, an eligible recipient shall*
19 *submit to the Secretary an application containing*
20 *such information as the Secretary may require, in-*
21 *cluding, at a minimum, the following:*

22 “(A) *A description of how the eligible entity*
23 *plans to implement reduced fare transit access*
24 *with respect to low-income individuals, includ-*
25 *ing any eligibility requirements for such transit*
26 *access.*

1 “(B) A description of how the eligible entity
2 will consult with local community stakeholders,
3 labor unions, local education agencies and insti-
4 tutions of higher education, public housing agen-
5 cies, and workforce development boards in the
6 implementation of reduced fares.

7 “(C) A description of the eligible entity’s
8 current fare evasion enforcement policies, includ-
9 ing how the eligible entity plans to use the re-
10 duced fare program to reduce fare evasion.

11 “(D) An estimate of additional costs to such
12 eligible entity as a result of reduced transit fares.

13 “(E) A plan for a public awareness cam-
14 paign of the transit agency’s ability to provide
15 reduced fares, including in foreign languages,
16 based on—

17 “(i) data from the Bureau of the Cen-
18 sus, consistent with the local area demo-
19 graphics where the transit agency operates,
20 including the languages that are most prev-
21 alent and commonly requested for trans-
22 lation services; or

23 “(ii) qualitative and quantitative ob-
24 servation from community service providers
25 including those that provide health and

1 *mental health services, social services, trans-*
2 *portation, and other relevant social services.*

3 “(F) *Projected impacts on ridership.*

4 “(G) *Projected benefits in closing transit eq-*
5 *uity gaps.*

6 “(H) *Projected impact on the ability of stu-*
7 *dents to access education or workforce training*
8 *programs.*

9 “(4) *GRANT DURATION.—Grants awarded under*
10 *this subsection shall be for a 2-year period.*

11 “(5) *SELECTION OF ELIGIBLE RECIPIENTS.—In*
12 *carrying out the program under this subsection, the*
13 *Secretary shall award not more than 20 percent of*
14 *grants to eligible entities located in rural areas.*

15 “(6) *USES OF FUNDS.—An eligible entity receiv-*
16 *ing a grant under this subsection shall use such grant*
17 *to implement a reduced fare transit program and off-*
18 *set lost fare revenue.*

19 “(7) *RULE OF CONSTRUCTION.—Nothing in this*
20 *section shall be construed to limit the eligibility of an*
21 *applicant if a State, local, or Tribal governmental en-*
22 *tity provides reduced fare transportation to low-in-*
23 *come individuals.*

24 “(8) *DEFINITIONS.—In this subsection:*

1 “(A) *ELIGIBLE ENTITY*.—The term ‘eligible
2 entity’ means a State, local, or Tribal govern-
3 mental entity that operates a public transpor-
4 tation service and is a recipient or subrecipient
5 of funds under this chapter.

6 “(B) *LOW-INCOME INDIVIDUAL*.—The term
7 ‘low-income individual’ means an individual—

8 “(i) that has qualified for—

9 “(I) any program of medical as-
10 sistance under a State plan or under a
11 waiver of the plan under title XIX of
12 the Social Security Act (42 U.S.C.
13 1396 *et seq.*);

14 “(II) supplemental nutrition as-
15 sistance program (SNAP) under the
16 Food and Nutrition Act of 2008 (7
17 U.S.C. 2011 *et seq.*);

18 “(III) the program of block grants
19 for States for temporary assistance for
20 needy families (TANF) established
21 under part A of title IV of the Social
22 Security Act (42 U.S.C. 601 *et seq.*);

23 “(IV) the free and reduced price
24 school lunch program established under

1 *the Richard B. Russell National School*
2 *Lunch Act (42 U.S.C. 1751 et seq.);*

3 “(V) a housing voucher through
4 *section 8(o) of the United States Hous-*
5 *ing Act of 1937 (42 U.S.C. 1437f(o));*

6 “(VI) benefits under the *Low-In-*
7 *come Home Energy Assistance Act of*
8 *1981;*

9 “(VII) special supplemental food
10 *program for women, infants and chil-*
11 *dren (WIC) under section 17 of the*
12 *Child Nutrition Act of 1966 (42 U.S.C.*
13 *1786); or*

14 “(VIII) a *Federal Pell Grant*
15 *under section 401 of the Higher Edu-*
16 *cation Act of 1965 (20 U.S.C. 1070a);*

17 “(ii) whose family income is at or
18 *below a set percent (as determined by the el-*
19 *igible recipient) of the poverty line (as that*
20 *term is defined in section 673(2) of the*
21 *Community Service Block Grant Act (42*
22 *U.S.C. 9902(2)), including any revision re-*
23 *quired by that section) for a family of the*
24 *size involved; or*

1 “(iii) that is a low-income veteran or
2 member of the military.

3 “(9) *REPORT.*—The Secretary shall designate a
4 university transportation center under section 5505 to
5 collaborate with the eligible entities receiving a grant
6 under this subsection to collect necessary data to
7 evaluate the effectiveness of meeting the targets de-
8 scribed in the application of such recipient, including
9 increased ridership, impacts on fare evasion, and
10 progress towards significantly closing transit equity
11 gaps.”.

12 **SEC. 2504. EQUITY IN TRANSIT SERVICE PLANNING.**

13 (a) *BEST PRACTICES.*—

14 (1) *IN GENERAL.*—

15 (A) *ASSISTANCE TO PROVIDERS OF PUBLIC*
16 *TRANSIT.*—Not later than 180 days after the date
17 of enactment of this Act, the Secretary of Trans-
18 portation shall issue nonbinding best practices to
19 assist providers of public transportation in set-
20 ting the threshold for a major service change as
21 described in Circular 4702.1B of the Federal
22 Transit Administration.

23 (B) *SPECIFIC PROVIDERS OF PUBLIC TRAN-*
24 *SIT.*—For the purposes of this section, the term
25 “providers of public transportation” means pro-

1 *viders that operate 50 or more fixed route vehi-*
2 *cles in peak service and are located in an urban-*
3 *ized area of 200,000 or more in population.*

4 *(2) BEST PRACTICES.—In developing the best*
5 *practices described in paragraph (1), the Secretary—*

6 *(A) shall issue specific recommendations for*
7 *setting the threshold of a major service change,*
8 *which shall include, at a minimum, rec-*
9 *ommendations related to—*

10 *(i) changes in hours of operations, in-*
11 *cluding consideration of changes during*
12 *nonpeak hours;*

13 *(ii) changes in the frequency of service;*

14 *(iii) changes in coverage, including the*
15 *opening and closing of stations and stops*
16 *and the changing of routes; and*

17 *(iv) the use of route-specific analyses*
18 *in addition to service-area level analyses;*

19 *(B) shall recommend specific percentage*
20 *change standards for the elements described in*
21 *clauses (i), (ii), and (iii) of subparagraph (A) to*
22 *assist providers of public transportation in set-*
23 *ting the threshold for a major service change in*
24 *a manner that ensures meaningful analyses and*
25 *the provision of equitable service; and*

1 (C) may issue different best practices for
2 providers of public transportation of different
3 sizes and service types.

4 (b) *TRANSIT COOPERATIVE RESEARCH PROGRAM RE-*
5 *PORT.*—

6 (1) *REVIEW.*—Not later than 3 years after the
7 issuance of the best practices described in subsection
8 (a), the Transit Cooperative Research Program of the
9 National Academy of Sciences shall conduct a review
10 of the manner in which providers of public transpor-
11 tation define the threshold for a major service change
12 for purposes of compliance with Circular 4702.1B of
13 the Federal Transit Administration, including—

14 (A) a survey of the standards used by pro-
15 viders of public transportation to define the
16 threshold for a major service change;

17 (B) a review of the differences in standards
18 used to define the threshold for a major service
19 change for providers of public transportation of
20 different sizes and service types;

21 (C) information on the considerations used
22 by providers of public transportation when de-
23 fining the threshold for a major service change;
24 and

1 (D) the extent to which providers of public
 2 transportation are using the best practices de-
 3 scribed in subsection (a).

4 (2) *REPORT.*—After the completion of the review
 5 described in paragraph (1), the National Academy of
 6 Sciences shall issue a report on the findings of the re-
 7 view and submit such report to the Committee on
 8 Transportation and Infrastructure of the House of
 9 Representatives and the Committee on Banking,
 10 Housing, and Urban Affairs of the Senate.

11 **SEC. 2505. GAO STUDY ON FARE-FREE TRANSIT.**

12 (a) *STUDY.*—The Comptroller General of the United
 13 States shall conduct a study on the provision of fare-free
 14 transit service in the United States, including an assess-
 15 ment of—

16 (1) the extent to which fare-free transit is avail-
 17 able in the United States; and

18 (2) the potential impacts of fare-free transit,
 19 which may include—

20 (A) increased transit ridership;

21 (B) improved access to transportation for
 22 low-income riders and marginalized commu-
 23 nities;

24 (C) improved access to jobs and services;

1 (D) enhanced equity of the surface transpor-
 2 tation system;

3 (E) reductions in disputes or law enforce-
 4 ment actions related to transit fares;

5 (F) environmental impacts;

6 (G) safety considerations; and

7 (H) the challenges of replacing farebox rev-
 8 enue.

9 (b) *REPORT*.—Not later than 1 year after the date of
 10 the enactment of this Act, the Comptroller General shall
 11 submit to the Committee on Transportation and Infrastruc-
 12 ture of the House of Representatives and the Committee on
 13 Banking, Housing, and Urban Affairs of the Senate a re-
 14 port containing the results of the study conducted under
 15 subsection (a).

16 ***Subtitle F—Supporting Frontline***
 17 ***Workers and Passenger Safety***

18 ***SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE***
 19 ***TRAINING CENTER.***

20 Section 5314(b) of title 49, United States Code, is
 21 amended—

22 (1) by striking paragraph (2) and inserting the
 23 following:

24 “(2) *NATIONAL TRANSIT FRONTLINE WORKFORCE*
 25 *TRAINING CENTER.*—

1 “(A) *ESTABLISHMENT.*—*The Secretary shall*
2 *establish a national transit frontline workforce*
3 *training center (hereinafter referred to as the*
4 *‘Center’)* and enter into a cooperative agreement
5 *with a nonprofit organization with a dem-*
6 *onstrated capacity to develop and provide transit*
7 *career pathway programs through labor-manage-*
8 *ment partnerships and registered apprentice-*
9 *ships on a nationwide basis, in order to carry*
10 *out the duties under subparagraph (B). The Cen-*
11 *ter shall be dedicated to the needs of the frontline*
12 *transit workforce in both rural and urban tran-*
13 *sit systems by providing training in the mainte-*
14 *nance and operations occupations based on in-*
15 *dustry best practices.*

16 “(B) *DUTIES.*—

17 “(i) *IN GENERAL.*—*In cooperation*
18 *with the Administrator of the Federal Tran-*
19 *sit Administration, public transportation*
20 *authorities, and national entities, the Cen-*
21 *ter shall develop and conduct training and*
22 *educational programs for frontline local*
23 *transportation employees of recipients eligi-*
24 *ble for funds under this chapter.*

1 “(i) *TRAINING AND EDUCATIONAL*
2 *PROGRAMS.*—*The training and educational*
3 *programs developed under clause (i) may*
4 *include courses in recent developments, tech-*
5 *niques, and procedures related to—*

6 “(I) *developing consensus national*
7 *training standards, skills, com-*
8 *petencies, and recognized postsecondary*
9 *credentials in partnership with indus-*
10 *try stakeholders for key frontline tran-*
11 *sit occupations with demonstrated skill*
12 *gaps;*

13 “(II) *developing recommendations*
14 *and best practices for curriculum and*
15 *recognized postsecondary credentials,*
16 *including related instruction and on-*
17 *the-job learning for registered appren-*
18 *ticeship programs for transit mainte-*
19 *nance and operations occupations;*

20 “(III) *building local, regional,*
21 *and statewide transit training part-*
22 *nerships to identify and address work-*
23 *force skill gaps and develop skills, com-*
24 *petencies, and recognized postsecondary*
25 *credentials needed for delivering qual-*

1 *ity transit service and supporting em-*
2 *ployee career advancement;*

3 *“(IV) developing programs for*
4 *training of transit frontline workers,*
5 *instructors, mentors, and labor-man-*
6 *agement partnership representatives,*
7 *in the form of classroom, hands-on, on-*
8 *the-job, and web-based training, deliv-*
9 *ered at a national center, regionally,*
10 *or at individual transit agencies;*

11 *“(V) developing training pro-*
12 *grams for skills and competencies re-*
13 *lated to existing and emerging transit*
14 *technologies, including zero emission*
15 *buses;*

16 *“(VI) developing improved capac-*
17 *ity for safety, security, and emergency*
18 *preparedness in local transit systems*
19 *and in the industry as a whole*
20 *through—*

21 *“(aa) developing the role of*
22 *the transit frontline workforce in*
23 *building and sustaining safety*
24 *culture and safety systems in the*

1 *industry and in individual public*
2 *transportation systems; and*

3 *“(bb) training to address*
4 *transit frontline worker roles in*
5 *promoting health and safety for*
6 *transit workers and the riding*
7 *public;*

8 *“(VII) developing local transit ca-*
9 *capacity for career pathways programs*
10 *with schools and other community or-*
11 *ganizations for recruiting and training*
12 *under-represented populations as suc-*
13 *cessful transit employees who can de-*
14 *velop careers in the transit industry;*

15 *“(VIII) in collaboration with the*
16 *Administrator of the Federal Transit*
17 *Administration, the Bureau of Labor*
18 *Statistics, the Employment and Train-*
19 *ing Administration, and organizations*
20 *representing public transit agencies,*
21 *conducting and disseminating research*
22 *to—*

23 *“(aa) provide transit work-*
24 *force job projections and identify*
25 *training needs and gaps;*

1 “(bb) determine the most
2 cost-effective methods for transit
3 workforce training and develop-
4 ment, including return on invest-
5 ment analysis;

6 “(cc) identify the most effec-
7 tive methods for implementing
8 successful safety systems and a
9 positive safety culture; and

10 “(dd) promote transit work-
11 force best practices for achieving
12 cost-effective, quality, safe, and re-
13 liable public transportation serv-
14 ices; and

15 “(IX) providing culturally com-
16 petent training and educational pro-
17 grams to all who participate, regard-
18 less of gender, sexual orientation, or
19 gender identity, including those with
20 limited English proficiency, diverse
21 cultural and ethnic backgrounds, and
22 disabilities.

23 “(C) COORDINATION.—The Secretary shall
24 coordinate activities under this section, to the
25 maximum extent practicable, with the Employ-

1 *ment and Training Administration, including*
2 *the National Office of Apprenticeship of the De-*
3 *partment of Labor and the Office of Career,*
4 *Technical, and Adult Education of the Depart-*
5 *ment of Education.*

6 “(D) AVAILABILITY OF AMOUNTS.—

7 “(i) IN GENERAL.—Not more than 1
8 *percent of amounts made available to a re-*
9 *cipient under sections 5307, 5337, and 5339*
10 *and not more than 2 percent of amounts*
11 *made available to a recipient under section*
12 *5311 is available for expenditures by the re-*
13 *cipient, with the approval of the Secretary,*
14 *to pay not more than 80 percent of the cost*
15 *of eligible activities under this subsection.*

16 “(ii) EXISTING PROGRAMS.—A recipi-
17 *ent may use amounts made available under*
18 *clause (i) to carry out existing local edu-*
19 *cation and training programs for public*
20 *transportation employees supported by the*
21 *Secretary, the Department of Labor, or the*
22 *Department of Education.*

23 “(iii) LIMITATION.—Any funds made
24 *available under this section that are used to*
25 *fund an apprenticeship or apprenticeship*

1 *program shall only be used for, or provided*
2 *to, a registered apprenticeship program, in-*
3 *cluding any funds awarded for the purposes*
4 *of grants, contracts, or cooperative agree-*
5 *ments, or the development, implementation,*
6 *or administration, of an apprenticeship or*
7 *an apprenticeship program.*

8 “(E) *DEFINITIONS.—In this paragraph:*

9 “(i) *CAREER PATHWAY.—The term ‘ca-*
10 *reer pathway’ has the meaning given such*
11 *term in section 3 of the Workforce Innova-*
12 *tion and Opportunity Act (29 U.S.C. 3102).*

13 “(ii) *RECOGNIZED POSTSECONDARY*
14 *CREDENTIAL.—The term ‘recognized postsec-*
15 *ondary credential’ has the meaning given*
16 *such term in section 3 of the Workforce In-*
17 *novation and Opportunity Act (29 U.S.C.*
18 *3102).*

19 “(iii) *REGISTERED APPRENTICESHIP*
20 *PROGRAM.—The term ‘registered apprentice-*
21 *ship program’ means an apprenticeship*
22 *program registered with the Department of*
23 *Labor or a Federally-recognized State Ap-*
24 *prenticeship Agency and that complies with*
25 *the requirements under parts 29 and 30 of*

1 *title 29, Code of Federal Regulations, as in*
 2 *effect on January 1, 2019.”;*

3 *(2) in paragraph (3) by striking “or (2)”;* and
 4 *(3) by striking paragraph (4).*

5 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

6 *Section 5329 of title 49, United States Code, is amend-*
 7 *ed—*

8 *(1) in subsection (b)(2)(C)(ii)—*

9 *(A) in subclause (I) by striking “and” at*
 10 *the end;*

11 *(B) in subclause (II) by striking the semi-*
 12 *colon and inserting “; and”;* and

13 *(C) by adding at the end the following:*

14 *“(III) innovations in driver as-*
 15 *sistance technologies and driver protec-*
 16 *tion infrastructure where appropriate,*
 17 *and a reduction in visibility impair-*
 18 *ments that contribute to pedestrian fa-*
 19 *talities;”;*

20 *(2) in subsection (b)(2)—*

21 *(A) by redesignating subparagraphs (D)*
 22 *and (E) as subparagraphs (E) and (F), respec-*
 23 *tively; and*

24 *(B) by adding after subparagraph (C) the*
 25 *following:*

1 “(D) in consultation with the Secretary of
2 the Department of Health and Human Services,
3 precautionary and reactive actions required to
4 ensure public and personnel safety and health
5 during an emergency as defined in section
6 5324;”.

7 (3) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A) by inserting
10 “the safety committee established under
11 paragraph (4), and subsequently,” before
12 “the board of directors”;

13 (ii) in subparagraph (C) by striking
14 “public, personnel, and property” and in-
15 serting “public and personnel to injuries,
16 assaults, fatalities, and, consistent with
17 guidelines by the Centers for Disease Con-
18 trol and Prevention, infectious diseases, and
19 strategies to minimize the exposure of prop-
20 erty”;

21 (iii) in subparagraph (F) by striking
22 “and” at the end; and

23 (iv) by striking subparagraph (G) and
24 inserting the following:

1 “(G) a comprehensive staff training pro-
2 gram for the operations and maintenance per-
3 sonnel and personnel directly responsible for
4 safety of the recipient that includes—

5 “(i) the completion of a safety training
6 program;

7 “(ii) continuing safety education and
8 training; and

9 “(iii) de-escalation training;

10 “(H) a requirement that the safety com-
11 mittee only approve a safety plan under sub-
12 paragraph (A) if such plan stays within such re-
13 cipient’s fiscal budget; and

14 “(I) a risk reduction program for transit
15 operations to improve safety by reducing the
16 number and rates of accidents, injuries, and as-
17 saults on transit workers using data submitted to
18 the National Transit Database, including—

19 “(i) a reduction of vehicular and pe-
20 destrian accidents involving buses that in-
21 cludes measures to reduce visibility impair-
22 ments for bus operators that contribute to
23 accidents, including retrofits to buses in
24 revenue service and specifications for future

1 *procurements that reduce visibility impair-*
2 *ments; and*

3 “(ii) *transit worker assault mitigation,*
4 *including the deployment of assault mitiga-*
5 *tion infrastructure and technology on buses,*
6 *including barriers to restrict the unwanted*
7 *entry of individuals and objects into bus op-*
8 *erators’ workstations when a recipient’s risk*
9 *analysis performed by the safety committee*
10 *established in paragraph (4) determines*
11 *that such barriers or other measures would*
12 *reduce assaults on and injuries to transit*
13 *workers.”; and*

14 *(B) by adding at the end the following:*

15 “(4) *SAFETY COMMITTEE.—For purposes of the*
16 *approval process of an agency safety plan under*
17 *paragraph (1), the safety committee shall be convened*
18 *by a joint labor-management process and consist of*
19 *an equal number of—*

20 “(A) *frontline employee representatives, se-*
21 *lected by the labor organization representing the*
22 *plurality of the frontline workforce employed by*
23 *the recipient or if applicable a contractor to the*
24 *recipient; and*

1 “(B) employer or State representatives.”;

2 and

3 (4) in subsection (e)(4)(A)(v) by inserting “, in-

4 spection,” after “has investigative”.

5 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

6 (a) *PROHIBITION ON USE OF FUNDS.*—No financial

7 assistance under chapter 53 of title 49, United States Code,

8 may be used for—

9 (1) an automated vehicle providing public trans-
10 portation unless—

11 (A) the recipient of such assistance that
12 proposes to deploy an automated vehicle pro-
13 viding public transportation certifies to the Sec-
14 retary of Transportation that the deployment
15 does not eliminate or reduce the frequency of ex-
16 isting public transportation service; and

17 (B) the Secretary receives, approves, and
18 publishes the workforce development plan under
19 subsection (b) submitted by the eligible entity
20 when required by subsection (b)(1); and

21 (2) a mobility on demand service unless—

22 (A) the recipient of such assistance that
23 proposes to deploy a mobility on demand service
24 certifies to the Secretary that the service meets
25 the criteria under section 5307, 5310, 5311,

1 5312, or 5316 of title 49, United States Code;
2 and

3 (B) the Secretary receives, approves, and
4 publishes the workforce development plan under
5 subsection (b) submitted by the eligible entity
6 when required by subsection (b)(1).

7 (b) *WORKFORCE DEVELOPMENT PLAN.*—

8 (1) *IN GENERAL.*—A recipient of financial as-
9 sistance under chapter 53 of title 49, United States
10 Code, proposing to deploy an automated vehicle pro-
11 viding public transportation or mobility on demand
12 service shall submit to the Secretary, prior to imple-
13 mentation of such service, a workforce development
14 plan if such service, combined with any other auto-
15 mated vehicle providing public transportation or mo-
16 bility on demand service offered by such recipient,
17 would exceed more than 0.5 percent of the recipient's
18 total annual transit passenger miles traveled.

19 (2) *CONTENTS.*—The workforce development plan
20 under subsection (a) shall include the following:

21 (A) A description of services offered by ex-
22 isting conventional modes of public transpor-
23 tation in the area served by the recipient that
24 could be affected by the proposed automated vehi-
25 cle providing public transportation or mobility

1 *on demand service, including jobs and functions*
2 *of such jobs.*

3 *(B) A forecast of the number of jobs pro-*
4 *vided by existing conventional modes of public*
5 *transportation that would be eliminated or that*
6 *would be substantially changed and the number*
7 *of jobs expected to be created by the proposed*
8 *automated vehicle providing public transpor-*
9 *tation or mobility on demand service over a 5-*
10 *year period from the date of the publication of*
11 *the workforce development plan.*

12 *(C) Identified gaps in skills needed to oper-*
13 *ate and maintain the proposed automated vehi-*
14 *cle providing public transportation or mobility*
15 *on demand service.*

16 *(D) A comprehensive plan to transition,*
17 *train, or retrain employees that could be affected*
18 *by the proposed automated vehicle providing*
19 *public transportation or mobility on demand*
20 *service.*

21 *(E) An estimated budget to transition,*
22 *train, or retrain employees impacted by the pro-*
23 *posed automated vehicle providing public trans-*
24 *portation or mobility on demand service over a*

1 5-year period from the date of the publication of
2 the workforce development plan.

3 (c) *NOTICE REQUIRED.*—

4 (1) *IN GENERAL.*—A recipient of financial as-
5 sistance under chapter 53 of title 49, United States
6 Code, shall issue a notice to employees who, due to the
7 use of an automated vehicle providing public trans-
8 portation or mobility on demand service, may be sub-
9 jected to a loss of employment or a change in respon-
10 sibilities not later than 60 days before signing a con-
11 tract for such service or procurement. A recipient
12 shall provide employees copies of a request for a pro-
13 posal related to an automated vehicle providing pub-
14 lic transportation or mobility on demand services at
15 the time such request is issued.

16 (2) *CONTENT.*—The notice required in para-
17 graph (1) shall include the following:

18 (A) A description of the automated vehicle
19 providing public transportation or mobility on
20 demand service.

21 (B) The impact of the automated vehicle
22 providing public transportation or mobility on
23 demand service on employment positions, includ-
24 ing a description of which employment positions

1 *will be affected and whether any new positions*
 2 *will be created.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *AUTOMATED VEHICLE.—The term “auto-*
 5 *mated vehicle” means a motor vehicle that—*

6 (A) *is capable of performing the entire task*
 7 *of driving (including steering, accelerating and*
 8 *decelerating, and reacting to external stimulus)*
 9 *without human intervention; and*

10 (B) *is designed to be operated exclusively by*
 11 *a Level 4 or Level 5 automated driving system*
 12 *for all trips according to the recommended prac-*
 13 *tice standards published on June 15, 2018, by*
 14 *the Society of Automotive Engineers Inter-*
 15 *national (J3016__201806) or equivalent stand-*
 16 *ards adopted by the Secretary with respect to*
 17 *automated motor vehicles.*

18 (2) *MOBILITY ON DEMAND.—The term “mobility*
 19 *on demand” has the meaning given such term in sec-*
 20 *tion 5316 of title 49, United States Code.*

21 (3) *PUBLIC TRANSPORTATION.—The term “pub-*
 22 *lic transportation” has the meaning given such term*
 23 *in section 5302 of title 49, United States Code.*

24 (e) *SAVINGS CLAUSE.—Nothing in this section shall*
 25 *prohibit the use of funds for an eligible activity or pilot*

1 *project of a covered recipient authorized under current law*
 2 *prior to the date of enactment of this Act.*

3 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**

4 **ASIDES.**

5 *Section 5329(d)(2) of title 49, United States Code, is*
 6 *amended to read as follows:*

7 “(2) *SAFETY COMMITTEE PERFORMANCE MEAS-*
 8 *URES.—*

9 “(A) *IN GENERAL.—*The safety committee
 10 *described in paragraph (4) shall establish per-*
 11 *formance measures for the risk reduction pro-*
 12 *gram in paragraph (1)(I) using a 3-year rolling*
 13 *average of the data submitted by the recipient to*
 14 *the National Transit Database.*

15 “(B) *SAFETY SET ASIDE.—*With respect to a
 16 *recipient serving an urbanized area that receives*
 17 *funds under section 5307, such recipient shall al-*
 18 *locate not less than 0.75 percent of such funds to*
 19 *projects eligible under section 5307.*

20 “(C) *FAILURE TO MEET PERFORMANCE*
 21 *MEASURES.—*Any recipient that receives funds
 22 *under section 5307 that does not meet the per-*
 23 *formance measures established in subparagraph*
 24 *(A) shall allocate the amount made available in*

1 subparagraph (B) in the following fiscal year to
2 projects described in subparagraph (D).

3 “(D) *ELIGIBLE PROJECTS.*—Funds set aside
4 under this paragraph shall be used for projects
5 that are reasonably likely to meet the perform-
6 ance measures established in subparagraph (A),
7 including modifications to rolling stock and de-
8 escalation training.”.

9 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

10 (a) *IN GENERAL.*—Chapter 53 of title 49, United
11 States Code, is amended by adding at the end the following:

12 **“§ 5341. U.S. Employment Plan**

13 “(a) *DEFINITIONS.*—In this section:

14 “(1) *COMMITMENT TO HIGH-QUALITY CAREER*
15 *AND BUSINESS OPPORTUNITIES.*—The term ‘commit-

16 ment to high-quality career and business opportuni-

17 ties’ means participation in a registered apprentice-

18 ship program.

19 “(2) *COVERED INFRASTRUCTURE PROGRAM.*—

20 The term ‘covered infrastructure program’ means any

21 activity under a program or project under this chap-

22 ter for the purchase or acquisition of rolling stock.

23 “(3) *U.S. EMPLOYMENT PLAN.*—The term ‘U.S.

24 Employment Plan’ means a plan under which an en-

1 *tity receiving Federal assistance for a project under*
2 *a covered infrastructure program shall—*

3 *“(A) include in a request for proposal an*
4 *encouragement for bidders to include, with re-*
5 *spect to the project—*

6 *“(i) high-quality wage, benefit, and*
7 *training commitments by the bidder and the*
8 *supply chain of the bidder for the project;*
9 *and*

10 *“(ii) a commitment to recruit and hire*
11 *individuals described in subsection (e) if the*
12 *project results in the hiring of employees*
13 *not currently or previously employed by the*
14 *bidder and the supply chain of the bidder*
15 *for the project;*

16 *“(B) give preference for the award of the*
17 *contract to a bidder that includes the commit-*
18 *ments described in clauses (i) and (ii) of sub-*
19 *paragraph (A); and*

20 *“(C) ensure that each bidder that includes*
21 *the commitments described in clauses (i) and (ii)*
22 *of subparagraph (A) that is awarded a contract*
23 *complies with those commitments.*

24 *“(4) REGISTERED APPRENTICESHIP PROGRAM.—*

25 *The term ‘registered apprenticeship program’ means*

1 *an apprenticeship program registered under the Act*
2 *of August 16, 1937 (commonly known as the ‘Na-*
3 *tional Apprenticeship Act’; 50 Stat. 664, chapter 663;*
4 *29 U.S.C. 50 et seq.), including any requirement,*
5 *standard, or rule promulgated under such Act, as*
6 *such requirement, standard, or rule was in effect on*
7 *December 30, 2019.*

8 *“(b) BEST-VALUE FRAMEWORK.—To the maximum*
9 *extent practicable, a recipient of assistance under a covered*
10 *infrastructure program is encouraged—*

11 *“(1) to ensure that each dollar invested in infra-*
12 *structure uses a best-value contracting framework to*
13 *maximize the local value of federally funded contracts*
14 *by evaluating bids on price and other technical cri-*
15 *teria prioritized in the bid, such as—*

16 *“(A) equity;*

17 *“(B) environmental and climate justice;*

18 *“(C) impact on greenhouse gas emissions;*

19 *“(D) resilience;*

20 *“(E) the results of a 40-year life-cycle anal-*
21 *ysis;*

22 *“(F) safety;*

23 *“(G) commitment to creating or sustaining*
24 *high-quality job opportunities affiliated with*
25 *registered apprenticeship programs (as defined*

1 *in subsection (a)(3)) for disadvantaged or under-*
 2 *represented individuals in infrastructure indus-*
 3 *tries in the United States; and*

4 *“(H) access to jobs and essential services by*
 5 *all modes of travel for all users, including indi-*
 6 *viduals with disabilities; and*

7 *“(2) to ensure community engagement, trans-*
 8 *parency, and accountability in carrying out each*
 9 *stage of the project.*

10 *“(c) PREFERENCE FOR REGISTERED APPRENTICESHIP*
 11 *PROGRAMS.—To the maximum extent practicable, a recipi-*
 12 *ent of assistance under a covered infrastructure program,*
 13 *with respect to the project for which the assistance is re-*
 14 *ceived, shall give preference to a bidder that demonstrates*
 15 *a commitment to high-quality job opportunities affiliated*
 16 *with registered apprenticeship programs.*

17 *“(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-*
 18 *standing any other provision of law, in carrying out a*
 19 *project under a covered infrastructure program that receives*
 20 *assistance under this chapter, the recipient shall use a U.S.*
 21 *Employment Plan for each contract of \$10,000,000 or more*
 22 *for the purchase of manufactured goods or of services, based*
 23 *on an independent cost estimate.*

1 “(e) *PRIORITY.*—*The Secretary shall ensure that the*
 2 *entity carrying out a project under the covered infrastruc-*
 3 *ture program gives priority to—*

4 “(1) *individuals with a barrier to employment*
 5 *(as defined in section 3 of the Workforce Innovation*
 6 *and Opportunity Act (29 U.S.C. 3102)), including*
 7 *ex-offenders and disabled individuals;*

8 “(2) *veterans; and*

9 “(3) *individuals that represent populations that*
 10 *are traditionally underrepresented in the infrastruc-*
 11 *ture workforce, such as women and racial and ethnic*
 12 *minorities.*

13 “(f) *REPORT.*—*Not less frequently than once each fis-*
 14 *cal year, the Secretary shall jointly submit to Congress a*
 15 *report describing the implementation of this section.*

16 “(g) *INTENT OF CONGRESS.*—

17 “(1) *IN GENERAL.*—*It is the intent of Congress—*

18 “(A) *to encourage recipients of Federal as-*
 19 *sistance under covered infrastructure programs*
 20 *to use a best-value contracting framework de-*
 21 *scribed in subsection (b) for the purchase of*
 22 *goods and services;*

23 “(B) *to encourage recipients of Federal as-*
 24 *sistance under covered infrastructure programs*
 25 *to use preferences for registered apprenticeship*

1 *programs as described in subsection (c) when*
 2 *evaluating bids for projects using that assistance;*

3 “(C) *to require that recipients of Federal*
 4 *assistance under covered infrastructure programs*
 5 *use the U.S. Employment Plan in carrying out*
 6 *the project for which the assistance was provided;*
 7 *and*

8 “(D) *that full and open competition under*
 9 *covered infrastructure programs means a proce-*
 10 *dural competition that prevents corruption, fa-*
 11 *voritism, and unfair treatment by recipient*
 12 *agencies.*

13 “(2) *INCLUSION.—A best-value contracting*
 14 *framework described in subsection (b) is a framework*
 15 *that authorizes a recipient of Federal assistance*
 16 *under a covered infrastructure program, in awarding*
 17 *contracts, to evaluate a range of factors, including*
 18 *price, the quality of products, the quality of services,*
 19 *and commitments to the creation of good jobs for all*
 20 *people in the United States.”.*

21 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
 22 *53 of title 49, United States Code, is amended by adding*
 23 *at the end the following:*

“5341. U.S. Employment Plan.”.

1 **SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DE-**
2 **VELOPMENT.**

3 *Section 5314(a) of title 49, United States Code, is*
4 *amended—*

5 *(1) in paragraph (2) by inserting after subpara-*
6 *graph (H) (as added by section 2104 of this Act) the*
7 *following:*

8 *“(I) provide innovation and capacity-build-*
9 *ing to rural and tribal public transportation re-*
10 *cipients that do not duplicate the activities of*
11 *sections 5311(b) or 5312; and”;* and

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

13 *“(4) AVAILABILITY OF AMOUNTS.—Of the*
14 *amounts made available to carry out this section*
15 *under section 5338(a)(2)(G)(i), \$1,500,000 shall be*
16 *available to carry out activities described in para-*
17 *graph (2)(I).”.*

18 **SEC. 2607. RESILIENT PUBLIC TRANSPORTATION STUDY.**

19 *(a) STUDY.—The Secretary of Transportation shall*
20 *conduct a study on resilience planning and innovative re-*
21 *silience strategies for public transportation and shared mo-*
22 *bility.*

23 *(b) CONTENTS.—In carrying out the study under sub-*
24 *section (a), the Secretary shall assess—*

1 (1) *best practices for making public transpor-*
2 *tation more resilient to external shocks, such as*
3 *pandemics and natural hazards; and*

4 (2) *new materials and technologies that may im-*
5 *prove the resilience of public transportation and*
6 *shared mobility, including innovative transit vehicles,*
7 *emerging electric vehicle chassis platforms, and smart*
8 *air quality control systems.*

9 (c) *PARTNERSHIPS.*—*In carrying out the study under*
10 *subsection (a), the Secretary shall consult with institutions*
11 *of higher education, as such term is defined in section 101*
12 *of the Higher Education Act of 1965 (20 U.S.C. 1001), aca-*
13 *demic experts, and nonprofit organizations with expertise*
14 *in engineering, travel behavior, artificial intelligence, pol-*
15 *icy analysis, planning, public healthy and safety, and so-*
16 *cial and racial equity.*

17 (d) *REPORT.*—*Not later than 1 year after the date of*
18 *enactment of this Act, the Secretary shall submit to the*
19 *Committee on Transportation and Infrastructure of the*
20 *House of Representatives and the Committee on Commerce,*
21 *Science, and Transportation of the Senate a report con-*
22 *taining the results of the study conducted under subsection*
23 *(a).*

1 ***Subtitle G—Transit-Supportive***
 2 ***Communities***

3 ***SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.***

4 (a) *IN GENERAL.*—Chapter 53 of title 49, United
 5 States Code, is amended by inserting after section 5327 the
 6 following:

7 ***“§ 5328. Transit-supportive communities***

8 “(a) *ESTABLISHMENT.*—The Secretary shall establish
 9 within the Federal Transit Administration, an Office of
 10 Transit-Supportive Communities to make grants, provide
 11 technical assistance, and assist in the coordination of tran-
 12 sit and housing policies within the Federal Transit Admin-
 13 istration, the Department of Transportation, and across the
 14 Federal Government.

15 “(b) *TRANSIT ORIENTED DEVELOPMENT PLANNING*
 16 *GRANT PROGRAM.*—

17 “(1) *DEFINITION.*—In this subsection the term
 18 ‘eligible project’ means—

19 “(A) a new fixed guideway capital project
 20 or a core capacity improvement project as de-
 21 fined in section 5309;

22 “(B) an existing fixed guideway system, or
 23 an existing station that is served by a fixed
 24 guideway system; or

1 “(C) *the immediate corridor along the high-*
2 *est 25 percent of routes by ridership as dem-*
3 *onstrated in section 5336(b)(2)(B).*

4 “(2) *GENERAL AUTHORITY.—The Secretary may*
5 *make grants under this subsection to a State, local*
6 *governmental authority, or metropolitan planning or-*
7 *ganization to assist in financing comprehensive plan-*
8 *ning associated with an eligible project that seeks*
9 *to—*

10 “(A) *enhance economic development, rider-*
11 *ship, equity, reduction of greenhouse gas emis-*
12 *sions, or other goals established during the*
13 *project development and engineering processes or*
14 *the grant application;*

15 “(B) *facilitate multimodal connectivity and*
16 *accessibility;*

17 “(C) *increase access to transit hubs for pe-*
18 *destrian and bicycle traffic;*

19 “(D) *enable mixed-use development;*

20 “(E) *identify infrastructure needs associ-*
21 *ated with the eligible project; and*

22 “(F) *include private sector participation.*

23 “(3) *ELIGIBILITY.—A State, local governmental*
24 *authority, or metropolitan planning organization*
25 *that desires to participate in the program under this*

1 subsection shall submit to the Secretary an applica-
2 tion that contains at a minimum—

3 “(A) an identification of an eligible project;

4 “(B) a schedule and process for the develop-
5 ment of a comprehensive plan;

6 “(C) a description of how the eligible project
7 and the proposed comprehensive plan advance
8 the metropolitan transportation plan of the met-
9 ropolitan planning organization;

10 “(D) proposed performance criteria for the
11 development and implementation of the com-
12 prehensive plan;

13 “(E) a description of how the project will
14 advance equity and reduce and mitigate social
15 and economic impacts on existing residents and
16 businesses and communities historically excluded
17 from economic opportunities vulnerable to dis-
18 placement; and

19 “(F) identification of—

20 “(i) partners;

21 “(ii) availability of and authority for
22 funding; and

23 “(iii) potential State, local or other
24 impediments to the implementation of the
25 comprehensive plan.

1 “(4) *COST SHARE*.—A grant under this sub-
2 section shall not exceed an amount in excess of 80
3 percent of total project costs, except that a grant that
4 includes an affordable housing component shall not
5 exceed an amount in excess of 90 percent of total
6 project costs.

7 “(c) *TECHNICAL ASSISTANCE*.—The Secretary shall
8 provide technical assistance to States, local governmental
9 authorities, and metropolitan planning organizations in
10 the planning and development of transit-oriented develop-
11 ment projects and transit-supportive corridor policies, in-
12 cluding—

13 “(1) the siting, planning, financing, and inte-
14 gration of transit-oriented development projects;

15 “(2) the integration of transit-oriented develop-
16 ment and transit-supportive corridor policies in the
17 preparation for and development of an application
18 for funding under section 602 of title 23;

19 “(3) the siting, planning, financing, and inte-
20 gration of transit-oriented development and transit-
21 supportive corridor policies associated with projects
22 under section 5309;

23 “(4) the development of housing feasibility as-
24 sessments as allowed under section 5309(g)(3)(B);

1 “(5) the development of transit-supportive cor-
2 ridor policies that promote transit ridership and
3 transit-oriented development;

4 “(6) the development, implementation, and man-
5 agement of land value capture programs; and

6 “(7) the development of model contracts, model
7 codes, and best practices for the implementation of
8 transit-oriented development projects and transit-sup-
9 portive corridor policies.

10 “(d) *VALUE CAPTURE POLICY REQUIREMENTS.*—

11 “(1) *VALUE CAPTURE POLICY.*—Not later than
12 October 1 of the fiscal year that begins 2 years after
13 the date of enactment of this section, the Secretary, in
14 collaboration with State departments of transpor-
15 tation, metropolitan planning organizations, and re-
16 gional council of governments, shall establish vol-
17 untary and consensus-based value capture standards,
18 policies, and best practices for State and local value
19 capture mechanisms that promote greater investments
20 in public transportation and affordable transit-ori-
21 ented development.

22 “(2) *REPORT.*—Not later than 15 months after
23 the date of enactment of this section, the Secretary
24 shall make available to the public a report cataloging
25 examples of State and local laws and policies that

1 *provide for value capture and value sharing that pro-*
2 *mote greater investment in public transportation and*
3 *affordable transit-oriented development.*

4 *“(e) EQUITY.—In providing technical assistance under*
5 *subsection (c), the Secretary shall incorporate strategies to*
6 *promote equity for underrepresented and underserved com-*
7 *munities, including—*

8 *“(1) preventing displacement of existing resi-*
9 *dents and businesses;*

10 *“(2) mitigating rent and housing price increases;*

11 *“(3) incorporating affordable rental and owner-*
12 *ship housing in transit-oriented development;*

13 *“(4) engaging under-served, limited English pro-*
14 *ficiency, low-income, and minority communities in*
15 *the planning process;*

16 *“(5) fostering economic development opportuni-*
17 *ties for existing residents and businesses; and*

18 *“(6) targeting affordable housing that help lessen*
19 *homelessness.*

20 *“(f) AUTHORITY TO REQUEST STAFFING ASSIST-*
21 *ANCE.—In fulfilling the duties of this section, the Secretary*
22 *shall, as needed, request staffing and technical assistance*
23 *from other Federal agencies, programs, administrations,*
24 *boards, or commissions.*

1 “(g) *REVIEW EXISTING POLICIES AND PROGRAMS.*—
2 *Not later than 24 months after the date of enactment of*
3 *this section, the Secretary shall review and evaluate all ex-*
4 *isting policies and programs within the Federal Transit*
5 *Administration that support or promote transit-oriented*
6 *development to ensure their coordination and effectiveness*
7 *relative to the goals of this section.*

8 “(h) *REPORTING.*—*Not later than February 1 of each*
9 *year beginning the year after the date of enactment of this*
10 *section, the Secretary shall prepare a report detailing the*
11 *grants and technical assistance provided under this section,*
12 *the number of affordable housing units constructed or*
13 *planned as a result of projects funded in this section, and*
14 *the number of affordable housing units constructed or*
15 *planned as a result of a property transfer under section*
16 *5334(h)(1). The report shall be provided to the Committee*
17 *on Transportation and Infrastructure of the House of Rep-*
18 *resentatives and the Committee on Banking, Housing, and*
19 *Urban Affairs of the Senate.*

20 “(i) *SAVINGS CLAUSE.*—*Nothing in this section au-*
21 *thorizes the Secretary to provide any financial assistance*
22 *for the construction of housing.*

23 “(j) *PRIORITY FOR LOW-INCOME AREAS.*—*In award-*
24 *ing grants under this section, the Secretary shall give pri-*
25 *ority to projects under this section that expand or build*

1 *transit in low-income areas or that provide access to public*
 2 *transportation to low-income areas that do not have access*
 3 *to public transportation.”.*

4 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 5 *53 of title 49, United States Code, is amended by inserting*
 6 *after the item relating to section 5327 the following:*

“5328. Transit-supportive communities.”.

7 (c) *TECHNICAL AND CONFORMING AMENDMENT.*—*Sec-*
 8 *tion 20005 of the MAP–21 (Public Law 112–141) is amend-*
 9 *ed—*

10 (1) *by striking “(a) AMENDMENT.—”; and*

11 (2) *by striking subsection (b).*

12 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
 13 **HOUSING.**

14 *Section 5334(h)(1) of title 49, United States Code, is*
 15 *amended to read as follows:*

16 “(1) *IN GENERAL.*—*If a recipient of assistance*
 17 *under this chapter decides an asset acquired under*
 18 *this chapter at least in part with that assistance is*
 19 *no longer needed for the purpose for which such asset*
 20 *was acquired, the Secretary may authorize the recipi-*
 21 *ent to transfer such asset to—*

22 “(A) *a local governmental authority to be*
 23 *used for a public purpose with no further obliga-*
 24 *tion to the Government if the Secretary de-*
 25 *cides—*

1 “(i) the asset will remain in public use
2 for at least 5 years after the date the asset
3 is transferred;

4 “(ii) there is no purpose eligible for as-
5 sistance under this chapter for which the
6 asset should be used;

7 “(iii) the overall benefit of allowing the
8 transfer is greater than the interest of the
9 Government in liquidation and return of
10 the financial interest of the Government in
11 the asset, after considering fair market
12 value and other factors; and

13 “(iv) through an appropriate screening
14 or survey process, that there is no interest
15 in acquiring the asset for Government use if
16 the asset is a facility or land; or

17 “(B) a local governmental authority, non-
18 profit organization, or other third party entity
19 to be used for the purpose of transit-oriented de-
20 velopment with no further obligation to the Gov-
21 ernment if the Secretary decides—

22 “(i) the asset is a necessary component
23 of a proposed transit-oriented development
24 project;

1 “(ii) *the transit-oriented development*
2 *project will increase transit ridership;*

3 “(iii) *at least 40 percent of the housing*
4 *units offered in the transit-oriented develop-*
5 *ment, including housing units owned by*
6 *nongovernmental entities, are legally bind-*
7 *ing affordability restricted to tenants with*
8 *incomes at or below 60 percent of the area*
9 *median income and/or owners with incomes*
10 *at or below 60 percent the area median in-*
11 *come;*

12 “(iv) *the asset will remain in use as*
13 *described in this section for at least 30*
14 *years after the date the asset is transferred;*
15 *and*

16 “(v) *with respect to a transfer to a*
17 *third party entity—*

18 “(I) *a local government authority*
19 *or nonprofit organization is unable to*
20 *receive the property;*

21 “(II) *the overall benefit of allow-*
22 *ing the transfer is greater than the in-*
23 *terest of the Government in liquidation*
24 *and return of the financial interest of*
25 *the Government in the asset, after con-*

1 *sidering fair market value and other*
 2 *factors; and*

3 *“(III) the third party has dem-*
 4 *onstrated a satisfactory history of con-*
 5 *struction or operating an affordable*
 6 *housing development.”.*

7 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
 8 **INVESTMENT GRANTS.**

9 *Section 5309 of title 49, United States Code, is further*
 10 *amended—*

11 *(1) in subsection (g)—*

12 *(A) in paragraph (2)(B)—*

13 *(i) in clause (i) by striking “; and”*
 14 *and inserting a semicolon;*

15 *(ii) in clause (ii) by striking the pe-*
 16 *riod and inserting “; and”; and*

17 *(iii) by adding at the end the fol-*
 18 *lowing:*

19 *“(iii) in the case of a new fixed guide-*
 20 *way capital project or a core capacity im-*
 21 *provement project, allow a weighting 5 per-*
 22 *centage points greater to the economic devel-*
 23 *opment criterion and 5 percentage points*
 24 *lesser to the lowest scoring criterion if the*
 25 *applicant demonstrates substantial efforts to*

1 *preserve or encourage affordable housing*
2 *near the project by providing documenta-*
3 *tion of policies that allow by-right multi-*
4 *family housing, single room occupancy*
5 *units, or accessory dwelling units, providing*
6 *local capital sources for transit-oriented de-*
7 *velopment, or demonstrate other methods as*
8 *determined by the Secretary.”; and*

9 *(B) in paragraph (3) by adding at the end*
10 *the following:*

11 *“(B) establish a warrant that applies to the*
12 *economic development project justification cri-*
13 *teria, provided that the applicant that requests a*
14 *warrant under this process has completed and*
15 *submitted a housing feasibility assessment.”; and*

16 *(2) in subsection (l)(4) by adding at the end the*
17 *following:*

18 *“(E) from grant proceeds distributed under*
19 *section 103 of the Housing and Community De-*
20 *velopment Act of 1974 (42 U.S.C. 5303) or sec-*
21 *tion 201 of the Public Works and Economic De-*
22 *velopment Act of 1965 (42 U.S.C. 3141) provided*
23 *that—*

1 “(i) such funds are used in conjunction
2 with the planning or development of afford-
3 able housing; and

4 “(ii) such affordable housing is located
5 within one-half of a mile of a new station.”.

6 ***Subtitle H—Innovation***

7 ***SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.***

8 *Section 5312(d) of title 49, United States Code, is*
9 *amended by adding at the end the following:*

10 “(3) *MOBILITY INNOVATION SANDBOX PRO-*
11 *GRAM.—The Secretary may make funding available*
12 *under this subsection to carry out research on mobil-*
13 *ity on demand and mobility as a service activities el-*
14 *igible under section 5316.”.*

15 ***SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-***
16 ***SIGN PROGRAM.***

17 *Section 5312(d) of title 49, United States Code, is fur-*
18 *ther amended by adding at the end the following:*

19 “(4) *TRANSIT BUS OPERATOR COMPARTMENT RE-*
20 *DESIGN PROGRAM.—*

21 “(A) *IN GENERAL.—The Secretary may*
22 *make funding available under this subsection to*
23 *carry out research on redesigning transit bus op-*
24 *erator compartments to improve safety, oper-*
25 *ational efficiency, and passenger accessibility.*

1 “(B) *OBJECTIVES.—Research objectives*
2 *under this paragraph shall include—*

3 “(i) *increasing bus operator safety*
4 *from assaults;*

5 “(ii) *optimizing operator visibility and*
6 *reducing operator distractions to improve*
7 *safety of bus passengers, pedestrians,*
8 *bicyclists, and other roadway users;*

9 “(iii) *expanding passenger accessibility*
10 *for positive interactions between operators*
11 *and passengers, including assisting pas-*
12 *sengers in need of special assistance;*

13 “(iv) *accommodating passenger board-*
14 *ing, alighting, and securement consistent*
15 *with the Americans with Disabilities Act of*
16 *1990 (42 U.S.C. 12101 et seq.); and*

17 “(v) *improving ergonomics to reduce*
18 *bus operator work-related health issues and*
19 *injuries, as well as locate key instrument*
20 *and control interfaces to improve oper-*
21 *ational efficiency and convenience.*

22 “(C) *ACTIVITIES.—Eligible activities under*
23 *this paragraph shall include—*

24 “(i) *measures to reduce visibility im-*
25 *pairments and distractions for bus opera-*

tors 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 consistent 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;

1 “(B) to ensure that the planning, design,
2 engineering, construction, and financing of
3 transportation projects is done in an efficient
4 and effective manner;

5 “(C) to promote the rapid deployment of
6 proven solutions that provide greater account-
7 ability for public investments; and

8 “(D) to create a culture of innovation with-
9 in the transit community.

10 “(2) *FTA EVERY DAY COUNTS INITIATIVE.*—To
11 advance the policies described in paragraph (1), the
12 Administrator of the Federal Transit Administration
13 shall adopt the *Every Day Counts* initiative to work
14 with recipients to identify and deploy the proven in-
15 novation practices and products that—

16 “(A) accelerate innovation deployment;

17 “(B) expedite the project delivery process;

18 “(C) improve environmental sustainability;

19 “(D) enhance transit safety;

20 “(E) expand mobility; and

21 “(F) reduce greenhouse gas emissions.

22 “(3) *CONSIDERATION.*—In accordance with the
23 *Every Day Counts* goals described in paragraphs (1)
24 and (2), the Administrator shall consider research

1 *conducted through the university transportation cen-*
 2 *ters program in section 5505.*

3 “(4) *INNOVATION DEPLOYMENT.*—

4 “(A) *IN GENERAL.*—At least every 2 years,
 5 *the Administrator shall work collaboratively*
 6 *with recipients to identify a new collection of in-*
 7 *novations, best practices, and data to be deployed*
 8 *to recipients through case studies, webinars, and*
 9 *demonstration projects.*

10 “(B) *REQUIREMENTS.*—In identifying a
 11 *collection described in subparagraph (A), the*
 12 *Secretary shall take into account market readi-*
 13 *ness, impacts, benefits, and ease of adoption of*
 14 *the innovation or practice.*

15 “(5) *PUBLICATION.*—Each collection identified
 16 *under paragraph (4) shall be published by the Ad-*
 17 *ministrator on a publicly available website.*

18 “(6) *RULE OF CONSTRUCTION.*—Nothing in this
 19 *subsection may be construed to allow the Secretary to*
 20 *waive any requirement under any other provision of*
 21 *Federal law.”.*

22 **SEC. 2804. TECHNICAL CORRECTIONS.**

23 *Section 5312 of title 49, United States Code, as amend-*
 24 *ed in section 2503 and 2803, is further amended—*

25 (1) *in subsection (e)—*

1 (A) in paragraph (3)(C) by striking “low or
2 no emission vehicles, zero emission vehicles,” and
3 inserting “zero emission vehicles”; and

4 (B) by striking paragraph (6) and inserting
5 the following:

6 “(6) ZERO EMISSION VEHICLE DEFINED.—In
7 this subsection, the term ‘zero emission vehicle’ means
8 a passenger vehicle used to provide public transpor-
9 tation that produces no carbon or particulate mat-
10 ter.”;

11 (2) by redesignating the first subsection (g) as
12 subsection (f); and

13 (3) in subsection (h)—

14 (A) in the header by striking “LOW OR NO
15 EMISSION” and inserting “ZERO EMISSION”;

16 (B) in paragraph (1)—

17 (i) by striking subparagraph (B) and
18 inserting the following:

19 “(B) the term ‘zero emission vehicle’ has the
20 meaning given such term in subsection (e)(6);”;
21 and

22 (ii) in subparagraph (D) by striking
23 “low or no emission vehicle” and inserting
24 “zero emission vehicle” each place such term
25 appears;

1 (C) in paragraph (2)—

2 (i) in the heading by striking “LOW OR
3 NO EMISSION” and inserting “ZERO EMIS-
4 SION”; and

5 (ii) by striking “low or no emission”
6 and inserting “zero emission” each place
7 such term appears;

8 (D) in paragraph (3) by striking “low or
9 no emission” and inserting “zero emission” each
10 place such term appears (including in the head-
11 ing); and

12 (E) in paragraph (5)(A) by striking “low
13 or no emission” and inserting “zero emission”.

14 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
15 **BUS DEVELOPMENT PROGRAM.**

16 (a) *ESTABLISHMENT.*—The Secretary of Transpor-
17 tation shall establish a national advanced technology tran-
18 sit bus development program to facilitate the development
19 and testing of commercially viable advanced technology
20 transit buses that do not exceed a Level 3 automated driving
21 system and related infrastructure.

22 (b) *AUTHORIZATION.*—There shall be available
23 \$20,000,000 for each of fiscal years 2022 through 2026.

24 (c) *GRANTS.*—The Secretary may enter into grants,
25 contracts, and cooperative agreements with no more than

1 *three geographically diverse nonprofit organizations and re-*
2 *cipients under chapter 53 of title 49, United States Code,*
3 *to facilitate the development and testing of commercially*
4 *viable advance technology transit buses and related infra-*
5 *structure.*

6 (d) *CONSIDERATIONS.—*

7 (1) *IN GENERAL.—The Secretary shall consider*
8 *the applicant’s—*

9 (A) *ability to contribute significantly to*
10 *furthering advanced technologies as it relates to*
11 *transit bus operations, including advanced driv-*
12 *er assistance systems, automatic emergency brak-*
13 *ing, accessibility, and energy efficiency;*

14 (B) *financing plan and cost share potential;*

15 (C) *technical experience developing or test-*
16 *ing advanced technologies in transit buses;*

17 (D) *commitment to frontline worker in-*
18 *volvement; and*

19 (E) *other criteria that the Secretary deter-*
20 *mines are necessary to carry out the program.*

21 (2) *RULE OF CONSTRUCTION.—Nothing in this*
22 *subsection may be construed to allow the Secretary to*
23 *waive any requirement under any other provision of*
24 *Federal law.*

1 (e) *COMPETITIVE GRANT SELECTION.*—*The Secretary*
2 *shall conduct a national solicitation for applications for*
3 *grants under the program. Grant recipients shall be selected*
4 *on a competitive basis. The Secretary shall give priority*
5 *consideration to applicants that have successfully managed*
6 *advanced transportation technology projects, including*
7 *projects related to public transportation operations for a*
8 *period of not less than 5 years.*

9 (f) *CONSORTIA.*—*As a condition of receiving an award*
10 *in (c), the Secretary shall ensure—*

11 (1) *that the selected non-profit recipients subse-*
12 *quently establish a consortia for each proposal sub-*
13 *mitted, including representatives from a labor union,*
14 *transit agency, an FTA-designated university bus*
15 *and component testing center, a Buy America compli-*
16 *ant transit bus manufacturer, and others as deter-*
17 *mined by the Secretary;*

18 (2) *that no proposal selected would decrease*
19 *workplace or passenger safety; and*

20 (3) *that no proposal selected would undermine*
21 *the creation of high-quality jobs or workforce support*
22 *and development programs.*

23 (g) *FEDERAL SHARE.*—*The Federal share of costs of*
24 *the program shall be provided from funds made available*
25 *to carry out this section. The Federal share of the cost of*

1 *a project carried out under the program shall not exceed*
2 *80 percent of such cost.*

3 **SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.**

4 *Section 5312(h)(2) of title 49, United States Code, is*
5 *amended by striking subparagraph (G).*

6 **SEC. 2807. TRANSIT VEHICLE BATTERY RECYCLING AND**
7 **REUSE.**

8 *(a) IN GENERAL.—Not later than 1 year after the date*
9 *of enactment of this Act, the Secretary of Transportation*
10 *shall issue regulations that, notwithstanding any other pro-*
11 *vision of law, allow recipients of funds under chapter 53*
12 *of title 49, United States Code, at the option of the recipi-*
13 *ent, to repurpose, recycle, reuse, sell, or lease transit vehicle*
14 *batteries that are beyond the useful service life of such bat-*
15 *teries for the purpose of transit vehicle propulsion and com-*
16 *ponent parts of such batteries.*

17 *(b) CONSIDERATIONS.—In issuing regulations under*
18 *subsection (a), the Secretary shall prioritize second life ap-*
19 *plications that—*

20 *(1) maximize the full use of transit vehicle bat-*
21 *teries beyond the useful life of such batteries for tran-*
22 *sit vehicle propulsion and component parts of such*
23 *batteries;*

1 (2) *enhance the reuse and recycling of transit ve-*
2 *hicle batteries, components, and component critical*
3 *minerals of such batteries;*

4 (3) *reduce costs for recipients;*

5 (4) *create new streams of revenue for recipients;*

6 (5) *support the provision of zero emission public*
7 *transportation service, which may include the use of*
8 *wayside charging; and*

9 (6) *enhance the resilience of public transpor-*
10 *tation and the electric vehicle supply equipment net-*
11 *work, which may include the use of batteries for en-*
12 *ergy storage.*

13 (c) *SECOND LIFE APPLICATIONS DEFINED.—In this*
14 *section, the term “second life applications” means the*
15 *repurposing, recycling, reuse, sale, or leasing of a transit*
16 *vehicle battery that is beyond the useful service life for the*
17 *purpose of transit vehicle propulsion and component parts*
18 *of such battery, but that retains utility for other applica-*
19 *tions.*

***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;

1 “(B) establishes an independent procure-
2 ment authority for the Office of Inspector Gen-
3 eral of the Transit Authority;

4 “(C) establishes an independent hiring au-
5 thority for the Office of Inspector General of the
6 Transit Authority;

7 “(D) ensures the Inspector General of the
8 Transit Authority can obtain legal advice from
9 a counsel reporting directly to the Inspector Gen-
10 eral;

11 “(E) requires the Inspector General of the
12 Transit Authority to submit recommendations
13 for corrective action to the General Manager and
14 the Board of Directors of the Transit Authority;

15 “(F) requires the Inspector General of the
16 Transit Authority to publish any recommenda-
17 tion described in subparagraph (E) on the
18 website of the Office of Inspector General of the
19 Transit Authority, except that the Inspector Gen-
20 eral may redact personally identifiable informa-
21 tion and information that, in the determination
22 of the Inspector General, would pose a security
23 risk to the systems of the Transit Authority;

24 “(G) requires the Board of Directors of the
25 Transit Authority to provide written notice to

1 *the Committee on Transportation and Infra-*
2 *structure of the House of Representatives and the*
3 *Committee on Banking, Housing, and Urban Af-*
4 *fairs of the Senate not less than 30 days before*
5 *the Board of Directors removes the Inspector*
6 *General of the Transit Authority, which shall in-*
7 *clude the reasons for removal and supporting*
8 *documentation; and*

9 *“(H) prohibits the Board of Directors from*
10 *removing the Inspector General of the Transit*
11 *Authority unless the Board of Directors has pro-*
12 *vided a 30 day written notification as described*
13 *in subparagraph (G) that documents—*

14 *“(i) a permanent incapacity;*

15 *“(ii) a neglect of duty;*

16 *“(iii) malfeasance;*

17 *“(iv) a conviction of a felony or con-*
18 *duct involving moral turpitude;*

19 *“(v) a knowing violation of a law or*
20 *regulation;*

21 *“(vi) gross mismanagement;*

22 *“(vii) a gross waste of funds;*

23 *“(viii) an abuse of authority; or*

24 *“(ix) inefficiency; and*

1 “(2) *the Code of Ethics for Members of the*
 2 *WMATA Board of Directors passed on September 26,*
 3 *2019, remains in effect, or the Inspector General of*
 4 *the Transit Authority has consulted with any modi-*
 5 *fications to the Code of Ethics by the Board.*

6 “(e) *AUTHORIZATIONS.—*

7 “(1) *IN GENERAL.—There are authorized to be*
 8 *appropriated to the Secretary of Transportation for*
 9 *grants under this section—*

10 “(A) *for fiscal year 2022, \$150,000,000;*

11 “(B) *for fiscal year 2023, \$155,000,000;*

12 “(C) *for fiscal year 2024, \$160,000,000;*

13 “(D) *for fiscal year 2025, \$165,000,000;*

14 “(E) *for fiscal year 2026, \$170,000,000;*

15 “(F) *for fiscal year 2027, \$175,000,000;*

16 “(G) *for fiscal year 2028, \$180,000,000;*

17 “(H) *for fiscal year 2029, \$185,000,000;*

18 “(I) *for fiscal year 2030, \$190,000,000; and*

19 “(J) *for fiscal year 2031, \$200,000,000.*

20 “(2) *SET ASIDE FOR OFFICE OF INSPECTOR GEN-*
 21 *ERAL OF TRANSIT AUTHORITY.—From the amounts in*
 22 *paragraph (1), the Transit Authority shall provide at*
 23 *least 7 percent for each fiscal year to the Office of In-*
 24 *spector General of the Transit Authority to carry out*
 25 *independent and objective audits, investigations, and*

1 *reviews of Transit Authority programs and oper-*
 2 *ations to promote economy, efficiency, and effective-*
 3 *ness, and to prevent and detect fraud, waste, and*
 4 *abuse in such programs and operations.”; and*

5 *(3) by redesignating subsection (g) as subsection*
 6 *(f).*

7 **SEC. 2902. OTHER APPORTIONMENTS.**

8 *Section 5336 of title 49, United States Code, is amend-*
 9 *ed—*

10 *(1) in subsection (h)—*

11 *(A) in the matter preceding paragraph (1)*
 12 *by striking “section 5338(a)(2)(C)” and insert-*
 13 *ing “section 5338(a)(2)(B)”;*

14 *(B) by amending paragraph (1) to read as*
 15 *follows:*

16 *“(1) to carry out section 5307(h)—*

17 *“(A) \$60,906,000 shall be set aside in fiscal*
 18 *year 2023;*

19 *“(B) \$61,856,134 shall be set aside in fiscal*
 20 *year 2024;*

21 *“(C) \$62,845,832 shall be set aside in fiscal*
 22 *year 2025; and*

23 *“(D) \$63,832,511 shall be set aside in fiscal*
 24 *year 2026;”;*

1 (C) in paragraph (2) by striking “3.07 per-
2 cent” and inserting “6 percent”; and

3 (D) by amending paragraph (3) to read as
4 follows:

5 “(3) of amounts not apportioned under para-
6 graphs (1) and (2), 3 percent shall be apportioned to
7 urbanized areas with populations of less than 200,000
8 in accordance with subsection (i);” and

9 (2) in subsection (i) by adding at the end the fol-
10 lowing:

11 “(3) CENSUS PHASE-OUT.—Before apportioning
12 funds under subsection (h)(3), for any urbanized area
13 that is no longer an eligible area due to a change in
14 population in the most recent decennial census, the
15 Secretary shall apportion to such urbanized area, for
16 3 fiscal years, an amount equal to half of the funds
17 apportioned to such urbanized area pursuant to this
18 subsection for the previous fiscal year.”.

19 **Subtitle J—Streamlining**

20 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 21 **GRANTS.**

22 Section 5309 of title 49, United States Code, as amend-
23 ed by section 2703 of this Act, is further amended—

24 (1) in subsection (a)—

25 (A) in paragraph (7)—

1 (i) in subparagraph (A) by striking
 2 “\$100,000,000” and inserting
 3 “\$320,000,000”; and

4 (ii) in subparagraph (B) by striking
 5 “\$300,000,000” and inserting
 6 “\$400,000,000”;

7 (B) by striking paragraph (6); and

8 (C) by redesignating paragraph (7), as so
 9 amended, as paragraph (6);

10 (2) in subsection (b)(2) by inserting “expanding
 11 station capacity,” after “construction of infill sta-
 12 tions,”;

13 (3) in subsection (d)(1)—

14 (A) in subparagraph (C)(i) by striking “2
 15 years” and inserting “3 years”; and

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

17 “(D) *OPTIONAL PROJECT DEVELOPMENT AC-*
 18 *TIVITIES.—An applicant may perform cost and*
 19 *schedule risk assessments with technical assist-*
 20 *ance provided by the Secretary.*

21 “(E) *STATUTORY CONSTRUCTION.—Nothing*
 22 *in this section shall be construed as authorizing*
 23 *the Secretary to require cost and schedule risk*
 24 *assessments in the project development phase.”;*

25 (4) in subsection (e)(1)—

1 (A) in subparagraph (C)(i) by striking “2
2 years” and inserting “3 years”; and

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

4 “(D) *OPTIONAL PROJECT DEVELOPMENT AC-*
5 *TIVITIES.—An applicant may perform cost and*
6 *schedule risk assessments with technical assist-*
7 *ance provided by the Secretary.*

8 “(E) *STATUTORY CONSTRUCTION.—Nothing*
9 *in this section shall be construed as authorizing*
10 *the Secretary to require cost and schedule risk*
11 *assessments in the project development phase.”;*

12 (5) in subsection (e)(2)(A)(iii)(II) by striking “5
13 years” and inserting “10 years”;

14 (6) in subsection (f)—

15 (A) in paragraph (1) by striking “sub-
16 section (d)(2)(A)(v)” and inserting “subsection
17 (d)(2)(A)(iv)”;

18 (B) in paragraph (2)—

19 (i) by striking “subsection
20 (d)(2)(A)(v)” and inserting “subsection
21 (d)(2)(A)(iv)”;

22 (ii) in subparagraph (D) by adding
23 “and” at the end;

24 (iii) by striking subparagraph (E);
25 and

1 (iv) by redesignating subparagraph (F)
2 as subparagraph (E); and
3 (C) by adding at the end the following:

4 “(4) *COST-SHARE INCENTIVES.*—For a project
5 for which a lower CIG cost share is elected by the ap-
6 plicant under subsection (l)(1)(C), the Secretary shall
7 apply the following requirements and considerations
8 in lieu of paragraphs (1) and (2):

9 “(A) *REQUIREMENTS.*—In determining
10 whether a project is supported by local financial
11 commitment and shows evidence of stable and
12 dependable financing sources for purposes of sub-
13 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
14 retary shall require that—

15 “(i) the proposed project plan provides
16 for the availability of contingency amounts
17 that the applicant determines to be reason-
18 able to cover unanticipated cost increases or
19 funding shortfalls;

20 “(ii) each proposed local source of cap-
21 ital and operating financing is stable, reli-
22 able, and available within the proposed
23 project timetable; and

24 “(iii) an applicant certifies that local
25 resources are available to recapitalize,

1 *maintain, and operate the overall existing*
2 *and proposed public transportation system,*
3 *including essential feeder bus and other*
4 *services necessary to achieve the projected*
5 *ridership levels without requiring a reduc-*
6 *tion in existing public transportation serv-*
7 *ices or level of service to operate the project,*
8 *or that the annual operating cost of the pro-*
9 *posed project does not exceed 5 percent of*
10 *the annual cost to operate and maintain the*
11 *overall public transportation system of the*
12 *applicant.*

13 “(B) *CONSIDERATIONS.*—*In assessing the*
14 *stability, reliability, and availability of proposed*
15 *sources of local financing for purposes of sub-*
16 *section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-*
17 *retary shall consider—*

18 “(i) *the reliability of the forecasting*
19 *methods used to estimate costs and revenues*
20 *made by the recipient and the contractors to*
21 *the recipient;*

22 “(ii) *existing grant commitments;*

23 “(iii) *any debt obligation that exists,*
24 *or is proposed by the recipient, for the pro-*

posed 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—

1 “(I) does not exceed \$500,000,000
2 and the total project cost does not ex-
3 ceed \$1,000,000,000; or

4 “(II) complies with subsection
5 (l)(1)(C);

6 “(ii) the applicant requests the use of
7 the warrants;

8 “(iii) the applicant certifies that its
9 existing public transportation system is in
10 a state of good repair; and

11 “(iv) the applicant meets any other re-
12 quirements that the Secretary considers ap-
13 propriate to carry out this subsection; and”;

14 (C) by striking paragraph (5) and inserting
15 the following:

16 “(5) *POLICY GUIDANCE.*—The Secretary shall
17 issue policy guidance on the review and evaluation
18 process and criteria not later than 180 days after the
19 date of enactment of the *INVEST in America Act.*”;

20 (D) by striking paragraph (6) and insert-
21 ing the following:

22 “(6) *TRANSPARENCY.*—Not later than 30 days
23 after the Secretary receives a written request from an
24 applicant for all remaining information necessary to

1 *obtain 1 or more of the following, the Secretary shall*
 2 *provide such information to the applicant:*

3 *“(A) Project advancement.*

4 *“(B) Medium or higher rating.*

5 *“(C) Warrant.*

6 *“(D) Letter of intent.*

7 *“(E) Early systems work agreement.”; and*

8 *(E) in paragraph (7) by striking “the Fed-*
 9 *eral Public Transportation Act of 2012” and in-*
 10 *serting “the INVEST in America Act”;*

11 *(8) in subsection (h)—*

12 *(A) in paragraph (5) by inserting “, except*
 13 *that for a project for which a lower local cost*
 14 *share is elected under subsection (l)(1)(C), the*
 15 *Secretary shall enter into a grant agreement*
 16 *under this subsection for any such project that*
 17 *establishes contingency amounts that the appli-*
 18 *cant determines to be reasonable to cover unan-*
 19 *ticipated cost increases or funding shortfalls” be-*
 20 *fore the period at the end; and*

21 *(B) in paragraph (7)(C) by striking “10*
 22 *days” and inserting “3 days”;*

23 *(9) by striking subsection (i) and inserting the*
 24 *following:*

25 *“(i) INTERRELATED PROJECTS.—*

1 “(1) *RATINGS IMPROVEMENT.*—*The Secretary*
 2 *shall grant a rating increase of 1 level in mobility*
 3 *improvements to any project being rated under sub-*
 4 *section (d), (e), or (h), if the Secretary certifies that*
 5 *the project has a qualifying interrelated project that*
 6 *meets the requirements of paragraph (2).*

7 “(2) *INTERRELATED PROJECT.*—*A qualifying*
 8 *interrelated project is a transit project that—*

9 “(A) *is adopted into the metropolitan trans-*
 10 *portation plan required under section 5303;*

11 “(B) *has received a class of action designa-*
 12 *tion under the National Environmental Policy*
 13 *Act of 1969 (42 U.S.C. 4321 et seq.);*

14 “(C) *will likely increase ridership on the*
 15 *project being rated in subsection (d), (e), or (h),*
 16 *respectively, as determined by the Secretary; and*

17 “(D) *meets one of the following criteria:*

18 “(i) *Extends the corridor of the project*
 19 *being rated in subsection (d), (e), or (h), re-*
 20 *spectively.*

21 “(ii) *Provides a direct passenger trans-*
 22 *fer to the project being rated in subsection*
 23 *(d), (e), or (h), respectively.”;*

24 (10) *in subsection (k)—*

1 (A) in paragraph (2)(D) by adding at the
2 end the following:

3 “(v) *LOCAL FUNDING COMMITMENT.*—

4 *For a project for which a lower CIG cost*
5 *share is elected by the applicant under sub-*
6 *section (l)(1)(C), the Secretary shall enter*
7 *into a full funding grant agreement that*
8 *has at least 75 percent of local financial*
9 *commitment committed and the remaining*
10 *percentage budgeted for the proposed pur-*
11 *poses.”; and*

12 (B) in paragraph (5) by striking “30 days”
13 and inserting “3 days”;
14 (11) in subsection (l)—

15 (A) in paragraph (1) by striking subpara-
16 graph (B) and inserting the following:

17 “(B) *CAP.*—*Except as provided in subpara-*
18 *graph (C), a grant for a project under this sec-*
19 *tion shall not exceed 80 percent of the net capital*
20 *project cost, except that a grant for a core capac-*
21 *ity improvement project shall not exceed 80 per-*
22 *cent of the net capital project cost of the incre-*
23 *mental cost to increase the capacity in the cor-*
24 *ridor.*

1 “(C) *APPLICANT ELECTION OF LOWER*
2 *LOCAL CIG COST SHARE.*—An applicant may
3 elect a lower local CIG cost share for a project
4 under this section for purposes of application of
5 the cost-share incentives under subsection (f)(3).
6 Such cost share shall not exceed 60 percent of the
7 net capital project cost, except that for a grant
8 for a core capacity improvement project such
9 cost share shall not exceed 60 percent of the net
10 capital project cost of the incremental cost to in-
11 crease the capacity in the corridor.”;

12 (B) by striking paragraph (5) and inserting
13 the following:

14 “(5) *LIMITATION ON STATUTORY CONSTRUC-*
15 *TION.*—Nothing in this section shall be construed as
16 authorizing the Secretary to require, incentivize (in
17 any manner not specified in this section), or place
18 additional conditions upon a non-Federal financial
19 commitment for a project that is more than 20 per-
20 cent of the net capital project cost or, for a core ca-
21 pacity improvement project, 20 percent of the net
22 capital project cost of the incremental cost to increase
23 the capacity in the corridor.”; and

24 (C) by striking paragraph (8) and inserting
25 the following:

1 “(8) *CONTINGENCY SHARE*.—*The Secretary shall*
 2 *provide funding for the contingency amount equal to*
 3 *the proportion of the CIG cost share. If the Secretary*
 4 *increases the contingency amount after a project has*
 5 *received a letter of no prejudice or been allocated ap-*
 6 *propriated funds, the federal share of the additional*
 7 *contingency amount shall be 25 percent higher than*
 8 *the original proportion the CIG cost share and in ad-*
 9 *dition to the grant amount set in subsection*
 10 *(k)(2)(C)(ii).”;*

11 *(12) in subsection (o) by adding at the end the*
 12 *following:*

13 “(4) *CIG PROGRAM DASHBOARD*.—*Not later than*
 14 *the fifth day of each month, the Secretary shall make*
 15 *publicly available on a website data on, including the*
 16 *status of, each project under this section that is in the*
 17 *project development phase, in the engineering phase,*
 18 *or has received a grant agreement and remains under*
 19 *construction. Such data shall include, for each*
 20 *project—*

21 “(A) *the amount and fiscal year of any*
 22 *funding appropriated, allocated, or obligated for*
 23 *the project;*

24 “(B) *the date on which the project—*

1 “(i) entered the project development
2 phase;

3 “(ii) entered the engineering phase, if
4 applicable; and

5 “(iii) received a grant agreement, if
6 applicable; and

7 “(C) the status of review by the Federal
8 Transit Administration and the Secretary, in-
9 cluding dates of request, dates of acceptance of
10 request, and dates of a decision for each of the
11 following, if applicable:

12 “(i) A letter of no prejudice.

13 “(ii) An environmental impact state-
14 ment notice of intent.

15 “(iii) A finding of no significant envi-
16 ronmental impact.

17 “(iv) A draft environmental impact
18 statement.

19 “(v) A final environmental impact
20 statement.

21 “(vi) A record of decision on the final
22 environmental impact statement.

23 “(vii) The status of the applicant in
24 securing the non-Federal match, based on
25 information provided by the applicant, in-

1 cluding the amount committed, budgeted,
 2 planned, and undetermined.”; and
 3 (13) by striking “an acceptable degree of” and
 4 inserting “a” each place it appears.

5 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
 6 **DEADLINE.**

7 Section 5336(d) of title 49, United States Code, is
 8 amended—

9 (1) by redesignating paragraph (2) as para-
 10 graph (3);

11 (2) in paragraph (1) by striking “and” at the
 12 end; and

13 (3) by inserting after paragraph (1) the fol-
 14 lowing:

15 “(2) notwithstanding paragraph (1), apportion
 16 amounts to the States appropriated under section
 17 5338(a)(2) to carry out sections 5307, 5310, and 5311
 18 not later than December 15 for which any amounts
 19 are appropriated; and”.

20 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

21 Section 5334 of title 49, United States Code, is further
 22 amended by adding at the end the following:

23 “(l) *DISPOSITION OF ASSETS BEYOND USEFUL*
 24 *LIFE.*—

1 “(1) *IN GENERAL.*—If a recipient, or sub-
2 recipient, for assistance under this chapter disposes of
3 an asset with a current market value, or proceed from
4 the sale of such asset, acquired under this chapter at
5 least in part with such assistance, after such asset has
6 reached the useful life of such asset, the Secretary
7 shall allow the recipient, or subrecipient, to use the
8 proceeds attributable to the Federal share of such asset
9 calculated under paragraph (3) for capital projects
10 under section 5307, 5310, or 5311.

11 “(2) *MINIMUM VALUE.*—This subsection shall
12 only apply to assets with a current market value, or
13 proceeds from sale, of at least \$5,000.

14 “(3) *CALCULATION OF FEDERAL SHARE ATTRIB-*
15 *UTABLE.*—The proceeds attributable to the Federal
16 share of an asset described in paragraph (1) shall be
17 calculated by multiplying—

18 “(A) the current market value of, or the
19 proceeds from the disposition of, such asset; by

20 “(B) the Federal share percentage for the
21 acquisition of such asset at the time of acqui-
22 sition of such asset.”.

1 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
2 **ITY.**

3 *Section 5310 of title 49, United States Code, as amend-*
4 *ed by section 2205, is further amended by adding at the*
5 *end the following:*

6 “(k) *INNOVATIVE COORDINATED ACCESS AND MOBIL-*
7 *ITY.*—

8 “(1) *START UP GRANTS.*—

9 “(A) *IN GENERAL.*—*The Secretary may*
10 *make grants under this paragraph to eligible re-*
11 *cipients to assist in financing innovative projects*
12 *for the transportation disadvantaged that im-*
13 *prove the coordination of transportation services*
14 *and non-emergency medical transportation serv-*
15 *ices.*

16 “(B) *APPLICATION.*—*An eligible recipient*
17 *shall submit to the Secretary an application*
18 *that, at a minimum, contains—*

19 “(i) *a detailed description of the eligi-*
20 *ble project;*

21 “(ii) *an identification of all eligible*
22 *project partners and the specific role of each*
23 *eligible project partner in the eligible*
24 *project, including—*

25 “(I) *private entities engaged in*
26 *the coordination of nonemergency med-*

1 *ical transportation services for the*
2 *transportation disadvantaged;*

3 *“(II) nonprofit entities engaged in*
4 *the coordination of nonemergency med-*
5 *ical transportation services for the*
6 *transportation disadvantaged; or*

7 *“(III) Federal and State entities*
8 *engaged in the coordination of non-*
9 *emergency medical transportation serv-*
10 *ices for the transportation disadvan-*
11 *taged; and*

12 *“(iii) a description of how the eligible*
13 *project shall—*

14 *“(I) improve local coordination or*
15 *access to coordinated transportation*
16 *services;*

17 *“(II) reduce duplication of serv-*
18 *ice, if applicable; and*

19 *“(III) provide innovative solu-*
20 *tions in the State or community.*

21 *“(C) PERFORMANCE MEASURES.—An eligi-*
22 *ble recipient shall specify, in an application for*
23 *a grant under this paragraph, the performance*
24 *measures the eligible project, in coordination*

1 *with project partners, will use to quantify actual*
 2 *outcomes against expected outcomes, including—*

3 *“(i) changes to transportation expendi-*
 4 *tures as a result of improved coordination;*

5 *“(ii) changes to healthcare expendi-*
 6 *tures provided by projects partners as a re-*
 7 *sult of improved coordination; and*

8 *“(iii) changes to health care metrics,*
 9 *including aggregate health outcomes pro-*
 10 *vided by projects partners.*

11 *“(D) ELIGIBLE USES.—Eligible recipients*
 12 *receiving a grant under this section may use*
 13 *such funds for—*

14 *“(i) the deployment of coordination*
 15 *technology;*

16 *“(ii) projects that create or increase*
 17 *access to community One-Call/One-Click*
 18 *Centers;*

19 *“(iii) projects that coordinate trans-*
 20 *portation for 3 or more of—*

21 *“(I) public transportation pro-*
 22 *vided under this section;*

23 *“(II) a State plan approved*
 24 *under title XIX of the Social Security*
 25 *Act (42 U.S.C. 1396 et seq.);*

1 “(III) title XVIII of the Social Se-
2 curity Act (42 U.S.C. 1395 et seq.);

3 “(IV) Veterans Health Adminis-
4 tration; or

5 “(V) private health care facilities;
6 and

7 “(iv) such other projects as determined
8 appropriate by the Secretary.

9 “(E) CONSULTATION.—In evaluating the
10 performance metrics described in subparagraph
11 (C), the Secretary shall consult with the Sec-
12 retary of Health and Human Services.

13 “(2) INCENTIVE GRANTS.—

14 “(A) IN GENERAL.—The Secretary may
15 make grants under this paragraph to eligible re-
16 cipients to incentivize innovative projects for the
17 transportation disadvantaged that improve the
18 coordination of transportation services and non-
19 emergency medical transportation services.

20 “(B) SELECTION OF GRANT RECIPIENTS.—
21 The Secretary shall distribute grant funds made
22 available to carry out this paragraph as de-
23 scribed in subparagraph (E) to eligible recipients
24 that apply and propose to demonstrate improve-

1 *ment in the metrics described in subparagraph*
2 *(F).*

3 “(C) *ELIGIBILITY.*—*An eligible recipient*
4 *shall not be required to have received a grant*
5 *under paragraph (1) to be eligible to receive a*
6 *grant under this paragraph.*

7 “(D) *APPLICATIONS.*—*Eligible recipients*
8 *shall submit to the Secretary an application that*
9 *includes—*

10 *“(i) which metrics under subparagraph*
11 *(F) the eligible recipient intends to improve;*

12 *“(ii) the performance data eligible re-*
13 *cipients and the Federal, State, nonprofit,*
14 *and private partners, as described in para-*
15 *graph (1)(B)(ii), of the eligible recipient*
16 *will make available; and*

17 *“(iii) a proposed incentive formula*
18 *that makes payments to the eligible recipi-*
19 *ent based on the proposed data and metrics.*

20 “(E) *DISTRIBUTION.*—*The Secretary shall*
21 *distribute funds made available to carry out this*
22 *paragraph based upon the number of grant ap-*
23 *plications approved by the Secretary, number of*
24 *individuals served by each grant, and the incen-*

1 *tive formulas approved by the Secretary using*
2 *the following metrics:*

3 “(i) *The reduced transportation ex-*
4 *penditures as a result of improved coordina-*
5 *tion.*

6 “(ii) *The reduced Federal and State*
7 *healthcare expenditures using the metrics*
8 *described in subparagraph (F).*

9 “(iii) *The reduced private healthcare*
10 *expenditures using the metrics described in*
11 *subparagraph (F).*

12 “(F) *HEALTHCARE METRICS.—Healthcare*
13 *metrics described in this subparagraph shall*
14 *be—*

15 “(i) *reducing missed medical appoint-*
16 *ments;*

17 “(ii) *the timely discharge of patients*
18 *from hospitals;*

19 “(iii) *preventing hospital admissions*
20 *and reducing readmissions of patients into*
21 *hospitals; and*

22 “(iv) *other measureable healthcare*
23 *metrics, as determined appropriate by the*
24 *Secretary, in consultation with the Sec-*
25 *retary of Health and Human Services.*

1 “(G) *ELIGIBLE EXPENDITURES.*—*The Sec-*
 2 *retary shall allow the funds distributed by this*
 3 *grant program to be expended on eligible activi-*
 4 *ties described in paragraph (1)(D) and any eli-*
 5 *gible activity under this section that is likely to*
 6 *improve the metrics described in subparagraph*
 7 *(F).*

8 “(H) *RECIPIENT CAP.*—*The Secretary—*

9 “(i) *may not provide more than 20*
 10 *grants under this paragraph; and*

11 “(ii) *shall reduce the maximum num-*
 12 *ber of grants under this paragraph to en-*
 13 *sure projects are fully funded, if necessary.*

14 “(I) *CONSULTATION.*—*In evaluating the*
 15 *health care metrics described in subparagraph*
 16 *(F), the Secretary shall consult with the Sec-*
 17 *retary of Health and Human Services.*

18 “(J) *ANNUAL GRANTEE REPORT.*—*Each*
 19 *grantee shall submit a report, in coordination*
 20 *with the project partners of such grantee, that*
 21 *includes an evaluation of the outcomes of the*
 22 *grant awarded to such grantee, including the*
 23 *performance measures.*

24 “(3) *REPORT.*—*The Secretary shall make pub-*
 25 *licly available an annual report on the program car-*

ried 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 program, 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:

1 “(4) *ZERO-EMISSION OR REDUCED-EMISSION*
2 *GRANTS.*—

3 “(A) *DEFINITIONS.*—*In this paragraph—*

4 “(i) *the term ‘eligible project’ means a*
5 *project or program of projects in an area el-*
6 *igible for a grant under subsection (a) for—*

7 “(I) *acquiring zero- or reduced-*
8 *emission passenger ferries;*

9 “(II) *leasing zero- or reduced-*
10 *emission passenger ferries;*

11 “(III) *constructing facilities and*
12 *related equipment for zero- or reduced-*
13 *emission passenger ferries;*

14 “(IV) *leasing facilities and related*
15 *equipment for zero- or reduced-emis-*
16 *sion passenger ferries;*

17 “(V) *constructing new public*
18 *transportation facilities to accommo-*
19 *date zero- or reduced-emission pas-*
20 *senger ferries;*

21 “(VI) *constructing shoreside ferry*
22 *charging infrastructure for zero- or re-*
23 *duced-emission passenger ferries; or*

24 “(VII) *rehabilitating or improv-*
25 *ing existing public transportation fa-*

1 *cilities to accommodate zero- or re-*
2 *duced-emission passenger ferries;*

3 “(ii) the term ‘zero- or reduced-emis-

4 *sion passenger ferry’ means a passenger*

5 *ferry used to provide public transportation*

6 *that reduces emissions by utilizing onboard*

7 *energy storage systems for hybrid-electric or*

8 *100 percent electric propulsion, related*

9 *charging infrastructure, and other tech-*

10 *nologies deployed to reduce emissions or*

11 *produce zero onboard emissions under nor-*

12 *mal operation; and*

13 “(iii) the term ‘recipient’ means a des-

14 *ignated recipient, a local government au-*

15 *thority, or a State that receives a grant*

16 *under subsection (a).*

17 “(B) GENERAL AUTHORITY.—The Secretary

18 *may make grants to recipients to finance eligible*

19 *projects under this paragraph.*

20 “(C) GRANT REQUIREMENTS.—A grant

21 *under this paragraph shall be subject to the same*

22 *terms and conditions as a grant under sub-*

23 *section (a).*

24 “(D) COMPETITIVE PROCESS.—The Sec-

25 *retary shall solicit grant applications and make*

1 *grants for eligible projects under this paragraph*
 2 *on a competitive basis.*

3 “(E) *GOVERNMENT SHARE OF COSTS.*—

4 “(i) *IN GENERAL.*—*The Federal share*
 5 *of the cost of an eligible project carried out*
 6 *under this paragraph shall not exceed 80*
 7 *percent.*

8 “(ii) *NON-FEDERAL SHARE.*—*The non-*
 9 *Federal share of the cost of an eligible*
 10 *project carried out under this subsection*
 11 *may be derived from in-kind contribu-*
 12 *tions.”.*

13 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
 14 **VESTMENT.**

15 *Section 5309(h)(4) of title 49, United States Code, is*
 16 *amended by inserting “, the extent to which the project im-*
 17 *proves transportation options to economically distressed*
 18 *areas,” after “public transportation”.*

19 **SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NA-**
 20 **TIONAL ENVIRONMENTAL POLICY ACT OF**
 21 **1969 TO FEDERALLY FUNDED BUS SHELTERS.**

22 *Not later than 1 year after the date of enactment of*
 23 *this Act, the Secretary of Transportation shall issue best*
 24 *practices on the application of the National Environmental*
 25 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) to federally*

1 *funded bus shelters to assist recipients of Federal funds in*
 2 *receiving exclusions permitted by law.*

3 **SEC. 2918. CAPITAL INVESTMENT GRANT STREAMLINING.**

4 (a) *IN GENERAL.*—Section 3005(b) of the FAST Act
 5 (Public Law 116–94) is repealed.

6 (b) *GRANDFATHER CLAUSES.*—For any projects that
 7 have submitted an application or are being evaluated under
 8 the program described in section 3005(b) of such Act prior
 9 to the date of enactment of this Act, the Secretary shall—

10 (1) *continue to administer the project under the*
 11 *terms of such section as it existed on the day prior*
 12 *to the date of enactment of this Act; and*

13 (2) *for purposes of providing Federal assistance*
 14 *to such project (and notwithstanding any other provi-*
 15 *sion of law), provide such funds as may be necessary*
 16 *from the amounts provided in section 5338(b) of title*
 17 *49, United States Code, and division A of this Act.*

18 **SEC. 2919. DISPOSITION OF ROLLING STOCK TO IMPROVE**

19 **AIR QUALITY GOALS.**

20 Section 5334 of title 49, United States Code, is further
 21 amended by adding at the end the following:

22 “(m) *DISPOSITION OF ROLLING STOCK TO MEET AIR*
 23 *QUALITY GOALS.*—

24 “(1) *IN GENERAL.*—If a recipient, or sub-
 25 recipient, for assistance under this chapter disposes of

1 *rolling stock with a current market value, or proceeds*
2 *from the disposition of such rolling stock, acquired*
3 *under this chapter at least in part with such assist-*
4 *ance, before such rolling stock has reached its useful*
5 *life, the Secretary may allow the recipient, or sub-*
6 *recipient, to use the proceeds attributable to the Fed-*
7 *eral share of such rolling stock calculated under para-*
8 *graph (3) for capital projects under section 5307,*
9 *5310, or 5311 without need for repayment of the Fed-*
10 *eral financial interest.*

11 *“(2) COVERED ROLLING STOCK.—This subsection*
12 *shall only apply to rolling stock disposed of—*

13 *“(A) which are replaced by rolling stock*
14 *that will help improve attainment of air quality*
15 *goals compared to the rolling stock being re-*
16 *placed; and*

17 *“(B) for which the recipient is located in an*
18 *area that is designated as a nonattainment area*
19 *for particulate matter under section 107(d) of*
20 *the Clean Air Act (42 U.S.C. 7407(d)).*

21 *“(3) CALCULATION OF FEDERAL SHARE ATTRIB-*
22 *UTABLE.—The proceeds attributable to the Federal*
23 *share of rolling stock described in paragraph (1) shall*
24 *be calculated by multiplying—*

1 “(A) the current market value of, or the
 2 proceeds from the disposition of, such asset; and
 3 “(B) the Federal share percentage for the
 4 acquisition of such asset at the time of acquisi-
 5 tion of such asset.”.

6 ***TITLE III—HIGHWAY TRAFFIC***
 7 ***SAFETY***

8 ***SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.***

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

12 (1) *HIGHWAY SAFETY PROGRAMS.*—For carrying
 13 out section 402 of title 23, United States Code—

14 (A) \$378,400,000 for fiscal year 2023;

15 (B) \$382,400,000 for fiscal year 2024;

16 (C) \$386,500,000 for fiscal year 2025; and

17 (D) \$390,400,000 for fiscal year 2026.

18 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
 19 *MENT.*—For carrying out section 403 of title 23,
 20 United States Code—

21 (A) \$182,495,000 for fiscal year 2023;

22 (B) \$184,795,000 for fiscal year 2024;

23 (C) \$187,795,000 for fiscal year 2025; and

24 (D) \$190,695,000 for fiscal year 2026.

1 (3) *NATIONAL PRIORITY SAFETY PROGRAMS.—*
2 *For carrying out section 405 of title 23, United States*
3 *Code—*

4 (A) \$384,119,000 for fiscal year 2023;
5 (B) \$393,205,000 for fiscal year 2024;
6 (C) \$402,205,000 for fiscal year 2025; and
7 (D) \$411,388,000 for fiscal year 2026.

8 (4) *NATIONAL DRIVER REGISTER.—For the Na-*
9 *tional Highway Traffic Safety Administration to*
10 *carry out chapter 303 of title 49, United States*
11 *Code—*

12 (A) \$5,700,000 for fiscal year 2023;
13 (B) \$5,800,000 for fiscal year 2024;
14 (C) \$5,900,000 for fiscal year 2025; and
15 (D) \$6,000,000 for fiscal year 2026.

16 (5) *HIGH-VISIBILITY ENFORCEMENT PROGRAM.—*
17 *For carrying out section 404 of title 23, United States*
18 *Code—*

19 (A) \$60,200,000 for fiscal year 2023;
20 (B) \$60,600,000 for fiscal year 2024;
21 (C) \$60,800,000 for fiscal year 2025; and
22 (D) \$61,200,000 for fiscal year 2026.

23 (6) *ADMINISTRATIVE EXPENSES.—For adminis-*
24 *trative and related operating expenses of the National*

1 *Highway Traffic Safety Administration in carrying*
 2 *out chapter 4 of title 23, United States Code—*

3 (A) \$30,586,000 for fiscal year 2023;

4 (B) \$31,000,000 for fiscal year 2024;

5 (C) \$31,500,000 for fiscal year 2025; and

6 (D) \$31,917,000 for fiscal year 2026.

7 (7) *CENTER FOR FAIR AND EQUITABLE TRAFFIC*
 8 *SAFETY ENFORCEMENT.—For carrying out section*
 9 *3003 of this title, \$35,000,000 for each of fiscal years*
 10 *2023 through 2026.*

11 (b) *PROHIBITION ON OTHER USES.—Except as other-*
 12 *wise provided in chapter 4 of title 23, United States Code,*
 13 *and chapter 303 of title 49, United States Code, the*
 14 *amounts made available from the Highway Trust Fund*
 15 *(other than the Mass Transit Account) for a program under*
 16 *such chapters—*

17 (1) *shall only be used to carry out such program;*

18 *and*

19 (2) *may not be used by States or local govern-*
 20 *ments for construction purposes.*

21 (c) *APPLICABILITY OF TITLE 23.—Except as otherwise*
 22 *provided in chapter 4 of title 23, United States Code, and*
 23 *chapter 303 of title 49, United States Code, amounts made*
 24 *available under subsection (a) for fiscal years 2023 through*
 25 *2026 shall be available for obligation in the same manner*

1 *as if such funds were apportioned under chapter 1 of title*
2 *23, United States Code.*

3 (d) *REGULATORY AUTHORITY.—Grants awarded*
4 *under chapter 4 of title 23, United States Code, including*
5 *any amendments made by this title, shall be carried out*
6 *in accordance with regulations issued by the Secretary of*
7 *Transportation.*

8 (e) *STATE MATCHING REQUIREMENTS.—If a grant*
9 *awarded under chapter 4 of title 23, United States Code,*
10 *requires a State to share in the cost, the aggregate of all*
11 *expenditures for highway safety activities made during a*
12 *fiscal year by the State and its political subdivisions (exclu-*
13 *sive of Federal funds) for carrying out the grant (other than*
14 *planning and administration) shall be available for the*
15 *purpose of crediting the State during such fiscal year for*
16 *the non-Federal share of the cost of any other project carried*
17 *out under chapter 4 of title 23, United States Code (other*
18 *than planning or administration), without regard to wheth-*
19 *er such expenditures were made in connection with such*
20 *project.*

21 (f) *GRANT APPLICATION AND DEADLINE.—To receive*
22 *a grant under chapter 4 of title 23, United States Code,*
23 *a State shall submit an application, and the Secretary of*
24 *Transportation shall establish a single deadline for such ap-*

1 *plications to enable the award of grants early in the next*
 2 *fiscal year.*

3 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

4 *Section 402 of title 23, United States Code, is amend-*
 5 *ed—*

6 *(1) in subsection (a) by adding at the end the*
 7 *following:*

8 *“(3) ADDITIONAL CONSIDERATIONS.—States*
 9 *which have legalized medicinal or recreational mari-*
 10 *juana shall consider programs in addition to the pro-*
 11 *grams described in paragraph (2)(A) to educate driv-*
 12 *ers on the risks associated with marijuana-impaired*
 13 *driving and to reduce injuries and deaths resulting*
 14 *from individuals driving motor vehicles while im-*
 15 *paired by marijuana.”;*

16 *(2) in subsection (c)—*

17 *(A) by redesignating paragraphs (2), (3),*
 18 *and (4) as paragraphs (3), (4), and (5), respec-*
 19 *tively;*

20 *(B) by inserting after paragraph (1) the fol-*
 21 *lowing:*

22 *“(2) ADDITIONAL USES.—In addition to uses au-*
 23 *thorized under paragraph (1) and as approved by the*
 24 *Secretary, States may use funds under this section*
 25 *to—*

1 “(A) educate the public on the dangers of
2 pediatric vehicular hyperthermia;

3 “(B) purchase and distribute child re-
4 straints to low-income families; and

5 “(C) reduce injuries and deaths resulting
6 from drivers of motor vehicles not moving to an-
7 other traffic lane or reducing the speed of such
8 driver’s vehicle when passing an emergency, law
9 enforcement, or other vehicle stopped or parked
10 on or near the roadway.”.

11 (C) in paragraph (5), as so redesignated)—

12 (i) by striking subparagraph (C);

13 (ii) by redesignating subparagraph (B)
14 as subparagraph (D); and

15 (iii) by inserting after subparagraph
16 (A) the following:

17 “(B) SPECIAL RULE FOR SCHOOL AND
18 WORK ZONES.—Notwithstanding subparagraph
19 (A), a State may expend funds apportioned to
20 that State under this section to carry out a pro-
21 gram to purchase, operate, or maintain an auto-
22 mated traffic system in a work zone or school
23 zone.

24 “(C) AUTOMATED TRAFFIC ENFORCEMENT
25 SYSTEM GUIDELINES.—Any automated traffic

1 *enforcement system installed pursuant to sub-*
 2 *paragraph (B) shall comply with speed enforce-*
 3 *ment camera systems and red light camera sys-*
 4 *tems guidelines established by the Secretary.”;*
 5 *and*

6 *(3) in subsection (n)—*

7 *(A) by striking “PUBLIC TRANSPARENCY”*
 8 *and all that follows through “The Secretary”*
 9 *and inserting the following: “PUBLIC TRANS-*
 10 *PARENCY.—*

11 *“(1) IN GENERAL.—The Secretary”; and*

12 *(B) by adding at the end the following:*

13 *“(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—*

14 *“(A) IN GENERAL.—In carrying out the re-*
 15 *quirements of paragraph (1), the Secretary shall*
 16 *establish a public website that is easily acces-*
 17 *sible, navigable, and searchable for the informa-*
 18 *tion required under paragraph (1), in order to*
 19 *foster greater transparency in approved State*
 20 *highway safety programs.*

21 *“(B) CONTENTS.—The website established*
 22 *under subparagraph (A) shall—*

23 *“(i) include each State highway safety*
 24 *plan and annual report submitted and ap-*

proved 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 re-
quired by the Secretary under para-
graph (3)(A);

“(II) progress made toward meet-
ing the State’s performance targets for
the previous year;

“(III) program areas and expend-
itures; and

“(IV) a description of any sources
of funds other than funds provided
under this section that the State pro-
poses to use to carry out the State
highway safety plan of such State.”.

**SEC. 3003. FAIR AND EQUITABLE TRAFFIC SAFETY EN-
FORCEMENT.**

(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

1 *to establish and operate a national center of excellence for*
2 *fair and equitable traffic safety enforcement (in this section*
3 *referred to as the “Center”).*

4 *(b) PURPOSE.—The purpose of the Center shall be to*
5 *promote fair and equitable traffic safety enforcement with*
6 *the goal of reducing traffic fatalities and injuries.*

7 *(c) ROLE OF CENTER.—The role of the Center shall*
8 *be to establish and operate a national fair and equitable*
9 *traffic safety enforcement clearinghouse to—*

10 *(1) develop data collection systems to promote*
11 *fair and equitable traffic safety enforcement solutions,*
12 *including assisting States participating in the pro-*
13 *gram established under section 403(j) of title 23,*
14 *United States Code, (as added by this Act) share data*
15 *collected to a national database;*

16 *(2) develop recommendations for States to im-*
17 *prove data collection on law enforcement programs*
18 *carried out under sections 402 and 405 of this title*
19 *in order to promote fair and equitable traffic safety*
20 *enforcement programs;*

21 *(3) provide technical assistance to States on the*
22 *implementation of the program established under sec-*
23 *tion 403(j) of title 23, United States Code, as added*
24 *by this Act;*

1 (4) *research and disseminate best practices for*
2 *implementing equitable traffic safety enforcement pro-*
3 *grams; and*

4 (5) *develop information and educational pro-*
5 *grams on implementing equitable traffic safety en-*
6 *forcement best practices.*

7 (d) *CONSULTATION.—In carrying out the activities*
8 *under paragraphs (4) and (5) of subsection (c), the Center*
9 *shall consult with relevant stakeholders, including—*

10 (1) *civil rights organizations;*

11 (2) *traffic safety advocacy groups;*

12 (3) *law enforcement representatives;*

13 (4) *State highway safety offices; and*

14 (5) *such other surface transportation stakeholders*
15 *and industry experts as the Center considers appro-*
16 *priate.*

17 (e) *REPORT TO CONGRESS.—Not later than 2 years*
18 *after the establishment of the Center under subsection (a),*
19 *the Secretary shall submit to the Committee on Transpor-*
20 *tation and Infrastructure of the House of Representatives*
21 *and the Committee on Environment and Public Works of*
22 *the Senate a report on progress made toward meeting the*
23 *goals established under subsection (b).*

1 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
2 **MENT.**

3 *Section 403 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (b) by inserting “, training,”*
6 *after “demonstration projects”;*

7 *(2) in subsection (f)(1)—*

8 *(A) by striking “\$2,500,000” and inserting*
9 *“\$3,500,000”; and*

10 *(B) by striking “subsection 402(c) in each*
11 *fiscal year ending before October 1, 2015, and*
12 *\$443,989 of the total amount available for ap-*
13 *portionment to the States for highway safety*
14 *programs under section 402(c) in the period be-*
15 *ginning on October 1, 2015, and ending on De-*
16 *cember 4, 2015,” and inserting “section*
17 *402(c)(2) in each fiscal year”; and*

18 *(3) by striking subsection (h) and redesignating*
19 *subsections (i) and (j) as subsections (h) and (i), re-*
20 *spectively.*

21 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
22 **PROFILING.**

23 *Section 403 of title 23, United States Code, as amend-*
24 *ed by section 3004 of this Act, is further amended by adding*
25 *at the end the following:*

1 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
2 PROFILING.—

3 “(1) GENERAL AUTHORITY.—Subject to the re-
4 quirements of this subsection, the Secretary shall
5 make grants to a State that—

6 “(A) is maintaining and allows public in-
7 spection of statistical information for each motor
8 vehicle stop made by a law enforcement officer
9 on a Federal-aid highway in the State regarding
10 the race and ethnicity of the driver; or

11 “(B) provides assurances satisfactory to the
12 Secretary that the State is undertaking activities
13 to comply with the requirements of subparagraph
14 (A).

15 “(2) USE OF GRANT FUNDS.—A grant received
16 by a State under paragraph (1) shall be used by the
17 State for the costs of—

18 “(A) collecting and maintaining data on
19 traffic stops;

20 “(B) evaluating the results of such data;
21 and

22 “(C) developing and implementing pro-
23 grams to reduce the occurrence of racial
24 profiling.

1 “(3) *LIMITATIONS.*—*The total amount of grants*
 2 *made to a State under this section in a fiscal year*
 3 *may not exceed—*

4 “(A) *10 percent of the amount made avail-*
 5 *able to carry out this section in the fiscal year*
 6 *for States eligible under paragraph (1)(A); and*

7 “(B) *5 percent of the amount made avail-*
 8 *able to carry out this section in the fiscal year*
 9 *for States eligible under paragraph (1)(B).*

10 “(4) *FUNDING.*—*From funds made available*
 11 *under this section, the Secretary shall set aside*
 12 *\$15,000,000 for each fiscal year to carry out this sub-*
 13 *section.’’.*

14 **SEC. 3006. NATIONAL SAFETY CAMPAIGNS.**

15 “(a) *IN GENERAL.*—*Section 404 of title 23, United*
 16 *States Code, is amended to read as follows:*

17 **“§ 404. National safety campaigns**

18 “(a) *IN GENERAL.*—*The Secretary shall establish and*
 19 *administer a program under which not less than 3 high-*
 20 *visibility enforcement campaigns and not less than 3 public*
 21 *awareness campaigns will be carried out in each of fiscal*
 22 *years 2023 through 2026.*

23 “(b) *HIGH-VISIBILITY ENFORCEMENT.*—*In carrying*
 24 *out the requirements under paragraph (a), the Secretary*

1 *shall ensure that in each fiscal year not less than 1 high-*
2 *visibility enforcement campaign is carried out to—*

3 *“(1) reduce alcohol-impaired operation of a*
4 *motor vehicle;*

5 *“(2) reduce alcohol-impaired and drug-impaired*
6 *operation of a motor vehicle; and*

7 *“(3) increase use of seatbelts by occupants of*
8 *motor vehicles.*

9 *“(c) PUBLIC AWARENESS.—The purpose of each public*
10 *awareness campaign carried out under this section shall be*
11 *to achieve outcomes related to not less than 1 of the fol-*
12 *lowing objectives:*

13 *“(1) Increase the proper use of seatbelts and*
14 *child restraints by occupants of motor vehicles.*

15 *“(2) Reduce instances of distracted driving.*

16 *“(3) Reduce instances of speeding by drivers.*

17 *“(d) ADVERTISING.—The Secretary may use, or au-*
18 *thorize the use of, funds available to carry out this section*
19 *to pay for the development, production, and use of broadcast*
20 *and print media advertising and Internet-based outreach*
21 *in carrying out campaigns under this section. In allocating*
22 *such funds, consideration shall be given to advertising di-*
23 *rected at non-English speaking populations, including those*
24 *who listen to, read, or watch nontraditional media.*

1 “(e) *COORDINATION WITH STATES.*—*The Secretary*
2 *shall coordinate with States in carrying out the high-visi-*
3 *bility enforcement campaigns under this section, including*
4 *advertising funded under subsection (d), with consideration*
5 *given to—*

6 “(1) *relying on States to provide law enforce-*
7 *ment resources for the campaigns out of funding made*
8 *available under sections 402 and 405; and*

9 “(2) *providing, out of National Highway Traffic*
10 *Safety Administration resources, most of the means*
11 *necessary for national advertising and education ef-*
12 *forts associated with the campaigns.*

13 “(f) *COORDINATION OF DYNAMIC HIGHWAY MESSAGE*
14 *SIGNS.*—*During national high-visibility enforcement em-*
15 *phasis periods supported by these funds, the Federal High-*
16 *way Administration and the National Highway Traffic*
17 *Safety Administration shall coordinate with State depart-*
18 *ments of transportation on the use of dynamic highway*
19 *message signs to support high-visibility national emphasis*
20 *activities.*

21 “(g) *USE OF FUNDS.*—*Funds made available to carry*
22 *out this section may be used only for activities described*
23 *in subsections (c) and (d).*

24 “(h) *DEFINITION.*—*In this section:*

1 “(1) *CAMPAIGN*.—The term ‘campaign’ means a
2 *high-visibility traffic safety law enforcement cam-*
3 *paign or a traffic safety public awareness campaign.*

4 “(2) *DYNAMIC HIGHWAY*.—The term ‘dynamic
5 *highway message sign’ means a traffic control device*
6 *that is capable of displaying one or more alternative*
7 *messages which convey information to travelers.*

8 “(3) *STATE*.—The ‘State’ has the meaning given
9 *that term in section 401.*

10 “(b) *CLERICAL AMENDMENT*.—The item relating to
11 *section 404 in the analysis for chapter 4 of title 23, United*
12 *States Code, is amended to read as follows:*

 “‘404. *National safety campaigns.*’.

13 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

14 (a) *IN GENERAL*.—Section 405 of title 23, United
15 *States Code, is amended—*

16 (1) *in subsection (a)—*

17 (A) *in paragraph (1) by striking “13 per-*
18 *cent” and inserting “12.85 percent”;*

19 (B) *in paragraph (2) by striking “14.5 per-*
20 *cent” and inserting “14.3 percent”;*

21 (C) *in paragraph (3) by striking “52.5 per-*
22 *cent” and inserting “51.75 percent”;*

23 (D) *in paragraph (4) by striking “8.5 per-*
24 *cent” and inserting “8.3 percent”;*

1 (E) in paragraph (6) by striking “5 per-
2 cent” and inserting “4.9 percent”;

3 (F) in paragraph (7) by striking “5 per-
4 cent” and inserting “4.9 percent”;

5 (G) in paragraph (8)—

6 (i) by striking “paragraphs (1)
7 through (7)” and inserting “paragraphs (1)
8 through (8)”;

9 (ii) by striking “subsections (b)
10 through (h)” and inserting “subsections (b)
11 through (i)”; and

12 (iii) by inserting “to carry out any of
13 the other activities described in such sub-
14 sections, or the amount made available” be-
15 fore “under section 402”;

16 (H) in paragraph (9)(A) by striking “date
17 of enactment of the FAST Act” and inserting
18 “date of enactment of the INVEST in America
19 Act”;

20 (I) by redesignating paragraphs (8), (9),
21 and (10) as paragraphs (9), (10), and (11), re-
22 spectively; and

23 (J) by inserting after paragraph (7) the fol-
24 lowing:

1 “(8) *DRIVER AND OFFICER SAFETY EDU-*
2 *CATION.—In each fiscal year, 1.5 percent of the funds*
3 *provided under this section shall be allocated among*
4 *States that meet the requirements with respect to*
5 *driver and officer safety education (as described in*
6 *subsection (i)).”;*

7 (2) *in subsection (c)(3)(E) by striking “5” and*
8 *inserting “10”;*

9 (3) *in subsection (b)(4)—*

10 (A) *in subparagraph (A) by striking clause*
11 *(v) and inserting the following:*

12 “(v) *implement programs in low-in-*
13 *come and underserved populations to—*

14 “(I) *recruit and train occupant*
15 *protection safety professionals, nation-*
16 *ally certified child passenger safety*
17 *technicians, police officers, fire and*
18 *emergency medical personnel, and edu-*
19 *cators serving low-income and under-*
20 *served populations;*

21 “(II) *educate parents and care-*
22 *givers in low-income and underserved*
23 *populations about the proper use and*
24 *installation of child safety seats; and*

1 “(III) purchase and distribute
2 child safety seats to low-income and
3 underserved populations; and”; and

4 (B) in subparagraph (B)—

5 (i) by striking “100 percent” and in-
6 serting “90 percent”; and

7 (ii) by inserting “The remaining 10
8 percent of such funds shall be used to carry
9 out subsection (A)(v).” after “section 402.”;

10 (4) by striking subsection (c)(4) and inserting
11 the following:

12 “(4) USE OF GRANT AMOUNTS.—Grant funds re-
13 ceived by a State under this subsection shall be used
14 for—

15 “(A) making data program improvements
16 to core highway safety databases related to quan-
17 tifiable, measurable progress in any of the 6 sig-
18 nificant data program attributes set forth in
19 paragraph (3)(D);

20 “(B) developing or acquiring information
21 technology for programs to identify, collect, and
22 report data to State and local government agen-
23 cies, and enter data, including crash, citation
24 and adjudication, driver, emergency medical
25 services or injury surveillance system, roadway,

1 *and vehicle, into the core highway safety data-*
2 *bases of a State;*

3 *“(C) purchasing equipment used to identify,*
4 *collect, and report State safety data to support*
5 *State efforts to improve State traffic safety infor-*
6 *mation systems;*

7 *“(D) linking core highway safety databases*
8 *of a State with such databases of other States;*

9 *“(E) improving the compatibility and*
10 *interoperability of the core highway safety data-*
11 *bases of the State with national data systems*
12 *and data systems of other States;*

13 *“(F) costs associated with training State*
14 *and local personnel on ways to improve State*
15 *traffic safety information systems;*

16 *“(G) hiring a Fatality Analysis Reporting*
17 *System liaison for a State; and*

18 *“(H) conducting research on State traffic*
19 *safety information systems, including developing*
20 *and evaluating programs to improve core high-*
21 *way safety databases of such State and processes*
22 *by which data is identified, collected, reported to*
23 *State and local government agencies, and entered*
24 *into such core safety databases.”;*

1 (5) *by striking subsection (d)(6)(A) and insert-*
2 *ing the following:*

3 “(A) *GRANTS TO STATES WITH ALCOHOL-IG-*
4 *NITION INTERLOCK LAWS.—The Secretary shall*
5 *make a separate grant under this subsection to*
6 *each State that—*

7 “(i) *adopts and is enforcing a manda-*
8 *tory alcohol-ignition interlock law for all*
9 *individuals at the time of, or prior to, a*
10 *conviction of driving under the influence of*
11 *alcohol or of driving while intoxicated;*

12 “(ii) *does not allow any individual re-*
13 *quired to have an ignition interlock for*
14 *driving privileges to drive a motor vehicle*
15 *unless such individual installs an ignition*
16 *interlock for a minimum 180-day interlock*
17 *period; or*

18 “(iii) *has—*

19 “(I) *enacted and is enforcing a*
20 *state law requiring all individuals con-*
21 *victed of, or whose driving privilege is*
22 *revoked or denied for, refusing to sub-*
23 *mit to a chemical or other test for the*
24 *purpose of determining the presence or*
25 *concentration of any intoxicating sub-*

1 *stance to install an ignition interlock*
2 *for a minimum 180-day interlock pe-*
3 *riod unless the driver successfully com-*
4 *pletes an appeal process; and*

5 *“(II) a compliance-based removal*
6 *program in which an individual re-*
7 *quired to install an ignition interlock*
8 *for a minimum 180-day interlock pe-*
9 *riod and have completed a minimum*
10 *consecutive period of not less than 60*
11 *days of the required interlock period*
12 *immediately preceding the date of re-*
13 *lease, without a confirmed violation, as*
14 *defined by State law or regulations, of*
15 *driving under the influence of alcohol*
16 *or driving while intoxicated.”;*

17 *(6) in subsection (e)—*

18 *(A) in paragraph (1) by striking “para-*
19 *graphs (2) and (3)” and inserting “paragraph*
20 *(2)”;*

21 *(B) in paragraph (4)—*

22 *(i) by striking “paragraph (2) or (3)”*
23 *and inserting “paragraph (3) or (4)”;*

24 *(ii) in subparagraph (A) by striking*
25 *“communications device to contact emer-*

1 *gency services” and inserting “communica-*
 2 *tions device during an emergency to contact*
 3 *emergency services or to prevent injury to*
 4 *persons or property”;*

5 *(iii) in subparagraph (C) by striking*
 6 *“; and” and inserting a semicolon;*

7 *(iv) by redesignating subparagraph*
 8 *(D) as subparagraph (E); and*

9 *(v) by inserting after subparagraph*
 10 *(C) the following:*

11 *“(D) a driver who uses a personal wireless*
 12 *communication device for navigation; and”;*

13 *(C) in paragraph (5)(A)(i) by striking*
 14 *“texting or using a cell phone while” and insert-*
 15 *ing “distracted”;*

16 *(D) in paragraph (7) by striking “Of the*
 17 *amounts” and inserting “In addition to the*
 18 *amounts authorized under section 404 and of the*
 19 *amounts”;*

20 *(E) in paragraph (9)—*

21 *(i) by striking subparagraph (B) and*
 22 *inserting the following:*

23 *“(B) PERSONAL WIRELESS COMMUNICA-*
 24 *TIONS DEVICE.—The term ‘personal wireless*
 25 *communications device’ means—*

1 “(i) until the date on which the Sec-
 2 retary issues a regulation pursuant to para-
 3 graph (8)(A), a device through which per-
 4 sonal services (as such term is defined in
 5 section 332(c)(7)(C)(i) of the Communica-
 6 tions Act of 1934 (47 U.S.C.
 7 332(c)(7)(C)(i)) are transmitted, but not in-
 8 cluding the use of such a device as a global
 9 navigation system receiver used for posi-
 10 tioning, emergency notification, or naviga-
 11 tion purposes; and

12 “(ii) on and after the date on which
 13 the Secretary issues a regulation pursuant
 14 to paragraph (8)(A), the definition de-
 15 scribed in such regulation.”; and

16 (ii) by striking subparagraph (E) and
 17 inserting the following:

18 “(E) *TEXTING*.—The term ‘texting’
 19 means—

20 “(i) until the date on which the Sec-
 21 retary issues a regulation pursuant to para-
 22 graph (8)(A), reading from or manually en-
 23 tering data into a personal wireless commu-
 24 nications device, including doing so for the
 25 purpose of SMS texting, emailing, instant

1 *messaging, or engaging in any other form of*
2 *electronic data retrieval or electronic data*
3 *communication; and*

4 “(ii) *on and after the date on which*
5 *the Secretary issues a regulation pursuant*
6 *to paragraph (8)(A), the definition de-*
7 *scribed in such regulation.”;*

8 *(F) by striking paragraphs (2), (3), (6),*
9 *and (8);*

10 *(G) by redesignating paragraphs (4) and*
11 *(5) as paragraphs (5) and (6), respectively;*

12 *(H) by inserting after paragraph (1) the*
13 *following:*

14 “(2) *ALLOCATION.—*

15 “(A) *IN GENERAL.—Subject to subpara-*
16 *graphs (B), (C), and (D), the allocation of grant*
17 *funds to a State under this subsection for a fiscal*
18 *year shall be in proportion to the State’s appor-*
19 *tionment under section 402 for fiscal year 2009.*

20 “(B) *PRIMARY OFFENSE LAWS.—A State*
21 *that has enacted and is enforcing a law that*
22 *meets the requirements set forth in paragraphs*
23 *(3) and (4) as a primary offense shall be allo-*
24 *cated 100 percent of the amount calculated under*
25 *subparagraph (A).*

1 “(C) *SECONDARY OFFENSE LAWS.*—A State
 2 that has enacted and is enforcing a law that
 3 meets the requirements set forth in paragraphs
 4 (3) and (4) as a secondary offense shall be allo-
 5 cated 50 percent of the amount calculated under
 6 subparagraph (A).

7 “(D) *TEXTING WHILE DRIVING.*—Notwith-
 8 standing subparagraphs (B) and (C), a State
 9 shall be allocated 25 percent of the amount cal-
 10 culated under subparagraph (A) if such State
 11 has enacted and is enforcing a law that prohibits
 12 a driver from viewing a personal wireless com-
 13 munication device, except for the purpose of
 14 navigation.

15 “(3) *PROHIBITION ON HANDHELD PERSONAL*
 16 *WIRELESS COMMUNICATION DEVICE USE WHILE DRIV-*
 17 *ING.*—A State law meets the requirements set forth in
 18 this paragraph if the law—

19 “(A) prohibits a driver from holding or
 20 using, including texting, a personal wireless
 21 communications device while driving, except for
 22 the use of a personal wireless communications
 23 device—

24 “(i) in a hands-free manner or with a
 25 hands-free accessory; or

1 “(ii) to activate or deactivate a feature
2 or function of the personal wireless commu-
3 nications device;

4 “(B) establishes a fine for a violation of the
5 law; and

6 “(C) does not provide for an exemption that
7 specifically allows a driver to hold or use a per-
8 sonal wireless communication device while
9 stopped in traffic.

10 “(4) PROHIBITION ON PERSONAL WIRELESS COM-
11 MUNICATION DEVICE USE WHILE DRIVING OR
12 STOPPED IN TRAFFIC.—A State law meets the require-
13 ments set forth in this paragraph if the law—

14 “(A) prohibits a driver from holding or
15 using a personal wireless communications device
16 while driving if the driver is—

17 “(i) younger than 18 years of age; or

18 “(ii) in the learner’s permit or inter-
19 mediate license stage described in subpara-
20 graph (A) or (B) of subsection (g)(2);

21 “(B) establishes a fine for a violation of the
22 law; and

23 “(C) does not provide for an exemption that
24 specifically allows a driver to use a personal

1 *wireless communication device while stopped in*
 2 *traffic.”; and*

3 *(I) by inserting after paragraph (7) the fol-*
 4 *lowing:*

5 *“(8) RULEMAKING.—Not later than 1 year after*
 6 *the date of enactment of this paragraph, the Secretary*
 7 *shall issue such regulations as are necessary to ac-*
 8 *count for diverse State approaches to combating dis-*
 9 *tracted driving that—*

10 *“(A) defines the terms personal wireless*
 11 *communications device and texting for the pur-*
 12 *poses of this subsection; and*

13 *“(B) determines additional permitted excep-*
 14 *tions that are appropriate for a State law that*
 15 *meets the requirements under paragraph (3) or*
 16 *(4).”;*
 17 *(7) in subsection (g)—*

18 *(A) in paragraph (1) by inserting “sub-*
 19 *paragraphs (A) and (B) of” before “paragraph*
 20 *(2)”;*

21 *(B) by striking paragraph (2) and inserting*
 22 *the following:*

23 *“(2) MINIMUM REQUIREMENTS.—*

24 *“(A) TIER 1 STATE.—A State shall be eligi-*
 25 *ble for a grant under this subsection as a Tier*

1 *1 State if such State requires novice drivers*
2 *younger than 18 years of age to comply with a*
3 *2-stage graduated driver licensing process before*
4 *receiving an unrestricted driver's license that in-*
5 *cludes—*

6 *“(i) a learner's permit stage that—*

7 *“(I) is at least 180 days in dura-*
8 *tion;*

9 *“(II) requires that the driver be*
10 *accompanied and supervised at all*
11 *times; and*

12 *“(III) has a requirement that the*
13 *driver obtain at least 40 hours of be-*
14 *hind-the-wheel training with a super-*
15 *visor; and*

16 *“(ii) an intermediate stage that—*

17 *“(I) commences immediately after*
18 *the expiration of the learner's permit*
19 *stage;*

20 *“(II) is at least 180 days in dura-*
21 *tion; and*

22 *“(III) for the first 180 days of the*
23 *intermediate stage, restricts the driver*
24 *from—*

1 “(aa) driving at night be-
2 tween the hours of 11:00 p.m. and
3 at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in the
8 motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor vehi-
17 cle with more than 1 nonfamilial
18 passenger younger than 18 years
19 of age, except when a parent,
20 guardian, driving instructor, or
21 licensed driver who is at least 21
22 years of age is in the motor vehi-
23 cle.

24 “(B) TIER 2 STATE.—A State shall be eligi-
25 ble for a grant under this subsection as a Tier

1 *2 State if such State requires novice drivers*
2 *younger than 18 years of age to comply with a*
3 *2-stage graduated driver licensing process before*
4 *receiving an unrestricted driver's license that in-*
5 *cludes—*

6 *“(i) a learner's permit stage that—*

7 *“(I) is at least 180 days in dura-*
8 *tion;*

9 *“(II) requires that the driver be*
10 *accompanied and supervised at all*
11 *times; and*

12 *“(III) has a requirement that the*
13 *driver obtain at least 50 hours of be-*
14 *hind-the-wheel training, with at least*
15 *10 hours at night, with a supervisor;*
16 *and*

17 *“(ii) an intermediate stage that—*

18 *“(I) commences immediately after*
19 *the expiration of the learner's permit*
20 *stage;*

21 *“(II) is at least 180 days in dura-*
22 *tion; and*

23 *“(III) for the first 180 days of the*
24 *intermediate stage, restricts the driver*
25 *from—*

1 “(aa) driving at night be-
2 tween the hours of 10:00 p.m. and
3 at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in the
8 motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor vehi-
17 cle with any nonfamilial pas-
18 senger younger than 18 years of
19 age, except when a parent, guard-
20 ian, driving instructor, or li-
21 censed driver who is at least 21
22 years of age is in the motor vehi-
23 cle.”;

24 (C) in paragraph (3)—

1 (i) in subparagraph (A) by inserting
 2 “subparagraphs (A) and (B) of” before
 3 “paragraph (2)”; and

4 (ii) in subparagraph (B) by inserting
 5 “subparagraphs (A) and (B) of” before
 6 “paragraph (2)” each place such term ap-
 7 pears;

8 (D) in paragraph (4) by striking “such fis-
 9 cal year” and inserting “fiscal year 2009”; and
 10 (E) by striking paragraph (5) and inserting
 11 the following:

12 “(5) *USE OF FUNDS.*—

13 “(A) *TIER 1 STATES.*—A Tier 1 State shall
 14 use grant funds provided under this subsection
 15 for—

16 “(i) enforcing a 2-stage licensing proc-
 17 ess that complies with paragraph (2);

18 “(ii) training for law enforcement per-
 19 sonnel and other relevant State agency per-
 20 sonnel relating to the enforcement described
 21 in clause (i);

22 “(iii) publishing relevant educational
 23 materials that pertain directly or indirectly
 24 to the State graduated driver licensing law;

1 “(iv) carrying out other administrative
2 activities that the Secretary considers rel-
3 evant to the State’s 2-stage licensing proc-
4 ess; or

5 “(v) carrying out a teen traffic safety
6 program described in section 402(m).

7 “(B) *TIER 2 STATES*.—Of the grant funds
8 made available to a Tier 2 State under this sub-
9 section—

10 “(i) 25 percent shall be used for any
11 activity described in subparagraph (A); and

12 “(ii) 75 percent may be used for any
13 project or activity eligible under section
14 402.”;

15 (8) by amending subsection (h)(4) to read as fol-
16 lows:

17 “(4) *USE OF GRANT AMOUNTS*.—Grant funds re-
18 ceived by a State under this subsection may be used
19 for the safety of pedestrians and bicyclists, includ-
20 ing—

21 “(A) training of law enforcement officials
22 on pedestrian and bicycle safety, State laws ap-
23 plicable to pedestrian and bicycle safety, and in-
24 frastructure designed to improve pedestrian and
25 bicycle safety;

1 “(B) carrying out a program to support en-
2 forcement mobilizations and campaigns designed
3 to enforce State traffic laws applicable to pedes-
4 trian and bicycle safety;

5 “(C) public education and awareness pro-
6 grams designed to inform motorists, pedestrians,
7 and bicyclists about—

8 “(i) pedestrian and bicycle safety, in-
9 cluding information on nonmotorized mo-
10 bility and the important of speed manage-
11 ment to the safety of pedestrians and
12 bicyclists;

13 “(ii) the value of the use of pedestrian
14 and bicycle safety equipment, including
15 lighting, conspicuity equipment, mirrors,
16 helmets and other protective equipment, and
17 compliance with any State or local laws re-
18 quiring their use;

19 “(iii) State traffic laws applicable to
20 pedestrian and bicycle safety, including mo-
21 torists’ responsibilities towards pedestrians
22 and bicyclists; and

23 “(iv) infrastructure designed to im-
24 prove pedestrian and bicycle safety; and

1 “(D) data analysis and research concerning
 2 pedestrian and bicycle safety.”; and
 3 (9) by adding at the end the following:

4 “(i) *DRIVER AND OFFICER SAFETY EDUCATION.*—

5 “(1) *GENERAL AUTHORITY.*—Subject to the re-
 6 quirements under this subsection, the Secretary shall
 7 award grants to—

8 “(A) States that enact a commuter safety
 9 education program; and

10 “(B) States qualifying under paragraph
 11 (5)(A).

12 “(2) *FEDERAL SHARE.*—The Federal share of the
 13 costs of activities carried out using amounts from a
 14 grant awarded under this subsection may not exceed
 15 80 percent.

16 “(3) *ELIGIBILITY.*—To be eligible for a grant
 17 under this subsection, a State shall enact a law or
 18 adopt a program that requires the following:

19 “(A) *DRIVER EDUCATION AND DRIVING*
 20 *SAFETY COURSES.*—Inclusion, in driver edu-
 21 cation and driver safety courses provided to in-
 22 dividuals by educational and motor vehicle agen-
 23 cies of the State, of instruction and testing con-
 24 cerning law enforcement practices during traffic
 25 stops, including information on—

1 “(i) the role of law enforcement and
2 the duties and responsibilities of peace offi-
3 cers;

4 “(ii) an individual’s legal rights con-
5 cerning interactions with peace officers;

6 “(iii) best practices for civilians and
7 peace officers during such interactions;

8 “(iv) the consequences for an individ-
9 ual’s or officer’s failure to comply with
10 those laws and programs; and

11 “(v) how and where to file a complaint
12 against or a compliment on behalf of a
13 peace officer.

14 “(B) *PEACE OFFICER TRAINING PRO-*
15 *GRAMS.—Development and implementation of a*
16 *training program, including instruction and*
17 *testing materials, for peace officers and reserve*
18 *law enforcement officers (other than officers who*
19 *have received training in a civilian course de-*
20 *scribed in subparagraph (A)) with respect to*
21 *proper interaction with civilians during traffic*
22 *stops.*

23 “(4) *GRANT AMOUNT.—The allocation of grant*
24 *funds to a State under this subsection for a fiscal*

1 *year shall be in proportion to the State's apportion-*
2 *ment under section 402 for fiscal year 2009.*

3 *“(5) SPECIAL RULE FOR CERTAIN STATES.—*

4 *“(A) QUALIFYING STATE.—A State qualifies*
5 *pursuant to this subparagraph if—*

6 *“(i) the Secretary determines such*
7 *State has taken meaningful steps toward the*
8 *full implementation of a law or program*
9 *described in paragraph (3);*

10 *“(ii) the Secretary determines such*
11 *State has established a timetable for the im-*
12 *plementation of such a law or program; and*

13 *“(iii) such State has received a grant*
14 *pursuant to this subsection for a period of*
15 *not more than 5 years.*

16 *“(B) WITHHOLDING.—With respect to a*
17 *State that qualifies pursuant to subparagraph*
18 *(A), the Secretary shall—*

19 *“(i) withhold 50 percent of the amount*
20 *that such State would otherwise receive if*
21 *such State were a State described in para-*
22 *graph (1)(A); and*

23 *“(ii) direct any such amounts for dis-*
24 *tribution among the States that are enforc-*

1 *ing and carrying out a law or program de-*
 2 *scribed in paragraph (3).*

3 “(6) *USE OF GRANT AMOUNTS.*—*A State receiv-*
 4 *ing a grant under this subsection may use such*
 5 *grant—*

6 “(A) *for the production of educational mate-*
 7 *rials and training of staff for driver education*
 8 *and driving safety courses and peace officer*
 9 *training described in paragraph (3); and*

10 “(B) *for the implementation of the law de-*
 11 *scribed in paragraph (3).”.*

12 (b) *CONFORMING AMENDMENT.*—*Sections 402, 403,*
 13 *and 405 of title 23, United States Code, are amended—*

14 (1) *by striking “accidents” and inserting “crash-*
 15 *es” each place it appears; and*

16 (2) *by striking “accident” and inserting “crash”*
 17 *each place it appears.*

18 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
 19 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
 20 **ING UNDER THE INFLUENCE.**

21 *Section 164(b)(1) of title 23, United States Code, is*
 22 *amended—*

23 (1) *in subparagraph (A) by striking “alcohol-im-*
 24 *paired” and inserting “alcohol or polysubstance-im-*
 25 *paired”; and*

1 (2) in subparagraph (B)—

2 (A) by striking “alcohol-impaired” and in-
3 serting “alcohol or polysubstance-impaired”;

4 (B) by striking “or” and inserting a
5 comma; and

6 (C) by inserting “, or driving while
7 polysubstance-impaired” after “driving under
8 the influence”.

9 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**

10 **ELIGIBILITY.**

11 Section 4010(2) of the FAST Act (23 U.S.C. 405 note)
12 is amended by striking “deficiencies” and inserting “all de-
13 ficiencies”.

14 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**

15 **GRANTS.**

16 (a) *IN GENERAL.*—The Secretary of Transportation
17 shall make grants to institutions of higher education (as
18 such term is defined in section 101 of the Higher Education
19 Act of 1965 (20 U.S.C. 1001)) to carry out research, devel-
20 opment, technology transfer, and training activities in the
21 operation or establishment of an implicit bias training pro-
22 gram as it relates to racial profiling at traffic stops.

23 (b) *QUALIFICATIONS.*—To be eligible for a grant under
24 this section, an institution of higher education shall—

1 (1) *have an active research program or dem-*
2 *onstrate, to the satisfaction of the Secretary, that the*
3 *applicant is beginning a research program to study*
4 *implicit bias as it relates to racial profiling before*
5 *and during traffic stops; and*

6 (2) *partner with State and local police depart-*
7 *ments to conduct the research described in paragraph*
8 *(1) and carry out the implementation of implicit bias*
9 *training with State and local police departments.*

10 (c) *REPORT.—No later than 1 year after a grant has*
11 *been awarded under this section, the institution of higher*
12 *education awarded the grant shall submit to the Committee*
13 *on Transportation and Infrastructure of the House of Rep-*
14 *resentatives and the Committee on Commerce, Science, and*
15 *Transportation of the Senate a report summarizing the re-*
16 *search on implicit bias as it relates to racial profiling before*
17 *and during traffic stops, and recommendations on effective*
18 *interventions and trainings.*

19 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated \$20,000,000 for each fiscal*
21 *year to carry out this section.*

22 (e) *DEFINITIONS.—In this section, the term “implicit*
23 *bias training program” means a program that looks at the*
24 *attitudes, stereotypes, and lenses human beings develop*

1 *through various experiences in life that can unconsciously*
2 *affect how they interact with one another.*

3 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

4 *Section 4007 of the FAST Act (23 U.S.C. 153 note)*
5 *is amended—*

6 *(1) in paragraph (1) by striking “or” at the end;*

7 *(2) in paragraph (2) by striking the period at*
8 *the end and inserting “; or”; and*

9 *(3) by adding at the end the following:*

10 *“(3) otherwise profile and stop motorcycle opera-*
11 *tors or motorcycle passengers using as a factor the*
12 *clothing or mode of transportation of such operators*
13 *or passengers.”.*

14 **SEC. 3012. ELECTRONIC DRIVER’S LICENSE.**

15 *(a) REAL ID ACT.—Section 202(a)(1) of the REAL*
16 *ID Act of 2005 (49 U.S.C. 30301 note) is amended by strik-*
17 *ing “a driver’s license or identification card” and inserting*
18 *“a physical or digital driver’s license or identification*
19 *card”.*

20 *(b) TITLE 18.—Section 1028(d)(7)(A) of title 18,*
21 *United States Code, is amended by striking “government*
22 *issued driver’s license” and inserting “government issued*
23 *physical or digital driver’s license”.*

1 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

2 (a) *SHORT TITLE.*—*This section may be cited as the*
3 *“Motorcyclist Advisory Council Reauthorization Act”.*

4 (b) *ESTABLISHMENT.*—*Not later than 90 days after*
5 *the date of enactment of this Act, the Secretary of Transpor-*
6 *tation shall establish a Motorcyclist Advisory Council (in*
7 *this section referred to as the “Council”).*

8 (c) *DUTIES.*—

9 (1) *ADVISING.*—*The Council shall advise the Sec-*
10 *retary, the Administrator of the National Highway*
11 *Traffic Safety Administration, and the Administrator*
12 *of the Federal Highway Administration on transpor-*
13 *tation issues of concern to motorcyclists, including—*

14 (A) *barrier design;*

15 (B) *road design, construction, and mainte-*
16 *nance practices; and*

17 (C) *the architecture and implementation of*
18 *intelligent transportation system technologies.*

19 (2) *BIENNIAL COUNCIL REPORT.*—

20 (A) *IN GENERAL.*—*The Council shall submit*
21 *a report to the Secretary containing the Coun-*
22 *cil’s recommendations regarding the issues de-*
23 *scribed in paragraph (1) on which the Council*
24 *provides advice pursuant to such paragraph.*

25 (B) *TIMING.*—*Not later than October 31 of*
26 *the calendar year following the calendar year in*

1 *which the Council is established, and by every*
2 *2nd October 31 thereafter, the Council shall sub-*
3 *mit the report required under this paragraph.*

4 *(d) MEMBERSHIP.—*

5 *(1) IN GENERAL.—The Council shall be com-*
6 *prised of 12 members appointed by the Secretary as*
7 *follows:*

8 *(A) Five experts from State or local govern-*
9 *ment on highway engineering issues, including—*

10 *(i) barrier design;*

11 *(ii) road design, construction, and*
12 *maintenance; or*

13 *(iii) intelligent transportation systems.*

14 *(B) One State or local traffic and safety en-*
15 *gineer, design engineer, or other transportation*
16 *department official who is a motorcyclist.*

17 *(C) One representative from a national as-*
18 *sociation of State transportation officials.*

19 *(D) One representative from a national mo-*
20 *torcyclist association.*

21 *(E) One representative from a national mo-*
22 *torcyclist foundation.*

23 *(F) One representative from a national mo-*
24 *torcycle manufacturing association.*

1 (G) *One roadway safety data expert on*
2 *crash testing and analysis.*

3 (H) *One member of a national safety orga-*
4 *nization that represents the traffic safety systems*
5 *industry.*

6 (2) *DURATION.—*

7 (A) *TERM.—Subject to subparagraphs (B)*
8 *and (C), each member shall serve one term of 2*
9 *years.*

10 (B) *ADDITIONAL TERMS.—If a successor is*
11 *not designated for a member before the expira-*
12 *tion of the term the member is serving, the mem-*
13 *ber may serve another term.*

14 (C) *APPOINTMENT OF REPLACEMENTS.—If*
15 *a member resigns before serving a full 2-year*
16 *term, the Secretary may appoint a replacement*
17 *for such member to serve the remaining portion*
18 *such term. A member may continue to serve after*
19 *resignation until a successor has been appointed.*
20 *A vacancy in the Council shall be filled in the*
21 *manner in which the original appointment was*
22 *made.*

23 (3) *COMPENSATION.—Members shall serve with-*
24 *out compensation.*

1 (e) *TERMINATION.*—*The Council shall terminate 6*
2 *years after the date of its establishment.*

3 (f) *DUTIES OF THE SECRETARY.*—

4 (1) *ACCEPT OR REJECT RECOMMENDATION.*—

5 (A) *SECRETARY DETERMINES.*—*The Sec-*
6 *retary shall determine whether to accept or reject*
7 *a recommendation contained in a Council re-*
8 *port.*

9 (B) *TIMING.*—

10 (i) *MUST ACCEPT OR REJECT.*—*The*
11 *Secretary must indicate in each report sub-*
12 *mitted under this section the Secretary's ac-*
13 *ceptance or rejection of each recommenda-*
14 *tion listed in such report.*

15 (ii) *EXCEPTION.*—*The Secretary may*
16 *indicate in a report submitted under this*
17 *section that a recommendation is under*
18 *consideration. If the Secretary does so, the*
19 *Secretary must accept or reject the rec-*
20 *ommendation in the next report submitted*
21 *under this section.*

22 (2) *REPORT.*—

23 (A) *IN GENERAL.*—*Not later than 60 days*
24 *after the Secretary receives a Council report, the*

1 *Secretary shall submit a report to the following*
2 *committees and subcommittees:*

3 *(i) The Committee on Transportation*
4 *and Infrastructure of the House of Rep-*
5 *resentatives.*

6 *(ii) The Committee on Environment*
7 *and Public Works of the Senate.*

8 *(iii) The Committee on Commerce,*
9 *Science, and Transportation of the Senate.*

10 *(iv) The Subcommittee on Transpor-*
11 *tation, and Housing and Urban Develop-*
12 *ment, and Related Agencies of the Com-*
13 *mittee on Appropriations of the House of*
14 *Representatives.*

15 *(v) The Subcommittee on Transpor-*
16 *tation, and Housing and Urban Develop-*
17 *ment, and Related Agencies of the Com-*
18 *mittee on Appropriations of the Senate.*

19 *(B) CONTENTS.—A report submitted under*
20 *this subsection shall include—*

21 *(i) a list containing—*

22 *(I) each recommendation con-*
23 *tained in the Council report described*
24 *in paragraph (1); and*

1 (ii) each recommendation indi-
 2 cated as under consideration in the
 3 previous report submitted under this
 4 subsection; and

5 (ii) for each such recommendation,
 6 whether it is accepted, rejected, or under
 7 consideration by the Secretary.

8 (3) *ADMINISTRATIVE AND TECHNICAL SUP-*
 9 *PORT.*—The Secretary shall provide such administra-
 10 tive support, staff, and technical assistance to the
 11 Council as the Secretary determines to be necessary
 12 for the Council to carry out its duties.

13 (g) *DEFINITIONS.*—In this section:

14 (1) *COUNCIL REPORT.*—The term “Council re-
 15 port” means the report described in subsection (f)(2).

16 (2) *SECRETARY.*—The term “Secretary” means
 17 the Secretary of Transportation.

18 **SEC. 3014. REPORT ON MARIJUANA RESEARCH.**

19 (a) *IN GENERAL.*—Not later than 2 years after the
 20 date of enactment of this Act, the Secretary of Transpor-
 21 tation, in consultation with the Attorney General and the
 22 Secretary of Health and Human Services, shall submit to
 23 the Committee on Transportation and Infrastructure of the
 24 House of Representatives and the Committee on Commerce,
 25 Science, and Transportation of the Senate, and make pub-

1 *licly available on the Department of Transportation*
2 *website, a report and recommendations on—*

3 (1) *increasing and improving access, for sci-*
4 *entific researchers studying impairment while driving*
5 *under the influence of marijuana, to samples and*
6 *strains of marijuana and products containing mari-*
7 *juana lawfully being offered to patients or consumers*
8 *in a State on a retail basis;*

9 (2) *establishing a national clearinghouse to col-*
10 *lect and distribute samples and strains of marijuana*
11 *for scientific research that includes marijuana and*
12 *products containing marijuana lawfully available to*
13 *patients or consumers in a State on a retail basis;*

14 (3) *facilitating access, for scientific researchers*
15 *located in States that have not legalized marijuana*
16 *for medical or recreational use, to samples and*
17 *strains of marijuana and products containing mari-*
18 *juana from such clearinghouse for purposes of re-*
19 *search on marijuana-impaired driving; and*

20 (4) *identifying Federal statutory and regulatory*
21 *barriers to the conduct of scientific research and the*
22 *establishment of a national clearinghouse for purposes*
23 *of facilitating research on marijuana-impaired driv-*
24 *ing.*

1 (b) *DEFINITION OF MARIJUANA.*—*In this section, the*
2 *term “marijuana” has the meaning given such term in sec-*
3 *tion 4008 of the FAST Act (Public Law 114–94).*

4 **SEC. 3015. COMPTROLLER GENERAL STUDY ON NATIONAL**
5 **DUI REPORTING.**

6 (a) *IN GENERAL.*—*The Comptroller General of the*
7 *United States shall conduct a study on the reporting of alco-*
8 *hol-impaired driving arrest and citation results into Fed-*
9 *eral databases to facilitate the widespread identification of*
10 *repeat impaired driving offenders.*

11 (b) *INCLUSIONS.*—*The study conducted under sub-*
12 *section (a) shall include a detailed assessment of—*

13 (1) *the extent to which State and local criminal*
14 *justice agencies are reporting alcohol-impaired driv-*
15 *ing arrest and citation results into Federal databases;*

16 (2) *barriers on the Federal, State, and local lev-*
17 *els to the reporting of alcohol-impaired driving arrest*
18 *and citation results into Federal databases, as well as*
19 *barriers to the use of those systems by criminal justice*
20 *agencies;*

21 (3) *Federal, State, and local resources available*
22 *to improve the reporting of alcohol-impaired driving*
23 *arrest and citation results into Federal databases;*

1 (4) *recommendations for policies and programs*
2 *to be carried out by the National Highway Traffic*
3 *Safety Administration; and*

4 (5) *recommendations for programs and grant*
5 *funding to be authorized by Congress.*

6 (c) *REPORT.—Not later than 1 year after the date of*
7 *enactment of this Act, the Comptroller General of the United*
8 *States shall submit to the appropriate committees of Con-*
9 *gress a report on the results of the study conducted under*
10 *subsection (a).*

11 **SEC. 3016. REPORT ON IMPAIRED DRIVING.**

12 *Not later than 2 years after the date of enactment of*
13 *this Act, the Secretary of Transportation, in consultation*
14 *with the heads of appropriate Federal agencies, State high-*
15 *way safety offices, State toxicologists, traffic safety advo-*
16 *cates, and other interested parties, shall submit to the Com-*
17 *mittee on Commerce, Science, and Transportation of the*
18 *Senate and the Committee on Transportation and Infra-*
19 *structure of the House of Representatives a report that,*
20 *using the National Safety Council model guidelines for toxi-*
21 *cology testing—*

22 (1) *identifies any barriers that States encounter*
23 *in submitting the alcohol and drug toxicology results*
24 *to the Fatality Analysis Reporting System;*

1 (2) *provides recommendations on how to address*
2 *any barriers identified under paragraph (1);*

3 (3) *provides further steps that the Secretary, act-*
4 *ing through the Administrator of the National High-*
5 *way Traffic Safety Administration, shall take to as-*
6 *sist States in improving—*

7 (A) *toxicology testing in cases of motor ve-*
8 *hicle crashes; and*

9 (B) *the reporting of alcohol and drug toxi-*
10 *cology results in cases of motor vehicle crashes.*

11 **SEC. 3017. IMPAIRED DRIVING COUNTERMEASURE.**

12 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
13 *that—*

14 (1) *a priority should be placed on creating State*
15 *systems, programs, and processes that improve im-*
16 *paired driving detection in cases in which alcohol,*
17 *drugs, and especially multiple substances are in-*
18 *volved;*

19 (2) *States and communities should have access to*
20 *a broader range of countermeasures, technologies, and*
21 *resources to address multiple substance impaired*
22 *driving; and*

23 (3) *increased Federal funding should be made*
24 *available for efforts to improve public safety through*
25 *the approaches described in paragraphs (1) and (2).*

1 (b) *PURPOSE.*—*The purpose of this section is to in-*
2 *crease national investment in, and maximize the use of, in-*
3 *novative programs and technologies to eliminate multiple*
4 *substance impaired driving.*

5 (c) *IMPAIRED DRIVING COUNTERMEASURES.*—*Section*
6 *405(d) of title 23, United States Code, is amended—*

7 (1) *in paragraph (4)—*

8 (A) *in subparagraph (B)—*

9 (i) *by striking clause (iii) and insert-*
10 *ing the following:*

11 “(iii)(I) *court support of high-visi-*
12 *bility enforcement efforts;*

13 “(II) *hiring criminal justice profes-*
14 *sionals, including law enforcement officers,*
15 *prosecutors, traffic safety resource prosecu-*
16 *tors, judges, judicial outreach liaisons, and*
17 *probation officers;*

18 “(III) *training and education of the*
19 *criminal justice professionals described in*
20 *subclause (II) to assist those professionals in*
21 *preventing impaired driving and handling*
22 *impaired driving cases, including by pro-*
23 *viding compensation to a law enforcement*
24 *officer to replace a law enforcement officer*
25 *who is—*

1 “(aa) receiving such drug recogni-
2 tion expert training; or

3 “(bb) participating as an instruc-
4 tor in such drug recognition expert
5 training; and

6 “(IV) establishing driving while
7 intoxicated courts;”;

8 (ii) by striking clauses (v) and (vi)
9 and inserting the following:

10 “(v) improving—

11 “(I) blood alcohol concentration
12 screening and testing;

13 “(II) the detection of potentially
14 impairing drugs, including through the
15 use of oral fluid as a specimen; and

16 “(III) reporting relating to the
17 testing and detection described in sub-
18 clauses (I) and (II);

19 “(vi)(I) paid and earned media in
20 support of high-visibility enforcement ef-
21 forts;

22 “(II) conducting initial and con-
23 tinuing—

24 “(aa) standardized field sobriety
25 training, advanced roadside impaired

1 *driving enforcement training, and*
2 *drug recognition expert training for*
3 *law enforcement; and*

4 *“(bb) law enforcement phlebotomy*
5 *training; and*

6 *“(III) to purchase equipment to carry*
7 *out impaired driving enforcement activities*
8 *authorized by this subsection;”;*

9 *(iii) in clause (ix), by striking “and”*
10 *at the end;*

11 *(iv) in clause (x), by striking the pe-*
12 *riod at the end and inserting “; and”; and*

13 *(v) by adding at the end the following:*

14 *“(xi) testing and implementing pro-*
15 *grams and purchasing technologies to better*
16 *identify, monitor, or treat impaired drivers,*
17 *including—*

18 *“(I) oral fluid screening tech-*
19 *nologies;*

20 *“(II) electronic warrant pro-*
21 *grams;*

22 *“(III) equipment to increase the*
23 *scope, quantity, quality, and timeliness*
24 *of forensic toxicology chemical testing;*

1 “(IV) case management software
2 to support the management of im-
3 paired driving offenders; and

4 “(V) technology to monitor im-
5 paired driving offenders.”; and

6 (B) in subparagraph (C)—

7 (i) in the second sentence, by striking
8 “Medium-range” and inserting the fol-
9 lowing:

10 “(ii) MEDIUM-RANGE AND HIGH-RANGE
11 STATES.—Subject to clause (iii), medium-
12 range”;

13 (ii) in the first sentence, by striking
14 “Low-range” and inserting the following:

15 “(i) LOW-RANGE STATES.—Subject to
16 clause (iii), low-range”; and

17 (iii) by adding at the end the fol-
18 lowing:

19 “(iii) ALL STATES.—

20 “(I) REPORTING OF IMPAIRED
21 DRIVING CRIMINAL JUSTICE INFORMA-
22 TION.—A State may use grant funds
23 for any expenditure designed to in-
24 crease the timely and accurate report-
25 ing of crash information, including

1 *electronic crash reporting systems that*
 2 *allow accurate real-time or near real-*
 3 *time uploading of crash information,*
 4 *and impaired driving criminal justice*
 5 *information to Federal, State, and*
 6 *local databases.*

7 “(II) *IMPAIRED DRIVING COUN-*
 8 *TERMEASURES.—A State may use*
 9 *grant funds for any expenditure to re-*
 10 *search or evaluate impaired driving*
 11 *countermeasures.”; and*

12 *(2) in paragraph (7)(A), in the matter preceding*
 13 *clause (i), by inserting “or local” after “authorizes a*
 14 *State”.*

15 ***TITLE IV—MOTOR CARRIER***
 16 ***SAFETY***

17 ***Subtitle A—Motor Carrier Safety***
 18 ***Grants, Operations, and Programs***

19 ***SEC. 4101. MOTOR CARRIER SAFETY GRANTS.***

20 *(a) IN GENERAL.—Section 31104 of title 49, United*
 21 *States Code, is amended—*

22 *(1) by striking subsection (a) and inserting the*
 23 *following:*

24 *“(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-*
 25 *lowing sums are authorized to be appropriated from the*

1 *Highway Trust Fund (other than the Mass Transit Ac-*
 2 *count):*

3 “(1) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
 4 *GRAM.—Subject to paragraph (2) and subsection (c),*
 5 *to carry out section 31102 (except subsection (l))—*

6 “(A) \$388,950,000 for fiscal year 2023;

7 “(B) \$398,700,000 for fiscal year 2024;

8 “(C) \$408,900,000 for fiscal year 2025; and

9 “(D) \$418,425,000 for fiscal year 2026.

10 “(2) *HIGH-PRIORITY ACTIVITIES PROGRAM.—*
 11 *Subject to subsection (c), to carry out section*
 12 *31102(l)—*

13 “(A) \$72,604,000 for fiscal year 2023;

14 “(B) \$74,424,000 for fiscal year 2024;

15 “(C) \$76,328,000 for fiscal year 2025; and

16 “(D) \$78,106,000 for fiscal year 2026.

17 “(3) *COMMERCIAL MOTOR VEHICLE OPERATORS*
 18 *GRANT PROGRAM.—To carry out section 31103—*

19 “(A) \$1,037,200 for fiscal year 2023;

20 “(B) \$1,063,200 for fiscal year 2024;

21 “(C) \$1,090,400 for fiscal year 2025; and

22 “(D) \$1,115,800 for fiscal year 2026.

23 “(4) *COMMERCIAL DRIVER’S LICENSE PROGRAM*
 24 *IMPLEMENTATION PROGRAM.—Subject to subsection*
 25 *(c), to carry out section 31313—*

- 1 “(A) \$56,008,800 for fiscal year 2023;
2 “(B) \$57,412,800 for fiscal year 2024;
3 “(C) \$58,881,600 for fiscal year 2025; and
4 “(D) \$60,253,200 for fiscal year 2026.”;

5 (2) by striking subsection (c) and inserting the
6 following:

7 “(c) *PARTNER TRAINING AND PROGRAM SUPPORT.*—

8 “(1) *IN GENERAL.*—On October 1 of each fiscal
9 year, or as soon after that date as practicable, the
10 Secretary may deduct from amounts made available
11 under paragraphs (1), (2), and (4) of subsection (a)
12 for that fiscal year not more than 1.8 percent of those
13 amounts for partner training and program support
14 in that fiscal year.

15 “(2) *USE OF FUNDS.*—The Secretary shall use at
16 least 50 percent of the amounts deducted under para-
17 graph (1) on training and related training materials
18 for non-Federal Government employees.

19 “(3) *PARTNERSHIP.*—The Secretary shall carry
20 out the training and development of materials pursu-
21 ant to paragraph (2) in partnership with one or more
22 nonprofit organizations, through a competitive grant,
23 that have—

1 “(A) expertise in conducting a training
2 program for non-Federal Government employees;
3 and

4 “(B) a demonstrated ability to involve in a
5 training program the target population of com-
6 mercial motor vehicle safety enforcement employ-
7 ees.”;

8 (3) in subsection (f)—

9 (A) in paragraph (1) by striking “the next
10 fiscal year” and inserting “the following 2 fiscal
11 years”;

12 (B) in paragraph (2)—

13 (i) by striking “section 31102(l)(2)”
14 and inserting “paragraphs (2) and (4) of
15 section 31102(l)”;

16 (ii) by striking “the next 2 fiscal
17 years” and inserting “the following 3 fiscal
18 years”; and

19 (C) in paragraph (3) by striking “the next
20 4 fiscal years” and inserting “the following 5 fis-
21 cal years”; and

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

23 “(j) *TREATMENT OF REALLOCATIONS.*—Amounts that
24 are obligated and subsequently, after the date of enactment
25 of this subsection, released back to the Secretary under sub-

1 *section (i) shall not be subject to limitations on obligations*
2 *provided under any other provision of law.”.*

3 *(b) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLE-*
4 *MENTATION FINANCIAL ASSISTANCE PROGRAM.—Section*
5 *31313(b) of title 49, United States Code, is amended—*

6 *(1) by striking the period at the end and insert-*
7 *ing “; and”;*

8 *(2) by striking “A recipient” and inserting the*
9 *following: “In participating in financial assistance*
10 *program under this section—*

11 *“(1) a recipient”; and*

12 *(3) by adding at the end the following:*

13 *“(2) a State may not receive more than \$250,000*
14 *in grants under subsection (a)(2)(B) in any fiscal*
15 *year—*

16 *“(A) in which the State prohibits private*
17 *commercial driving schools or independent com-*
18 *mercial driver’s license testing facilities from of-*
19 *fering a commercial driver’s license skills test as*
20 *a third-party tester; or*

21 *“(B) in which a State fails to report to the*
22 *Administrator of the Federal Motor Carrier*
23 *Safety Administration, during the previous fis-*
24 *cal year, the average number of days of delays*

1 *for an initial commercial driver’s license skills*
 2 *test or retest within the State.”.*

3 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND PRO-**
 4 **GRAMS.**

5 *(a) IN GENERAL.—Section 31110 of title 49, United*
 6 *States Code, is amended by striking subsection (a) and in-*
 7 *serting the following:*

8 *“(a) ADMINISTRATIVE EXPENSES.—There is author-*
 9 *ized to be appropriated from the Highway Trust Fund*
 10 *(other than the Mass Transit Account) for the Secretary of*
 11 *Transportation to pay administrative expenses of the Fed-*
 12 *eral Motor Carrier Safety Administration—*

13 *“(1) \$380,500,000 for fiscal year 2023;*

14 *“(2) \$381,500,000 for fiscal year 2024;*

15 *“(3) \$382,500,000 for fiscal year 2025; and*

16 *“(4) \$384,500,000 for fiscal year 2026.”.*

17 *(b) ADMINISTRATIVE EXPENSES.—*

18 *(1) USE OF FUNDS.—The Administrator of the*
 19 *Federal Motor Carrier Safety Administration shall*
 20 *use funds made available in subsection (a) for—*

21 *(A) acceleration of planned investments to*
 22 *modernize the Administration’s information*
 23 *technology and information management sys-*
 24 *tems;*

25 *(B) completing outstanding mandates;*

1 (C) carrying out a Large Truck Crash
2 Causal Factors Study of the Administration;

3 (D) construction and maintenance of border
4 facilities; and

5 (E) other activities authorized under section
6 31110(b) of title 49, United States Code.

7 (2) *DEFINITION OF OUTSTANDING MANDATE.*—*In*
8 *this subsection, the term “outstanding mandate”*
9 *means a requirement for the Federal Motor Carrier*
10 *Safety Administration to issue regulations, undertake*
11 *a comprehensive review or study, conduct a safety as-*
12 *essment, or collect data—*

13 (A) under this Act;

14 (B) under MAP–21 (Public Law 112–141),
15 that has not been published in the Federal Reg-
16 ister, if required, or otherwise completed as of the
17 date of enactment of this Act;

18 (C) under the FAST Act (Public Law 114–
19 94), that has not been published in the Federal
20 Register, if required, or otherwise completed as of
21 the date of enactment of this Act; and

22 (D) under any other Act enacted before the
23 date of enactment of this Act that has not been
24 published in the Federal Register by the date re-
25 quired in such Act.

1 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

2 *Section 31102(l) of title 49, United States Code, is*
3 *amended—*

4 *(1) in paragraph (1) by striking “and (3)” and*
5 *inserting “, (3), and (4)”;*

6 *(2) in paragraph (2)(F)(ii)(II) by inserting “,*
7 *specifically including the priority activities described*
8 *in paragraph (4)” after “required for participation”;*
9 *and*

10 *(3) by adding at the end the following:*

11 *“(4) PRIORITIZATION OF IMMOBILIZING UNSAFE*
12 *PASSENGER-CARRYING COMMERCIAL MOTOR VEHI-*
13 *CLES.—*

14 *“(A) IN GENERAL.—The Secretary shall*
15 *prioritize the awarding of discretionary grants*
16 *to States for activities related to paragraph*
17 *(2)(F)(II) for the enforcement of out of service*
18 *orders if such vehicles are found to be unsafe or*
19 *have violated a Federal out of service order.*

20 *“(B) ELIGIBILITY.—To be eligible for a*
21 *grant described under this paragraph, a State*
22 *shall have the authority to require the immo-*
23 *bilization or impoundment of a passenger-car-*
24 *rying commercial motor vehicle if such vehicle is*
25 *found to be unsafe or fail inspection or to have*
26 *violated a Federal out of service order.*

1 “(C) *USE OF FUNDS.*—*Grant funds received*
 2 *under this paragraph may be used for—*

3 “(i) *the immobilization or impound-*
 4 *ment of commercial motor vehicles that are*
 5 *unsafe, fail inspection, or have violated a*
 6 *Federal out of service order;*

7 “(ii) *safety inspections of vehicles de-*
 8 *scribed in clause (i);*

9 “(iii) *other activities related to the ac-*
 10 *tivities described in clauses (i) and (ii), as*
 11 *determined by the Secretary.*

12 “(D) *PASSENGER-CARRYING COMMERCIAL*
 13 *MOTOR VEHICLE DEFINED.*—*In this paragraph,*
 14 *the term ‘passenger-carrying commercial motor*
 15 *vehicle’ has the meaning given such term in sec-*
 16 *tion 31301.”.*

17 **SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES**
 18 **STUDY.**

19 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 20 *of enactment of this Act, the Secretary of Transportation*
 21 *shall initiate a review of the prevalence of, characteristics*
 22 *of, and safe operation of commercial vehicles that have a*
 23 *gross vehicle weight rating or gross vehicle weight below*
 24 *10,000 pounds, and are utilized in package delivery of*
 25 *goods moving in interstate commerce.*

1 (b) *INDEPENDENT RESEARCH.*—If the Secretary de-
2 cides to enter into a contract with a third party to perform
3 the research required under subsection (a), the Secretary
4 shall—

5 (1) solicit applications from research institutions
6 that conduct objective, fact-based research to conduct
7 the study; and

8 (2) ensure that such third party does not have
9 any financial or contractual ties with an entity en-
10 gaged in interstate commerce utilizing commercial ve-
11 hicles or commercial motor vehicles.

12 (c) *ENTITIES INCLUDED.*—As part of the review, the
13 Secretary shall collect information from a cross-section of
14 companies that use fleets of such vehicles for package deliv-
15 ery in interstate commerce, including companies that—

16 (1) directly perform deliveries;

17 (2) use contracted entities to perform work; and

18 (3) utilize a combination of direct deliveries and
19 contract entities.

20 (d) *EVALUATION FACTORS.*—The review shall include
21 an evaluation of the following:

22 (1) Fleet characteristics, including fleet struc-
23 ture, and vehicle miles traveled.

24 (2) Fleet management, including scheduling of
25 deliveries and maintenance practices.

1 (3) *Driver employment characteristics, including*
2 *the basis of compensation and classification.*

3 (4) *How training, medical fitness, hours on*
4 *duty, and safety of drivers is evaluated and overseen*
5 *by companies, including prevention of occupational*
6 *injuries and illnesses.*

7 (5) *Safety performance metrics, based on data*
8 *associated with the included entities, including crash*
9 *rates, moving violations, failed inspections, and other*
10 *related data points.*

11 (6) *Financial responsibility and liability for*
12 *safety or maintenance violations among companies,*
13 *fleet managers, and drivers.*

14 (7) *Loading and unloading practices, and how*
15 *package volume and placement in the vehicle is deter-*
16 *mined.*

17 (8) *Information on the use of driver safety appli-*
18 *cations, if applicable.*

19 (9) *Information on work-related injury and ill-*
20 *ness data of drivers.*

21 (10) *Other relevant information determined nec-*
22 *essary by the Secretary in order to make rec-*
23 *ommendations under subsection (e).*

24 (e) *REPORT AND RECOMMENDATIONS.*—*Upon comple-*
25 *tion of the review, the Secretary shall submit to the Com-*

1 *mittee on Transportation and Infrastructure of the House*
 2 *of Representatives and the Committee on Commerce of the*
 3 *Senate a report containing—*

4 (1) *the findings of the Secretary on each of the*
 5 *factors in (d);*

6 (2) *a list of regulations applicable to commercial*
 7 *motor vehicles and commercial motor vehicle opera-*
 8 *tors that are not applicable to commercial vehicle op-*
 9 *erations described in this section; and*

10 (3) *recommendations, based on the findings, on*
 11 *changes to laws or regulations at the Federal, State,*
 12 *or local level to promote safe operations and safe and*
 13 *fair working conditions for commercial vehicle opera-*
 14 *tors.*

15 ***Subtitle B—Motor Carrier Safety***
 16 ***Oversight***

17 ***SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.***

18 *Section 4144 of SAFETEA-LU (49 U.S.C. 31100*
 19 *note) is amended—*

20 (1) *in subsection (b)(1) by inserting “, including*
 21 *small business motor carriers” after “industry”; and*

22 (2) *in subsection (d) by striking “September 30,*
 23 *2013” and inserting “September 30, 2026”.*

1 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, the Secretary of Transportation
4 shall implement a revised methodology to be used in the
5 Compliance, Safety, Accountability program of the Federal
6 Motor Carrier Safety Administration to identify and
7 prioritize motor carriers for intervention, using the rec-
8 ommendations of the study required by section 5221(a) of
9 the FAST Act (49 U.S.C. 31100 note).

10 (b) *DATA AVAILABILITY.*—The Secretary shall, in
11 working toward implementation of the revised methodology
12 described in subsection (a) prioritize revisions necessary
13 to—

14 (1) restore the public availability of all relevant
15 safety data under a revised methodology; and

16 (2) make such safety data publicly available that
17 was made publicly available on the day before the
18 date of enactment of the FAST Act, as appropriate
19 under a revised methodology.

20 (c) *IMPLEMENTATION.*—

21 (1) *PROGRESS REPORTS.*—Not later than 30
22 days after the date of enactment of this Act, and every
23 90 days thereafter until the date on which the Sec-
24 retary implements the revised methodology described
25 in subsection (a), the Secretary shall submit to the
26 Committee on Transportation and Infrastructure of

1 *the House of Representatives and the Committee on*
2 *Commerce, Science, and Transportation of the Senate,*
3 *and make publicly available on a website of the De-*
4 *partment of Transportation, a progress report on—*

5 *(A) the status of the revision of the method-*
6 *ology and related data modifications under sub-*
7 *section (a), a timeline for completion of such re-*
8 *vision, and an estimated date for implementa-*
9 *tion of such revised methodology;*

10 *(B) an explanation for any delays in devel-*
11 *opment or implementation of the revised method-*
12 *ology over the reporting period; and*

13 *(C) if the Secretary has not resumed mak-*
14 *ing publicly available the data described in sub-*
15 *section (b), an updated timeline for the restora-*
16 *tion of the public availability of data and a de-*
17 *tailed explanation for why such restoration has*
18 *not occurred.*

19 *(2) PUBLICATION AND NOTIFICATION.—Prior to*
20 *commencing the use of the revised methodology de-*
21 *scribed in subsection (a) to identify and prioritize*
22 *motor carriers for intervention (other than in a test-*
23 *ing capacity), the Secretary shall—*

1 (A) *publish a detailed summary of the*
2 *methodology in the Federal Register and provide*
3 *a period for public comment; and*

4 (B) *notify the Committee on Transportation*
5 *and Infrastructure of the House of Representa-*
6 *tives and the Committee on Commerce, Science,*
7 *and Transportation of the Senate, in writing.*

8 (d) *SAFETY FITNESS RULE.—*

9 (1) *RULEMAKING.—Not later than 1 year after*
10 *the date on which the Secretary notifies Congress*
11 *under subsection (c)(2), the Secretary shall issue final*
12 *regulations pursuant to section 31144(b) of title 49,*
13 *United States Code, to revise the methodology for*
14 *issuance of motor carrier safety fitness determina-*
15 *tions.*

16 (2) *CONSIDERATIONS.—In issuing the regula-*
17 *tions under paragraph (1), the Secretary shall con-*
18 *sider the use of all available data to determine the fit-*
19 *ness of a motor carrier.*

20 (e) *REPEAL.—Section 5223 of the FAST Act (49*
21 *U.S.C. 31100 note), and the item related to such section*
22 *in the table of contents in section 1(b) of such Act, are re-*
23 *pealed.*

1 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

2 *Section 31315 of title 49, United States Code, is*
3 *amended—*

4 *(1) in subsection (b)—*

5 *(A) in paragraph (4)(A) by inserting “, in-*
6 *cluding data submission requirements,” after*
7 *“terms and conditions”; and*

8 *(B) by striking paragraph (8) and inserting*
9 *the following:*

10 *“(8) TERMS AND CONDITIONS.—*

11 *“(A) IN GENERAL.—The Secretary shall es-*
12 *tablish terms and conditions for each exemption*
13 *to ensure that the exemption will not likely de-*
14 *grade the level of safety achieved by the person*
15 *or class of persons granted the exemption, and*
16 *allow the Secretary to evaluate whether an equiv-*
17 *alent level of safety is maintained while the per-*
18 *son or class of persons is operating under such*
19 *exemption, including—*

20 *“(i) requiring the regular submission*
21 *of accident and incident data to the Sec-*
22 *retary;*

23 *“(ii) requiring immediate notification*
24 *to the Secretary in the event of a crash that*
25 *results in a fatality or serious bodily in-*
26 *jury;*

1 “(iii) for exemptions granted by the
 2 Secretary related to hours of service rules
 3 under part 395 of title 49, Code of Federal
 4 Regulations, requiring that the exempt per-
 5 son or class of persons submit to the Sec-
 6 retary evidence of participation in a recog-
 7 nized fatigue management plan; and

8 “(iv) providing documentation of the
 9 authority to operate under the exemption to
 10 each exempt person, to be used to dem-
 11 onstrate compliance if requested by a motor
 12 carrier safety enforcement officer during a
 13 roadside inspection.

14 “(B) IMPLEMENTATION.—The Secretary
 15 shall monitor the implementation of the exemp-
 16 tion to ensure compliance with its terms and
 17 conditions.”; and

18 (2) in subsection (e) by inserting “, based on an
 19 analysis of data collected by the Secretary and sub-
 20 mitted to the Secretary under subsection (b)(8)” after
 21 “safety”.

22 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
 23 **SENGERS.**

24 Section 31144(i) of title 49, United States Code, is
 25 amended—

1 (1) *in paragraph (1)—*

2 (A) *in subparagraph (A) by striking “who*
 3 *the Secretary registers under section 13902 or*
 4 *31134”; and*

5 (B) *in subparagraph (B) by inserting “to*
 6 *motor carriers of passengers and” after “apply”;*
 7 *and*

8 (2) *by adding at the end the following:*

9 “(5) *MOTOR CARRIER OF PASSENGERS DE-*
 10 *FINED.—In this subsection, the term ‘motor carrier of*
 11 *passengers’ includes an offeror of motorcoach services*
 12 *that sells scheduled transportation of passengers for*
 13 *compensation at fares and on schedules and routes de-*
 14 *termined by such offeror, regardless of ownership or*
 15 *control of the vehicles or drivers used to provide the*
 16 *transportation by motorcoach.”.*

17 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

18 *Section 13506(b) of title 49, United States Code, is*
 19 *amended—*

20 (1) *in paragraph (2) by striking “or” at the end;*

21 (2) *in paragraph (3) by striking the period at*
 22 *the end and inserting “; or”; and*

23 (3) *by adding at the end the following:*

24 “(4) *transportation by a motor vehicle designed*
 25 *or used to transport between 9 and 15 passengers (in-*

cluding 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

1 (B) subject to the requirements of part 375
2 of title 49, Code of Federal Regulations (as in ef-
3 fect on the effective date of the amendments re-
4 quired by subsection (b)).

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

7 (b) AMENDMENTS TO REGULATIONS.—Not later than
8 1 year after the date of enactment of this Act, the Secretary
9 shall issue a notice of proposed rulemaking to amend regu-
10 lations related to the interstate transportation of household
11 goods.

12 (c) CONSIDERATIONS.—In issuing the notice of pro-
13 posed rulemaking under subsection (b), the Secretary shall
14 consider the following recommended amendments to provi-
15 sions of title 49, Code of Federal Regulations:

16 (1) Section 375.207(b) to require each covered
17 carrier to include on the website of the covered carrier
18 a link—

19 (A) to the publication of the Administration
20 titled “Ready to Move—Tips for a Successful
21 Interstate Move” (ESA 03005) on the website of
22 the Administration; or

23 (B) to a copy of the publication referred to
24 in subparagraph (A) on the website of the cov-
25 ered carrier.

1 (2) *Subsections (a) and (b)(1) of section 375.213*
 2 *to require each covered carrier to provide to each in-*
 3 *dividual shipper, with any written estimate provided*
 4 *to the shipper, a copy of the publication described in*
 5 *appendix A of part 375 of such title, entitled “Your*
 6 *Rights and Responsibilities When You Move” (ESA–*
 7 *03–006 (or a successor publication)), in the form of*
 8 *a written copy or a hyperlink on the website of the*
 9 *covered carrier to the location on the website of the*
 10 *Administration containing such publication.*

11 (3) *Subsection (e) of section 375.213, to repeal*
 12 *such subsection.*

13 (4) *Section 375.401(a), to require each covered*
 14 *carrier—*

15 (A) *to conduct a visual survey of the house-*
 16 *hold goods to be transported by the covered car-*
 17 *rier—*

18 (i) *in person; or*

19 (ii) *virtually, using—*

20 (I) *a remote camera; or*

21 (II) *another appropriate tech-*
 22 *nology;*

23 (B) *to offer a visual survey described in*
 24 *subparagraph (A) for all household goods ship-*
 25 *ments, regardless of the distance between—*

1 (i) the location of the household goods;

2 and

3 (ii) the location of the agent of the cov-

4 ered carrier preparing the estimate; and

5 (C) to provide to each shipper a copy of

6 publication of the Administration titled “Ready

7 to Move—Tips for a Successful Interstate Move”

8 (ESA 03005) on receipt from the shipper of a re-

9 quest to schedule, or a waiver of, a visual survey

10 offered under subparagraph (B).

11 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),

12 and 375.405(b)(7)(ii), and subpart D of appendix A

13 of part 375, to require that, in any case in which a

14 shipper tenders any additional item or requests any

15 additional service prior to loading a shipment, the af-

16 fected covered carrier shall—

17 (A) prepare a new estimate; and

18 (B) maintain a record of the date, time,

19 and manner in which the new estimate was ac-

20 cepted by the shipper.

21 (6) Section 375.501(a), to establish that a cov-

22 ered carrier is not required to provide to a shipper

23 an order for service if the covered carrier elects to pro-

24 vide the information described in paragraphs (1)

25 through (15) of such section in a bill of lading that

1 *is presented to the shipper before the covered carrier*
2 *receives the shipment.*

3 *(7) Subpart H of part 375, to replace the replace*
4 *the terms “freight bill” and “expense bill” with the*
5 *term “invoice”.*

6 **SEC. 4207. BROKER GUIDANCE.**

7 *(a) IN GENERAL.—Not later than 1 year after the date*
8 *of enactment of this Act, the Secretary of Transportation*
9 *shall issue guidance to clarify the definitions of the terms*
10 *“broker” and “bona fide agents” under part 371 of title*
11 *49, Code of Federal Regulations.*

12 *(b) CONSIDERATIONS.—In issuing the guidance under*
13 *subsection (a), the Secretary shall consider the extent to*
14 *which technology has changed the nature of freight broker-*
15 *age, the role of bona fide agents, and other aspects of the*
16 *freight transportation industry.*

17 *(c) DISPATCH SERVICES.—In issuing the guidance*
18 *under subsection (a), the Secretary shall, at a minimum—*

19 *(1) examine the role of a dispatch service in the*
20 *transportation industry;*

21 *(2) examine the extent to which dispatch services*
22 *could be considered brokers or bona fide agents; and*

23 *(3) clarify the level of financial penalties for un-*
24 *authorized brokerage activities under section 14916 of*

1 *title 49, United States Code, applicable to a dispatch*
 2 *service.*

3 ***Subtitle C—Commercial Motor***
 4 ***Vehicle Driver Safety***

5 ***SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PAS-***
 6 ***SENGER CARRIERS.***

7 *Section 31301 of title 49, United States Code, is*
 8 *amended—*

9 *(1) in paragraph (4)—*

10 *(A) in subparagraph (B) by striking “or”;*

11 *(B) by redesignating subparagraph (C) as*
 12 *subparagraph (D); and*

13 *(C) by inserting after subparagraph (B) the*
 14 *following:*

15 *“(C) is designed or used as a stretch lim-*
 16 *ousine; or”;*

17 *(2) by redesignating paragraph (15) as para-*
 18 *graph (16); and*

19 *(3) by inserting after paragraph (14) the fol-*
 20 *lowing:*

21 *“(15) ‘stretch limousine’ means any sedan or*
 22 *sports utility vehicle that—*

23 *“(A) has been modified to add seating ca-*
 24 *capacity to that provided by the vehicle manufac-*

1 *turer through an extended chassis, lengthened*
 2 *wheelbase, or an elongated seating area;*

3 *“(B) as modified, has a seating capacity of*
 4 *more than 8 passengers (including the driver);*

5 *“(C) is used under trip-by-trip contracts for*
 6 *the transportation of passengers for compensa-*
 7 *tion on a prearranged basis; and*

8 *“(D) is not used for public transportation*
 9 *service, as such term is defined in section 5302;”.*

10 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**
 11 **ING.**

12 *Section 31306(c)(2) of title 49, United States Code, is*
 13 *amended by striking “, for urine testing,”.*

14 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

15 *Not later than 30 days after the date of enactment of*
 16 *this Act, and every 90 days thereafter until the compliance*
 17 *date for the final rule published on December 8, 2016, titled*
 18 *“Minimum Training Requirements for Entry-Level Com-*
 19 *mercial Motor Vehicle Operators” (81 Fed. Reg. 88732), the*
 20 *Secretary shall submit to the Committee on Transportation*
 21 *and Infrastructure of the House of Representatives and the*
 22 *Committee on Commerce, Science, and Transportation of*
 23 *the Senate a report on—*

1 (1) a schedule, including benchmarks, to com-
2 plete implementation of the requirements under such
3 final rule;

4 (2) any anticipated delays, if applicable, in
5 meeting the benchmarks described in paragraph (1);

6 (3) the progress that the Secretary has made in
7 updating the Department of Transportation’s infor-
8 mation technology infrastructure to support the train-
9 ing provider registry;

10 (4) a list of States that have adopted laws or
11 regulations to implement such final rule; and

12 (5) a list of States, if applicable, that are imple-
13 menting the rule and confirming that an applicant
14 for a commercial driver’s license has complied with
15 the requirements.

16 **SEC. 4304. DRIVER DETENTION TIME.**

17 (a) *DATA COLLECTION.*—Not later than 30 days after
18 the date of enactment of this Act, the Secretary shall—

19 (1) begin to collect data on delays experienced by
20 operators of commercial motor vehicles, as required
21 under section 5501 of the FAST Act (49 U.S.C. 14103
22 note) and as referenced in the request for information
23 published on June 10, 2019, titled “Request for Infor-
24 mation Concerning Commercial Motor Vehicle Driver

1 *Detention Times During Loading and Unloading”*
2 *(84 Fed. Reg. 26932); and*

3 *(2) make such data available on a publicly ac-*
4 *cessible website of the Department of Transportation.*
5 *(b) DETENTION TIME LIMITS.—*

6 *(1) RULEMAKING.—Not later than 1 year after*
7 *the date of enactment of this Act, the Secretary shall*
8 *initiate a rulemaking to establish limits on the*
9 *amount of time that an operator of a commercial*
10 *motor vehicle may be reasonably detained by a ship-*
11 *per or receiver before the loading or unloading of the*
12 *vehicle, if the operator is not compensated for such*
13 *time detained.*

14 *(2) CONTENTS.—As part of the rulemaking con-*
15 *ducted pursuant to subsection (a), the Secretary*
16 *shall—*

17 *(A) consider the diverse nature of operations*
18 *in the movement of goods by commercial motor*
19 *vehicle;*

20 *(B) examine any correlation between time*
21 *detained and violations of the hours-of-service*
22 *rules under part 395 of title 49, Code of Federal*
23 *Regulations;*

24 *(C) determine whether the effect of detention*
25 *time on safety differs based on—*

1 (i) *how an operator is compensated;*

2 *and*

3 (ii) *the contractual relationship be-*

4 *tween the operator and the motor carrier,*

5 *including whether an operator is an em-*

6 *ployee, a leased owner-operator, or an*

7 *owner-operator with independent authority;*

8 *and*

9 (D) *establish a process for a motor carrier,*

10 *shipper, receiver, broker, or commercial motor*

11 *vehicle operator to report instances of time de-*

12 *tained beyond the Secretary's established limits.*

13 (3) *INCORPORATION OF INFORMATION.—The Sec-*

14 *retary shall incorporate information received under*

15 *paragraph (2)(D) into the process established pursu-*

16 *ant to subsection (a) once a final rule takes effect.*

17 (c) *DATA PROTECTION.—Data made available pursu-*

18 *ant to this section shall be made available in a manner*

19 *that—*

20 (1) *precludes the connection of the data to any*

21 *individual motor carrier or commercial motor vehicle*

22 *operator; and*

23 (2) *protects privacy and confidentiality of indi-*

24 *viduals, operators, and motor carriers submitting the*

25 *data.*

1 (d) *COMMERCIAL MOTOR VEHICLE DEFINED.*—In this
2 section, the term “commercial motor vehicle” has the mean-
3 ing given such term in section 31101 of title 49, United
4 States Code.

5 **SEC. 4305. TRUCK LEASING TASK FORCE.**

6 (a) *ESTABLISHMENT.*—Not later than 6 months after
7 the date of enactment of this Act, the Secretary of Transpor-
8 tation, in consultation with the Secretary of Labor, shall
9 establish a Truck Leasing Task Force (hereinafter referred
10 to as the “Task Force”).

11 (b) *MEMBERSHIP.*—The Secretary of Transportation
12 shall select not more than 15 individuals to serve as mem-
13 bers of the Task Force, including equal representation from
14 each of the following:

15 (1) *Labor organizations.*

16 (2) *The motor carrier industry, including inde-*
17 *pendent owner-operators.*

18 (3) *Consumer protection groups.*

19 (4) *Safety groups.*

20 (5) *Members of the legal profession who spe-*
21 *cialize in consumer finance issues.*

22 (c) *DUTIES.*—The Task Force shall examine, at a min-
23 imum—

1 (1) *common truck leasing arrangements avail-*
2 *able to property-carrying commercial motor vehicle*
3 *drivers, including lease-purchase agreements;*

4 (2) *the terms of such leasing agreements;*

5 (3) *the prevalence of predatory leasing agree-*
6 *ments in the motor carrier industry;*

7 (4) *specific agreements available to drayage driv-*
8 *ers at ports related to the Clean Truck Program or*
9 *similar programs to decrease emissions from port op-*
10 *erations;*

11 (5) *the impact of truck leasing agreements on the*
12 *net compensation of property-carrying commercial*
13 *motor vehicle drivers, including port drayage drivers;*

14 (6) *resources to assist property-carrying commer-*
15 *cial motor vehicle drivers in assessing the impacts of*
16 *leasing agreements; and*

17 (7) *the classification of property-carrying com-*
18 *mercial motor vehicle drivers under lease-purchase*
19 *agreements.*

20 (d) *COMPENSATION.*—*A member of the Task Force*
21 *shall serve without compensation.*

22 (e) *REPORT.*—*Upon completion of the examination de-*
23 *scribed in subsection (c), the Task Force shall submit to the*
24 *Secretary of Transportation, Secretary of Labor, and ap-*
25 *propriate congressional committees a report containing—*

1 (1) *the findings of the Task Force on the matters*
2 *described in subsection (c);*

3 (2) *best practices related to—*

4 (A) *assisting a commercial motor vehicle*
5 *driver in assessing the impacts of leasing agree-*
6 *ments prior to entering into such agreements;*
7 *and*

8 (B) *assisting a commercial motor vehicle*
9 *driver who has entered into a predatory lease*
10 *agreement; and*

11 (3) *recommendations on changes to laws or regu-*
12 *lations, as applicable, at the Federal, State, or local*
13 *level to promote fair leasing agreements under which*
14 *a commercial motor vehicle driver is able to earn a*
15 *living wage.*

16 (f) *TERMINATION.*—*Not later than 1 month after the*
17 *date of submission of the report pursuant to subsection (e),*
18 *the Task Force shall terminate.*

19 **SEC. 4306. HOURS OF SERVICE.**

20 (a) *COMPREHENSIVE REVIEW.*—

21 (1) *COMPREHENSIVE REVIEW OF HOURS OF*
22 *SERVICE RULES.*—*Not later than 60 days after the*
23 *date of enactment of this Act, the Secretary shall ini-*
24 *tiate a comprehensive review of hours of service rules*

1 *and the impacts of waivers, exemptions, and other al-*
2 *lowances that limit the applicability of such rules.*

3 (2) *CHANGES TO REGULATIONS.—In carrying*
4 *out the comprehensive review under paragraph (1)*
5 *and the required analyses under paragraphs (3) and*
6 *(4), the Secretary shall consider the modifications*
7 *made in the final rule published on June 1, 2020, ti-*
8 *tled “Hours of Service of Drivers” (85 Fed. Reg.*
9 *33396) and evaluate the impacts of the allowance to*
10 *operate in excess of the limits in effect prior to June*
11 *1, 2020.*

12 (3) *LIST OF EXEMPTIONS.—In carrying out the*
13 *comprehensive review required under paragraph (1),*
14 *the Secretary shall—*

15 (A) *compile a list of waivers, exemptions,*
16 *and other allowances—*

17 (i) *under which a driver may operate*
18 *in excess of the otherwise applicable limits*
19 *on on-duty or driving time in absence of*
20 *such exemption, waiver, or other allowance;*

21 (ii) *under which a driver may operate*
22 *without recording compliance with hours of*
23 *service rules through the use of an electronic*
24 *logging device; and*

25 (iii) *applicable—*

1 (I) to specific segments of the
2 motor carrier industry or sectors of the
3 economy;

4 (II) on a periodic or seasonal
5 basis; and

6 (III) to specific types of oper-
7 ations, including the short haul exemp-
8 tion under part 395 of title 49, Code of
9 Federal Regulations;

10 (B) specify whether each such waiver, ex-
11 emption, or other allowance was granted by the
12 Department of Transportation or enacted by
13 Congress, and how long such waiver, exemption,
14 or other allowance has been in effect; and

15 (C) estimate the number of motor carriers,
16 motor private carriers, and drivers that may
17 qualify to use each waiver, exemption, or other
18 allowance.

19 (4) SAFETY IMPACT ANALYSIS.—

20 (A) IN GENERAL.—In carrying out the com-
21 prehensive review under paragraph (1), the Sec-
22 retary, in consultation with State motor carrier
23 enforcement entities, shall undertake a statis-
24 tically valid analysis to determine the safety im-
25 pact, including on enforcement, of the exemp-

1 *tions, waivers, or other allowances compiled*
2 *under paragraph (2) by—*

3 *(i) using available data, or collecting*
4 *from motor carriers or motor private car-*
5 *riers and drivers operating under an ex-*
6 *emption, waiver, or other allowance if the*
7 *Secretary does not have sufficient data, to*
8 *determine the incidence of accidents, fa-*
9 *tigue-related incidents, and other relevant*
10 *safety information related to hours of serv-*
11 *ice among motor carriers, private motor*
12 *carriers, and drivers permitted to operate*
13 *under each exemption, waiver, or other al-*
14 *lowance;*

15 *(ii) comparing the data described in*
16 *subparagraph (A) to safety data from motor*
17 *carriers, motor private carriers, and drivers*
18 *that are subject to the hours of service rules*
19 *and not operating under an exemption,*
20 *waiver, or other allowance; and*

21 *(iii) based on the comparison under*
22 *subparagraph (B), determining whether*
23 *waivers, exemptions, and other allowances*
24 *in effect provide an equivalent level of safety*

1 *as would exist in the absence of exemptions,*
2 *waivers, or other allowances.*

3 (B) *CONSULTATION.*—*The Secretary shall*
4 *consult with State motor carrier enforcement en-*
5 *tities in carrying out this paragraph.*

6 (C) *EXCLUSIONS.*—*The Secretary shall ex-*
7 *clude data related to exemptions, waivers, or*
8 *other allowances made pursuant to an emergency*
9 *declaration under section 390.23 of title 49, Code*
10 *of Federal Regulations, or extended under section*
11 *390.25 of title 49, Code of Federal Regulations,*
12 *from the analysis required under this paragraph.*

13 (5) *DRIVER IMPACT ANALYSIS.*—*In carrying out*
14 *the comprehensive review under paragraph (1), the*
15 *Secretary shall further consider—*

16 (A) *data on driver detention collected by the*
17 *Secretary pursuant to section 4304 of this Act*
18 *and other conditions affecting the movement of*
19 *goods by commercial motor vehicle, and how*
20 *such conditions interact with the Secretary's reg-*
21 *ulations on hours of service;*

22 (B) *whether exemptions, waivers, or other*
23 *allowances that permit additional on-duty time*
24 *or driving time have a deleterious effect on the*
25 *physical condition of drivers; and*

1 (C) *whether differences in the manner in*
2 *which drivers are compensated result in different*
3 *levels of burden for drivers in complying with*
4 *hours of service rules.*

5 (b) *PEER REVIEW.*—*Prior to the publication of the re-*
6 *view required under subsection (d), the analyses performed*
7 *by the Secretary shall undergo an independent peer review.*

8 (c) *PUBLICATION.*—*Not later than 18 months after the*
9 *date that the Secretary initiates the comprehensive review*
10 *under subsection (b)(1), the Secretary shall publish the find-*
11 *ings of such review in the Federal Register and provide for*
12 *a period for public comment.*

13 (d) *REPORT TO CONGRESS.*—*Not later than 30 days*
14 *after the conclusion of the public comment period under*
15 *subsection (d), the Secretary shall submit to the Committee*
16 *on Commerce, Science, and Transportation and the Com-*
17 *mittee on Environment and Public Works of the Senate and*
18 *the Committee on Transportation and Infrastructure of the*
19 *House of Representatives and make publicly available on*
20 *a website of the Department of Transportation a report con-*
21 *taining the information and analyses required under sub-*
22 *section (b).*

23 (e) *REPLACEMENT OF GUIDANCE.*—*Not later than 1*
24 *year after the date of enactment of this Act, the Secretary*
25 *shall initiate a rulemaking to update the Department of*

1 *Transportation guidance published on June 7, 2018, titled*
 2 *“Hours of Service of Drivers of Commercial Motor Vehicles:*
 3 *Regulatory Guidance Concerning the Use of a Commercial*
 4 *Motor Vehicle for Personal Conveyance” (83 Fed. Reg.*
 5 *26377) to prescribe specific mileage or time limits, or both,*
 6 *for the use of personal conveyance.*

7 (f) *DEFINITIONS.—In this section:*

8 (1) *MOTOR CARRIER; MOTOR PRIVATE CAR-*
 9 *RIER.—The terms “motor carrier” and “motor pri-*
 10 *rate carrier” have the meanings given such terms in*
 11 *section 31501 of title 49, United States Code.*

12 (2) *ON-DUTY TIME; DRIVING TIME; ELECTRONIC*
 13 *LOGGING DEVICE.—The terms “on-duty time”, “driv-*
 14 *ing time”, and “electronic logging device” have the*
 15 *meanings given such terms in section 395.2 of title*
 16 *49, Code of Federal Regulations (as in effect on June*
 17 *1, 2020).*

18 **SEC. 4307. DRIVER RECRUITMENT.**

19 (a) *IN GENERAL.—Not later than 1 year after the date*
 20 *of enactment of this Act, the inspector general of the Depart-*
 21 *ment of Transportation shall submit to the Committee on*
 22 *Transportation and Infrastructure of the House of Rep-*
 23 *resentatives and the Committee on Commerce, Science, and*
 24 *Transportation of the Senate a report examining the oper-*
 25 *ation of commercial motor vehicles in the United States by*

1 *drivers admitted to the United States under temporary*
2 *business visas.*

3 (b) *CONTENTS.—The report under paragraph (1) shall*
4 *include—*

5 (1) *an assessment of—*

6 (A) *the prevalence of the operation of com-*
7 *mercial motor vehicles in the United States by*
8 *drivers admitted to the United States under tem-*
9 *porary business visas;*

10 (B) *the characteristics of motor carriers*
11 *that recruit and use such drivers, including the*
12 *country of domicile of the motor carrier or sub-*
13 *sidiary;*

14 (C) *the demographics of drivers operating*
15 *in the United States under such visas, including*
16 *the country of domicile of such drivers; and*

17 (D) *the contractual relationship between*
18 *such motor carriers and such drivers;*

19 (2) *an analysis of whether such drivers are re-*
20 *quired to comply with—*

21 (A) *motor carrier safety regulations under*
22 *subchapter B of chapter III of title 49, Code of*
23 *Federal Regulations, including—*

1 (i) the English proficiency requirement
2 under section 391.11(2) of title 49, Code of
3 Federal Regulations;

4 (ii) the requirement for drivers of a
5 motor carrier to report any violations of a
6 regulation to such motor carrier under sec-
7 tion 391.27 of title 49, Code of Federal Reg-
8 ulations; and

9 (iii) driver's licensing requirements
10 under part 383 of title 49, Code of Federal
11 Regulations, including entry-level driver
12 training and drug and alcohol testing under
13 part 382 of such title; and

14 (B) regulations prohibiting point-to-point
15 transportation in the United States, or cabotage,
16 under part 365 of title 49, Code of Federal Regu-
17 lations;

18 (3) an evaluation of the safety record of the oper-
19 ations and drivers described in paragraph (1), in-
20 cluding—

21 (A) violations of the motor carrier safety
22 regulations under subchapter B of chapter III of
23 title 49, Code of Federal Regulations, including
24 applicable requirements described in paragraph
25 (2)(A); and

1 (B) the number of crashes involving such
2 operations and drivers; and

3 (4) the impact of such operations and drivers
4 on—

5 (A) commercial motor vehicle drivers domi-
6 ciled in the United States, including employment
7 levels and driver compensation of such drivers;
8 and

9 (B) the competitiveness of motor carriers
10 domiciled in the United States.

11 (c) *DEFINITIONS.*—*In this section:*

12 (1) *COMMERCIAL MOTOR VEHICLE.*—*In this sec-*
13 *tion, the term “commercial motor vehicle” has the*
14 *meaning given such term in section 31101 of title 49,*
15 *United States Code.*

16 (2) *TEMPORARY BUSINESS VISA.*—*The term*
17 *“temporary business visa” means any driver who is*
18 *present in the United States with status under section*
19 *101(a)(15)(H)(i)(b) of the Immigration and Nation-*
20 *ality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).*

21 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

22 (a) *IN GENERAL.*—*Not later than 1 year after the date*
23 *of enactment of this Act, the Secretary of Transportation*
24 *shall—*

1 (1) *assess the risk posed by untreated obstructive*
2 *sleep apnea in drivers of commercial motor vehicles*
3 *and the feasibility, benefits, and costs associated with*
4 *establishing screening criteria for obstructive sleep*
5 *apnea in drivers of commercial motor vehicles;*

6 (2) *issue a notice in the Federal Register con-*
7 *taining the independently peer-reviewed findings of*
8 *the assessment required under paragraph (1) not later*
9 *than 30 days after completion of the assessment and*
10 *provide an opportunity for public comment; and*

11 (3) *if the Secretary contracts with an inde-*
12 *pendent third party to conduct the assessment re-*
13 *quired under paragraph (1), ensure that the inde-*
14 *pendent third party shall not have any financial or*
15 *contractual ties or relationship with a motor carrier*
16 *that transports passengers or property for compensa-*
17 *tion, the motor carrier industry, or driver advocacy*
18 *organizations.*

19 (b) *SCREENING CRITERIA.—*

20 (1) *IN GENERAL.—Not later than 12 months*
21 *after the date of enactment of this Act, the Secretary*
22 *shall publish in the Federal Register a proposed rule*
23 *to establish screening criteria for obstructive sleep*
24 *apnea in commercial motor vehicle drivers and pro-*
25 *vide an opportunity for public comment.*

1 (2) *FINAL RULE.*—Not later than 2 years after
2 the date of enactment of this Act, the Secretary shall
3 issue a final rule to establish screening criteria for ob-
4 structive sleep apnea in commercial motor vehicle
5 drivers.

6 (c) *COMMERCIAL MOTOR VEHICLE DEFINED.*—In this
7 section, the term “commercial motor vehicle” has the mean-
8 ing given such term in section 31132 of title 49, United
9 States Cod

10 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

11 (a) *SHORT TITLE.*—This section may be cited as the
12 “Promoting Women in Trucking Workforce Act”.

13 (b) *FINDINGS.*—Congress finds that—

14 (1) women make up 47 percent of the workforce
15 of the United States;

16 (2) women are significantly underrepresented in
17 the trucking industry, holding only 24 percent of all
18 transportation and warehousing jobs and representing
19 only—

20 (A) 6.6 percent of truck drivers;

21 (B) 12.5 percent of all workers in truck
22 transportation; and

23 (C) 8 percent of freight firm owners;

1 (3) *given the total number of women truck driv-*
2 *ers, women are underrepresented in the truck-driving*
3 *workforce; and*

4 (4) *women truck drivers have been shown to be*
5 *20 percent less likely than male counterparts to be in-*
6 *volved in a crash.*

7 (c) *SENSE OF CONGRESS REGARDING WOMEN IN*
8 *TRUCKING.—It is the sense of Congress that the trucking*
9 *industry should explore every opportunity, including driver*
10 *training and mentorship programs, to encourage and sup-*
11 *port the pursuit of careers in trucking by women.*

12 (d) *ESTABLISHMENT.—To encourage women to enter*
13 *the field of trucking, the Administrator shall establish and*
14 *facilitate an advisory board, to be known as the “Women*
15 *of Trucking Advisory Board”, to promote organizations and*
16 *programs that—*

17 (1) *provide education, training, mentorship, or*
18 *outreach to women in the trucking industry; and*

19 (2) *recruit women into the trucking industry.*

20 (e) *MEMBERSHIP.—*

21 (1) *IN GENERAL.—The Board shall be composed*
22 *of not fewer than seven members whose backgrounds*
23 *allow those members to contribute balanced points of*
24 *view and diverse ideas regarding the strategies and*
25 *objectives described in subsection (f)(2).*

1 (2) *APPOINTMENT.*—Not later than 270 days
2 after the date of enactment of this Act, the Adminis-
3 trator shall appoint the members of the Board, of
4 whom—

5 (A) not fewer than one shall be a represent-
6 ative of large trucking companies;

7 (B) not fewer than one shall be a represent-
8 ative of mid-sized trucking companies;

9 (C) not fewer than one shall be a represent-
10 ative of small trucking companies;

11 (D) not fewer than one shall be a represent-
12 ative of nonprofit organizations in the trucking
13 industry;

14 (E) not fewer than one shall be a represent-
15 ative of trucking business associations;

16 (F) not fewer than one shall be a represent-
17 ative of independent owner-operators; and

18 (G) not fewer than one shall be a woman
19 who is a professional truck driver.

20 (3) *TERMS.*—Each member shall be appointed
21 for the life of the Board.

22 (4) *COMPENSATION.*—A member of the Board
23 shall serve without compensation.

24 (f) *DUTIES.*—

25 (1) *IN GENERAL.*—The Board shall identify—

1 (A) industry trends that directly or indi-
2 rectly discourage women from pursuing careers
3 in trucking, including—

4 (i) any differences between women mi-
5 nority groups;

6 (ii) any differences between women
7 who live in rural, suburban, and urban
8 areas; and

9 (iii) any safety risks unique to the
10 trucking industry;

11 (B) ways in which the functions of trucking
12 companies, nonprofit organizations, and truck-
13 ing associations may be coordinated to facilitate
14 support for women pursuing careers in trucking;

15 (C) opportunities to expand existing oppor-
16 tunities for women in the trucking industry; and

17 (D) opportunities to enhance trucking
18 training, mentorship, education, and outreach
19 programs that are exclusive to women.

20 (2) *REPORT.*—Not later than 18 months after the
21 date of enactment of this Act, the Board shall submit
22 to the Administrator a report describing strategies
23 that the Administrator may adopt—

24 (A) to address any industry trends identi-
25 fied under paragraph (1)(A);

1 (B) to coordinate the functions of trucking
2 companies, nonprofit organizations, and truck-
3 ing associations in a manner that facilitates
4 support for women pursuing careers in trucking;

5 (C) to—

6 (i) take advantage of any opportunities
7 identified under paragraph (1)(C); and

8 (ii) create new opportunities to expand
9 existing scholarship opportunities for
10 women in the trucking industry; and

11 (D) to enhance trucking training,
12 mentorship, education, and outreach programs
13 that are exclusive to women.

14 (g) *REPORT TO CONGRESS.*—

15 (1) *IN GENERAL.*—Not later than 2 years after
16 the date of enactment of this Act, the Administrator
17 shall submit to the Committee on Commerce, Science,
18 and Transportation of the Senate and the Committee
19 on Transportation and Infrastructure of the House of
20 Representatives a report describing—

21 (A) any strategies recommended by the
22 Board under subsection (f)(2); and

23 (B) any actions taken by the Administrator
24 to adopt the strategies recommended by the

1 *Board (or an explanation of the reasons for not*
2 *adopting the strategies).*

3 (2) *PUBLIC AVAILABILITY.—The Administrator*
4 *shall make the report under paragraph (1) publicly*
5 *available—*

6 *(A) on the website of the Federal Motor Car-*
7 *rier Safety Administration; and*

8 *(B) in appropriate offices of the Federal*
9 *Motor Carrier Safety Administration.*

10 (h) *TERMINATION.—The Board shall terminate on sub-*
11 *mission of the report to Congress under subsection (g).*

12 (i) *DEFINITIONS.—In this section:*

13 (1) *ADMINISTRATOR.—The term “Adminis-*
14 *trator” means the Administrator of the Federal Motor*
15 *Carrier Safety Administration.*

16 (2) *BOARD.—The term “Board” means the*
17 *Women of Trucking Advisory Board established under*
18 *subsection (d).*

19 (3) *LARGE TRUCKING COMPANY.—The term*
20 *“large trucking company” means a motor carrier (as*
21 *defined in section 13102 of title 49, United States*
22 *Code) with an annual revenue greater than*
23 *\$1,000,000,000.*

24 (4) *MID-SIZED TRUCKING COMPANY.—The term*
25 *“mid-sized trucking company” means a motor carrier*

1 *(as defined in section 13102 of title 49, United States*
 2 *Code) with an annual revenue of not less than*
 3 *\$35,000,000 and not greater than \$1,000,000,000.*

4 (5) *SMALL TRUCKING COMPANY.*—*The term*
 5 *“small trucking company” means a motor carrier (as*
 6 *defined in section 13102 of title 49, United States*
 7 *Code) with an annual revenue less than \$35,000,000.*

8 **SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE**
 9 **SAFETY.**

10 (a) *DEFINITION.*—*Section 31301(14) of title 49,*
 11 *United States Code, is amended—*

12 (1) *by striking “and” and inserting a comma;*
 13 *and*

14 (2) *by inserting “, and Puerto Rico” before the*
 15 *period.*

16 (b) *IMPLEMENTATION.*—*The Administrator of the Fed-*
 17 *eral Motor Carrier Safety Administration shall work with*
 18 *the Commonwealth of Puerto Rico on obtaining full compli-*
 19 *ance with chapter 313 of title 49, United States Code, and*
 20 *regulations adopted under that chapter.*

21 (c) *GRACE PERIOD.*—*Notwithstanding section*
 22 *31311(a) of title 49, United States Code, during a 5-year*
 23 *period beginning on the date of enactment of this Act, the*
 24 *Commonwealth of Puerto Rico shall not be subject to a with-*
 25 *holding of an apportionment of funds under paragraphs (1)*

1 *and (2) of section 104(b) of title 23, United States Code,*
2 *for failure to comply with any requirement under section*
3 *31311(a) of title 49, United States Code.*

4 **SEC. 4311. USE OF DATA.**

5 *Section 31137(e) of title 49, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1)—*

8 *(A) by striking “only”; and*

9 *(B) by striking “, including record-of-duty*
10 *status regulations” and inserting “and to con-*
11 *duct transportation research utilizing such*
12 *data”;*

13 *(2) in paragraph (2) by striking “to enforce the*
14 *regulations referred to in” and inserting “for pur-*
15 *poses authorized under”; and*

16 *(3) by amending paragraph (3) to read as fol-*
17 *lows:*

18 *“(3) RESEARCH DATA.—The Secretary shall in-*
19 *stitute appropriate measures to protect the privacy of*
20 *individuals, operators, and motor carriers when data*
21 *obtained from an electronic logging device is used for*
22 *research pursuant to this section and such research is*
23 *made available to the public.”.*

1 ***Subtitle D—Commercial Motor***
2 ***Vehicle and Schoolbus Safety***

3 ***SEC. 4401. SCHOOLBUS SAFETY STANDARDS.***

4 *(a) SCHOOLBUS SEATBELTS.—*

5 *(1) IN GENERAL.—Not later than 1 year after*
6 *the date of enactment of this Act, the Secretary shall*
7 *issue a notice of proposed rulemaking to consider re-*
8 *quiring large schoolbuses to be equipped with safety*
9 *belts for all seating positions, if the Secretary deter-*
10 *mines that such standards meet the requirements and*
11 *considerations set forth in subsections (a) and (b) of*
12 *section 30111 of title 49, United States Code.*

13 *(2) CONSIDERATIONS.—In issuing a notice of*
14 *proposed rulemaking under paragraph (1), the Sec-*
15 *retary shall consider—*

16 *(A) the safety benefits of a lap/shoulder belt*
17 *system (also known as a Type 2 seatbelt assem-*
18 *bly);*

19 *(B) the investigations and recommendations*
20 *of the National Transportation Safety Board on*
21 *seatbelts in schoolbuses;*

22 *(C) existing experience, including analysis*
23 *of student injuries and fatalities compared to*
24 *States without seat belt laws, and seat belt usage*
25 *rates, from States that require schoolbuses to be*

1 *equipped with seatbelts, including Type 2 seat-*
2 *belt assembly;*

3 *(D) the impact of lap/shoulder belt systems*
4 *on emergency evacuations, with a focus on emer-*
5 *gency evacuations involving students below the*
6 *age of 14, and emergency evacuations neces-*
7 *sitated by fire or water submersion; and*

8 *(E) the impact of lap/shoulder belt systems*
9 *on the overall availability of schoolbus transpor-*
10 *tation.*

11 *(3) REPORT.—If the Secretary determines that a*
12 *standard described in paragraph (1) does not meet*
13 *the requirements and considerations set forth in sub-*
14 *sections (a) and (b) of section 30111 of title 49,*
15 *United States Code, the Secretary shall submit to the*
16 *Committee on Transportation and Infrastructure of*
17 *the House of Representatives and the Committee on*
18 *Commerce, Science, and Transportation of the Senate*
19 *a report that describes the reasons for not prescribing*
20 *such a standard.*

21 *(4) APPLICATION OF REGULATIONS.—Any regu-*
22 *lation issued based on the notice of proposed rule-*
23 *making described in paragraph (1) shall apply to*
24 *schoolbuses manufactured more than 3 years after the*
25 *date on which the regulation takes effect.*

1 (b) *AUTOMATIC EMERGENCY BRAKING*.—Not later
2 than 3 years after the date of enactment of this Act, the
3 Secretary shall—

4 (1) prescribe a motor vehicle safety standard
5 under section 30111 of title 49, United States Code,
6 that requires all schoolbuses manufactured after the
7 effective date of such standard to be equipped with an
8 automatic emergency braking system; and

9 (2) as part of such standard, establish perform-
10 ance requirements for automatic emergency braking
11 systems, including operation of such systems.

12 (c) *ELECTRONIC STABILITY CONTROL*.—Not later than
13 2 years after the date of enactment of this Act, the Secretary
14 shall—

15 (1) prescribe a motor vehicle safety standard
16 under section 30111 of title 49, United States Code,
17 that requires all schoolbuses manufactured after the
18 effective date of such standard to be equipped with an
19 electronic stability control system (as such term is de-
20 fined in section 571.136 of title 49, Code of Federal
21 Regulations (as in effect on the date of enactment of
22 this Act)); and

23 (2) as part of such standard, establish perform-
24 ance requirements for electronic stability control sys-
25 tems, including operation of such systems.

1 (d) *FIRE PREVENTION AND MITIGATION.*—

2 (1) *RESEARCH AND TESTING.*—*The Secretary*
3 *shall conduct research and testing to determine the*
4 *most prevalent causes of schoolbus fires and the best*
5 *methods to prevent such fires and to mitigate the ef-*
6 *fect of such fires, both inside and outside the school-*
7 *bus. Such research and testing shall consider—*

8 (A) *fire suppression systems standards,*
9 *which at a minimum prevent engine fires;*

10 (B) *firewall standards to prevent gas or*
11 *flames from entering into the passenger compart-*
12 *ment in schoolbuses with engines that extend be-*
13 *yond the firewall; and*

14 (C) *interior flammability and smoke emis-*
15 *sions characteristics standards.*

16 (2) *STANDARDS.*—*The Secretary may issue fire*
17 *prevention and mitigation standards for schoolbuses,*
18 *based on the results of the Secretary's research and*
19 *testing under paragraph (1), if the Secretary deter-*
20 *mines that such standards meet the requirements and*
21 *considerations set forth in subsections (a) and (b) of*
22 *section 30111 of title 49, United States Code.*

23 (e) *SCHOOL BUS TEMPERATURE SAFETY STUDY AND*
24 *REPORT.*—*Not later than 1 year after the date of enactment*
25 *of this Act, the Secretary shall study and issue a report*

1 *on the safety implications of temperature controls in school*
2 *buses. The study and report shall include—*

3 *(1) an analysis of the internal temperature in*
4 *school buses without air conditioning in weather be-*
5 *tween 80 and 110 degrees Fahrenheit;*

6 *(2) the collection and analysis of data on tem-*
7 *perature-related injuries to students, including heat-*
8 *stroke and dehydration;*

9 *(3) the collection of data on how many public*
10 *school districts currently operate buses without air*
11 *conditioning; and*

12 *(4) recommendations for preventing heat related*
13 *illnesses for children on school buses.*

14 *(f) DEFINITIONS.—In this section:*

15 *(1) AUTOMATIC EMERGENCY BRAKING.—The*
16 *term “automatic emergency braking” means a crash*
17 *avoidance system installed and operational in a vehi-*
18 *cle that consists of—*

19 *(A) a forward warning function—*

20 *(i) to detect vehicles and vulnerable*
21 *road users ahead of the vehicle; and*

22 *(ii) to alert the operator of an impend-*
23 *ing collision; and*

1 (B) a crash-imminent braking function to
 2 provide automatic braking when forward-looking
 3 sensors of the vehicle indicate that—

4 (i) a crash is imminent; and

5 (ii) the operator of the vehicle is not
 6 applying the brakes.

7 (2) *LARGE SCHOOLBUS.*—The term “large school-
 8 bus” means a schoolbus with a gross vehicle weight
 9 rating of more than 10,000 pounds.

10 (3) *SCHOOLBUS.*—The term “schoolbus” has the
 11 meaning given such term in section 30125(a) of title
 12 49, United States Code.

13 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

14 (a) *ILLEGAL PASSING RESEARCH.*—

15 (1) *IN GENERAL.*—The Secretary of Transpor-
 16 tation shall conduct research to determine—

17 (A) drivers’ knowledge of and attitudes to-
 18 wards laws governing passing of a school bus
 19 under the State in which the driver lives;

20 (B) the effectiveness of automated school bus
 21 camera enforcement systems in reducing school
 22 bus passing violations;

23 (C) whether laws that require automated
 24 school bus camera systems to capture images of

1 *a driver's face impact the ability of States to en-*
2 *force such laws;*

3 *(D) the effectiveness of public education on*
4 *illegal school bus passing laws in reducing school*
5 *bus passing violations; and*

6 *(E) the most-effective countermeasures to*
7 *address illegal passing of school buses and best*
8 *practices for States to reduce the number of ille-*
9 *gal passing violations.*

10 (2) *REPORT TO CONGRESS.*—*Not later than 2*
11 *years after the date of enactment of this Act, the Sec-*
12 *retary shall submit to the Committee on Transpor-*
13 *tation and Infrastructure of the House of Representa-*
14 *tives and the Committee on Commerce, Science, and*
15 *Transportation of the Senate a report detailing the*
16 *research and findings required under paragraph (1).*

17 (3) *PUBLICATION.*—*The Secretary shall make*
18 *publicly available on the website of the Department*
19 *the report required under paragraph (2) not later*
20 *than 30 days after the report is submitted under such*
21 *paragraph.*

22 (b) *PUBLIC SAFETY MESSAGING CAMPAIGN.*—

23 (1) *IN GENERAL.*—*Not later than 1 year after*
24 *the date of enactment of this Act, the Secretary shall*
25 *create and disseminate a public safety messaging*

1 *campaign, including public safety media messages,*
2 *posters, digital, and other media messages for dis-*
3 *tribution to States, divisions of motor vehicles,*
4 *schools, and other public outlets to highlight the dan-*
5 *gers of illegally passing school buses, including edu-*
6 *cational materials for students and the public on the*
7 *safest school bus loading and unloading procedures.*

8 (2) *CONSULTATION.—The Secretary shall consult*
9 *with public and private school bus industry represent-*
10 *atives and States in developing the materials and*
11 *messages required under paragraph (1).*

12 (3) *UPDATE.—The Secretary shall periodically*
13 *update the materials used in the campaign.*

14 (c) *REVIEW OF ADVANCED SCHOOL BUS SAFETY*
15 *TECHNOLOGIES.—*

16 (1) *IN GENERAL.—Not later than 2 years after*
17 *the date of enactment of this Act, the Secretary shall*
18 *complete a review of advanced school bus safety tech-*
19 *nologies to assess their feasibility, benefits, and costs.*
20 *The review shall include—*

21 (A) *an evaluation of motion-activated alert*
22 *systems that are capable of detecting and alert-*
23 *ing the school bus driver to students, pedestrians,*
24 *bicyclists, and other vulnerable road users lo-*
25 *cated near the perimeter of the school bus;*

1 (B) an evaluation of advanced school bus
2 flashing lighting systems to improve communica-
3 tion to surrounding drivers;

4 (C) an evaluation of early warning systems,
5 including radar-based warning systems, to alert
6 school bus drivers and students near the school
7 bus that an approaching vehicle is likely to en-
8 gage in an illegal passing; and

9 (D) other technologies that enhance school
10 bus safety, as determined by the Secretary.

11 (2) *PUBLICATION.*—The Secretary shall make the
12 findings of the review publicly available on the
13 website of the Department not later than 30 days
14 after its completion.

15 (d) *GAO REVIEW OF STATE ILLEGAL PASSING LAWS*
16 *AND DRIVER EDUCATION.*—

17 (1) *IN GENERAL.*—Not later than 1 year after
18 the date of enactment of this Act, the Comptroller
19 General of the United States shall submit to the Com-
20 mittee on Transportation and Infrastructure of the
21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate a
23 report examining State laws and driver education ef-
24 forts regarding illegal passing of school buses.

1 (2) *CONTENTS.*—*The report required under*
2 *paragraph (1) shall include—*

3 (A) *an overview of each State’s illegal school*
4 *bus passing laws, including how the laws are en-*
5 *forced and what penalties are imposed on viola-*
6 *tors;*

7 (B) *a review of each State’s driver edu-*
8 *cation efforts regarding illegal passing of school*
9 *buses to determine how each State educates and*
10 *evaluates new drivers on laws governing passing*
11 *of a school bus; and*

12 (C) *recommendations on how States can*
13 *improve driver education and awareness of the*
14 *dangers of illegally passing school buses.*

15 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
16 **COMMERCIAL MOTOR VEHICLES.**

17 (a) *REVIEW OF STATE INSPECTION PRACTICES.*—*The*
18 *Secretary of Transportation shall conduct a review of Fed-*
19 *eral Motor Carrier Safety Regulations related to annual in-*
20 *spection of commercial motor vehicles carrying passengers*
21 *to determine—*

22 (1) *different inspection models in use for com-*
23 *mercial motor vehicles carrying passengers to satisfy*
24 *the Federal inspection requirement;*

1 (2) *the number of States that have mandatory*
2 *annual State vehicle inspections and whether such in-*
3 *spections are used to satisfy the Federal inspection re-*
4 *quirement for commercial motor vehicles carrying*
5 *passengers;*

6 (3) *the extent to which passenger carriers utilize*
7 *self-inspection to satisfy the Federal inspection re-*
8 *quirement;*

9 (4) *the number of States that have the authority*
10 *to require the immobilization of impoundment of a*
11 *commercial motor vehicle carrying passengers if such*
12 *a vehicle fails inspection; and*

13 (5) *the impact on the safety of commercial motor*
14 *vehicles carrying passengers, based on the inspection*
15 *model employed.*

16 (b) *REPORT TO CONGRESS.*—*Not later than 1 year*
17 *after the enactment of this Act, the Secretary shall submit*
18 *to the Committee on Transportation and Infrastructure of*
19 *the House of Representatives and the Committee on Com-*
20 *merce, Science, and Transportation of the Senate a report*
21 *on—*

22 (1) *the findings of the review conducted under*
23 *subsection (a); and*

24 (2) *recommendations on changes to the Sec-*
25 *retary's inspection program regulations to improve*

1 *the safety of commercial motor vehicles carrying pas-*
2 *sengers.*

3 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

4 *(a) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—*

5 *(1) IN GENERAL.—Not later than 1 year after*
6 *the date of enactment of this Act, the Secretary of*
7 *Transportation shall—*

8 *(A) prescribe a motor vehicle safety stand-*
9 *ard under section 30111 of title 49, United*
10 *States Code, that requires all commercial motor*
11 *vehicles subject to Federal motor vehicle safety*
12 *standard 136 under section 571.136 of title 49,*
13 *Code of Federal Regulations, (relating to elec-*
14 *tronic stability control systems for heavy vehi-*
15 *cles) manufactured after the effective date of such*
16 *standard to be equipped with an automatic*
17 *emergency braking system; and*

18 *(B) as part of such standard, establish per-*
19 *formance requirements for automatic emergency*
20 *braking systems, including operation of such sys-*
21 *tems in a variety of driving conditions.*

22 *(2) CONSIDERATIONS.—Prior to prescribing the*
23 *standard required under paragraph (1)(A), the Sec-*
24 *retary shall—*

1 (A) conduct a review of automatic emer-
2 gency braking systems in use in applicable com-
3 mercial motor vehicles and address any identi-
4 fied deficiencies with such systems in the rule-
5 making proceeding to prescribe the standard, if
6 practicable;

7 (B) assess the feasibility of updating the
8 software of emergency braking systems in use in
9 applicable commercial motor vehicles to address
10 any deficiencies and to enable such systems to
11 meet the new standard; and

12 (C) consult with representatives of commer-
13 cial motor vehicle drivers regarding the experi-
14 ences of drivers with automatic emergency brak-
15 ing systems in use in applicable commercial
16 motor vehicles, including malfunctions or un-
17 warranted activations of such systems.

18 (3) COMPLIANCE DATE.—The Secretary shall en-
19 sure that the compliance date of the standard pre-
20 scribed pursuant to paragraph (1) shall be not later
21 than 2 years after the date of publication of the final
22 rule prescribing such standard.

23 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
24 TION.—Not later than 1 year after the date of enactment
25 of this Act, the Secretary shall issue a regulation under sec-

1 *tion 31136 of title 49, United States Code, that requires*
2 *that an automatic emergency braking system installed in*
3 *a commercial motor vehicle subject to Federal motor vehicle*
4 *safety standard 136 under section 571.136 of title 49, Code*
5 *of Federal Regulations, (relating to electronic stability con-*
6 *trol systems for heavy vehicles) that is in operation on or*
7 *after the effective date of the standard prescribed under sub-*
8 *section (a) be used at any time during which such commer-*
9 *cial motor vehicle is in operation.*

10 *(c) REPORT ON AUTOMATIC EMERGENCY BRAKING IN*
11 *MEDIUM-DUTY COMMERCIAL MOTOR VEHICLES.—*

12 *(1) IN GENERAL.—Not later than 2 years after*
13 *the date of enactment of this Act, the Secretary of*
14 *Transportation shall, with respect to commercial*
15 *motor vehicles not subject to Federal motor vehicle*
16 *safety standard 136 under section 571.136 of title 49,*
17 *Code of Federal Regulations—*

18 *(A) complete research on equipping com-*
19 *mercial motor vehicles with automatic emergency*
20 *braking systems to better understand the overall*
21 *effectiveness of such systems on a variety of com-*
22 *mercial motor vehicles;*

23 *(B) assess the feasibility, benefits, and costs*
24 *associated with installing automatic emergency*
25 *braking systems on newly manufactured com-*

1 *mercial motor vehicles with a gross vehicle*
2 *weight rating of 10,001 pounds or more; and*

3 *(C) if warranted, develop performance*
4 *standards for such automatic emergency braking*
5 *systems.*

6 *(2) INDEPENDENT RESEARCH.—If the Secretary*
7 *enters into a contract with a third party to perform*
8 *the research required under paragraph (1)(A), the*
9 *Secretary shall ensure that such third party does not*
10 *have any financial or contractual ties or relationship*
11 *with a motor carrier that transports passengers or*
12 *property for compensation, the motor carrier indus-*
13 *try, or an entity producing or supplying automatic*
14 *emergency braking systems.*

15 *(3) PUBLICATION OF ASSESSMENT.—Not later*
16 *than 90 days after completing the assessment required*
17 *under paragraph (1)(B), the Secretary shall issue a*
18 *notice in the Federal Register containing the findings*
19 *of the assessment and provide an opportunity for*
20 *public comment.*

21 *(4) REPORT TO CONGRESS.—After the conclusion*
22 *of the public comment period under paragraph (3),*
23 *the Secretary shall submit to the Committee on*
24 *Transportation and Infrastructure of the House of*
25 *Representatives and the Committee on Commerce,*

1 *Science, and Transportation of the Senate a report*
2 *that provides—*

3 *(A) the results of the assessment under*
4 *paragraph (1)(B);*

5 *(B) a summary of the public comments re-*
6 *ceived by the Secretary under paragraph (3);*
7 *and*

8 *(C) a determination as to whether the Sec-*
9 *retary intends to develop performance require-*
10 *ments for automatic emergency braking systems*
11 *for applicable commercial motor vehicles, includ-*
12 *ing any analysis that led to such determination.*

13 *(d) DEFINITIONS.—In this section:*

14 *(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—*
15 *The term “automatic emergency braking system”*
16 *means a crash avoidance system installed and oper-*
17 *ational in a vehicle that consists of—*

18 *(A) a forward collision warning function—*

19 *(i) to detect vehicles and vulnerable*
20 *road users ahead of the vehicle; and*

21 *(ii) to alert the operator of the vehicle*
22 *of an impending collision; and*

23 *(B) a crash-imminent braking function to*
24 *provide automatic braking when forward-looking*
25 *sensors of the vehicle indicate that—*

- 1 (i) a crash is imminent; and
2 (ii) the operator of the vehicle is not
3 applying the brakes.

4 (2) *COMMERCIAL MOTOR VEHICLE.*—The term
5 “commercial motor vehicle” has the meaning given
6 such term in section 31101 of title 49, United States
7 Code.

8 **SEC. 4405. UNDERRIDE PROTECTION.**

9 (a) *REAR UNDERRIDE GUARDS.*—

10 (1) *REAR GUARDS ON TRAILERS AND*
11 *SEMITRAILERS.*—

12 (A) *IN GENERAL.*—Not later than 1 year
13 after the date of enactment of this Act, the Sec-
14 retary of Transportation shall issue such regula-
15 tions as are necessary to revise motor vehicle
16 safety standards under sections 571.223 and
17 571.224 of title 49, Code of Federal Regulations,
18 to require trailers and semi-trailers manufac-
19 tured after the date on which such regulation is
20 issued to be equipped with rear impact guards
21 that are designed to prevent passenger compart-
22 ment intrusion from a trailer or semitrailer
23 when a passenger vehicle traveling at 35 miles
24 per hour makes—

1 (i) *an impact in which the passenger*
2 *vehicle impacts the center of the rear of the*
3 *trailer or semitrailer;*

4 (ii) *an impact in which 50 percent the*
5 *width of the passenger vehicle overlaps the*
6 *rear of the trailer or semitrailer; and*

7 (iii) *an impact in which 30 percent of*
8 *the width of the passenger vehicle overlaps*
9 *the rear of the trailer or semitrailer.*

10 (B) *EFFECTIVE DATE.—The rule issued*
11 *under subparagraph (A) shall require full com-*
12 *pliance with the motor carrier safety standard*
13 *prescribed in such rule not later than 2 years*
14 *after the date on which a final rule is issued.*

15 (2) *ADDITIONAL RESEARCH.—The Secretary*
16 *shall conduct additional research on the design and*
17 *development of rear impact guards that can prevent*
18 *underride crashes and protect motor vehicle pas-*
19 *sengers against severe injury at crash speeds of up to*
20 *65 miles per hour.*

21 (3) *REVIEW OF STANDARDS.—Not later than 5*
22 *years after any revisions to standards or requirements*
23 *related to rear impact guards pursuant to paragraph*
24 *(1), the Secretary shall review the standards or re-*
25 *quirements to evaluate the need for changes in re-*

1 *sponse to advancements in technology and upgrade*
2 *such standards accordingly.*

3 (4) *INSPECTIONS.—*

4 (A) *IN GENERAL.—Not later than 1 year*
5 *after the date of enactment of this Act, the Sec-*
6 *retary shall issue such regulations as are nec-*
7 *essary to amend the regulations on minimum*
8 *periodic inspection standards under appendix G*
9 *to subchapter B of chapter III of title 49, Code*
10 *of Federal Regulations, and driver vehicle in-*
11 *spection reports under section 396.11 of title 49,*
12 *Code of Federal Regulations, to include rear im-*
13 *pact guards and rear end protection (as required*
14 *by section 393.86 of title 49, Code of Federal*
15 *Regulations).*

16 (B) *CONSIDERATIONS.—In updating the*
17 *regulations described in subparagraph (A), the*
18 *Secretary shall consider it to be a defect or a de-*
19 *ficiency if a rear impact guard is missing or has*
20 *a corroded or compromised element that affects*
21 *the structural integrity and protective feature of*
22 *such guard.*

23 (b) *SIDE UNDERRIDE GUARDS.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (A) complete additional research on side
5 underride guards to better understand the overall
6 effectiveness of such guards;

7 (B) assess the feasibility, benefits, and costs
8 associated with installing side underride guards
9 on newly manufactured trailers and semitrailers
10 with a gross vehicle weight rating of 10,000
11 pounds or more; and

12 (C) if warranted, develop performance
13 standards for such guards.

14 (2) *INDEPENDENT RESEARCH.*—If the Secretary
15 enters into a contract with a third party to perform
16 the research required under paragraph (1)(A), the
17 Secretary shall ensure that such third party does not
18 have any financial or contractual ties or relationship
19 with a motor carrier that transports passengers or
20 property for compensation, the motor carrier indus-
21 try, or an entity producing or supplying underride
22 guards.

23 (3) *PUBLICATION OF ASSESSMENT.*—Not later
24 than 90 days after completing the assessment required
25 under paragraph (1)(B), the Secretary shall issue a

1 *notice in the Federal Register containing the findings*
2 *of the assessment and provide an opportunity for*
3 *public comment.*

4 (4) *REPORT TO CONGRESS.*—*After the conclusion*
5 *of the public comment period under paragraph (3),*
6 *the Secretary shall submit to the Committee on*
7 *Transportation and Infrastructure of the House of*
8 *Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate a report*
10 *that provides—*

11 (A) *the results of the assessment under this*
12 *subsection;*

13 (B) *a summary of the public comments re-*
14 *ceived by the Secretary under paragraph (3);*
15 *and*

16 (C) *a determination as to whether the Sec-*
17 *retary intends to develop performance require-*
18 *ments for side underride guards, including any*
19 *analysis that led to such determination.*

20 (c) *ADVISORY COMMITTEE ON UNDERRIDE PROTEC-*
21 *TION.*—

22 (1) *ESTABLISHMENT.*—*Not later than 30 days*
23 *after the date of enactment of this Act, the Secretary*
24 *of Transportation shall establish an Advisory Com-*
25 *mittee on Underride Protection (in this subsection re-*

ferred 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.

1 (x) *Labor organizations.*

2 (3) *COMPENSATION.—Members of the Committee*
3 *shall serve without compensation.*

4 (4) *MEETINGS.—The Committee shall meet at*
5 *least annually.*

6 (5) *SUPPORT.—On request of the Committee, the*
7 *Secretary shall provide information, administrative*
8 *services, and supplies necessary for the Committee to*
9 *carry out the duties described in paragraph (1).*

10 (6) *REPORT.—The Committee shall submit to the*
11 *Committee on Transportation and Infrastructure of*
12 *the House of Representatives and the Committee on*
13 *Commerce, Science, and Transportation of the Senate*
14 *a biennial report that shall—*

15 (A) *describe the advice and recommenda-*
16 *tions made to the Secretary; and*

17 (B) *include an assessment of progress made*
18 *by the Secretary in advancing safety regulations.*

19 (d) *DATA COLLECTION.—Not later than 1 year after*
20 *the date of enactment of this Act, the Secretary shall imple-*
21 *ment recommendations 1 and 2 described in the report by*
22 *the Government Accountability Office published on March*
23 *14, 2019, titled “Truck Underride Guards: Improved Data*
24 *Collection, Inspections, and Research Needed” (GAO–19–*
25 *264).*

1 **SEC. 4406. TRANSPORTATION OF HORSES.**

2 *Section 80502 of title 49, United States Code, is*
3 *amended—*

4 *(1) in subsection (c) by striking “This section*
5 *does not” and inserting “Subsections (a) and (b) shall*
6 *not”;*

7 *(2) by redesignating subsection (d) as subsection*
8 *(e);*

9 *(3) by inserting after subsection (c) the fol-*
10 *lowing:*

11 *“(d) TRANSPORTATION OF HORSES.—*

12 *“(1) PROHIBITION.—No person may transport,*
13 *or cause to be transported, a horse from a place in*
14 *a State, the District of Columbia, or a territory or*
15 *possession of the United States through or to a place*
16 *in another State, the District of Columbia, or a terri-*
17 *tory or possession of the United States in a motor ve-*
18 *hicle containing two or more levels stacked on top of*
19 *each other.*

20 *“(2) MOTOR VEHICLE DEFINED.—In this sub-*
21 *section, the term ‘motor vehicle’—*

22 *“(A) means a vehicle driven or drawn by*
23 *mechanical power and manufactured primarily*
24 *for use on public highways; and*

25 *“(B) does not include a vehicle operated ex-*
26 *clusively on a rail or rails.”; and*

1 (4) *in subsection (e), as redesignated—*

2 (A) *by striking “A rail carrier” and insert-*
3 *ing the following:*

4 “(1) *IN GENERAL.—A rail carrier*”;

5 (B) *by striking “this section” and inserting*
6 *“subsection (a) or (b)”*; and

7 (C) *by striking “On learning” and insert-*
8 *ing the following:*

9 “(2) *TRANSPORTATION OF HORSES IN MULTI-*
10 *LEVEL TRAILER.—*

11 “(A) *CIVIL PENALTY.—A person that know-*
12 *ingly violates subsection (d) is liable to the*
13 *United States Government for a civil penalty of*
14 *at least \$100, but not more than \$500, for each*
15 *violation. A separate violation of subsection (d)*
16 *occurs for each horse that is transported, or*
17 *caused to be transported, in violation of sub-*
18 *section (d).*

19 “(B) *RELATIONSHIP TO OTHER LAWS.—The*
20 *penalty imposed under subparagraph (A) shall*
21 *be in addition to any penalty or remedy avail-*
22 *able under any other law.*

23 “(3) *CIVIL ACTION.—On learning*”.

1 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

2 (a) *ADDITIONAL AUTHORITY.*—Notwithstanding the
 3 limitation in section 127(d) of title 23, United States Code,
 4 if a State had in effect on or before June 1, 1991, a statute
 5 or regulation which placed a limitation on the overall
 6 length of a longer combination vehicle consisting of 3 trail-
 7 ers, such State may allow the operation of a longer com-
 8 bination vehicle to accommodate a longer energy efficient
 9 truck tractor in such longer combination vehicle under such
 10 limitation, if the additional tractor length is the only added
 11 length to such longer combination vehicle and does not re-
 12 sult in increased cargo capacity in weight or volume.

13 (b) *SAVINGS CLAUSE.*—Nothing in this section author-
 14 izes a State to allow an increase in the length of a trailer,
 15 semitrailer, or other cargo-carrying unit of a longer com-
 16 bination vehicle.

17 (c) *LONGER COMBINATION VEHICLE DEFINED.*—The
 18 term “longer combination vehicle” has the meaning given
 19 such term in section 127 of title 23, United States Code.

20 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
 21 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

22 Section 31139(b) of title 49, United States Code, is
 23 amended—

24 (1) in paragraph (2), by striking “\$750,000”
 25 and inserting “\$2,000,000”; and

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

1 “(3) *ADJUSTMENT.*—*The Secretary, in consulta-*
 2 *tion with the Bureau of Labor Statistics, shall adjust*
 3 *the minimum level of financial responsibility under*
 4 *paragraph (2) quinquennially for inflation.*”.

5 **SEC. 4409. UNIVERSAL ELECTRONIC IDENTIFIER.**

6 *Not later than 2 years after the date of enactment of*
 7 *this Act, the Secretary of Transportation shall issue a final*
 8 *motor vehicle safety standard that requires a commercial*
 9 *motor vehicle manufactured after the effective date of such*
 10 *standard to be equipped with a universal electronic vehicle*
 11 *identifier that—*

12 (1) *identifies the vehicle to roadside inspectors*
 13 *for enforcement purposes;*

14 (2) *does not transmit personally identifiable in-*
 15 *formation regarding operators; and*

16 (3) *does not create an undue cost burden for op-*
 17 *erators and carriers.*

18 **TITLE V—INNOVATION**

19 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) *IN GENERAL.*—*The following amounts are author-*
 21 *ized to be appropriated out of the Highway Trust Fund*
 22 *(other than the Mass Transit Account):*

23 (1) *HIGHWAY RESEARCH AND DEVELOPMENT*
 24 *PROGRAM.*—*To carry out section 503(b) of title 23,*

1 *United States Code, \$144,000,000 for each of fiscal*
2 *years 2023 through 2026.*

3 (2) *TECHNOLOGY AND INNOVATION DEPLOYMENT*
4 *PROGRAM.—To carry out section 503(c) of title 23,*
5 *United States Code, \$152,000,000 for each of fiscal*
6 *years 2023 through 2026.*

7 (3) *TRAINING AND EDUCATION.—To carry out*
8 *section 504 of title 23, United States Code,*
9 *\$26,000,000 for each of fiscal years 2023 through*
10 *2026.*

11 (4) *INTELLIGENT TRANSPORTATION SYSTEMS*
12 *PROGRAM.—To carry out sections 512 through 518 of*
13 *title 23, United States Code, \$100,000,000 for each of*
14 *fiscal years 2023 through 2026.*

15 (5) *UNIVERSITY TRANSPORTATION CENTERS PRO-*
16 *GRAM.—To carry out section 5505 of title 49, United*
17 *States Code, \$96,000,000 for each of fiscal years 2023*
18 *through 2026.*

19 (6) *BUREAU OF TRANSPORTATION STATISTICS.—*
20 *To carry out chapter 63 of title 49, United States*
21 *Code, \$27,000,000 for each of fiscal years 2023*
22 *through 2026.*

23 (b) *ADDITIONAL PROGRAMS.—The following amounts*
24 *are authorized to be appropriated out of the Highway Trust*
25 *Fund (other than the Mass Transit Account):*

1 (1) *MOBILITY THROUGH ADVANCED TECH-*
2 *NOLOGIES.—To carry out section 503(c)(4) of title 23,*
3 *United States Code, \$70,000,000 for each of fiscal*
4 *years 2023 through 2026 from funds made available*
5 *to carry out section 503(c) of such title.*

6 (2) *MATERIALS TO REDUCE GREENHOUSE GAS*
7 *EMISSIONS PROGRAM.—To carry out section 503(d) of*
8 *title 23, United States Code, \$10,000,000 for each of*
9 *fiscal years 2023 through 2026 from funds made*
10 *available to carry out section 503(c) of such title.*

11 (3) *NATIONAL HIGHLY AUTOMATED VEHICLE AND*
12 *MOBILITY INNOVATION CLEARINGHOUSE.—To carry*
13 *out section 5507 of title 49, United States Code,*
14 *\$2,000,000 for each of fiscal years 2023 through 2026*
15 *from funds made available to carry out sections 512*
16 *through 518 of title 23, United States Code.*

17 (4) *NATIONAL COOPERATIVE MULTIMODAL*
18 *FREIGHT TRANSPORTATION RESEARCH PROGRAM.—To*
19 *carry out section 70205 of title 49, United States*
20 *Code, \$4,000,000 for each of fiscal years 2023 through*
21 *2026 from funds made available to carry out section*
22 *503(b) of title 23, United States Code.*

23 (5) *STATE SURFACE TRANSPORTATION SYSTEM*
24 *FUNDING PILOTS.—To carry out section 6020 of the*
25 *FAST Act (23 U.S.C. 503 note), \$35,000,000 for each*

1 *of fiscal years 2023 through 2026 from funds made*
2 *available to carry out section 503(b) of title 23,*
3 *United States Code.*

4 (6) *NATIONAL SURFACE TRANSPORTATION SYS-*
5 *TEM FUNDING PILOT.—To carry out section 5402 of*
6 *this title, \$10,000,000 for each of fiscal years 2023*
7 *through 2026 from funds made available to carry out*
8 *section 503(b) of title 23, United States Code.*

9 (c) *ADMINISTRATION.—The Federal Highway Admin-*
10 *istration shall—*

11 (1) *administer the programs described in para-*
12 *graphs (1), (2), and (3) of subsection (a) and para-*
13 *graph (1) of subsection (b); and*

14 (2) *in consultation with relevant modal adminis-*
15 *trations, administer the programs described in sub-*
16 *sections (a)(4) and (b)(2).*

17 (d) *TREATMENT OF FUNDS.—Funds authorized to be*
18 *appropriated by subsections (a) and (b) shall—*

19 (1) *be available for obligation in the same man-*
20 *ner as if those funds were apportioned under chapter*
21 *1 of title 23, United States Code, except that the Fed-*
22 *eral share of the cost of a project or activity carried*
23 *out using those funds shall be 80 percent, unless oth-*
24 *erwise expressly provided by this title (including the*

1 *amendments by this title) or otherwise determined by*
 2 *the Secretary; and*

3 *(2) remain available until expended and not be*
 4 *transferable, except as otherwise provided in this title.*

5 ***Subtitle A—Research and***
 6 ***Development***

7 ***SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-***
 8 ***GRAM.***

9 *(a) IN GENERAL.—Section 503 of title 23, United*
 10 *States Code, is amended—*

11 *(1) in subsection (a)(2) by striking “section 508”*
 12 *and inserting “section 6503 of title 49”; and*

13 *(2) in subsection (b)—*

14 *(A) in paragraph (3)—*

15 *(i) in subparagraph (A)—*

16 *(I) in clause (ii) by striking “;*
 17 *and” and inserting a semicolon;*

18 *(II) in clause (iii) by striking the*
 19 *period and inserting “; and”; and*

20 *(III) by adding at the end the fol-*
 21 *lowing:*

22 *“(iv) to reduce greenhouse gas emis-*
 23 *sions and limit the effects of climate*
 24 *change.”; and*

1 (ii) by striking subparagraphs (D) and
2 (E);

3 (B) in paragraph (4)—

4 (i) in subparagraph (A)—

5 (I) in clause (ii) by striking “;
6 and” and inserting a semicolon;

7 (II) in clause (iii) by striking the
8 period and inserting “; and”; and

9 (III) by adding at the end the fol-
10 lowing:

11 “(iv) to reduce greenhouse gas emis-
12 sions and limit the effects of climate
13 change.”; and

14 (ii) in subparagraph (C)—

15 (I) in clause (iv) by striking “;
16 and” and inserting a semicolon;

17 (II) in clause (v) by striking the
18 period and inserting “; and”; and

19 (III) by inserting at the end the
20 following:

21 “(vi) establishing best practices and
22 creating models and tools to support metro-
23 politan and statewide planning practices to
24 meet the considerations described in sections

1 134(i)(2)(I) and 135(f)(10) of this title, in-
2 cluding—

3 “(I) strategies to address climate
4 change mitigation and impacts de-
5 scribed in sections 134(i)(2)(I)(ii) and
6 135(f)(10)(B) of this title and the in-
7 corporation of such strategies into long
8 range transportation planning;

9 “(II) preparation of a vulner-
10 ability assessment described in sections
11 134(i)(2)(I)(iii) and 135(f)(10)(C) of
12 this title; and

13 “(III) integration of these prac-
14 tices with the planning practices de-
15 scribed in sections 5303(i)(2)(I) and
16 5304(f)(10) of title 49.”;

17 (C) in paragraph (5)(A)—

18 (i) in clause (iv) by striking “; and”
19 and inserting a semicolon;

20 (ii) in clause (v) by striking the period
21 and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

1 “(vi) reducing greenhouse gas emis-
2 sions and limiting the effects of climate
3 change.”; and

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

5 “(9) ANALYSIS TOOLS.—The Secretary may de-
6 velop interactive modeling tools and databases that—

7 “(A) track the condition of highway assets,
8 including interchanges, and the reconstruction
9 history of such assets;

10 “(B) can be used to assess transportation
11 options;

12 “(C) allow for the monitoring and modeling
13 of network-level traffic flows on highways; and

14 “(D) further Federal and State under-
15 standing of the importance of national and re-
16 gional connectivity and the need for long-dis-
17 tance and interregional passenger and freight
18 travel by highway and other surface transpor-
19 tation modes.

20 “(10) PERFORMANCE MANAGEMENT DATA SUP-
21 PORT PROGRAM.—

22 “(A) PERFORMANCE MANAGEMENT DATA
23 SUPPORT.—The Administrator of the Federal
24 Highway Administration shall develop, use, and
25 maintain data sets and data analysis tools to as-

1 *sist metropolitan planning organizations, States,*
2 *and the Federal Highway Administration in*
3 *carrying out performance management analyses*
4 *(including the performance management require-*
5 *ments under section 150).*

6 “(B) *INCLUSIONS.—The data analysis ac-*
7 *tivities authorized under subparagraph (A) may*
8 *include—*

9 “(i) *collecting and distributing vehicle*
10 *probe data describing traffic on Federal-aid*
11 *highways;*

12 “(ii) *collecting household travel behav-*
13 *ior data to assess local and cross-jurisdic-*
14 *tional travel, including to accommodate ex-*
15 *ternal and through travel;*

16 “(iii) *enhancing existing data collec-*
17 *tion and analysis tools to accommodate per-*
18 *formance measures, targets, and related*
19 *data, so as to better understand trip origin*
20 *and destination, trip time, and mode;*

21 “(iv) *enhancing existing data analysis*
22 *tools to improve performance predictions*
23 *and travel models in reports described in*
24 *section 150(e);*

25 “(v) *developing tools—*

1 “(I) to improve performance anal-
2 ysis; and

3 “(II) to evaluate the effects of
4 project investments on performance;

5 “(vi) assisting in the development or
6 procurement of the transportation system
7 access data under section 1403(g) of the IN-
8 VEST in America Act; and

9 “(vii) developing tools and acquiring
10 data described under paragraph (9).

11 “(C) *FUNDING.*—The Administrator of the
12 Federal Highway Administration may use up to
13 \$15,000,000 for each of fiscal years 2023 through
14 2026 to carry out this paragraph.”.

15 (b) *REPEAL.*—Section 6028 of the FAST Act (23
16 U.S.C. 150 note), and the item relating to such section in
17 the table of contents in section 1(b) of such Act, are repealed.

18 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS EMIS-**
19 **SIONS PROGRAM.**

20 Section 503 of title 23, United States Code, as amend-
21 ed by section 5101, is further amended by adding at the
22 end the following:

23 “(d) *MATERIALS TO REDUCE GREENHOUSE GAS*
24 *EMISSIONS PROGRAM.*—

1 “(1) *IN GENERAL.*—Not later than 6 months
2 after the date of enactment of this subsection, the Sec-
3 retary shall establish and implement a program
4 under which the Secretary shall award grants to eli-
5 gible entities to research and support the development
6 and deployment of materials that will capture, ab-
7 sorb, adsorb, reduce, or sequester the amount of green-
8 house gas emissions generated during the production
9 of highway materials and the construction and use of
10 highways.

11 “(2) *ACTIVITIES.*—Activities under this section
12 may include—

13 “(A) carrying out research to determine the
14 materials proven to most effectively capture, ab-
15 sorb, adsorb, reduce, or sequester greenhouse gas
16 emissions;

17 “(B) evaluating and improves the ability of
18 materials to most effectively capture, absorb, ad-
19 sorb, reduce, or sequester greenhouse gas emis-
20 sions;

21 “(C) supporting the development and de-
22 ployment of materials that will capture, absorb,
23 adsorb, reduce, or sequester greenhouse gas emis-
24 sions; and

1 “(D) in coordination with standards-setting
2 organizations, such as the American Association
3 of State Highway and Transportation Officials,
4 carrying out research on—

5 “(i) the extent to which existing state
6 materials procurement standards enable the
7 deployment of materials proven to most ef-
8 fectively reduce or sequester greenhouse gas
9 emissions;

10 “(ii) opportunities for States to adapt
11 procurement standards to more frequently
12 procure materials proven to most effectively
13 reduce or sequester greenhouse gas emis-
14 sions; and

15 “(iii) how to support or incentivize
16 States to adapt procurement standards to
17 incorporate more materials proven to most
18 effectively reduce or sequester greenhouse gas
19 emissions.

20 “(3) COMPETITIVE SELECTION PROCESS.—

21 “(A) APPLICATIONS.—To be eligible to re-
22 ceive a grant under this subsection, an eligible
23 entity shall submit to the Secretary an applica-
24 tion in such form and containing such informa-
25 tion as the Secretary may require.

1 “(B) *CONSIDERATION.*—*In making grants*
2 *under this subsection, the Secretary shall con-*
3 *sider the degree to which applicants presently*
4 *carry out research on materials that capture, ab-*
5 *sorb, adsorb, reduce, or sequester greenhouse gas*
6 *emissions.*

7 “(C) *SELECTION CRITERIA.*—*The Secretary*
8 *may make grants under this subsection to any*
9 *eligible entity based on the demonstrated ability*
10 *of the applicant to fulfill the activities described*
11 *in paragraph (2).*

12 “(D) *TRANSPARENCY.*—*The Secretary shall*
13 *submit to the Committee on Transportation and*
14 *Infrastructure of the House of Representatives*
15 *and the Committee on Environment and Public*
16 *Works of the Senate a report describing the over-*
17 *all review process for a grant under this sub-*
18 *section, including—*

19 “(i) *specific criteria of evaluation used*
20 *in the review;*

21 “(ii) *descriptions of the review process;*
22 *and*

23 “(iii) *explanations of the grants*
24 *awarded.*

25 “(4) *GRANTS.*—

1 “(A) *RESTRICTIONS.*—

2 “(i) *IN GENERAL.*—*For each fiscal*
 3 *year, a grant made available under this*
 4 *subsection shall be not greater than*
 5 *\$4,000,000 and not less than \$2,000,000 per*
 6 *recipient.*

7 “(ii) *LIMITATION.*—*An eligible entity*
 8 *may only receive one grant in a fiscal year*
 9 *under this subsection.*

10 “(B) *MATCHING REQUIREMENTS.*—*As a*
 11 *condition of receiving a grant under this sub-*
 12 *section, a grant recipient shall match 50 percent*
 13 *of the amounts made available under the grant.*

14 “(5) *PROGRAM COORDINATION.*—

15 “(A) *IN GENERAL.*—*The Secretary shall—*

16 “(i) *coordinate the research, education,*
 17 *and technology transfer activities carried*
 18 *out by grant recipients under this sub-*
 19 *section;*

20 “(ii) *disseminate the results of that re-*
 21 *search through the establishment and oper-*
 22 *ation of a publicly accessible online infor-*
 23 *mation clearinghouse; and*

24 “(iii) *to the extent practicable, support*
 25 *the deployment and commercial adoption of*

1 *effective materials researched or developed*
2 *under this subsection to relevant stake-*
3 *holders.*

4 “(B) *ANNUAL REVIEW AND EVALUATION.*—
5 *Not later than 2 years after the date of enact-*
6 *ment of this subsection, and not less frequently*
7 *than annually thereafter, the Secretary shall,*
8 *consistent with the activities in paragraph (3)—*

9 “(i) *review and evaluate the programs*
10 *carried out under this subsection by grant*
11 *recipients, describing the effectiveness of the*
12 *program in identifying materials that cap-*
13 *ture, absorb, adsorb, reduce, or sequester*
14 *greenhouse gas emissions;*

15 “(ii) *submit to the Committee on*
16 *Transportation and Infrastructure of the*
17 *House of Representatives and the Committee*
18 *on Environment and Public Works of the*
19 *Senate a report describing such review and*
20 *evaluation; and*

21 “(iii) *make the report in clause (ii)*
22 *available to the public on a website.*

23 “(6) *LIMITATION ON AVAILABILITY OF*
24 *AMOUNTS.*—*Amounts made available to carry out this*
25 *subsection shall remain available for obligation by the*

1 *Secretary for a period of 3 years after the last day*
 2 *of the fiscal year for which the amounts are author-*
 3 *ized.*

4 “(7) *INFORMATION COLLECTION.*—*Any survey,*
 5 *questionnaire, or interview that the Secretary deter-*
 6 *mines to be necessary to carry out reporting require-*
 7 *ments relating to any program assessment or evalua-*
 8 *tion activity under this subsection, including cus-*
 9 *tomers satisfaction assessments, shall not be subject to*
 10 *chapter 35 of title 44 (commonly known as the ‘Pa-*
 11 *perwork Reduction Act’).*

12 “(8) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*
 13 *subsection, the term ‘eligible entity’ means—*

14 “(A) *a nonprofit institution of higher edu-*
 15 *cation, as such term is defined in section 101 of*
 16 *the Higher Education Act of 1965 (20 U.S.C.*
 17 *1001); and*

18 “(B) *a State department of transpor-*
 19 *tation.”.*

20 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
 21 **MENT 5-YEAR STRATEGIC PLAN.**

22 *Section 6503 of title 49, United States Code, is amend-*
 23 *ed—*

24 (1) *in subsection (a) by striking “The Secretary”*
 25 *and inserting “For the period of fiscal years 2017*

1 *through 2022, and for each 5-year period thereafter,*
 2 *the Secretary”;*

3 *(2) in subsection (c)(1)—*

4 *(A) in subparagraph (C) by inserting “and*
 5 *security in the transportation system” after*
 6 *“safety”;*

7 *(B) in subparagraph (D) by inserting “and*
 8 *the existing transportation system” after “infra-*
 9 *structure”;*

10 *(C) in subparagraph (E) by striking “;*
 11 *and” and inserting a semicolon;*

12 *(D) by amending subparagraph (F) to read*
 13 *as follows:*

14 *“(F) reducing greenhouse gas emissions;*
 15 *and”;* *and*

16 *(E) by adding at the end the following:*

17 *“(G) developing and maintaining a diverse*
 18 *workforce in transportation sectors;”;* *and*

19 *(3) in subsection (d) by striking “not later than*
 20 *December 31, 2016,” and inserting “not later than*
 21 *December 31, 2022,”.*

22 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
 23 **GRAM.**

24 *Section 5505 of title 49, United States Code, is amend-*
 25 *ed—*

1 (1) *in subsection (b)—*

2 (A) *in paragraph (4)—*

3 (i) *in subparagraph (A) by striking*
4 *“research priorities identified in chapter*
5 *65.” and inserting the following: “following*
6 *research priorities:*

7 “(i) *Improving the mobility of people*
8 *and goods.*

9 “(ii) *Reducing congestion.*

10 “(iii) *Promoting safety.*

11 “(iv) *Improving the durability and ex-*
12 *tending the life of transportation infrastruc-*
13 *ture and the existing transportation system.*

14 “(v) *Preserving the environment.*

15 “(vi) *Reducing greenhouse gas emis-*
16 *sions.”; and*

17 (ii) *in subparagraph (B)—*

18 (I) *by striking “Technology and”*
19 *and inserting “Technology,”;*

20 (II) *by inserting “, the Adminis-*
21 *trator of the Federal Transit Adminis-*
22 *tration,” after “Federal Highway Ad-*
23 *ministration”; and*

24 (III) *by striking “and other*
25 *modal administrations as appro-*

1 *priate” and inserting “and the Admin-*
 2 *istrators of other operating adminis-*
 3 *trations, as appropriate”; and*

4 *(B) by adding at the end the following:*

5 *“(7) FOCUSED RESEARCH CONSIDERATIONS.—In*
 6 *awarding grants under this section, the Secretary*
 7 *shall consider how the program under this section ad-*
 8 *vances research on the cybersecurity implications of*
 9 *technologies relating to connected vehicles, connected*
 10 *infrastructure, and automated vehicles.”;*

11 *(2) in subsection (c)—*

12 *(A) in paragraph (1)—*

13 *(i) by striking “Not later than 1 year*
 14 *after the date of enactment of this section,”*
 15 *and inserting the following:*

16 *“(A) SELECTION OF GRANTS.—Not later*
 17 *than 1 year after the date of enactment of the*
 18 *INVEST in America Act,”; and*

19 *(ii) by adding at the end the following:*

20 *“(B) LIMITATIONS.—A grant under this*
 21 *subsection may not include a cooperative agree-*
 22 *ment described in section 6305 of title 31.”;*

23 *(B) in paragraph (2)—*

24 *(i) in subparagraph (A) by striking “5*
 25 *consortia” and inserting “6 consortia”;*

1 (ii) in subparagraph (B)—

2 (I) in clause (i) by striking “not
3 greater than \$4,000,000 and not less
4 than \$2,000,000” and inserting “not
5 greater than \$4,250,000 and not less
6 than \$2,250,000”; and

7 (II) in clause (ii) by striking
8 “section 6503(c)” and inserting “sub-
9 section (b)(4)(A)”;

10 (iii) in subparagraph (C) by striking
11 “100 percent” and inserting “50 percent”;
12 and

13 (iv) by adding at the end the following:

14 “(D) REQUIREMENT.—In awarding grants
15 under this section, the Secretary shall award 1
16 grant to a national consortia for each focus area
17 described in subsection (b)(4)(A).”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (C) by striking
20 “not greater than \$3,000,000 and not less
21 than \$1,500,000” and inserting “not greater
22 than \$3,250,000 and not less than
23 \$1,750,000”;

1 (ii) in subparagraph (D)(i) by striking
2 “100 percent” and inserting “50 percent”;
3 and

4 (iii) by striking subparagraph (E);
5 and
6 (D) in paragraph (4)—

7 (i) in subparagraph (A) by striking
8 “greater than \$2,000,000 and not less than
9 \$1,000,000” and inserting “greater than
10 \$2,250,000 and not less than \$1,250,000”;
11 and

12 (ii) by striking subparagraph (C) and
13 inserting the following:

14 “(C) *CONSIDERATION.*—In awarding grants
15 under this section, the Secretary shall consider
16 historically black colleges and universities, as
17 such term is defined in section 371(a) of the
18 Higher Education Act of 1965 (20 U.S.C.
19 1067q), and other minority institutions, as such
20 term is defined by section 365 of the Higher
21 Education Act (20 U.S.C. 1067k), or consortia
22 that include such institutions that have dem-
23 onstrated an ability in transportation-related re-
24 search.

25 “(D) *FOCUSED RESEARCH.*—

1 “(i) *IN GENERAL.—In awarding*
2 *grants under this section, the Secretary*
3 *shall select not less than one grant recipient*
4 *with each of the following focus areas:*

5 “(I) *Transit.*

6 “(II) *Connected and automated*
7 *vehicle technology, including cybersecu-*
8 *rity implications of technologies relat-*
9 *ing to connected vehicles, connected in-*
10 *frastructure, and automated vehicle*
11 *technology.*

12 “(III) *Non-motorized transpor-*
13 *tation, including bicycle and pedes-*
14 *trian safety.*

15 “(IV) *The surface transportation*
16 *workforce, including—*

17 “(aa) *current and future*
18 *workforce needs and challenges;*
19 *and*

20 “(bb) *the impact of tech-*
21 *nology on the transportation sec-*
22 *tor.*

23 “(V) *Climate change mitigation,*
24 *including—*

1 “(aa) researching the types of
2 transportation projects that are
3 expected to provide the most sig-
4 nificant greenhouse gas emissions
5 reductions from the surface trans-
6 portation sector; and

7 “(bb) researching the types of
8 transportation projects that are
9 not expected to provide significant
10 greenhouse gas emissions reduc-
11 tions from the surface transpor-
12 tation sector.

13 “(ii) *ADDITIONAL GRANTS.*—In award-
14 ing grants under this section and after
15 awarding grants pursuant to clause (i), the
16 Secretary may award any remaining
17 grants to any grant recipient based on the
18 criteria described in subsection (b)(4)(A).”;

19 (3) in subsection (d)(3) by striking “fiscal years
20 2016 through 2020” and inserting “fiscal years 2023
21 through 2026”;

22 (4) by redesignating subsection (f) as subsection
23 (g); and

24 (5) by inserting after subsection (e) the following:

25 “(f) *SURPLUS AMOUNTS.*—

1 “(1) *IN GENERAL.*—Amounts made available to
 2 the Secretary to carry out this section that remain
 3 unobligated after awarding grants under subsection
 4 (c) shall be made available under the unsolicited re-
 5 search initiative under section 5506.

6 “(2) *LIMITATION ON AMOUNTS.*—Amounts under
 7 paragraph (1) shall not exceed \$2,000,000 for any
 8 given fiscal year.”.

9 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

10 (a) *IN GENERAL.*—Subchapter I of chapter 55 of title
 11 49, United States Code, is amended by adding at the end
 12 the following:

13 **“§ 5506. Unsolicited research initiative**

14 “(a) *IN GENERAL.*—Not later than 180 days after the
 15 date of enactment of this section, the Secretary shall estab-
 16 lish a program under which an eligible entity may at any
 17 time submit unsolicited research proposals for funding
 18 under this section.

19 “(b) *CRITERIA.*—A research proposal submitted under
 20 subsection (a) shall meet the purposes of the Secretary’s 5-
 21 year transportation research and development strategic
 22 plan described in section 6503(c)(1).

23 “(c) *APPLICATIONS.*—To receive funding under this
 24 section, eligible entities shall submit to the Secretary an ap-

1 *plication that is in such form and contains such informa-*
 2 *tion as the Secretary may require.*

3 “(d) *REPORT.*—*Not later than 18 months after the*
 4 *date of enactment of this section, and annually thereafter,*
 5 *the Secretary shall make available to the public on a public*
 6 *website a report on the progress and findings of the program*
 7 *established under subsection (a).*

8 “(e) *FEDERAL SHARE.*—

9 “(1) *IN GENERAL.*—*The Federal share of the cost*
 10 *of an activity carried out under this section may not*
 11 *exceed 50 percent.*

12 “(2) *NON-FEDERAL SHARE.*—*All costs directly*
 13 *incurred by the non-Federal partners, including per-*
 14 *sonnel, travel, facility, and hardware development*
 15 *costs, shall be credited toward the non-Federal share*
 16 *of the cost of an activity carried out under this sec-*
 17 *tion.*

18 “(f) *FUNDING.*—

19 “(1) *IN GENERAL.*—*Of the funds made available*
 20 *to carry out the university transportation centers pro-*
 21 *gram under section 5505, \$2,000,000 shall be avail-*
 22 *able for each of fiscal years 2023 through 2026 to*
 23 *carry out this section.*

24 “(2) *FUNDING FLEXIBILITY.*—

1 “(A) *IN GENERAL.*—For fiscal years 2023
 2 through 2026, funds made available under para-
 3 graph (1) shall remain available until expended.

4 “(B) *UNCOMMITTED FUNDS.*—If the Sec-
 5 retary determines, at the end of a fiscal year,
 6 funds under paragraph (1) remain unexpended
 7 as a result of a lack of meritorious projects under
 8 this section, the Secretary may, for the following
 9 fiscal year, make remaining funds available
 10 under either this section or under section 5505.

11 “(g) *ELIGIBLE ENTITY DEFINED.*—In this section, the
 12 term ‘eligible entity’ means—

13 “(1) a State;

14 “(2) a unit of local government;

15 “(3) a transit agency;

16 “(4) any nonprofit institution of higher edu-
 17 cation, including a university transportation center
 18 under section 5505; and

19 “(5) a nonprofit organization.”.

20 “(b) *CLERICAL AMENDMENT.*—The analysis for chapter
 21 55 of title 49, United States Code, is amended by inserting
 22 after the item relating to section 5505 the following new
 23 item:

“5506. *Unsolicited research initiative.*”.

1 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL FREIGHT**
2 **TRANSPORTATION RESEARCH PROGRAM.**

3 (a) *IN GENERAL.*—Chapter 702 of title 49, United
4 States Code, is amended by adding at the end the following:

5 **“§ 70205. National cooperative multimodal freight**
6 **transportation research program**

7 “(a) *ESTABLISHMENT.*—Not later than 1 year after the
8 date of enactment of this section, the Secretary shall estab-
9 lish and support a national cooperative multimodal freight
10 transportation research program.

11 “(b) *AGREEMENT.*—Not later than 6 months after the
12 date of enactment of this section, the Secretary shall seek
13 to enter into an agreement with the National Academy of
14 Sciences to support and carry out administrative and man-
15 agement activities relating to the governance of the national
16 cooperative multimodal freight transportation research pro-
17 gram.

18 “(c) *ADVISORY COMMITTEE.*—In carrying out the
19 agreement described in subsection (b), the National Acad-
20 emy of Sciences shall select a multimodal freight transpor-
21 tation research advisory committee consisting of
22 multimodal freight stakeholders, including, at a min-
23 imum—

24 “(1) a representative of the Department of
25 Transportation;

1 “(2) representatives of any other Federal agen-
2 cies relevant in supporting the nation’s multimodal
3 freight transportation research needs;

4 “(3) a representative of a State department of
5 transportation;

6 “(4) a representative of a local government
7 (other than a metropolitan planning organization);

8 “(5) a representative of a metropolitan planning
9 organization;

10 “(6) a representative of the trucking industry;

11 “(7) a representative of the railroad industry;

12 “(8) a representative of the port industry;

13 “(9) a representative of logistics industry;

14 “(10) a representative of shipping industry;

15 “(11) a representative of a safety advocacy group
16 with expertise in freight transportation;

17 “(12) an academic expert on multimodal freight
18 transportation;

19 “(13) an academic expert on the contributions of
20 freight movement to greenhouse gas emissions; and

21 “(14) representatives of labor organizations rep-
22 resenting workers in freight transportation.

23 “(d) *ELEMENTS.*—The national cooperative
24 multimodal freight transportation research program estab-

1 *lished under this section shall include the following ele-*
2 *ments:*

3 “(1) *NATIONAL RESEARCH AGENDA.*—*The advi-*
4 *sory committee under subsection (c), in consultation*
5 *with interested parties, shall recommend a national*
6 *research agenda for the program established in this*
7 *section.*

8 “(2) *INVOLVEMENT.*—*Interested parties may—*

9 “(A) *submit research proposals to the advi-*
10 *sory committee;*

11 “(B) *participate in merit reviews of re-*
12 *search proposals and peer reviews of research*
13 *products; and*

14 “(C) *receive research results.*

15 “(3) *OPEN COMPETITION AND PEER REVIEW OF*
16 *RESEARCH PROPOSALS.*—*The National Academy of*
17 *Sciences may award research contracts and grants*
18 *under the program through open competition and*
19 *merit review conducted on a regular basis.*

20 “(4) *EVALUATION OF RESEARCH.*—

21 “(A) *PEER REVIEW.*—*Research contracts*
22 *and grants under the program may allow peer*
23 *review of the research results.*

24 “(B) *PROGRAMMATIC EVALUATIONS.*—*The*
25 *National Academy of Sciences shall conduct*

1 *periodic programmatic evaluations on a regular*
2 *basis of research contracts and grants.*

3 “(5) *DISSEMINATION OF RESEARCH FINDINGS.*—

4 “(A) *IN GENERAL.*—*The National Academy*
5 *of Sciences shall disseminate research findings to*
6 *researchers, practitioners, and decisionmakers,*
7 *through conferences and seminars, field dem-*
8 *onstrations, workshops, training programs, pres-*
9 *entations, testimony to government officials, a*
10 *public website for the National Academy of*
11 *Sciences, publications for the general public, and*
12 *other appropriate means.*

13 “(B) *REPORT.*—*Not more than 18 months*
14 *after the date of enactment of this section, and*
15 *annually thereafter, the Secretary shall make*
16 *available on a public website a report that de-*
17 *scribes the ongoing research and findings of the*
18 *program.*

19 “(e) *CONTENTS.*—*The national research agenda under*
20 *subsection (d)(1) shall include—*

21 “(1) *techniques and tools for estimating and*
22 *identifying both quantitative and qualitative public*
23 *benefits derived from multimodal freight transpor-*
24 *tation projects, including—*

25 “(A) *greenhouse gas emissions reduction;*

1 “(B) congestion reduction; and

2 “(C) safety benefits;

3 “(2) the impact of freight delivery vehicles, in-
4 cluding trucks, railcars, and non-motorized vehicles,
5 on congestion in urban and rural areas;

6 “(3) the impact of both centralized and disparate
7 origins and destinations on freight movement;

8 “(4) the impacts of increasing freight volumes on
9 transportation planning, including—

10 “(A) first-mile and last-mile challenges to
11 multimodal freight movement;

12 “(B) multimodal freight travel in both
13 urban and rural areas; and

14 “(C) commercial motor vehicle parking and
15 rest areas;

16 “(5) the effects of Internet commerce and acceler-
17 ated delivery speeds on freight movement and in-
18 creased commercial motor vehicle volume, including
19 impacts on—

20 “(A) safety on public roads;

21 “(B) congestion in both urban and rural
22 areas;

23 “(C) first-mile and last-mile challenges and
24 opportunities;

1 “(D) *the environmental impact of freight*
2 *transportation, including on air quality and on*
3 *greenhouse gas emissions; and*

4 “(E) *vehicle miles-traveled by freight-deliv-*
5 *ering vehicles;*

6 “(6) *the impacts of technological advancements*
7 *in freight movement, including impacts on—*

8 “(A) *congestion in both urban and rural*
9 *areas;*

10 “(B) *first-mile and last-mile challenges and*
11 *opportunities; and*

12 “(C) *vehicle miles-traveled;*

13 “(7) *methods and best practices for aligning*
14 *multimodal infrastructure improvements with*
15 *multimodal freight transportation demand, including*
16 *improvements to the National Multimodal Freight*
17 *Network under section 70103; and*

18 “(8) *other research areas to identify and address*
19 *current, emerging, and future needs related to*
20 *multimodal freight transportation.*

21 “(f) *FUNDING.—*

22 “(1) *FEDERAL SHARE.—The Federal share of the*
23 *cost of an activity carried out under this section shall*
24 *be 100 percent.*

1 “(2) *PERIOD OF AVAILABILITY.*—Amounts made
2 *available to carry out this section shall remain avail-*
3 *able until expended.*

4 “(g) *DEFINITION OF GREENHOUSE GAS.*—In this sec-
5 *tion, the term ‘greenhouse gas’ has the meaning given such*
6 *term in section 211(o)(1) of the Clean Air Act (42 U.S.C.*
7 *7545(o)(1)).”.*

8 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
9 702 of title 49, United States Code, is amended by adding
10 at the end the following new item:

“70205. National cooperative multimodal freight transportation research pro-
gram.”.

11 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
12 **HABITAT CONNECTIVITY IMPROVEMENT.**

13 (a) *STUDY.*—

14 (1) *IN GENERAL.*—The Secretary of Transpor-
15 *tation shall conduct a study examining methods to re-*
16 *duce collisions between motorists and wildlife (re-*
17 *ferred to in this section as “wildlife-vehicle colli-*
18 *sions”).*

19 (2) *CONTENTS.*—

20 (A) *AREAS OF STUDY.*—The study required
21 under paragraph (1) shall—

22 (i) *update and expand on, as appro-*
23 *priate—*

1 (I) the report titled “Wildlife Ve-
2 hicle Collision Reduction Study: 2008
3 Report to Congress”: and

4 (II) the document titled “Wildlife
5 Vehicle Collision Reduction Study:
6 Best Practices Manual” and dated Oc-
7 tober 2008; and

8 (ii) include—

9 (I) an assessment, as of the date
10 of the study, of—

11 (aa) the causes of wildlife-ve-
12 hicle collisions;

13 (bb) the impact of wildlife-ve-
14 hicle collisions on motorists and
15 wildlife; and

16 (cc) the impacts of roads and
17 traffic on habitat connectivity for
18 terrestrial and aquatic species;
19 and

20 (II) solutions and best practices
21 for—

22 (aa) reducing wildlife-vehicle
23 collisions; and

1 (bb) improving habitat
2 connectivity for terrestrial and
3 aquatic species.

4 (B) *METHODS.*—In carrying out the study
5 required under paragraph (1), the Secretary
6 shall—

7 (i) conduct a thorough review of re-
8 search and data relating to—

9 (I) wildlife-vehicle collisions; and
10 (II) habitat fragmentation that
11 results from transportation infrastruc-
12 ture;

13 (ii) survey current practices of the De-
14 partment of Transportation and State de-
15 partments of transportation to reduce wild-
16 life-vehicle collisions; and

17 (iii) consult with—

18 (I) appropriate experts in the
19 field of wildlife-vehicle collisions; and

20 (II) appropriate experts on the ef-
21 fects of roads and traffic on habitat
22 connectivity for terrestrial and aquatic
23 species.

24 (3) *REPORT.*—

1 (A) *IN GENERAL.*—*Not later than 18*
2 *months after the date of enactment of this Act,*
3 *the Secretary shall submit to Congress a report*
4 *on the results of the study required under para-*
5 *graph (1).*

6 (B) *CONTENTS.*—*The report required under*
7 *subparagraph (A) shall include—*

8 (i) *a description of—*

9 (I) *the causes of wildlife-vehicle*
10 *collisions;*

11 (II) *the impacts of wildlife-vehicle*
12 *collisions; and*

13 (III) *the impacts of roads and*
14 *traffic on—*

15 (aa) *species listed as threat-*
16 *ened species or endangered species*
17 *under the Endangered Species Act*
18 *of 1973 (16 U.S.C. 1531 et seq.);*

19 (bb) *species identified by*
20 *States as species of greatest con-*
21 *servation need;*

22 (cc) *species identified in*
23 *State wildlife plans; and*

24 (dd) *medium and small ter-*
25 *restrial and aquatic species;*

1 (ii) *an economic evaluation of the costs*
2 *and benefits of installing highway infra-*
3 *structure and other measures to mitigate*
4 *damage to terrestrial and aquatic species,*
5 *including the effect on jobs, property values,*
6 *and economic growth to society, adjacent*
7 *communities, and landowners;*

8 (iii) *recommendations for preventing*
9 *wildlife-vehicle collisions, including rec-*
10 *ommended best practices, funding resources,*
11 *or other recommendations for addressing*
12 *wildlife-vehicle collisions; and*

13 (iv) *guidance to develop, for each State*
14 *that agrees to participate, a voluntary joint*
15 *statewide transportation and wildlife action*
16 *plan.*

17 (C) *PURPOSES.*—*The purpose of the guid-*
18 *ance described in subparagraph (B)(iv) shall*
19 *be—*

20 (i) *to address wildlife-vehicle collisions;*
21 *and*

22 (ii) *to improve habitat connectivity for*
23 *terrestrial and aquatic species.*

1 (D) *CONSULTATION.*—*The Secretary shall*
2 *develop the guidance described under subpara-*
3 *graph (B)(iv) in consultation with—*

4 (i) *Federal land management agencies;*

5 (ii) *State departments of transpor-*
6 *tation;*

7 (iii) *State fish and wildlife agencies;*

8 *and*

9 (iv) *Tribal governments.*

10 (b) *STANDARDIZATION OF WILDLIFE COLLISION AND*
11 *CARCASS DATA.*—

12 (1) *STANDARDIZATION METHODOLOGY.*—

13 (A) *IN GENERAL.*—*The Secretary of Trans-*
14 *portation, acting through the Administrator of*
15 *the Federal Highway Administration, shall de-*
16 *velop a quality standardized methodology for col-*
17 *lecting and reporting spatially accurate wildlife*
18 *collision and carcass data for the National High-*
19 *way System, taking into consideration the prac-*
20 *ticability of the methodology with respect to tech-*
21 *nology and cost.*

22 (B) *METHODOLOGY.*—*In developing the*
23 *standardized methodology under subparagraph*
24 *(A), the Secretary shall—*

1 (i) *survey existing methodologies and*
2 *sources of data collection, including the Fa-*
3 *tality Analysis Reporting System, the Gen-*
4 *eral Estimates System of the National Auto-*
5 *mobile Sampling System, and the Highway*
6 *Safety Information System; and*

7 (ii) *to the extent practicable, identify*
8 *and correct limitations of such existing*
9 *methodologies and sources of data collection.*

10 (C) *CONSULTATION.—In developing the*
11 *standardized methodology under subparagraph*
12 *(A), the Secretary shall consult with—*

13 (i) *the Secretary of the Interior;*

14 (ii) *the Secretary of Agriculture, acting*
15 *through the Chief of the Forest Service;*

16 (iii) *Tribal, State, and local transpor-*
17 *tation and wildlife authorities;*

18 (iv) *metropolitan planning organiza-*
19 *tions (as such term is defined in section*
20 *134(b) of title 23, United States Code);*

21 (v) *members of the American Associa-*
22 *tion of State Highway and Transportation*
23 *Officials;*

24 (vi) *members of the Association of Fish*
25 *and Wildlife Agencies;*

- 1 (vii) experts in the field of wildlife-ve-
 2 hicle collisions;
 3 (viii) nongovernmental organizations;
 4 and
 5 (ix) other interested stakeholders, as
 6 appropriate.

7 (2) STANDARDIZED NATIONAL DATA SYSTEM
 8 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—*The*
 9 Secretary shall—

10 (A) develop a template for State implemen-
 11 tation of a standardized national wildlife colli-
 12 sion and carcass data system for the National
 13 Highway System that is based on the standard-
 14 ized methodology developed under paragraph (1);
 15 and

16 (B) encourage the voluntary implementa-
 17 tion of the template developed under subpara-
 18 graph (A) for States, metropolitan planning or-
 19 ganizations, and additional relevant transpor-
 20 tation stakeholders.

21 (3) REPORTS.—

22 (A) METHODOLOGY.—*The Secretary shall*
 23 submit to Congress a report describing the devel-
 24 opment of the standardized methodology required
 25 under paragraph (1) not later than—

1 (i) the date that is 18 months after the
2 date of enactment of this Act; and

3 (ii) the date that is 180 days after the
4 date on which the Secretary completes the
5 development of such standardized method-
6 ology.

7 (B) IMPLEMENTATION.—Not later than 3
8 years after the date of enactment of this Act, the
9 Secretary shall submit to Congress a report de-
10 scribing—

11 (i) the status of the voluntary imple-
12 mentation of the standardized methodology
13 developed under paragraph (1) and the tem-
14 plate developed under paragraph (2)(A);

15 (ii) whether the implementation of the
16 standardized methodology developed under
17 paragraph (1) and the template developed
18 under paragraph (2)(A) has impacted ef-
19 forts by States, units of local government,
20 and other entities—

21 (I) to reduce the number of wild-
22 life-vehicle collisions; and

23 (II) to improve habitat
24 connectivity;

1 (iii) the degree of the impact described
2 in clause (ii); and

3 (iv) the recommendations of the Sec-
4 retary, including recommendations for fur-
5 ther study aimed at reducing motorist colli-
6 sions involving wildlife and improving
7 habitat connectivity for terrestrial and
8 aquatic species on the National Highway
9 System, if any.

10 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
11 retary of Transportation shall—

12 (1) establish guidance, to be carried out by
13 States on a voluntary basis, that contains a threshold
14 for determining whether a highway shall be evaluated
15 for potential mitigation measures to reduce wildlife-
16 vehicle collisions and increase habitat connectivity for
17 terrestrial and aquatic species, taking into consider-
18 ation—

19 (A) the number of wildlife-vehicle collisions
20 on the highway that pose a human safety risk;

21 (B) highway-related mortality and effects of
22 traffic on the highway on—

23 (i) species listed as endangered species
24 or threatened species under the Endangered

1 *Species Act of 1973 (16 U.S.C. 1531 et*
2 *seq.);*

3 (ii) *species identified by a State as*
4 *species of greatest conservation need;*

5 (iii) *species identified in State wildlife*
6 *plans; and*

7 (iv) *medium and small terrestrial and*
8 *aquatic species; and*

9 (C) *habitat connectivity values for terres-*
10 *trial and aquatic species and the barrier effect of*
11 *the highway on the movements and migrations of*
12 *those species.*

13 (d) *WORKFORCE DEVELOPMENT AND TECHNICAL*
14 *TRAINING.—*

15 (1) *IN GENERAL.—Not later than 3 years after*
16 *the date of enactment of this Act, the Secretary shall,*
17 *based on the study conducted under subsection (a), de-*
18 *velop a series of in-person and online workforce devel-*
19 *opment and technical training courses—*

20 (A) *to reduce wildlife-vehicle collisions; and*

21 (B) *to improve habitat connectivity for ter-*
22 *restrial and aquatic species.*

23 (2) *AVAILABILITY.—The Secretary shall—*

1 (A) make the series of courses developed
 2 under paragraph (1) available for transportation
 3 and fish and wildlife professionals; and

4 (B) update the series of courses not less fre-
 5 quently than once every 2 years.

6 (e) *WILDLIFE HABITAT CONNECTIVITY AND NATIONAL*
 7 *BRIDGE AND TUNNEL INVENTORY AND INSPECTION STAND-*
 8 *ARDS.*—Section 144 of title 23, United States Code, is
 9 amended in subsection (a)(2)—

10 (1) in subparagraph (B) by inserting “, resil-
 11 ience,” after “safety”;

12 (2) in subparagraph (D) by striking “and” at
 13 the end;

14 (3) in subparagraph (E) by striking the period
 15 at the end and inserting “; and”; and

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

17 “(F) to ensure adequate passage of aquatic
 18 and terrestrial species, where appropriate.”;

19 **SEC. 5108. RESEARCH ACTIVITIES.**

20 Section 330(g) of title 49, United States Code, is
 21 amended by striking “each of fiscal years 2016 through
 22 2020” and inserting “each of fiscal years 2023 through
 23 2026”.

1 **SEC. 5109. TRANSPORTATION EQUITY RESEARCH PROGRAM.**

2 (a) *IN GENERAL.*—*The Secretary of Transportation*
3 *shall carry out a transportation equity research program*
4 *for research and demonstration activities that focus on the*
5 *impacts that surface transportation planning, investment,*
6 *and operations have on low-income populations, minority*
7 *populations, and other underserved populations that may*
8 *be dependent on public transportation. Such activities shall*
9 *include research on surface transportation equity issues, the*
10 *development of strategies to advance economic and commu-*
11 *nity development in public transportation-dependent popu-*
12 *lations, and the development of training programs that pro-*
13 *mote the employment of low-income populations, minority*
14 *populations, and other underserved populations on Federal-*
15 *aid transportation projects constructed in their commu-*
16 *nities.*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to carry out this section*
19 *\$2,000,000 for each of fiscal years 2023 through 2026.*

20 (c) *AVAILABILITY OF AMOUNTS.*—*Amounts made*
21 *available to the Secretary to carry out this section shall re-*
22 *main available for a period of 3 years beginning after the*
23 *last day of the fiscal year for which the amounts are author-*
24 *ized.*

1 **SEC. 5110. SURFACE TRANSPORTATION RESEARCH, DEVEL-**
2 **OPMENT, AND TECHNOLOGY.**

3 *Section 502(b)(3)(C) of title 23, United States Code,*
4 *is amended by inserting “entities that represent the needs*
5 *of metropolitan planning organizations,” after “Officials,”.*

6 **SEC. 5111. METROPOLITAN PLANNING RESEARCH PILOT**
7 **PROGRAM.**

8 *(a) ESTABLISHMENT.—Not later than 6 months after*
9 *the date of enactment of this Act, the Secretary of Transpor-*
10 *tation shall seek to enter into an agreement with a non-*
11 *profit nongovernmental entity that exclusively serves the*
12 *needs and interests of metropolitan planning organizations*
13 *to establish a pilot program to provide awards to eligible*
14 *entities to carry out eligible activities to enhance and im-*
15 *prove metropolitan planning practices in surface transpor-*
16 *tation.*

17 *(b) GOALS.—The goals of the pilot program established*
18 *under this section include—*

19 *(1) enhancing metropolitan planning practices*
20 *in surface transportation;*

21 *(2) improving the ability of metropolitan plan-*
22 *ning organizations to meet performance measures and*
23 *targets under section 150 of title 23, United States*
24 *Code;*

1 (3) *preparing for the impact that emerging tech-*
2 *nologies, such as connected and automated vehicles,*
3 *will have on the metropolitan planning process;*

4 (4) *improving environmental considerations in*
5 *the metropolitan planning process;*

6 (5) *reducing greenhouse gas emissions and lim-*
7 *iting the effects of climate change;*

8 (6) *improving access to jobs and services;*

9 (7) *supporting underserved communities; and*

10 (8) *expanding the ability of metropolitan plan-*
11 *ning organizations to collect public input and*
12 *strengthen community engagement.*

13 (c) *FORMS OF ASSISTANCE.*—*An award provided*
14 *under this section may be in the form of a grant, contract,*
15 *or cooperative agreement.*

16 (d) *COMPETITIVE SELECTION PROCESS.*—

17 (1) *APPLICATIONS.*—*To be eligible to receive an*
18 *award under this section, an eligible entity shall sub-*
19 *mit to the Secretary an application in such form and*
20 *containing such information as the Secretary may re-*
21 *quire.*

22 (2) *SELECTION CRITERIA.*—*The Secretary may*
23 *provide awards under this section to any eligible enti-*
24 *ty based on the demonstrated ability of the entity to*

1 *fulfill the goals described under subsection (b) and*
2 *carry out eligible activities.*

3 (e) *TRANSPARENCY.—The Secretary shall submit to the*
4 *Committee on Transportation and Infrastructure of the*
5 *House of Representatives and the Committee on Environ-*
6 *ment and Public Works of the Senate a report describing*
7 *the selection process for providing an award under this sec-*
8 *tion and the results of activities carried out under this sec-*
9 *tion.*

10 (f) *DEFINITIONS.—In this section:*

11 (1) *ELIGIBLE ACTIVITY.—The term “eligible ac-*
12 *tivity” means—*

13 (A) *carrying out research to improve metro-*
14 *politan planning practices;*

15 (B) *developing new metropolitan planning*
16 *tools;*

17 (C) *improving existing metropolitan plan-*
18 *ning tools and practices; or*

19 (D) *any other research activities the Sec-*
20 *retary determines to be appropriate, consistent*
21 *with the goals under subsection (b).*

22 (2) *ELIGIBLE ENTITY.—The term “eligible enti-*
23 *ty” means—*

1 (A) a metropolitan planning organization
2 designated under section 134(d) of title 23,
3 United States Code;

4 (B) a metropolitan planning organization
5 working in partnership with a nonprofit organi-
6 zation;

7 (C) a metropolitan planning organization
8 working in partnership with a county; or

9 (D) a group of entities described under sub-
10 paragraphs (A) through (C).

11 (g) *FEDERAL SHARE*.—*The Federal share of the cost*
12 *of an activity carried out using an award under this section*
13 *shall be 100 percent.*

14 (h) *AUTHORIZATION OF APPROPRIATIONS*.—

15 (1) *IN GENERAL*.—*From the amounts made*
16 *available to carry out section 503(b) of title 23,*
17 *United States Code, for each of fiscal years 2023*
18 *through 2026, the Secretary may expend \$1,000,000*
19 *to carry out this section.*

20 (2) *ADMINISTRATIVE EXPENSES*.—*Of the*
21 *amounts made available under paragraph (1), the*
22 *Secretary may use up to 5 percent of such funds for*
23 *administrative expenses.*

24 (i) *INFORMATION COLLECTION*.—*Any survey, ques-*
25 *tionnaire, or interview that the Secretary determines to be*

1 *necessary to carry out reporting requirements relating to*
2 *any program assessment or evaluation activity under this*
3 *section, including customer satisfaction assessments, shall*
4 *not be subject to chapter 35 of title 44, United States Code*
5 *(commonly known as the “Paperwork Reduction Act”).*

6 **SEC. 5112. INTEGRATED PROJECT DELIVERY.**

7 (a) *IN GENERAL.*—*The Secretary of Transportation*
8 *shall seek to enter into an agreement with the National*
9 *Academy of Sciences to support and carry out a study of*
10 *the effectiveness of integrated project delivery in delivering*
11 *large infrastructure projects.*

12 (b) *CONTENTS.*—

13 (1) *AREAS OF STUDY.*—*The study shall—*

14 (A) *identify best practices for surface trans-*
15 *portation project delivery with a focus on deliv-*
16 *ery of large or complex projects;*

17 (B) *determine whether there are any regu-*
18 *latory requirements that limit the use of inte-*
19 *grated project delivery and the purpose of such*
20 *regulations; and*

21 (C) *analyze the effectiveness of integrated*
22 *project delivery compared to traditional project*
23 *delivery methods, including an analysis of out-*
24 *comes related to safety, cost effectiveness, envi-*
25 *ronmental impacts, and on-time project delivery.*

1 (2) *METHODS.*—*In carrying out the study, the*
 2 *National Academy of Sciences shall consult with enti-*
 3 *ties with experience managing, administering, or im-*
 4 *plementing integrated project delivery projects.*

5 (c) *REPORT.*—*Not later than 1 year after the comple-*
 6 *tion of the study under subsection (a), the Secretary shall*
 7 *publish a report on the results of the study under this sec-*
 8 *tion.*

9 **SEC. 5113. ACCELERATED IMPLEMENTATION AND DEPLOY-**
 10 **MENT OF ADVANCED DIGITAL CONSTRUC-**
 11 **TION MANAGEMENT SYSTEMS.**

12 *Section 503(c) of title 23, United States Code, is*
 13 *amended by adding at the end the following:*

14 “(5) *ACCELERATED IMPLEMENTATION AND DE-*
 15 *PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION*
 16 *MANAGEMENT SYSTEMS.*—

17 “(A) *IN GENERAL.*—*The Secretary shall, to*
 18 *the extent practicable, under the technology and*
 19 *innovation deployment program established*
 20 *under paragraph (1), promote, support, and doc-*
 21 *ument the application of advanced digital con-*
 22 *struction management systems, practices, per-*
 23 *formance, and benefits.*

24 “(B) *GOALS.*—*The goals of promoting the*
 25 *accelerated implementation and deployment of*

1 *advanced digital construction management sys-*
2 *tems established under subparagraph (A) shall*
3 *include—*

4 “(i) *accelerated State and local govern-*
5 *ment adoption of advanced digital construc-*
6 *tion management systems applied through-*
7 *out the project delivery process (including*
8 *through the design and engineering, con-*
9 *struction, and operations phases) that—*

10 “(I) *maximize interoperability*
11 *with other systems, products, tools, or*
12 *applications;*

13 “(II) *boost productivity;*

14 “(III) *manage complexity and*
15 *risk;*

16 “(IV) *reduce project delays and*
17 *cost overruns;*

18 “(V) *enhance safety and quality;*
19 *and*

20 “(VI) *support sustainable design*
21 *and construction;*

22 “(ii) *more timely and productive infor-*
23 *mation-sharing among stakeholders through*
24 *digital collaboration platforms that connect*
25 *workflows, teams, and data and reduced re-*

1 *liance on paper to manage construction*
2 *processes and deliverables;*

3 “(iii) *deployment of digital manage-*
4 *ment systems that enable and leverage the*
5 *use of digital technologies on construction*
6 *sites by contractors;*

7 “(iv) *the development and deployment*
8 *of best practices for use in digital construc-*
9 *tion management;*

10 “(v) *increased technology adoption and*
11 *deployment by States and units of local*
12 *government that enables project sponsors—*

13 “(I) *to integrate the adoption of*
14 *digital management systems and tech-*
15 *nologies in contracts; and*

16 “(II) *to weigh the cost of*
17 *digitization and technology in setting*
18 *project budgets;*

19 “(vi) *technology training and work-*
20 *force development to build the capabilities of*
21 *project managers and sponsors that enables*
22 *States and units of local government—*

23 “(I) *to better manage projects*
24 *using advance digital construction*
25 *management technologies; and*

1 “(II) to properly measure and re-
2 ward technology adoption across
3 projects of the State or unit of local
4 government;

5 “(vii) development of guidance to assist
6 States in updating regulations of the State
7 to allow project sponsors and contractors—

8 “(I) to report data relating to the
9 project in digital formats; and

10 “(II) to fully capture the effi-
11 ciencies and benefits of advanced dig-
12 ital construction management systems
13 and related technologies;

14 “(viii) reduction in the environmental
15 footprint of construction projects using ad-
16 vanced digital construction management
17 systems resulting from elimination of con-
18 gestion through more efficient projects;

19 “(ix) development of more sustainable
20 infrastructure that is designed to be more
21 resilient to climate impacts, constructed
22 with less material waste and made with
23 more low-emissions construction materials;
24 and

1 “(x) enhanced worker and pedestrian
 2 safety resulting from increased trans-
 3 parency.”.

4 ***Subtitle B—Technology Deployment***

5 ***SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT*** 6 ***PROGRAM.***

7 Section 503(c) of title 23, United States Code, is
 8 amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A) by inserting “,
 11 while considering the impacts on jobs” after
 12 “transportation community”;

13 (B) in subparagraph (D) by striking “;
 14 and” and inserting a semicolon;

15 (C) in subparagraph (E) by striking the pe-
 16 riod and inserting “; and”; and

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

18 “(F) reducing greenhouse gas emissions and
 19 limiting the effects of climate change.”; and

20 (2) in paragraph (2)(A) by striking the period
 21 and inserting “and findings from the materials to re-
 22 duce greenhouse gas emissions program under sub-
 23 section (d).”.

1 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
 2 **MENT OF PAVEMENT TECHNOLOGIES.**

3 *Section 503(c)(3) of title 23, United States Code, is*
 4 *amended—*

5 *(1) in subparagraph (B)—*

6 *(A) in clause (v) by striking “; and” and*
 7 *inserting a semicolon;*

8 *(B) in clause (vi) by striking the period*
 9 *and inserting “; and”; and*

10 *(C) by adding at the end the following:*

11 *“(vii) the deployment of innovative*
 12 *pavement designs, materials, and practices*
 13 *that reduce or sequester the amount of*
 14 *greenhouse gas emissions generated during*
 15 *the production of highway materials and*
 16 *the construction of highways, with consider-*
 17 *ation for findings from the materials to re-*
 18 *duce greenhouse gas emissions program*
 19 *under subsection (d).”;*

20 *(2) in subparagraph (C) by striking “fiscal years*
 21 *2016 through 2020” and inserting “fiscal years 2023*
 22 *through 2026”; and*

23 *(3) in subparagraph (D)(ii)—*

24 *(A) in subclause (III) by striking “; and”*
 25 *and inserting a semicolon;*

1 *(B) in subclause (IV) by striking the period*
2 *and inserting a semicolon; and*

3 *(C) by adding at the end the following:*

4 *“(V) pavement monitoring and*
5 *data collection practices;*

6 *“(VI) pavement durability and re-*
7 *silience;*

8 *“(VII) stormwater management;*

9 *“(VIII) impacts on vehicle effi-*
10 *ciency;*

11 *“(IX) the energy efficiency of the*
12 *production of paving materials and the*
13 *ability of paving materials to enhance*
14 *the environment and promote sustain-*
15 *ability;*

16 *“(X) integration of renewable en-*
17 *ergy in pavement designs; and*

18 *“(XI) greenhouse gas emissions re-*
19 *duction, including findings from the*
20 *materials to reduce greenhouse gas*
21 *emissions program under subsection*
22 *(d).”.*

1 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
 2 **DAY COUNTS INITIATIVE.**

3 (a) *IN GENERAL.*—Chapter 5 of title 23, United States
 4 Code, is amended by adding at the end the following:

5 **“§ 520. Every Day Counts initiative**

6 “(a) *IN GENERAL.*—It is in the national interest for
 7 the Department of Transportation, State departments of
 8 transportation, and all other recipients of Federal surface
 9 transportation funds—

10 “(1) to identify, accelerate, and deploy innova-
 11 tion aimed at expediting project delivery;

12 “(2) enhancing the safety of the roadways of the
 13 United States, and protecting the environment;

14 “(3) to ensure that the planning, design, engi-
 15 neering, construction, and financing of transportation
 16 projects is done in an efficient and effective manner;

17 “(4) to promote the rapid deployment of proven
 18 solutions that provide greater accountability for pub-
 19 lic investments and encourage greater private sector
 20 involvement; and

21 “(5) to create a culture of innovation within the
 22 highway community.

23 “(b) *EVERY DAY COUNTS INITIATIVE.*—To advance the
 24 policy described in subsection (a), the Administrator of the
 25 Federal Highway Administration shall continue the Every
 26 Day Counts initiative to work with States, local transpor-

1 *tation agencies, all other recipients of Federal surface trans-*
 2 *portation funds, and industry stakeholders, including labor*
 3 *representatives, to identify and deploy proven innovative*
 4 *practices and products that—*

5 “(1) *accelerate innovation deployment;*

6 “(2) *expedite the project delivery process;*

7 “(3) *improve environmental sustainability;*

8 “(4) *enhance roadway safety;*

9 “(5) *reduce congestion; and*

10 “(6) *reduce greenhouse gas emissions.*

11 “(c) *CONSIDERATIONS.—In carrying out the Every*
 12 *Day Counts initiative, the Administrator shall consider*
 13 *any innovative practices and products in accordance with*
 14 *subsections (a) and (b), including—*

15 “(1) *research results from the university trans-*
 16 *portation centers program under section 5505 of title*
 17 *49; and*

18 “(2) *results from the materials to reduce green-*
 19 *house gas emissions program in section 503(d).*

20 “(d) *INNOVATION DEPLOYMENT.—*

21 “(1) *IN GENERAL.—At least every 2 years, the*
 22 *Administrator shall work collaboratively with stake-*
 23 *holders to identify a new collection of innovations,*
 24 *best practices, and data to be deployed to highway*

1 *stakeholders through case studies, outreach, and dem-*
 2 *onstration projects.*

3 “(2) *REQUIREMENTS.*—*In identifying a collec-*
 4 *tion described in paragraph (1), the Secretary shall*
 5 *take into account market readiness, impacts, benefits,*
 6 *and ease of adoption of the innovation or practice.*

7 “(e) *PUBLICATION.*—*Each collection identified under*
 8 *subsection (d) shall be published by the Administrator on*
 9 *a publicly available website.*

10 “(f) *FUNDING.*—*The Secretary may use funds made*
 11 *available to carry out section 503(c) to carry out this sec-*
 12 *tion.*

13 “(g) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 14 *tion may be construed to allow the Secretary to waive any*
 15 *requirement under any other provision of Federal law.”.*

16 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 17 *5 of title 23, United States Code, is amended by adding*
 18 *at the end the following new item:*

 “520. *Every Day Counts initiative.*”.

19 (c) *REPEAL.*—*Section 1444 of the FAST Act (23*
 20 *U.S.C. 101 note), and the item related to such section in*
 21 *the table of contents in section 1(b) of such Act, are repealed.*

22 ***Subtitle C—Emerging Technologies***

23 ***SEC. 5301. MOBILITY THROUGH ADVANCED TECHNOLOGIES.***

24 *Section 503(c)(4) of title 23, United States Code, is*
 25 *amended—*

1 (1) in subparagraph (A)—

2 (A) by striking “Not later than 6 months
3 after the date of enactment of this paragraph,
4 the” and inserting “The”;

5 (B) by striking “establish an advanced
6 transportation and congestion management tech-
7 nologies deployment” and inserting “establish a
8 mobility through advanced technologies”;

9 (C) by inserting “mobility,” before “effi-
10 ciency,”; and

11 (D) by inserting “environmental impacts,”
12 after “system performance,”;

13 (2) in subparagraph (B)—

14 (A) by striking clause (i) and inserting the
15 following:

16 “(i) reduce costs, improve return on
17 investments, and improve person through-
18 put and mobility, including through the op-
19 timization of existing transportation capac-
20 ity;”;

21 (B) in clause (iv) by inserting “bicyclist,
22 and” before “pedestrian”;

23 (C) in clause (vii)—

24 (i) by inserting “increasing job oppor-
25 tunities,” after “performance,”; and

1 (ii) by striking “; or” and inserting a
2 semicolon;

3 (D) in clause (viii)—

4 (i) by striking “accelerate the deploy-
5 ment” and inserting “prepare for the safe
6 deployment”; and

7 (ii) by striking the period and insert-
8 ing “; or”; and

9 (E) by adding at the end the following:

10 “(ix) reduce greenhouse gas emissions
11 and limit the effects of climate change.”;

12 (3) in subparagraph (C)—

13 (A) in clause (ii)—

14 (i) in subclause (II)(aa) by striking
15 “congestion” and inserting “congestion and
16 delays, greenhouse gas emissions”;

17 (ii) in subclause (III) by inserting
18 “economic,” after “mobility,”; and

19 (iii) in subclause (IV) by inserting
20 “organizations representing the surface
21 transportation workforce,” after “leaders,”;
22 and

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

24 “(iii) CONSIDERATIONS.—An applica-
25 tion submitted under this paragraph may

1 include a description of how the proposed
2 project would support the national goals de-
3 scribed in section 150(b), the achievement of
4 metropolitan and statewide targets estab-
5 lished under section 150(d), or the improve-
6 ment of transportation system access con-
7 sistent with section 150(f), including
8 through—

9 “(I) the congestion and on-road
10 mobile-source emissions performance
11 measures established under section
12 150(c)(5); or

13 “(II) the greenhouse gas emissions
14 performance measures established
15 under section 150(c)(7).”;

16 (4) in subparagraph (D) by adding at the end
17 the following:

18 “(iv) *PRIORITIZATION*.—In awarding
19 a grant under this paragraph, the Secretary
20 shall prioritize projects that, in accordance
21 with the criteria described in subparagraph
22 (B)—

23 “(I) improve person throughput
24 and mobility, including through the

1 *optimization of existing transportation*
2 *capacity;*

3 “(II) *deliver environmental bene-*
4 *fits;*

5 “(III) *reduce the number and se-*
6 *verity of traffic crashes and increase*
7 *driver, passenger, bicyclist, and pedes-*
8 *trian safety; or*

9 “(IV) *reduce greenhouse gas emis-*
10 *sions and limit the effects of climate*
11 *change.*

12 “(v) *GRANT DISTRIBUTION.—In each*
13 *fiscal year, the Secretary shall award not*
14 *fewer than 3 grants under this paragraph*
15 *based on the potential of the project to re-*
16 *duce the number and severity of traffic*
17 *crashes and increase, driver, passenger, bi-*
18 *cyclist, and pedestrian safety.*

19 “(vi) *WORKFORCE PARTNERSHIPS.—In*
20 *awarding a grant under this paragraph, the*
21 *Secretary shall consider, to the extent prac-*
22 *ticable, any demonstrated partnership of the*
23 *applicant with representatives of the surface*
24 *transportation workforce.”;*

25 (5) *in subparagraph (E)—*

1 (A) in clause (iv) by inserting “consistent
2 with section 5312 of title 49” after “systems”;

3 (B) in clause (vi)—

4 (i) by inserting “, vehicle-to-pedes-
5 trian,” after “vehicle-to-vehicle”; and

6 (ii) by inserting “systems to improve
7 vulnerable road user safety,” before “tech-
8 nologies associated with” ;

9 (C) in clause (viii) by striking “; or” and
10 inserting a semicolon;

11 (D) in clause (ix) by striking “disabled in-
12 dividuals.” and inserting “disabled individuals,
13 including activities under section 5316 of title
14 49;”; and

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

16 “(x) measures to safeguard surface
17 transportation system technologies under
18 this subparagraph from cybersecurity
19 threats; or

20 “(xi) retrofitting dedicated short-range
21 communications technology deployed as
22 part of an existing pilot program to cellular
23 vehicle-to-everything technology.”;

24 (6) by striking subparagraph (G) and inserting
25 the following:

1 “(G) *REPORTING.*—

2 “(i) *APPLICABILITY OF LAW.*—*The pro-*
3 *gram under this paragraph shall be subject*
4 *to the accountability and oversight require-*
5 *ments in section 106(m).*

6 “(ii) *REPORT.*—*Not later than 3 years*
7 *after the date that the first grant is award-*
8 *ed under this paragraph, and each year*
9 *thereafter, the Secretary shall make avail-*
10 *able to the public on a website a report that*
11 *describes the effectiveness of grant recipients*
12 *in meeting their projected deployment*
13 *plans, including data provided under sub-*
14 *paragraph (F) on how the program has pro-*
15 *vided benefits, such as how the program*
16 *has—*

17 “(I) *reduced traffic-related fatali-*
18 *ties and injuries;*

19 “(II) *reduced traffic congestion*
20 *and improved travel time reliability;*

21 “(III) *reduced transportation-re-*
22 *lated emissions;*

23 “(IV) *optimized multimodal sys-*
24 *tem performance;*

1 “(V) improved access to transpor-
2 tation alternatives;

3 “(VI) provided the public with ac-
4 cess to real-time integrated traffic,
5 transit, and multimodal transpor-
6 tation information to make informed
7 travel decisions;

8 “(VII) provided cost savings to
9 transportation agencies, businesses,
10 and the traveling public;

11 “(VIII) created or maintained
12 transportation jobs and supported
13 transportation workers; or

14 “(IX) provided other benefits to
15 transportation users, workers, and the
16 general public.

17 “(iii) CONSIDERATIONS.—If applica-
18 ble, the Secretary shall ensure that the ac-
19 tivities described in subclauses (I) and (IV)
20 of clause (ii) reflect—

21 “(I) any information described in
22 subparagraph (C)(iii) that is included
23 by an applicant; or

1 “(II) the project prioritization
2 guidelines under subparagraph
3 (D)(iv).”;

4 (7) in subparagraph (I) by striking “FUNDING”
5 and all that follows through “the Secretary may set
6 aside” and inserting the following: “FUNDING.—Of
7 the amounts made available to carry out this para-
8 graph, the Secretary may set aside”;

9 (8) in subparagraph (J) by striking the period
10 at the end and inserting “, except that the Federal
11 share of the cost of a project for which a grant is
12 awarded under this paragraph shall not exceed 80
13 percent.”;

14 (9) in subparagraph (K) by striking “amount
15 described under subparagraph (I)” and inserting
16 “funds made available to carry out this paragraph”;

17 (10) by striking subparagraph (M) and inserting
18 the following:

19 “(M) GRANT FLEXIBILITY.—If, by August 1
20 of each fiscal year, the Secretary determines that
21 there are not enough grant applications that
22 meet the requirements described in subparagraph
23 (C) to carry out this paragraph for a fiscal year,
24 the Secretary shall transfer to the technology and
25 innovation deployment program—

1 “(i) *any of the funds made available to*
 2 *carry out this paragraph in a fiscal year*
 3 *that the Secretary has not yet awarded*
 4 *under this paragraph; and*

5 “(ii) *an amount of obligation limita-*
 6 *tion equal to the amount of funds that the*
 7 *Secretary transfers under clause (i).”; and*

8 (11) *in subparagraph (N)—*

9 (A) *in clause (i) by inserting “an urbanized*
 10 *area with” before “a population of”; and*

11 (B) *in clause (iii) by striking “a any” and*
 12 *inserting “any”.*

13 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
 14 **GRAM.**

15 (a) *USE OF FUNDS FOR ITS ACTIVITIES.—Section*
 16 513(c)(1) *of title 23, United States Code, is amended by*
 17 *inserting “greenhouse gas emissions reduction,” before “and*
 18 *congestion management”.*

19 (b) *GOALS AND PURPOSES.—Section 514(a) of title 23,*
 20 *United States Code, is amended—*

21 (1) *in paragraph (6) by striking “national*
 22 *freight policy goals” and inserting “national*
 23 *multimodal freight policy goals and activities de-*
 24 *scribed in subtitle IX of title 49”;*

1 (2) by redesignating paragraphs (4), (5), and (6)
 2 as paragraphs (5), (6), and (7), respectively; and

3 (3) by inserting after paragraph (3) the fol-
 4 lowing:

5 “(4) reduction of greenhouse gas emissions and
 6 mitigation of the effects of climate change;”.

7 (c) *GENERAL AUTHORITIES AND REQUIREMENTS.*—
 8 Section 515(h) of title 23, United States Code, is amend-
 9 ed—

10 (1) in paragraph (2)—

11 (A) by striking “20 members” and inserting
 12 “25 members”;

13 (B) in subparagraph (A) by striking “State
 14 highway department” and inserting “State de-
 15 partment of transportation”;

16 (C) in subparagraph (B) by striking “local
 17 highway department” and inserting “local de-
 18 partment of transportation”;

19 (D) by striking subparagraphs (E), (F),
 20 (G), (H), (I), and (J) and inserting the fol-
 21 lowing:

22 “(E) a private sector representative of the
 23 intelligent transportation systems industry;

1 “(F) a representative from an advocacy
2 group concerned with safety, including bicycle
3 and pedestrian interests;

4 “(G) a representative from a labor organi-
5 zation; and”;

6 (E) by redesignating subparagraph (K) as
7 subparagraph (H); and

8 (F) by striking subparagraph (L);
9 (2) in paragraph (3)—

10 (A) in subparagraph (A) by striking “sec-
11 tion 508” and inserting “section 6503 of title
12 49”;

13 (B) in subparagraph (B)—

14 (i) in clause (ii)—

15 (I) by inserting “in both urban
16 and rural areas” after “by users”; and

17 (II) by striking “; and” and in-
18 serting a semicolon;

19 (ii) in clause (iii) by striking the pe-
20 riod and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(iv) assess how Federal transportation
24 resources, including programs under this

1 title, are being used to advance intelligent
2 transportation systems.”; and

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

4 “(C) Convene not less frequently than twice
5 each year, either in person or remotely.”;

6 (3) in paragraph (4) by striking “May 1” and
7 inserting “April 1”; and

8 (4) in paragraph (5) by inserting “, except that
9 section 14 of such Act shall not apply” before the pe-
10 riod at the end.

11 (d) *RESEARCH AND DEVELOPMENT*.—Section 516(a)
12 of title 23, United States Code, is amended by inserting
13 “including through grants to entities or groups of entities,
14 such as institutions of higher education,” after “research
15 and development,”.

16 (e) *RESEARCH AND DEVELOPMENT PRIORITY*
17 *AREAS*.—Section 516(b) of title 23, United States Code, is
18 amended—

19 (1) by redesignating paragraphs (5), (6), and (7)
20 as paragraphs (6), (7), and (8), respectively;

21 (2) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) demonstrate reductions in greenhouse gas
24 emissions;”;

1 (3) in paragraph (7), as so redesignated, by
2 striking “; or” and inserting a semicolon;

3 (4) in paragraph (8), as so redesignated, by
4 striking the period and inserting a semicolon; and

5 (5) by adding at the end the following:

6 “(9) integrate existing observational networks
7 and data management systems for road weather ap-
8 plications; or

9 “(10) facilitate the interconnectivity of data and
10 information technology systems across different obser-
11 vational networks and different users.”.

12 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
13 **MOBILITY INNOVATION CLEARINGHOUSE.**

14 (a) *IN GENERAL.*—Subchapter I of chapter 55 of title
15 49, United States Code, is further amended by adding at
16 the end the following:

17 **“§5507. National highly automated vehicle and mo-**
18 **bility innovation clearinghouse**

19 “(a) *IN GENERAL.*—The Secretary shall make a grant
20 to an institution of higher education engaged in research
21 on the secondary impacts of highly automated vehicles and
22 mobility innovation to—

23 “(1) operate a national highly automated vehicle
24 and mobility innovation clearinghouse;

1 “(2) collect, conduct, and fund research on the
2 secondary impacts of highly automated vehicles and
3 mobility innovation;

4 “(3) make such research available on a public
5 website; and

6 “(4) conduct outreach and dissemination of the
7 information described in this subsection to assist com-
8 munities.

9 “(b) *DEFINITIONS.*—In this section:

10 “(1) *HIGHLY AUTOMATED VEHICLE.*—The term
11 ‘highly automated vehicle’ means a motor vehicle that
12 is designed to be operated by a level 3 or level 4 auto-
13 mated driving system for trips within its operational
14 design domain or a level 5 automated driving system
15 for all trips according to the recommended standards
16 published in April 2021, by the Society of Automotive
17 Engineers International (J3016l9 202104) or, when
18 adopted, equivalent standards established by the Sec-
19 retary under chapter 301 of title 49, United States
20 Code, with respect to automated motor vehicles.

21 “(2) *MOBILITY INNOVATION.*—The term ‘mobility
22 innovation’ means an activity described in section
23 5316, including mobility on demand and mobility as
24 a service (as such terms are defined in such section).

1 “(3) *INSTITUTION OF HIGHER EDUCATION.*—The
 2 term ‘institution of higher education’ has the meaning
 3 given the term in section 101 of the Higher Education
 4 Act of 1965 (20 U.S.C. 1001).

5 “(4) *SECONDARY IMPACTS.*—The term ‘secondary
 6 impacts’ means the impacts on land use, urban de-
 7 sign, transportation systems, real estate, accessibility,
 8 municipal budgets, social equity, availability and
 9 quality of jobs, air quality and climate, energy con-
 10 sumption, and the environment.”.

11 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
 12 55 of title 49, United States Code, is amended by inserting
 13 after the item relating to section 5506, as added by this
 14 Act, the following:

“5507. National highly automated vehicle and mobility innovation clearing-
 house.”.

15 (c) *DEADLINE FOR CLEARINGHOUSE.*—The Secretary
 16 of Transportation shall ensure that the institution of higher
 17 education that receives the grant described in section
 18 5507(a)(1) of title 49, United States Code, as added by sub-
 19 section (a), shall establish the national highly automated
 20 vehicle clearinghouse described in such section not later
 21 than 180 days after the date of enactment of this Act.

1 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
2 **MATED VEHICLES AND ROAD USERS.**

3 (a) *PURPOSE.*—*The purpose of this section shall be to*
4 *ensure that the increasing deployment of automated vehicles*
5 *does not jeopardize the safety of road users.*

6 (b) *STUDY.*—

7 (1) *ESTABLISHMENT.*—*Not later than 9 months*
8 *after the date of enactment of this Act, the Secretary*
9 *of Transportation shall initiate a study on the ability*
10 *of automated vehicles to safely interact with other*
11 *road users.*

12 (2) *CONTENTS.*—*In carrying out the study under*
13 *paragraph (1), the Secretary shall—*

14 (A) *examine the ability of automated vehi-*
15 *cles to safely interact with general road users,*
16 *including vulnerable road users;*

17 (B) *identify barriers to improving the safe-*
18 *ty of interactions between automated vehicles*
19 *and general road users; and*

20 (C) *issue recommendations to improve the*
21 *safety of interactions between automated vehicles*
22 *and general road users, including, at a min-*
23 *imum—*

24 (i) *technology advancements with the*
25 *potential to facilitate safer interactions be-*
26 *tween automated vehicles and general road*

1 *users given the safety considerations in*
2 *paragraph (3);*

3 *(ii) road user public awareness; and*

4 *(iii) improvements to transportation*
5 *planning and road design.*

6 (3) *CONSIDERATIONS.—In carrying out the*
7 *study under paragraph (1), the Secretary shall take*
8 *into consideration whether automated vehicles can*
9 *safely operate within the surface transportation sys-*
10 *tem, including—*

11 *(A) the degree to which ordinary human be-*
12 *haviors make it difficult for an automated vehi-*
13 *cle to safely, reliably predict human actions;*

14 *(B) unique challenges for automated vehicles*
15 *in urban and rural areas;*

16 *(C) the degree to which an automated vehi-*
17 *cle is capable of uniformly recognizing and re-*
18 *sponding to individuals with disabilities and in-*
19 *dividuals of different sizes, ages, races, and other*
20 *varying characteristics;*

21 *(D) for bicyclist, motorcyclist, and pedes-*
22 *trian road users—*

23 *(i) the varying and non-standardized*
24 *nature of bicyclist and pedestrian infra-*
25 *structure in different locations;*

1 (ii) the close proximity to motor vehi-
2 cles within which bicyclists often operate,
3 including riding in unprotected bike lanes
4 and crossing lanes to make a left turn, and
5 the risk of such close proximity; and

6 (iii) roadways that lack marked bicy-
7 clist infrastructure, particularly in
8 midsized and rural areas, on which
9 bicyclists often operate;

10 (E) for motorcyclist road users, the close
11 proximity to other motor vehicles within which
12 motorcyclists operate, including operating be-
13 tween lanes of slow or stopped traffic; and

14 (F) depending on the level of automation of
15 the vehicle, the degree to which human interven-
16 tion remains necessary to safely operate an auto-
17 mated vehicle to ensure the safety of general road
18 users in circumstances including—

19 (i) dangerous weather;

20 (ii) an electronic or system malfunc-
21 tion of the automated vehicle; and

22 (iii) a cybersecurity threat to the oper-
23 ation of the vehicle.

24 (4) *PUBLIC COMMENT.*—Before conducting the
25 study under paragraph (1), the Secretary shall pro-

1 *vide an opportunity for public comment on the study*
2 *proposal.*

3 *(c) WORKING GROUP.—*

4 *(1) ESTABLISHMENT.—Not later than 6 months*
5 *after the date of enactment of this Act, the Secretary*
6 *of Transportation shall establish a working group to*
7 *assist in the development of the study and rec-*
8 *ommendations under subsection (b).*

9 *(2) MEMBERSHIP.—The working group estab-*
10 *lished under paragraph (1) shall include representa-*
11 *tion from—*

12 *(A) the National Highway Traffic Safety*
13 *Administration;*

14 *(B) State departments of transportation;*

15 *(C) local governments (other than metro-*
16 *politan planning organizations, as such term is*
17 *defined in section 134(b) of title 23, United*
18 *States Code);*

19 *(D) transit agencies;*

20 *(E) metropolitan planning organizations*
21 *(as such term is defined in section 134(b) of title*
22 *23, United States Code);*

23 *(F) bicycle and pedestrian safety groups;*

24 *(G) highway and automobile safety groups;*

25 *(H) truck safety groups;*

1 (I) law enforcement officers and first re-
2 sponders;

3 (J) motor carriers and independent owner-
4 operators;

5 (K) the road construction industry;

6 (L) labor organizations;

7 (M) academic experts on automated vehicle
8 technologies;

9 (N) manufacturers and developers of both
10 passenger and commercial automated vehicles;

11 (O) a motorcyclist rights group; and

12 (P) other industries and entities as the Sec-
13 retary determines appropriate.

14 (3) *DUTIES.*—The working group established
15 under paragraph (1) shall assist the Secretary by, at
16 a minimum—

17 (A) assisting in the development of the scope
18 of the study under subsection (b);

19 (B) reviewing the data and analysis from
20 such study;

21 (C) provide ongoing recommendations and
22 feedback to ensure that such study reflects the
23 contents described in paragraphs (2) and (3) of
24 subsection (b); and

1 (D) providing input to the Secretary on rec-
2 ommendations required under subsection
3 (b)(2)(C).

4 (4) *APPLICABILITY OF THE FEDERAL ADVISORY*
5 *COMMITTEE ACT.*—The working group under this sub-
6 section shall be subject to the Federal Advisory Com-
7 mittee Act (5 U.S.C. App.), except that section 14 of
8 such Act shall not apply.

9 (d) *REPORT.*—Not later than 2 years after the date
10 of enactment of this Act, the Secretary of Transportation
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate, and make publicly available, the study initiated
15 under subsection (b), including recommendations for ensur-
16 ing that automated vehicles safely interact with general
17 road users.

18 (e) *DEFINITIONS.*—In this section:

19 (1) *AUTOMATED VEHICLE.*—The term “auto-
20 mated vehicle” means a motor vehicle that is designed
21 to be operated by a level 3 or level 4 automated driv-
22 ing system for trips within its operational design do-
23 main or a level 5 automated driving system for all
24 trips according to the recommended standards pub-
25 lished in April 2021, by the Society of Automotive

1 *Engineers International (J3016l9 202104) or, when*
2 *adopted, equivalent standards established by the Sec-*
3 *retary under chapter 301 of title 49, United States*
4 *Code, with respect to automated motor vehicles.*

5 (2) *GENERAL ROAD USERS.—The term “general*
6 *road users” means—*

7 (A) *motor vehicles driven by individuals;*

8 (B) *bicyclists and pedestrians;*

9 (C) *motorcyclists;*

10 (D) *workers in roadside construction zones;*

11 (E) *emergency response vehicles, including*
12 *first responders;*

13 (F) *vehicles providing local government*
14 *services, including street sweepers and waste col-*
15 *lection vehicles;*

16 (G) *law enforcement officers;*

17 (H) *personnel who manually direct traffic,*
18 *including crossing guards;*

19 (I) *users of shared micromobility (including*
20 *bikesharing and shared scooter systems); and*

21 (J) *other road users that may interact with*
22 *automated vehicles, as determined by the Sec-*
23 *retary of Transportation.*

1 (3) *VULNERABLE ROAD USER*.—The term “vul-
 2 nerable road user” has the meaning given such term
 3 in section 148(a) of title 23, United States Code.

4 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
 5 **TATION TECHNOLOGY COUNCIL.**

6 (a) *IN GENERAL*.—Chapter 1 of title 49, United States
 7 Code, is amended by adding at the end the following:

8 **“§ 118. Nontraditional and Emerging Transportation**
 9 **Technology Council**

10 “(a) *ESTABLISHMENT*.—The Secretary of Transpor-
 11 tation shall establish a Nontraditional and Emerging
 12 Transportation Technology Council (hereinafter referred to
 13 as the ‘Council’) in accordance with this section.

14 “(b) *MEMBERSHIP*.—

15 “(1) *IN GENERAL*.—The Council shall be com-
 16 posed of the following officers of the Department of
 17 Transportation:

18 “(A) The Secretary of Transportation.

19 “(B) The Deputy Secretary of Transpor-
 20 tation.

21 “(C) The Under Secretary of Transpor-
 22 tation for Policy.

23 “(D) The General Counsel of the Depart-
 24 ment of Transportation.

1 “(E) *The Chief Information Officer of the*
2 *Department of Transportation.*

3 “(F) *The Assistant Secretary for Research*
4 *and Technology.*

5 “(G) *The Assistant Secretary for Budget*
6 *and Programs.*

7 “(H) *The Administrator of the Federal*
8 *Aviation Administration.*

9 “(I) *The Administrator of the Federal*
10 *Highway Administration.*

11 “(J) *The Administrator of the Federal*
12 *Motor Carrier Safety Administration.*

13 “(K) *The Administrator of the Federal*
14 *Railroad Administration.*

15 “(L) *The Administrator of the Federal*
16 *Transit Administration.*

17 “(M) *The Administrator of the Federal*
18 *Maritime Administration.*

19 “(N) *The Administrator of the National*
20 *Highway Traffic Safety Administration.*

21 “(O) *The Administrator of the Pipeline and*
22 *Hazardous Materials Safety Administration.*

23 “(2) *ADDITIONAL MEMBERS.—The Secretary*
24 *may designate additional members of the Department*
25 *to serve as at-large members of the Council.*

1 “(3) *CHAIR AND VICE CHAIR.*—*The Secretary*
2 *may designate officials to serve as the Chair and Vice*
3 *Chair of the Council and of any working groups of*
4 *the Council.*

5 “(c) *DUTIES.*—*The Council shall—*

6 “(1) *identify and resolve any jurisdictional or*
7 *regulatory gaps or inconsistencies associated with*
8 *nontraditional and emerging transportation tech-*
9 *nologies, modes, or projects pending or brought before*
10 *the Department to eliminate, so far as practicable,*
11 *impediments to the prompt and safe deployment of*
12 *new and innovative transportation technology, in-*
13 *cluding with respect to safety regulation and over-*
14 *sight, environmental review, and funding issues;*

15 “(2) *coordinate the Department’s internal over-*
16 *sight of nontraditional and emerging transportation*
17 *technologies, modes, or projects and engagement with*
18 *external stakeholders;*

19 “(3) *within applicable statutory authority other*
20 *than this paragraph, develop and establish depart-*
21 *ment-wide processes, solutions, and best practices for*
22 *identifying, managing and resolving issues regarding*
23 *emerging transportation technologies, modes, or*
24 *projects pending or brought before the Department;*
25 *and*

1 “(4) carry out such additional duties as the Sec-
 2 retary may prescribe, to the extent consistent with
 3 this title, including subsections (f)(2) and (g) of sec-
 4 tion 106.”.

5 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 6 *1 of title 49, United States Code, is amended by adding*
 7 *at the end the following:*

“118. Nontraditional and Emerging Transportation Technology Council.”.

8 **SEC. 5306. SURFACE TRANSPORTATION WORKFORCE RE-**
 9 **TRAINING GRANT PROGRAM.**

10 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 11 *tation shall establish a program to make grants to eligible*
 12 *entities to develop a curriculum for, and establish, transpor-*
 13 *tation workforce training programs in urban and rural*
 14 *areas to train, retrain, or upgrade the skills of surface*
 15 *transportation workers—*

16 (1) *whose employment may be changed or wors-*
 17 *ened by automation;*

18 (2) *who have been separated from employment;*
 19 *or*

20 (3) *who have received notice of impending em-*
 21 *ployment loss as a result of being replaced by the use*
 22 *of automated vehicles.*

23 (b) *ELIGIBLE ENTITIES.*—*The following entities shall*
 24 *be eligible to receive grants under this section:*

25 (1) *Institutions of higher education.*

1 (2) *Consortia of institutions of higher education.*

2 (3) *Nonprofit organizations with a demonstrated*
3 *capacity to develop and provide career pathway pro-*
4 *grams through labor-management partnerships, pre-*
5 *apprenticeships, or registered apprenticeships on a*
6 *nationwide basis.*

7 (4) *Local governments.*

8 (c) *LIMITATION ON AWARDS.—An entity may only re-*
9 *ceive one grant in a fiscal year under this section.*

10 (d) *USE OF FUNDS.—*

11 (1) *IN GENERAL.—A recipient of a grant under*
12 *this section may only use grant amounts for devel-*
13 *oping and carrying out training programs, includ-*
14 *ing—*

15 (A) *identifying and testing new duties for*
16 *existing jobs impacted by the use of automated*
17 *vehicles, including mechanical work, diagnostic*
18 *work, and fleet operations management;*

19 (B) *educational programs, including—*

20 (i) *coursework or curricula through*
21 *which participants may pursue a degree or*
22 *certification; and*

23 (ii) *tuition and direct education ex-*
24 *penses, excluding salaries, in connection*
25 *with the education and training of surface*

1 *transportation workers whose jobs have been*
2 *affected by the use of automated vehicles;*
3 *and*

4 *(C) employee professional development, in-*
5 *cluding worker training or retraining, including*
6 *train-the-trainer programs, to upgrade the skills*
7 *of surface transportation workers whose jobs have*
8 *been affected by the use of automated vehicles.*

9 *(2) REPORTING.—A recipient of a grant under*
10 *this section shall report to the Secretary the following*
11 *information:*

12 *(A) The sectors of the surface transportation*
13 *system from which workers are being displaced.*

14 *(B) The skills and professions for which*
15 *workers are being retrained.*

16 *(C) How many workers have benefitted from*
17 *a grant awarded under this section.*

18 *(D) Relevant demographic information of*
19 *impacted workers.*

20 *(3) LIMITATION.—Funds made available under*
21 *this section may not be used to evaluate the effective-*
22 *ness of automated vehicle technologies.*

23 *(e) SELECTION CRITERIA.—In selecting grant recipi-*
24 *ents under this section, the Secretary shall consider the ex-*
25 *tent to which an applicant—*

1 (1) *demonstrates the capability to develop cur-*
 2 *ricula and provide training, provide retraining, or*
 3 *upgrade the skills of individuals described in sub-*
 4 *section (a);*

5 (2) *will provide program participants with*
 6 *practical experience and on-the-job training; and*

7 (3) *demonstrates a commitment to carry out a*
 8 *surface transportation workforce development pro-*
 9 *gram through degree-granting programs or programs*
 10 *that provide other industry-recognized credentials.*

11 (f) *FEDERAL SHARE.—*

12 (1) *IN GENERAL.—The Federal share of the cost*
 13 *of a grant under this section shall be 100 percent.*

14 (2) *AVAILABILITY OF FUNDS.—For a recipient of*
 15 *a grant under this section carrying out activities*
 16 *under such grant in partnership with a public trans-*
 17 *portation agency that is receiving funds under section*
 18 *5307, 5337, or 5339 of title 49, United States Code,*
 19 *up to 0.5 percent of amounts made available under*
 20 *any such section may qualify as the non-Federal*
 21 *share under paragraph (1).*

22 (g) *REPORT REQUIREMENTS.—Not later than 60 days*
 23 *after grants are awarded in a fiscal year under this section,*
 24 *the Secretary shall submit to the Committee on Transpor-*
 25 *tation and Infrastructure of the House of Representatives*

1 *and the Committees on Commerce, Science, and Transpor-*
 2 *tation, Banking, Housing, and Urban Affairs, and Envi-*
 3 *ronment and Public Works of the Senate, and make publicly*
 4 *available, a report that includes—*

5 (1) *a list of all grant recipients for such fiscal*
 6 *year;*

7 (2) *an explanation of why each recipient was*
 8 *chosen in accordance with the selection criteria under*
 9 *subsection (e);*

10 (3) *a summary of activities planned to be car-*
 11 *ried out by each recipient and how such activities re-*
 12 *late to the goals established under subsection (a);*

13 (4) *the grant amount awarded to each recipient;*
 14 *and*

15 (5) *the information required to be provided to*
 16 *the Secretary under subsection (d)(2).*

17 (h) *DEFINITIONS.—In this section:*

18 (1) *AUTOMATED VEHICLE.—The term “auto-*
 19 *mated vehicle” means a motor vehicle that is designed*
 20 *to be operated by a level 3 or level 4 automated driv-*
 21 *ing system for trips within its operational design do-*
 22 *main or a level 5 automated driving system for all*
 23 *trips according to the recommended standards pub-*
 24 *lished in April 2021, by the Society of Automotive*
 25 *Engineers International (J3016l9 202104) or, when*

1 *adopted, equivalent standards established by the Sec-*
2 *retary under chapter 301 of title 49, United States*
3 *Code, with respect to automated motor vehicles.*

4 (2) *INSTITUTION OF HIGHER EDUCATION.*—*The*
5 *term “institution of higher education” has the mean-*
6 *ing given the term in section 101 of the Higher Edu-*
7 *cation Act of 1965 (20 U.S.C. 1001).*

8 (3) *PUBLIC TRANSPORTATION.*—*The term “pub-*
9 *lic transportation” has the meaning given such term*
10 *in section 5302 of title 49, United States Code.*

11 (4) *PRE-APPRENTICESHIP.*—*The term “pre-ap-*
12 *prenticeship” means a training model or program*
13 *that prepares individuals for acceptance into a reg-*
14 *istered apprenticeship and has a demonstrated part-*
15 *nership with one or more registered apprenticeships.*

16 (5) *REGISTERED APPRENTICESHIP.*—*The term*
17 *“registered apprenticeship” means an apprenticeship*
18 *program registered under the Act of August 16, 1937*
19 *(29 U.S.C. 50 et seq.; commonly known as the “Na-*
20 *tional Apprenticeship Act”), that satisfies the require-*
21 *ments of parts 29 and 30 of title 29, Code of Federal*
22 *Regulations (as in effect on January 1, 2020).*

23 (i) *AUTHORIZATION OF APPROPRIATIONS.*—

1 (1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated \$50,000,000 for each of fiscal years 2023*
3 *through 2026 to carry out this section.*

4 (2) *AVAILABILITY OF AMOUNTS.*—*Amounts made*
5 *available to the Secretary to carry out this section*
6 *shall remain available for a period of 3 years after*
7 *the last day of the fiscal year for which the amounts*
8 *are authorized.*

9 **SEC. 5307. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
10 **GRAM.**

11 (a) *IN GENERAL.*—*Not later than 180 days after the*
12 *date of enactment of this Act, the Secretary of Transpor-*
13 *tation shall establish and implement a pilot program (in*
14 *this section referred to as the “program”) to leverage anony-*
15 *mous crowdsourced data from third-party entities to im-*
16 *prove transportation management capabilities and effi-*
17 *ciency on Federal-aid highways.*

18 (b) *GOALS.*—*The goals of the program include the uti-*
19 *lization of anonymous crowdsourced data from third par-*
20 *ties to implement integrated traffic management systems*
21 *which leverage real-time data to provide dynamic and effi-*
22 *cient traffic-flow management for purposes of—*

23 (1) *adjusting traffic light cycle times to optimize*
24 *traffic management and decrease congestion;*

1 (2) *expanding or contracting lane capacity to*
2 *meet traffic demand;*

3 (3) *enhancing traveler notification of service con-*
4 *ditions;*

5 (4) *prioritizing high-priority vehicles such as*
6 *emergency response and law enforcement within the*
7 *transportation system; and*

8 (5) *any other purposes which the Secretary*
9 *deems an appropriate use of anonymous user data.*

10 (c) *PARTNERSHIP.*—*In carrying out the program, the*
11 *Secretary is authorized to enter into agreements with public*
12 *and private sector entities to accomplish the goals listed in*
13 *subsection (b).*

14 (d) *DATA PRIVACY AND SECURITY.*—*The Secretary*
15 *shall ensure the protection of privacy for all sources of data*
16 *utilized in the program, promoting cybersecurity to prevent*
17 *hacking, spoofing, and disruption of connected and auto-*
18 *mated transportation systems.*

19 (e) *PROGRAM LOCATIONS.*—*In carrying out the pro-*
20 *gram, the Secretary shall initiate programs in a variety*
21 *of areas, including urban, suburban, rural, tribal, or any*
22 *other appropriate settings.*

23 (f) *BEST PRACTICES.*—*Not later than 3 years after*
24 *date of enactment of this Act, the Secretary shall publicly*
25 *make available best practices to leverage private user data*

1 *to support improved transportation management capabili-*
2 *ties and efficiency, including—*

3 *(1) legal considerations when acquiring private*
4 *user data for public purposes; and*

5 *(2) protecting privacy and security of individual*
6 *user data.*

7 *(g) REPORT.—The Secretary shall annually submit a*
8 *report to the Committee on Transportation and Infrastruc-*
9 *ture of the House of Representatives and the Committee on*
10 *Environment and Public Works of the Senate a report de-*
11 *tailing—*

12 *(1) a description of the activities carried out*
13 *under the pilot program;*

14 *(2) an evaluation of the effectiveness of the pilot*
15 *program in meeting goals described in subsection (b);*

16 *(3) policy recommendations to improve integra-*
17 *tion of systems between public and private entities;*
18 *and*

19 *(4) a description of costs associated with equip-*
20 *ping and maintaining systems.*

21 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated such sums as are necessary*
23 *to carry out the program.*

24 *(i) SUNSET.—On a date that is 5 years after the enact-*
25 *ment of this Act, this program shall cease to be effective.*

1 **SEC. 5308. THIRD-PARTY DATA PLANNING INTEGRATION**
2 **PILOT PROGRAM.**

3 (a) *IN GENERAL.*—Not later than 180 days after en-
4 actment of this Act, the Secretary of Transportation shall
5 establish and implement a pilot program (in this section
6 referred to as the “program”) to leverage anonymous
7 crowdsourced data from third-party entities to improve
8 transportation management capabilities and efficiency on
9 Federal-aid highways.

10 (b) *GOALS.*—The goals of the program include the uti-
11 lization of anonymous crowdsourced data from third par-
12 ties to—

13 (1) *utilize private-user data to inform infra-*
14 *structure planning decisions for the purposes of—*

15 (A) *reducing congestion;*

16 (B) *decreasing miles traveled;*

17 (C) *increasing safety;*

18 (D) *improving freight efficiency;*

19 (E) *enhancing environmental conditions;*

20 *and*

21 (F) *other purposes as the Secretary deems*
22 *necessary.*

23 (c) *PARTNERSHIP.*—In carrying out the program, the
24 Secretary is authorized to enter into agreements with public
25 and private sector entities to accomplish the goals listed in
26 subsection (b).

1 (d) *DATA PRIVACY AND SECURITY.*—*The Secretary*
2 *shall ensure the protection of privacy for all sources of data*
3 *utilized in the program, promoting cybersecurity to prevent*
4 *hacking, spoofing, and disruption of connected and auto-*
5 *mated transportation systems.*

6 (e) *PROGRAM LOCATIONS.*—*In carrying out the pro-*
7 *gram, the Secretary shall initiate programs in a variety*
8 *of areas, including urban, suburban, rural, tribal, or any*
9 *other appropriate settings.*

10 (f) *BEST PRACTICES.*—*Not later than 3 years after*
11 *date of enactment of this Act, the Secretary shall publicly*
12 *make available best practices to leverage private user data*
13 *to support improved transportation management capabili-*
14 *ties and efficiency, including—*

15 (1) *legal considerations when acquiring private*
16 *user data for public purposes; and*

17 (2) *protecting privacy and security of individual*
18 *user data.*

19 (g) *REPORT.*—*The Secretary shall annually submit a*
20 *report to the Committee on Transportation and Infrastruc-*
21 *ture of the House of Representatives and the Committee on*
22 *Environment and Public Works of the Senate a report de-*
23 *tailing—*

24 (1) *a description of the activities carried out*
25 *under the pilot program;*

1 (2) *an evaluation of the effectiveness of the pilot*
2 *program in meeting goals described in subsection (b);*
3 *and*

4 (3) *policy recommendations to improve the im-*
5 *plementation of anonymous crowdsourced data into*
6 *planning decisions.*

7 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated such sums as are necessary*
9 *to carry out the program.*

10 (i) *SUNSET.—On a date that is 5 years after the enact-*
11 *ment of this Act, this program shall cease to be effective.*

12 **SEC. 5309. AUTOMATED COMMERCIAL VEHICLE REPORTING.**

13 (a) *ESTABLISHMENT.—Not later than 1 year after the*
14 *date of enactment of this Act, the Secretary of Transpor-*
15 *tation shall establish a repository for submitting entities*
16 *to submit information to the Secretary on operations of*
17 *automated commercial motor vehicles in interstate com-*
18 *merce.*

19 (b) *PURPOSES.—The purpose of this section shall be*
20 *to ensure automated commercial motor vehicle safety and*
21 *transparency in developing and maintaining the repository*
22 *under this section.*

23 (c) *INFORMATION REQUIRED.—*

24 (1) *SUBMISSIONS.—Not later than 1 year after*
25 *the date of enactment of this Act, the Secretary shall*

1 *develop a process for submitting entities operating*
2 *automated commercial motor vehicles in interstate*
3 *commerce to provide the following information in ac-*
4 *cordance with paragraph (2):*

5 *(A) The name of the submitting entity re-*
6 *sponsible for the operation of an automated com-*
7 *mercial motor vehicle or vehicles.*

8 *(B) The make, model, and weight class of*
9 *such vehicle or vehicles.*

10 *(C) The intended level of automation of*
11 *such vehicle or vehicles, according to the tax-*
12 *onomy described in subsection (f)(1).*

13 *(D) The Department of Transportation*
14 *number or operating authority assigned to the*
15 *submitting entity described in subparagraph (A),*
16 *if applicable.*

17 *(E) A list of States in which the operation*
18 *of such vehicle or vehicles will occur and a list*
19 *of Federal-aid highways (as defined in section*
20 *101(a) of title 23, United States Code) on which*
21 *the operation will occur, as well as total miles*
22 *traveled in the previous year on a biannual*
23 *basis.*

24 *(F) Any cargo classifications or passengers*
25 *to be transported in such vehicle or vehicles, in-*

1 *cluding whether the submitting entity is trans-*
2 *porting such cargo or passengers under contract*
3 *with another entity.*

4 *(G) Documentation of training or certifi-*
5 *cations provided to any drivers, or other individ-*
6 *uals directly involved in the performance of the*
7 *dynamic driving task or fallback during oper-*
8 *ation of the vehicle, if any.*

9 *(H) Any fatigue management plans or work*
10 *hour limitations applicable to drivers, if any,*
11 *consistent with such standards of the Depart-*
12 *ment regarding automated commercial motor ve-*
13 *hicle drivers.*

14 *(I) Law enforcement interaction plans for*
15 *automated commercial motor vehicles submitted*
16 *to State transportation agencies or State and*
17 *local law enforcement agencies.*

18 *(J) Proof of insurance coverage.*

19 *(2) SUBMISSION AND UPDATES.—*

20 *(A) IN GENERAL.—A submitting entity re-*
21 *sponsible for the operation of an automated com-*
22 *mercial motor vehicle shall provide the informa-*
23 *tion required under this subsection not later*
24 *than 60 days after the Secretary has published*

1 *the notice establishing the process described in*
2 *paragraph (1).*

3 *(B) MATERIAL CHANGE OF INFORMATION.—*

4 *The submitting entity responsible for the oper-*
5 *ation of an automated commercial motor vehicle*
6 *shall notify the Secretary of any material*
7 *changes to the information previously provided*
8 *pursuant to this subsection on an annual basis,*
9 *or on a more frequent basis specified by the Sec-*
10 *retary.*

11 *(C) AMENDMENT AND CORRECTION.—If a*

12 *submitting entity responsible for the operation of*
13 *an automated commercial motor vehicle submits*
14 *incomplete or inaccurate information pursuant*
15 *to subsection (c), the submitting entity shall be*
16 *given an opportunity to amend or correct the*
17 *submission within a reasonable timeframe to be*
18 *established by the Secretary.*

19 *(d) PUBLIC AVAILABILITY OF INFORMATION.—*

20 *(1) IN GENERAL.—The Secretary shall make*
21 *available on a publicly accessible website of the De-*
22 *partment of Transportation the following information*
23 *on automated commercial motor vehicles:*

24 *(A) The prevalence of planned operations of*
25 *such vehicles.*

1 (B) *The characteristics of such operations.*

2 (C) *The geographic location of such oper-*
3 *ations in a safe manner that reflects only the*
4 *most significant public road or roads on which*
5 *the majority of the route takes place, as deter-*
6 *mined appropriate by the Secretary.*

7 (2) *PROTECTION OF INFORMATION.—Any data*
8 *collected under subsection (c) and made publicly*
9 *available pursuant to this subsection shall be made*
10 *available in a manner that—*

11 (A) *precludes the connection of the data to*
12 *any individual motor carrier, shipper, company,*
13 *vehicle manufacturer, or other submitting entity*
14 *submitting data;*

15 (B) *protects the safety, privacy, and con-*
16 *fidentiality of individuals, operators, and sub-*
17 *mitting entities submitting the data; and*

18 (C) *protects from disclosing—*

19 (i) *trade secrets; and*

20 (ii) *information obtained from a sub-*
21 *mitting entity that is commercial or finan-*
22 *cial and privileged or confidential, in ac-*
23 *cordance with section 552(b)(4) of title 5,*
24 *United States Code.*

25 (e) *CRASH DATA.—*

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Secretary shall
3 require submitting entities to submit information re-
4 garding collisions which occur during the operation of
5 an automated commercial motor vehicle on public
6 roads while the vehicle’s automated driving system is
7 engaged, including—

8 (A) *fatalities or bodily injury to persons*
9 *who, as a result of the injury, immediately re-*
10 *ceive medical treatment away from the scene of*
11 *a collision involving the automated commercial*
12 *motor vehicle;*

13 (B) *collisions or damage to property involv-*
14 *ing an automated commercial motor vehicle that*
15 *results in an automated commercial motor vehi-*
16 *cle or a motor vehicle being transported away*
17 *from the scene by a tow truck or other motor ve-*
18 *hicle;*

19 (C) *a full description of how the collision or*
20 *damage to property occurred, including, if appli-*
21 *cable, the role of the automated driving system;*
22 *and*

23 (D) *the mode of transportation used by any*
24 *road users involved in the collision, including*

1 *general road users, as such term is defined under*
2 *section 5304 of this Act.*

3 (2) *DATA AVAILABILITY.*—*The Secretary shall*
4 *ensure that any submitting entity submitting infor-*
5 *mation under this subsection that has a Department*
6 *of Transportation number or operating authority*
7 *from the Federal Motor Carrier Safety Administra-*
8 *tion—*

9 (A) *shall be subject to safety monitoring*
10 *and oversight under the Compliance, Safety, and*
11 *Accountability program of the Federal Motor*
12 *Carrier Safety Administration; and*

13 (B) *shall be included when the Secretary re-*
14 *stores the public availability of relevant safety*
15 *data under such program under section 4202(b)*
16 *of this Act.*

17 (3) *RULEMAKING.*—

18 (A) *IN GENERAL.*—*Not later than 1 year*
19 *after the date of enactment of this Act, the Sec-*
20 *retary shall initiate a rulemaking to define the*
21 *term “safety incident”, including collisions, with*
22 *respect to automated commercial motor vehicle*
23 *safety.*

24 (B) *UPDATE.*—*Notwithstanding paragraph*
25 (1), *the Secretary shall carry out this subsection*

1 to require submitting entities to submit informa-
2 tion regarding safety incidents instead of colli-
3 sions upon issuing a final rule under subpara-
4 graph (A).

5 (C) VOLUNTARY REPORTING.—

6 (i) IN GENERAL.—To support the rule-
7 making under this paragraph, the Secretary
8 shall establish a mechanism through which
9 entities may voluntarily report safety data
10 or other information regarding automated
11 commercial motor vehicles.

12 (ii) USE OF DATA.—The data collected
13 under this subparagraph may only be used
14 to support the rulemaking under this para-
15 graph.

16 (iii) PROTECTION FROM DISCLO-
17 SURE.—Data or other information sub-
18 mitted under this subparagraph—

19 (I) shall not be made publicly
20 available; and

21 (II) shall not be disclosed to the
22 public by the Secretary pursuant to
23 section 552(b)(4) of title 5, United
24 States Code, if the data or other infor-
25 mation is submitted to the Secretary

1 *voluntarily and is not required to be*
2 *submitted to the Secretary under any*
3 *other provision of law.*

4 (f) *DEFINITIONS.—In this section:*

5 (1) *AUTOMATED COMMERCIAL MOTOR VEHI-*
6 *CLE.—The term “Automated commercial motor vehi-*
7 *cle” means a commercial motor vehicle (as such term*
8 *is defined in section 31132 of title 49, United States*
9 *Code) that is designed to be operated by a level 3 or*
10 *level 4 automated driving system for trips within its*
11 *operational design domain or a level 5 automated*
12 *driving system for all trips according to the rec-*
13 *ommended taxonomy published in April 2021, by the*
14 *Society of Automotive Engineers International*
15 *(J3016__202104) or, when adopted, equivalent stand-*
16 *ards established by the Secretary under chapter 301*
17 *of title 49, United States Code, with respect to auto-*
18 *mated motor vehicles.*

19 (2) *BROKER.—The term “broker” has the mean-*
20 *ing given such term under section 13102 of title 49,*
21 *United States Code.*

22 (3) *EMPLOYER.—The term “employer” has the*
23 *meaning given such term under section 31132 of title*
24 *49, United States Code.*

1 (4) *FREIGHT FORWARDER*.—The term “freight
2 forwarder” has the meaning given such term in sec-
3 tion 13102 of title 49, United States Code.

4 (5) *MOTOR CARRIER*.—The term “motor carrier”
5 has the meaning given such term in section 13102 of
6 title 49, United States Code.

7 (6) *SUBMITTING ENTITY*.—The term “submitting
8 entity” means either—

9 (A) a motor carrier; or

10 (B) a company that is carrying out motor
11 carrier-related operations in interstate commerce
12 on public roads or an employer thereof, such as
13 a motor carrier, freight forwarder, or broker.

14 (7) *TRUCK PLATOONING*.—The term “truck
15 platooning” means a series of commercial motor vehi-
16 cles traveling in a unified manner with electronically
17 coordinated braking, acceleration, and steering with a
18 driver in the lead commercial motor vehicle.

19 (g) *DUPLICATIVE REPORTING*.—

20 (1) *IN GENERAL*.—The Secretary may not re-
21 quire duplicative reporting.

22 (2) *JOINT SUBMISSIONS*.—Submitting entities
23 working in partnership on the same automated com-
24 mercial motor vehicle operational trips shall make 1
25 submission of the information required under this sec-

1 *tion for each general route, as determined appropriate*
2 *by the Secretary.*

3 (3) *INFORMATION.*—*In developing the reporting*
4 *process required under subsection (c), the Secretary*
5 *shall ensure, to the extent practicable, that submitting*
6 *entities are not required to submit information pre-*
7 *viously reported to the Secretary under chapters 139*
8 *or 311 of title 49, United States Code.*

9 (h) *SAVINGS PROVISION.*—*Nothing in this section shall*
10 *add to or detract from any existing—*

11 (1) *enforcement authority of the Department of*
12 *Transportation; or*

13 (2) *authority to operate automated commercial*
14 *motor vehicles in interstate commerce on public roads.*

15 (i) *PENALTIES.*—*An entity that violates any provision*
16 *of this section shall be subject to civil penalties under sec-*
17 *tion 521(b)(2)(B), of title 49, United States Code, and*
18 *criminal penalties under section 521(b)(6)(A) of such title,*
19 *and any other applicable civil and criminal penalties, as*
20 *determined by the Secretary.*

21 (j) *TREATMENT.*—*In carrying out this section, the Sec-*
22 *retary shall treat truck platooning operations the same as*
23 *automated commercial motor vehicles.*

1 **SEC. 5310. TASK FORCE TO PROMOTE AMERICAN VEHICLE**
 2 **COMPETITIVENESS.**

3 (a) *IN GENERAL.*—Subtitle III of title 49, United
 4 States Code, is amended by adding at the end the following:

5 **“CHAPTER 66—DOMESTIC PRODUCTION**
 6 **OF ELECTRIC VEHICLES**

“Sec.

“6601. Task force.

“6602. Critical mineral sourcing.

7 **“§ 6601. Task force**

8 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
 9 tation shall establish a Task Force to Promote American
 10 Vehicle Competitiveness (hereinafter referred to as the ‘Task
 11 Force’) in accordance with this section.

12 “(b) *MEMBERSHIP.*—

13 “(1) *IN GENERAL.*—The Task Force shall be com-
 14 posed of the following officers:

15 “(A) The Secretary of Transportation.

16 “(B) The Secretary of the Interior.

17 “(C) The Secretary of Commerce.

18 “(D) The Secretary of Energy.

19 “(E) The Administrator of the Environ-
 20 mental Protection Agency.

21 “(2) *ADDITIONAL MEMBERS.*—The Secretary
 22 may designate additional members to serve on the
 23 Task Force.

1 “(3) *OFFICERS.*—*The Secretary of Transpor-*
2 *tation shall serve as Chair and may designate offi-*
3 *cials to serve as the Vice Chair, and on any working*
4 *groups of the task force.*

5 “(c) *DUTIES.*—*The Task Force shall—*

6 “(1) *identify and resolve any jurisdictional or*
7 *regulatory gaps or inconsistencies associated with do-*
8 *mestic sourcing and production of electric vehicle bat-*
9 *teries to eliminate, so far as practicable, impediments*
10 *to the prompt and safe deployment of domestically*
11 *produced electric vehicle batteries, including with re-*
12 *spect to safety regulation and oversight, environ-*
13 *mental review, and funding issues;*

14 “(2) *coordinate agency oversight of nontradi-*
15 *tional and emerging electric vehicle battery sourcing*
16 *and production technologies, projects, and engagement*
17 *with external stakeholders;*

18 “(3) *within applicable statutory authority other*
19 *than this subsection, develop, recommend, and estab-*
20 *lish processes, solutions, and best practices for identi-*
21 *fying, managing, and resolving issues regarding do-*
22 *mestic sourcing and production of electric vehicle bat-*
23 *teries; and*

1 “(4) carry out such additional duties as the Sec-
2 retary of Transportation may prescribe, to the extend
3 consistent with this title.

4 “(d) *REPORT*.—Not later than 12 months after the
5 date of enactment of this section, and annually thereafter,
6 the Task Force shall submit to the Committee on Transpor-
7 tation and Infrastructure of the House of Representatives
8 and the Committee on the Environment and Public Works
9 of the Senate a report containing findings on electric vehicle
10 battery sourcing and production issues in the United
11 States, recommended strategies or measures to streamline
12 sourcing and production and promote American competi-
13 tiveness, and any recommended legislative solutions.

14 **“§ 6602. Critical mineral sourcing**

15 “(a) *IN GENERAL*.—The Secretary of Transportation,
16 in conjunction with the Task Force to Promote American
17 Vehicle Competitiveness, shall coordinate with the appro-
18 priate agencies to increase domestic sourcing of critical
19 minerals and domestic production of electric vehicle bat-
20 teries.

21 “(b) *DEPARTMENT COORDINATION*.—The Department
22 of Transportation shall coordinate with the Task Force and
23 prioritize accordingly when making awards under section
24 5339(c) and sections 151 and 155 of title 23.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of chapters for*
 2 *subtitle III of title 49, United States Code, is amended by*
 3 *adding at the end the following new item:*

 “66. *Domestic Production of Electric Vehicles* 6601”.

4 ***Subtitle D—Surface Transportation***
 5 ***Funding Pilot Programs***

6 ***SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM***
 7 ***FUNDING PILOT.***

8 *Section 6020 of the FAST Act (23 U.S.C. 503 note)*
 9 *is amended—*

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

12 “(b) *ELIGIBILITY.*—

13 “(1) *APPLICATION.*—*To be eligible for a grant*
 14 *under this section, a State or group of States shall*
 15 *submit to the Secretary an application in such form*
 16 *and containing such information as the Secretary*
 17 *may require.*

18 “(2) *ELIGIBLE PROJECTS.*—*The Secretary may*
 19 *provide grants to States or a group of States under*
 20 *this section for the following projects:*

21 “(A) *STATE PILOT PROJECTS.*—

22 “(i) *IN GENERAL.*—*A pilot project to*
 23 *demonstrate a user-based alternative rev-*
 24 *enue mechanism in a State.*

1 “(ii) *LIMITATION.*—If an applicant
 2 has previously been awarded a grant under
 3 this section, such applicant’s proposed pilot
 4 project must be comprised of core activities
 5 or iterations not substantially similar in
 6 manner or scope to activities previously
 7 carried out by the applicant with a grant
 8 for a project under this section.

9 “(B) *STATE IMPLEMENTATION PROJECTS.*—
 10 A project—

11 “(i) to implement a user-based alter-
 12 native revenue mechanism that collects rev-
 13 enue to be expended on projects for the sur-
 14 face transportation system of the State; or

15 “(ii) that demonstrates progress to-
 16 wards implementation of a user-based alter-
 17 native revenue mechanism, with consider-
 18 ation for previous grants awarded to the
 19 applicant under this section.”;

20 (2) in subsection (c)—

21 (A) in paragraph (1) by striking “2 or
 22 more future”; and

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

24 “(6) To test solutions to ensure the privacy and
 25 security of data collected for the purpose of imple-

1 *menting a user-based alternative revenue mecha-*
2 *nism.”;*

3 *(3) in subsection (d) by striking “to test the de-*
4 *sign, acceptance, and implementation of a user-based*
5 *alternative revenue mechanism” and inserting “to test*
6 *the design and acceptance of, or implement, a user-*
7 *based alternative revenue mechanism”;*

8 *(4) in subsection (g) by striking “50 percent”*
9 *and inserting “80 percent”;*

10 *(5) in subsection (i) by inserting “and con-*
11 *taining a determination of the characteristics of the*
12 *most successful mechanisms with the highest potential*
13 *for future widespread deployment” before the period*
14 *at the end; and*

15 *(6) by striking subsections (j) and (k) and in-*
16 *serting the following:*

17 *“(j) FUNDING.—Of amounts made available to carry*
18 *out this section—*

19 *“(1) for fiscal year 2023, \$17,500,000 shall be*
20 *used to carry out projects under subsection (b)(2)(A)*
21 *and \$17,500,000 shall be used to carry out projects*
22 *under subsection (b)(2)(B);*

23 *“(2) for fiscal year 2024, \$15,000,000 shall be*
24 *used to carry out projects under subsection (b)(2)(A)*

1 and \$20,000,000 shall be used to carry out projects
2 under subsection (b)(2)(B);

3 “(3) for fiscal year 2025, \$12,500,000 shall be
4 used to carry out projects under subsection (b)(2)(A)
5 and \$22,500,000 shall be used to carry out projects
6 under subsection (b)(2)(B); and

7 “(4) for fiscal year 2026, \$10,000,000 shall be
8 used to carry out projects under subsection (b)(2)(A)
9 and \$25,000,000 shall be used to carry out projects
10 under subsection (b)(2)(B).

11 “(k) *FUNDING FLEXIBILITY.*—Funds made available
12 in a fiscal year for making grants for projects under sub-
13 section (b)(2) that are not obligated in such fiscal year may
14 be made available in the following fiscal year for projects
15 under such subsection or for the national surface transpor-
16 tation system funding pilot under section 5402 of the IN-
17 VEST in America Act.”.

18 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**

19 **FUNDING PILOT.**

20 (a) *ESTABLISHMENT.*—

21 (1) *IN GENERAL.*—The Secretary of Transpor-
22 tation, in coordination with the Secretary of the
23 Treasury, shall establish a pilot program to dem-
24 onstrate a national motor vehicle per-mile user fee to
25 restore and maintain the long-term solvency of the

1 *Highway Trust Fund and achieve and maintain a*
2 *state of good repair in the surface transportation sys-*
3 *tem.*

4 (2) *OBJECTIVES.—The objectives of the pilot pro-*
5 *gram are to—*

6 (A) *test the design, acceptance, implementa-*
7 *tion, and financial sustainability of a national*
8 *per-mile user fee;*

9 (B) *address the need for additional revenue*
10 *for surface transportation infrastructure and a*
11 *national per-mile user fee; and*

12 (C) *provide recommendations regarding*
13 *adoption and implementation of a national per-*
14 *mile user fee.*

15 (b) *PARAMETERS.—In carrying out the pilot program*
16 *established under subsection (a), the Secretary of Transpor-*
17 *tation, in coordination with the Secretary of the Treasury,*
18 *shall—*

19 (1) *provide different methods that volunteer par-*
20 *ticipants can choose from to track motor vehicle miles*
21 *traveled;*

22 (2) *solicit volunteer participants from all 50*
23 *States and the District of Columbia;*

24 (3) *ensure an equitable geographic distribution*
25 *by population among volunteer participants;*

1 (4) *include commercial vehicles and passenger*
2 *motor vehicles in the pilot program; and*

3 (5) *use components of, and information from, the*
4 *States selected for the State surface transportation*
5 *system funding pilot program under section 6020 of*
6 *the FAST Act (23 U.S.C. 503 note).*

7 (c) *METHODS.—*

8 (1) *TOOLS.—In selecting the methods described*
9 *in subsection (b)(1), the Secretary of Transportation*
10 *shall coordinate with entities that voluntarily provide*
11 *to the Secretary for use in the program any vehicle-*
12 *miles-traveled collection tools, which may include the*
13 *following:*

14 (A) *Third-party on-board diagnostic*
15 *(OBD–II) devices.*

16 (B) *Smart phone applications.*

17 (C) *Telemetric data collected by automakers.*

18 (D) *Motor vehicle data obtained by car in-*
19 *surance companies.*

20 (E) *Data from the States selected for the*
21 *State surface transportation system funding*
22 *pilot program under section 6020 of the FAST*
23 *Act (23 U.S.C. 503 note).*

1 (F) *Motor vehicle data obtained from fuel-*
 2 *ing stations, electric vehicle charging infrastruc-*
 3 *ture, or alternative fueling infrastructure.*

4 (G) *Any other method that the Secretary*
 5 *considers appropriate.*

6 (2) *COORDINATION.—*

7 (A) *SELECTION.—The Secretary shall deter-*
 8 *mine which methods under paragraph (1) are se-*
 9 *lected for the pilot program.*

10 (B) *VOLUNTEER PARTICIPANTS.—In a man-*
 11 *ner that the Secretary considers appropriate, the*
 12 *Secretary shall provide each selected method to*
 13 *each volunteer participant.*

14 (d) *PER-MILE USER FEES.—For the purposes of the*
 15 *pilot program established in subsection (a), the Secretary*
 16 *of the Treasury shall establish on an annual basis—*

17 (1) *for passenger vehicles and light trucks, a per-*
 18 *mile user fee that is equivalent to—*

19 (A) *the average annual taxes imposed by*
 20 *sections 4041 and 4081 of the Internal Revenue*
 21 *Code of 1986 with respect to gasoline or any*
 22 *other fuel used in a motor vehicle (other than*
 23 *aviation gasoline or diesel fuel), divided by*

24 (B) *the total vehicle miles traveled by pas-*
 25 *senger 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.*

1 (f) *ADVISORY BOARD.*—

2 (1) *IN GENERAL.*—*The Secretary shall establish*
3 *an advisory board to advise the Secretary on—*

4 (A) *advancing and implementing the pilot*
5 *program under this section;*

6 (B) *carrying out the public awareness cam-*
7 *paign under subsection (g); and*

8 (C) *developing the report under subsection*
9 *(m).*

10 (2) *MEMBERS.*—*The advisory board shall, at a*
11 *minimum, include the following entities, to be ap-*
12 *pointed by the Secretary—*

13 (A) *State departments of transportation;*

14 (B) *any public or nonprofit entity that led*
15 *a surface transportation system funding alter-*
16 *natives pilot project under section 6020 of the*
17 *FAST Act (23 U.S.C. 503 note; Public Law 114–*
18 *94) (as in effect on the day before the date of en-*
19 *actment of this Act);*

20 (C) *representatives of the trucking industry,*
21 *including owner-operator independent drivers;*

22 (D) *data security experts with expertise in*
23 *personal privacy;*

24 (E) *academic experts on surface transpor-*
25 *tation;*

1 (F) consumer advocates; and

2 (G) advocacy groups focused on equity.

3 (g) *PUBLIC AWARENESS CAMPAIGN.*—

4 (1) *IN GENERAL.*—*The Secretary of Transpor-*
5 *tation, with guidance from the advisory board under*
6 *subsection (f), may carry out a public awareness*
7 *campaign to increase public awareness regarding a*
8 *national per-mile user fee, including distributing in-*
9 *formation related to the pilot program carried out*
10 *under this section, information from the State surface*
11 *transportation system funding pilot program under*
12 *section 6020 of the FAST Act (23 U.S.C. 503 note),*
13 *and information related to consumer privacy.*

14 (2) *CONSIDERATIONS.*—*In carrying out the pub-*
15 *lic awareness campaign under this subsection, the*
16 *Secretary shall consider issues unique to each State.*

17 (h) *REVENUE COLLECTION.*—*The Secretary of the*
18 *Treasury, in coordination with the Secretary of Transpor-*
19 *tation, shall establish a mechanism to collect per-mile user*
20 *fees established under subsection (d) from volunteer partici-*
21 *pants. Such mechanism—*

22 (1) *may be adjusted as needed to address tech-*
23 *nical challenges; and*

1 (2) *may allow third-party vendors to collect the*
2 *per-mile user fees and forward such fees to the Treas-*
3 *ury.*

4 (i) *AGREEMENT.—The Secretary of Transportation*
5 *may enter into an agreement with a volunteer participant*
6 *or an owner of data or technologies, as describe under para-*
7 *graph (c)(1) containing such terms and conditions as the*
8 *Secretary considers necessary for participation in the pilot*
9 *program.*

10 (j) *LIMITATION.—Any revenue collected through the*
11 *mechanism established in subsection (h) shall not be consid-*
12 *ered a toll under section 301 of title 23, United States Code.*

13 (k) *HIGHWAY TRUST FUND.—The Secretary of the*
14 *Treasury shall ensure that any revenue collected under sub-*
15 *section (h) is deposited into the Highway Trust Fund.*

16 (l) *REFUND.—Not more than 45 days after the end of*
17 *each calendar quarter in which a volunteer participant has*
18 *participated in the pilot program, the Secretary of the*
19 *Treasury shall calculate and issue an equivalent refund to*
20 *volunteer participants for applicable Federal motor fuel*
21 *taxes under section 4041 and section 4081 of the Internal*
22 *Revenue Code of 1986, the applicable battery tax under sec-*
23 *tion 4111 of such Code, or both, if applicable.*

24 (m) *REPORT TO CONGRESS.—Not later than 1 year*
25 *after the date on which volunteer participants begin par-*

1 *ticipating in the pilot program, and each year thereafter*
2 *for the duration of the pilot program, the Secretary of*
3 *Transportation and the Secretary of the Treasury shall sub-*
4 *mit to the Committee on Transportation and Infrastructure*
5 *of the House of Representatives and the Committee on Envi-*
6 *ronment and Public Works of the Senate a report that in-*
7 *cludes an analysis of—*

8 *(1) whether the objectives described in subsection*
9 *(a)(2) were achieved;*

10 *(2) how volunteer protections in subsection (e)(2)*
11 *were complied with;*

12 *(3) whether per-mile user fees can maintain the*
13 *long-term solvency of the Highway Trust Fund and*
14 *achieve and maintain a state of good repair in the*
15 *surface transportation system;*

16 *(4) how the personal privacy of volunteers was*
17 *maintained; and*

18 *(5) equity effects of the pilot program, including*
19 *the effects of the program on low-income commuters.*

20 *(n) INFORMATION COLLECTION.—Any survey, ques-*
21 *tionnaire, or interview that the Secretary determines to be*
22 *necessary to carry out reporting requirements relating to*
23 *any program assessment or evaluation activity under this*
24 *section, including customer satisfaction assessments, shall*

1 *not be subject to chapter 35 of title 44, United States Code*
 2 *(commonly known as the “Paperwork Reduction Act”).*

3 (o) *SUNSET.—The pilot program established under*
 4 *this section shall expire on the date that is 4 years after*
 5 *the date on which volunteer participants begin partici-*
 6 *pating in such program.*

7 (p) *DEFINITIONS.—In this section, the following defi-*
 8 *nitions apply:*

9 (1) *COMMERCIAL VEHICLE.—The term “commer-*
 10 *cial vehicle” has the meaning given the term commer-*
 11 *cial motor vehicle in section 31101 of title 49, United*
 12 *States Code.*

13 (2) *HIGHWAY TRUST FUND.—The term “High-*
 14 *way Trust Fund” means the Highway Trust Fund es-*
 15 *tablished under section 9503 of the Internal Revenue*
 16 *Code of 1986.*

17 (3) *LIGHT TRUCK.—The term “light truck” has*
 18 *the meaning given the term in section 523.2 of title*
 19 *49, Code of Federal Regulations.*

20 (4) *MEDIUM- AND HEAVY-DUTY TRUCK.—The*
 21 *term “medium- and heavy-duty truck” has the mean-*
 22 *ing given the term “commercial medium- and heavy-*
 23 *duty on-highway vehicle” in section 32901(a) of title*
 24 *49, United States Code.*

1 (5) *PER-MILE USER FEE*.—The term “per-mile
2 *user fee*” means a revenue mechanism that—

3 (A) is applied to road users operating
4 *motor vehicles on the surface transportation sys-*
5 *tem; and*

6 (B) is based on the number of vehicle miles
7 *traveled by an individual road user.*

8 (6) *VOLUNTEER PARTICIPANT*.—The term “vol-
9 *unteer participant*” means—

10 (A) an owner or lessee of an individual pri-
11 *vate motor vehicle who volunteers to participate*
12 *in the pilot program;*

13 (B) a commercial vehicle operator who vol-
14 *unteers to participate in the pilot program; or*

15 (C) an owner of a motor vehicle fleet who
16 *volunteers to participate in the pilot program.*

17 ***Subtitle E—Miscellaneous***

18 ***SEC. 5501. ERGONOMIC SEATING WORKING GROUP.***

19 (a) *IN GENERAL*.—

20 (1) *ESTABLISHMENT*.—Not later than 180 days
21 *after the date of enactment of this Act, the Secretary*
22 *of Transportation shall convene a working group to*
23 *examine the seating standards for commercial drivers.*

24 (2) *MEMBERS*.—At a minimum, the working
25 *group shall include—*

- 1 (A) *seat manufacturers;*
- 2 (B) *commercial vehicle manufacturers;*
- 3 (C) *transit vehicle manufacturers;*
- 4 (D) *labor representatives for the trucking*
5 *industry;*
- 6 (E) *representatives from organizations en-*
7 *gaged in collective bargaining on behalf of tran-*
8 *sit workers in not fewer than three States; and*
- 9 (F) *musculoskeletal health experts.*

10 (b) *OBJECTIVES.*—*The Secretary shall pursue the fol-*
11 *lowing objectives through the working group:*

12 (1) *To identify health issues, including musculo-*
13 *skeletal health issues, that afflict commercial drivers*
14 *due to sitting for long periods of time while on duty.*

15 (2) *To identify the impact that commercial vehi-*
16 *cle sizing, design, and safety measures have on women*
17 *in comparison to men, and to identify designs that*
18 *may improve the health and safety of women drivers.*

19 (3) *To identify research topics for further devel-*
20 *opment and best practices to improve seating.*

21 (4) *To determine ways to incorporate improved*
22 *seating into manufacturing standards for public tran-*
23 *sit vehicles and commercial vehicles.*

24 (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 Senate 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.

1 (2) *SECTION 6307.*—*Section 6307(b) of title 49,*
 2 *United States Code, is amended—*

3 *(A) in paragraph (1)—*

4 *(i) in subparagraph (A) by striking*
 5 *“or section 6314(b)”;*

6 *(ii) in subparagraph (B) by striking*
 7 *“or section 6314(b)”;* *and*

8 *(iii) in subparagraph (C) by striking*
 9 *“or section 6314(b)”;* *and*

10 *(B) in paragraph (2)(A) by striking “or*
 11 *section 6314(b)”.*

12 ***SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH PRO-***
 13 ***GRAM.***

14 *(a) IN GENERAL.*—*Subchapter I of chapter 55 of title*
 15 *49, United States Code, is further amended by adding at*
 16 *the end the following:*

17 ***“§ 5508. Transportation workforce outreach program***

18 *“(a) IN GENERAL.—The Secretary shall establish and*
 19 *administer a transportation workforce outreach program*
 20 *that carries out a series of public service announcement*
 21 *campaigns during fiscal years 2023 through 2026.*

22 *“(b) PURPOSE.—The purpose of each campaign car-*
 23 *ried out under the program shall be to achieve the following*
 24 *objectives:*

1 “(1) *Increase awareness of career opportunities*
2 *in the transportation sector, including aviation pilots,*
3 *safety inspectors, mechanics and technicians, mari-*
4 *time transportation workers, air traffic controllers,*
5 *flight attendants, truck drivers, engineers, transit*
6 *workers, railroad workers, and other transportation*
7 *professionals.*

8 “(2) *Increase diversity, including race, gender,*
9 *ethnicity, and socioeconomic status, of professionals*
10 *in the transportation sector.*

11 “(c) *ADVERTISING.—The Secretary may use, or au-*
12 *thorize the use of, funds available to carry out the program*
13 *for the development, production, and use of broadcast, dig-*
14 *ital, and print media advertising and outreach in carrying*
15 *out campaigns under this section.*

16 “(d) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
17 *out this section, there are authorized to be appropriated*
18 *\$5,000,000 for each fiscal years 2023 through 2026.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections for*
20 *chapter 55 of subchapter I of title 49, United States Code,*
21 *is further amended by inserting after the item relating to*
22 *section 5507, as added by this Act, the following:*

 “5508. *Transportation workforce outreach program.”.*

1 **SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STA-**
2 **TISTICS.**

3 *Section 6305 of title 49, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a), by striking “The Director”*
6 *and all that follows to the period and inserting “Not-*
7 *withstanding section 418 of the FAA Reauthorization*
8 *Act of 2018 (Public Law 115–254), not later than 6*
9 *months after the date of enactment of the INVEST in*
10 *America Act, the Director shall establish and consult*
11 *with an advisory council on transportation statis-*
12 *tics.”; and*

13 *(2) by striking subsection (d)(3).*

14 **SEC. 5505. GAO REVIEW OF DISCRETIONARY GRANT PRO-**
15 **GRAMS.**

16 *(a) IN GENERAL.—Not later than 2 years after the*
17 *date of enactment of this Act, the Comptroller General of*
18 *the United States shall submit to the Committee on Trans-*
19 *portation and Infrastructure of the House of Representa-*
20 *tives and the Committee on Environment and Public*
21 *Works, the Committee on Banking, Housing, and Urban Af-*
22 *airs, and the Committee on Commerce, Science, and Trans-*
23 *portation of the Senate a review of the extent to which the*
24 *Secretary is considering the needs of and awarding funding*
25 *through covered discretionary grant programs to projects*
26 *that serve—*

- 1 (1) *low-income communities;*
- 2 (2) *minority communities; and*
- 3 (3) *populations that are underserved or have*
- 4 *limited transportation choices.*

5 (b) *RECOMMENDATIONS.—The Comptroller General*
 6 *shall include as part of the review under subsection (a) rec-*
 7 *ommendations to the Secretary on possible means to im-*
 8 *prove consideration of projects that serve the unique needs*
 9 *of communities described in subsection (a)(1).*

10 (c) *DEFINITION OF COVERED DISCRETIONARY GRANT*
 11 *PROGRAM.—For purposes of this section, the term “covered*
 12 *discretionary grant programs” means the Projects of Na-*
 13 *tional and Regional Significance program under section*
 14 *117 of title 23, the Community Transportation Investment*
 15 *Grant program under section 173 of such title, and the*
 16 *Community Climate Innovation Grant program under sec-*
 17 *tion 172 of such title.*

18 **TITLE VI—MULTIMODAL**

19 **TRANSPORTATION**

20 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

21 *Section 70101(b) of title 49, United States Code, is*
 22 *amended—*

23 (1) *in paragraph (2) by inserting “in rural and*
 24 *urban areas” after “freight transportation”;*

25 (2) *in paragraph (7)—*

1 (A) in subparagraph (B) by striking “;
2 and” and inserting a semicolon;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B) the
6 following:

7 “(C) travel within population centers; and”;

8 (3) in paragraph (9) by striking “; and” and in-
9 serting the following: “including—

10 “(A) greenhouse gas emissions;

11 “(B) local air pollution;

12 “(C) minimizing, capturing, or treating
13 stormwater runoff or other adverse impacts to
14 water quality; and

15 “(D) wildlife habitat loss;”;

16 (4) by redesignating paragraph (10) as para-
17 graph (11); and

18 (5) by inserting after paragraph (9) the fol-
19 lowing:

20 “(10) to decrease any adverse impact of freight
21 transportation on communities located near freight
22 facilities or freight corridors; and”.

1 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

2 Section 70102(c) of title 49, United States Code, is
3 amended by striking “shall” and all that follows through
4 the end and inserting the following: “shall—

5 “(1) update the plan and publish the updated
6 plan on the public website of the Department of
7 Transportation; and

8 “(2) include in the update described in para-
9 graph (1)—

10 “(A) each item described in subsection (b);
11 and

12 “(B) best practices to reduce the adverse en-
13 vironmental impacts of freight-related—

14 “(i) greenhouse gas emissions;

15 “(ii) local air pollution;

16 “(iii) stormwater runoff or other ad-
17 verse impacts to water quality; and

18 “(iv) wildlife habitat loss.”.

19 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

20 Section 70103 of title 49, United States Code, is
21 amended—

22 (1) in subsection (b)(2)(C) by striking “of the
23 United States that have” and inserting the following:

24 “of the United States that—

25 “(i) have a total annual value of cargo
26 of at least \$1,000,000,000, as identified by

1 *United States Customs and Border Protec-*
2 *tion and reported by the Bureau of the Cen-*
3 *sus; or*

4 *“(ii) have”; and*

5 *(2) in subsection (c)—*

6 *(A) in paragraph (1) by striking “Not later*
7 *than 1 year after the date of enactment of this*
8 *section,” and inserting the following:*

9 *“(A) REPORT TO CONGRESS.—Not later*
10 *than 30 days after the date of enactment of the*
11 *INVEST in America Act, the Secretary shall*
12 *submit to the Committee on Transportation and*
13 *Infrastructure of the House of Representatives*
14 *and the Committee on Commerce, Science, and*
15 *Transportation of the Senate a report detailing*
16 *a plan to designate a final National Multimodal*
17 *Freight Network, including a detailed summary*
18 *of the resources within the Office of the Secretary*
19 *that will be dedicated to carrying out such plan.*

20 *“(B) DESIGNATION OF NATIONAL*
21 *MULTIMODAL FREIGHT NETWORK.—Not later*
22 *than 60 days after the submission of the report*
23 *described in subparagraph (A),”;*

24 *(B) in paragraph (3)(C)—*

1 (i) by inserting “and metropolitan
2 planning organizations” after “States”; and

3 (ii) by striking “paragraph (4)” and
4 inserting “paragraphs (4) and (5)”;

5 (C) in paragraph (4)—

6 (i) in the header by inserting “AND
7 METROPOLITAN PLANNING ORGANIZATION”
8 after “STATE”;

9 (ii) by redesignating subparagraph (D)
10 as subparagraph (E); and

11 (iii) by striking subparagraph (C) and
12 inserting the following:

13 “(C) CRITICAL URBAN FREIGHT FACILITIES
14 AND CORRIDORS.—

15 “(i) AREA WITH A POPULATION OF
16 OVER 500,000.—In an urbanized area with a
17 population of 500,000 or more individuals,
18 the representative metropolitan planning
19 organization, in consultation with the
20 State, may designate a freight facility or
21 corridor within the borders of the State as
22 a critical urban freight facility or corridor.

23 “(ii) AREA WITH A POPULATION OF
24 LESS THAN 500,000.—In an urbanized area
25 with a population of less than 500,000 indi-

viduals, the State, in consultation with the representative metropolitan planning organization, may designate a freight facility 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;

1 “(V) provides access to a signifi-
 2 cant air, rail, water, or other freight
 3 facility in the State; or

4 “(VI) is important to the move-
 5 ment of freight within the region, as
 6 determined by the metropolitan plan-
 7 ning organization or the State.

8 “(D) LIMITATION.—A State may propose
 9 additional designations to the National
 10 Multimodal Freight Network in the State in an
 11 amount that is—

12 “(i) for a highway project, not more
 13 than 20 percent of the total mileage des-
 14 ignated by the Under Secretary in the
 15 State; and

16 “(ii) for a non-highway project, using
 17 a limitation determined by the Under Sec-
 18 retary.”; and

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

20 “(5) REQUIRED NETWORK COMPONENTS.—In
 21 designating or redesignating the National Multimodal
 22 Freight Network, the Under Secretary shall ensure
 23 that the National Multimodal Freight Network in-
 24 cludes the components described in subsection (b)(2).”.

1 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

2 Section 70201(a) of title 49, United States Code, is
3 amended by striking “and local governments” and inserting
4 “local governments, metropolitan planning organizations,
5 and the departments with responsibility for environmental
6 protection and air quality of the State”.

7 **SEC. 6005. STATE FREIGHT PLANS.**

8 Section 70202(b) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (3)(A) by inserting “and
11 urban” after “rural”;

12 (2) in paragraph (9) by striking “; and” and in-
13 serting a semicolon;

14 (3) by redesignating paragraph (10) as para-
15 graph (12); and

16 (4) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) strategies and goals to decrease freight-re-
19 lated—

20 “(A) greenhouse gas emissions;

21 “(B) local air pollution;

22 “(C) stormwater runoff or other adverse im-
23 pacts to water quality; and

24 “(D) wildlife habitat loss;

25 “(11) strategies and goals to decrease any ad-
26 verse impact of freight transportation on communities

1 *located near freight facilities or freight corridors;*
2 *and”.*

3 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

4 *(a) STUDY.—Not later than 90 days after the date of*
5 *enactment of this Act, the Secretary of Transportation, in*
6 *consultation with the Secretary of the Treasury and the*
7 *Commissioner of the Internal Revenue Service, shall estab-*
8 *lish a joint task force to study the establishment and admin-*
9 *istration of a fee on multimodal freight surface transpor-*
10 *tation services.*

11 *(b) CONTENTS.—The study required under subsection*
12 *(a) shall include the following:*

13 *(1) An estimation of the revenue that a fee of up*
14 *to 1 percent on freight transportation services would*
15 *raise.*

16 *(2) An identification of the entities that would*
17 *be subject to such a fee paid by the owners or sup-*
18 *pliers of cargo.*

19 *(3) An analysis of the administrative capacity of*
20 *Federal agencies and freight industry participants to*
21 *collect such a fee and ensure compliance with fee re-*
22 *quirements.*

23 *(4) Policy options to prevent avoidance of such*
24 *a fee, including diversion of freight services to foreign*
25 *countries.*

1 (c) *REPORT*.—Not later than 1 year after the date of
 2 enactment of this Act, the Secretary of Transportation shall
 3 submit to the Committee on Transportation and Infrastruc-
 4 ture and the Committee on Ways and Means of the House
 5 of Representatives and the Committee on Environment and
 6 Public Works and the Committee on Finance of the Senate
 7 the study required under subsection (a).

8 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
 9 **NOVATIVE FINANCE BUREAU.**

10 Section 116 of title 49, United States Code, is amend-
 11 ed—

12 (1) in subsection (b) by striking paragraph (1)
 13 and inserting the following:

14 “(1) to provide assistance and communicate best
 15 practices and financing and funding opportunities to
 16 eligible entities for the programs referred to in sub-
 17 section (d)(1), including by—

18 “(A) conducting proactive outreach to com-
 19 munities located outside of metropolitan or
 20 micropolitan statistical areas (as such areas are
 21 defined by the Office of Management and Budget
 22 et) using data from the most recent decennial
 23 Census; and

24 “(B) coordinating with the Office of Rural
 25 Development of the Department of Agriculture,

1 *the Office of Community Revitalization of the*
 2 *Environmental Protection Agency, and any*
 3 *other agencies that provide technical assistance*
 4 *for rural communities, as determined by the Ex-*
 5 *ecutive Director;”;*

6 *(2) by redesignating subsection (j) as subsection*
 7 *(k); and*

8 *(3) by inserting after subsection (i) the following:*

9 *“(j) ANNUAL PROGRESS REPORT.—Not later than 1*
 10 *year after the date of enactment of this subsection, and an-*
 11 *nually thereafter, the Executive Director shall submit to the*
 12 *Committee on Transportation and Infrastructure of the*
 13 *House of Representatives and the Committee on Environ-*
 14 *ment and Public Works of the Senate a report detailing—*

15 *“(1) the use of funds authorized under section*
 16 *605(f) of title 23; and*

17 *“(2) the progress of the Bureau in carrying out*
 18 *the purposes described in subsection (b).”.*

19 **SEC. 6008. TRANSPORTATION EQUITY ADVISORY COM-**
 20 **MITTEE.**

21 *(a) ESTABLISHMENT.—*

22 *(1) IN GENERAL.—Not later than 120 days after*
 23 *the date of enactment of this Act, the Secretary of*
 24 *Transportation shall establish an advisory committee,*
 25 *to be known as the Transportation Equity Committee*

1 (referred to in this section as the “Committee”), re-
2 garding comprehensive and interdisciplinary issues
3 related to transportation equity from a variety of
4 stakeholders in transportation planning, design, re-
5 search, policy, and advocacy.

6 (2) *PURPOSE OF THE ADVISORY COMMITTEE.*—

7 The Committee established under paragraph (1) shall
8 provide independent advice and recommendations to
9 the Secretary on transportation equity, including de-
10 veloping a strategic plan with recommendations to
11 the Secretary on national transportation metrics and
12 the effect on such factors as economic development,
13 connectivity, and public engagement.

14 (b) *DUTIES.*—The Committee shall evaluate the work
15 of the Department of Transportation in connecting people
16 to economic and related forms of opportunity and revitalize
17 communities in carrying out its strategic, research, techno-
18 logical, regulatory, community engagement, and economic
19 policy activities related to transportation and opportunity.
20 Decisions directly affecting implementation of transpor-
21 tation policy remain with the Secretary.

22 (c) *MEMBERSHIP.*—

23 (1) *IN GENERAL.*—The Secretary shall appoint
24 an odd number of members of not less than 9 but not
25 more than 15 members (with a quorum consisting of

1 *a majority of members rounded up to the nearest odd*
2 *number), to include balanced representation from*
3 *academia, community groups, industry and business,*
4 *non-governmental organizations, State and local gov-*
5 *ernments, federally recognized Tribal Governments,*
6 *advocacy organizations, and indigenous groups with*
7 *varying points of view.*

8 (2) *BROAD REPRESENTATION.—To the extent*
9 *practicable, members of the Committee shall reflect a*
10 *variety of backgrounds and experiences, geographic*
11 *diversity, including urban, rural, tribal, territories,*
12 *and underserved and marginalized communities*
13 *throughout the country, and individuals with exper-*
14 *tise in related areas such as housing, health care, and*
15 *the environment.*

16 (3) *REPLACEMENT FOR NON-ACTIVE MEMBERS*
17 *.—The Secretary may remove a non-active member*
18 *who misses 3 consecutive meetings and appoint a re-*
19 *placement to service for the period of time set forth*
20 *in paragraph (5).*

21 (4) *MEETINGS.—The Committee shall meet not*
22 *less than 2 times each year with not more than 9*
23 *months between meetings at a reasonable time, in a*
24 *place accessible to the public, and in a room large*
25 *enough to accommodate the Committee members, staff,*

1 *and reasonable number of interested members of the*
2 *public. The room in which the Committee meets shall*
3 *be large enough to accommodate at least 100 and*
4 *shall be compliant with the Americans with Disabil-*
5 *ities Act of 1990 (42 U.S.C. 12101 et seq.).*

6 (5) *TERM.—Each member of the Committee shall*
7 *serve a 2-year term with not more than 2 consecutive*
8 *term reappointments, but may continue service until*
9 *a replacement is appointed.*

10 (6) *SUPPORT.—The Office of the Under Sec-*
11 *retary for Policy of the Department of the Depart-*
12 *ment of Transportation shall provide necessary fund-*
13 *ing, logistics, and administrative support for the*
14 *Committee.*

15 (d) *APPLICATION OF FACA.—The Federal Advisory*
16 *Committee Act (5 U.S.C. App.) shall apply to the Com-*
17 *mittee established under this section, with the exception of*
18 *section 14 of such Act.*

19 **SEC. 6009. SENSE OF CONGRESS.**

20 *It is the sense of the Congress that walking, bicycling,*
21 *and public transportation are complementary modes of*
22 *transportation, and that pedestrian and bicycle pathways*
23 *and related improvements within the right-of-way of public*
24 *transportation are an appropriate use of the right-of-way*
25 *for the benefit of the public, do not exceed the reasonable*

1 *use of the right-of-way, and every effort should be made to*
 2 *support the development and safe operation of such pedes-*
 3 *trian and bicycle pathways.*

4 ***TITLE VII—TRANSPORTATION***
 5 ***INFRASTRUCTURE FINANCE***
 6 ***AND INNOVATION ACT***

7 ***SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE***
 8 ***AND INNOVATION ACT.***

9 *(a) CREDITWORTHINESS.—Section 602(a)(2) of title*
 10 *23, United States Code, is amended—*

11 *(1) in subparagraph (A)(iv)—*

12 *(A) by striking “a rating” and inserting*
 13 *“an investment grade rating”; and*

14 *(B) by striking “\$75,000,000” and inserting*
 15 *“\$150,000,000”; and*

16 *(2) in subparagraph (B)—*

17 *(A) by striking “the senior debt” and insert-*
 18 *ing “senior debt”; and*

19 *(B) by striking “credit instrument is for an*
 20 *amount less than \$75,000,000” and inserting*
 21 *“total amount of other senior debt and the Fed-*
 22 *eral credit instrument is less than*
 23 *\$150,000,000”.*

24 *(b) BUY AMERICA APPLICATION.—Section 602(c)(1) of*
 25 *title 23, United States Code, is amended by striking “of*

1 title 49” inserting “and section 22905(a) of title 49, subject
2 to the requirements of section 5320(o) of title 49,”.

3 (c) *NON-FEDERAL SHARE*.—Section 603(b) of title 23,
4 United States Code, is amended by striking paragraph (8)
5 and inserting the following:

6 “(8) *NON-FEDERAL SHARE*.—Notwithstanding
7 paragraph (9) and section 117(j)(2), the proceeds of
8 a secured loan under the TIFIA program shall be con-
9 sidered to be part of the non-Federal share of project
10 costs required under this title or chapter 53 of title
11 49, if the loan is repayable from non-Federal funds.”.

12 (d) *EXEMPTION OF FUNDS FROM TIFIA FEDERAL*
13 *SHARE REQUIREMENT*.—Section 603(b)(9) of title 23,
14 United States Code, is amended by adding at the end the
15 following:

16 “(C) *TERRITORIES*.—Funds provided for a
17 territory under section 165(c) shall not be con-
18 sidered Federal assistance for purposes of sub-
19 paragraph (A).”.

20 (e) *STREAMLINED APPLICATION PROCESS*.—Section
21 603(f) of title 23, United States Code, is amended by adding
22 at the end the following:

23 “(3) *ADDITIONAL TERMS FOR EXPEDITED DECI-*
24 *SIONS*.—

1 “(A) *IN GENERAL.*—Not later than 120
2 days after the date of enactment of this para-
3 graph, the Secretary shall implement an expe-
4 dited decision timeline for public agency bor-
5 rowers seeking secured loans that meet—

6 “(i) the terms under paragraph (2);
7 and

8 “(ii) the additional criteria described
9 in subparagraph (B).

10 “(B) *ADDITIONAL CRITERIA.*—The addi-
11 tional criteria referred to in subparagraph
12 (A)(ii) are the following:

13 “(i) The secured loan is made on terms
14 and conditions that substantially conform
15 to the conventional terms and conditions es-
16 tablished by the National Surface Transpor-
17 tation Innovative Finance Bureau.

18 “(ii) The secured loan is rated in the
19 A category or higher.

20 “(iii) The TIFIA program share of eli-
21 gible project costs is 33 percent or less.

22 “(iv) The applicant demonstrates a
23 reasonable expectation that the contracting
24 process for the project can commence by not
25 later than 90 days after the date on which

1 *a Federal credit instrument is obligated for*
2 *the project under the TIFIA program.*

3 “(v) *The project has received a categor-*
4 *ical exclusion, a finding of no significant*
5 *impact, or a record of decision under the*
6 *National Environmental Policy Act of 1969*
7 *(42 U.S.C. 4321 et seq.).*

8 “(C) *WRITTEN NOTICE.—The Secretary*
9 *shall provide to an applicant seeking a secured*
10 *loan under the expedited decision process under*
11 *this paragraph a written notice informing the*
12 *applicant whether the Secretary has approved or*
13 *disapproved the application by not later than*
14 *180 days after the date on which the Secretary*
15 *submits to the applicant a letter indicating that*
16 *the National Surface Transportation Innovative*
17 *Finance Bureau has commenced the credit-*
18 *worthiness review of the project.”.*

19 (f) *ASSISTANCE TO SMALL PROJECTS.—Section*
20 *605(f)(1) of title 23, United States Code, is amended by*
21 *striking “\$2,000,000” and inserting “\$3,000,000”.*

22 (g) *ADMINISTRATIVE FUNDS.—Section 608(a)(5) of*
23 *title 23, United States Code, is amended by striking*
24 *“\$6,875,000” and all that follows through the period and*

1 inserting “2.5 percent for the administration of the TIFIA
2 program.”.

3 (h) *APPLICATION PROCESS REPORT.*—Section
4 609(b)(2)(A) of title 23, United States Code, is amended—

5 (1) in clause (iv) by striking “and”;

6 (2) in clause (v) by striking the period at the
7 end and inserting “; and”; and

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

9 “(vi) whether the project is located in
10 a metropolitan statistical area,
11 micropolitan statistical area, or neither (as
12 such areas are defined by the Office of Man-
13 agement and Budget).”.

14 (i) *STATUS REPORTS.*—Section 609 of title 23, United
15 States Code, is amended by adding at the end the following:

16 “(c) *STATUS REPORTS.*—

17 “(1) *IN GENERAL.*—The Secretary shall publish
18 on the website for the TIFIA program—

19 “(A) on a monthly basis, a current status
20 report on all submitted letters of interest and ap-
21 plications received for assistance under the
22 TIFIA program; and

23 “(B) on a quarterly basis, a current status
24 report on all approved applications for assist-
25 ance under the TIFIA program.

1 “(2) *INCLUSIONS.—Each monthly and quarterly*
 2 *status report under paragraph (1) shall include, at a*
 3 *minimum, with respect to each project included in the*
 4 *status report—*

5 “(A) *the name of the party submitting the*
 6 *letter of interest or application;*

7 “(B) *the name of the project;*

8 “(C) *the date on which the letter of interest*
 9 *or application was received;*

10 “(D) *the estimated project eligible costs;*

11 “(E) *the type of credit assistance sought;*

12 *and*

13 “(F) *the anticipated fiscal year and quarter*
 14 *for closing of the credit assistance.”.*

15 ***DIVISION C—HAZARDOUS*** 16 ***MATERIALS TRANSPORTATION***

17 ***SEC. 8001. SHORT TITLE.***

18 *This division may be cited as the “Improving Haz-*
 19 *ardous Materials Safety Act of 2021”.*

20 ***TITLE I—AUTHORIZATIONS***

21 ***SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.***

22 *Section 5128 of title 49, United States Code, is amend-*
 23 *ed—*

24 (1) *in subsection (a) by striking paragraphs (1)*
 25 *through (5) and inserting the following:*

1 “(1) \$75,000,000 for fiscal year 2022;
2 “(2) \$70,000,000 for fiscal year 2023;
3 “(3) \$71,000,000 for fiscal year 2024;
4 “(4) \$73,000,000 for fiscal year 2025; and
5 “(5) \$74,000,000 for fiscal year 2026.”;

6 (2) in subsection (b)—

7 (A) by striking “fiscal years 2016 through
8 2020” and inserting “fiscal years 2022 through
9 2026”;

10 (B) in paragraph (1) by striking
11 “\$21,988,000” and inserting “\$24,025,000”; and

12 (C) in paragraph (4) by striking
13 “\$1,000,000” and inserting “\$2,000,000”;

14 (3) in subsection (c) by striking “\$4,000,000 for
15 each of fiscal years 2016 through 2020” and inserting
16 “\$5,000,000 for each of fiscal years 2022 through
17 2026”;

18 (4) in subsection (d) by striking “\$1,000,000 for
19 each of fiscal years 2016 through 2020” and inserting
20 “\$4,000,000 for each of fiscal years 2022 through
21 2026”;

22 (5) by redesignating subsection (e) as subsection
23 (f); and

24 (6) by inserting after subsection (d) the fol-
25 lowing:

1 “(e) *ASSISTANCE WITH LOCAL EMERGENCY RE-*
 2 *SPONDER TRAINING GRANTS.—From the Hazardous Mate-*
 3 *rials Emergency Preparedness Fund established under sec-*
 4 *tion 5116(h), the Secretary may expend \$1,800,000 for each*
 5 *of fiscal years 2022 through 2026 to carry out the grant*
 6 *program under section 5107(j).”.*

7 ***TITLE II—HAZARDOUS MATE-***
 8 ***RIALS SAFETY AND IMPROVE-***
 9 ***MENT***

10 ***SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED***
 11 ***TO LITHIUM CELLS AND BATTERIES.***

12 (a) *REPEAL.—Section 828 of the FAA Modernization*
 13 *and Reform Act of 2012 (49 U.S.C. 44701 note), and the*
 14 *item relating to such section in the table of contents in sec-*
 15 *tion 1(b) of such Act, are repealed.*

16 (b) *CONFORMING AMENDMENTS.—Section 333 of the*
 17 *FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)*
 18 *is amended—*

19 (1) *in subsection (a)—*

20 (A) *in paragraph (1)—*

21 (i) *by striking “(A) IN GENERAL.—”*

22 *and all that follows through “the Secretary”*

23 *and inserting “The Secretary”; and*

24 (ii) *by striking subparagraph (B); and*

1 (B) in paragraph (2) by striking “Pursuant
2 to section 828 of the FAA Modernization and Re-
3 form Act of 2012 (49 U.S.C. 44701 note), the
4 Secretary” and inserting “The Secretary”;

5 (2) by striking paragraph (4) of subsection (b);
6 and

7 (3) by striking paragraph (1) of subsection (h)
8 and inserting the following:

9 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
10 term ‘ICAO Technical Instructions’ means the Inter-
11 national Civil Aviation Organization Technical In-
12 structions for the Safe Transport of Dangerous Goods
13 by Air.”.

14 (c) LITHIUM BATTERY SAFETY EVALUATION AND RE-
15 PORT.—

16 (1) IN GENERAL.—Not later than 120 days after
17 the date of enactment of this Act, the Administrator
18 of the Pipeline and Hazardous Materials Safety Ad-
19 ministration, in coordination with the Administrator
20 of the Federal Aviation Administration, shall evaluate
21 outstanding recommendations of the National Trans-
22 portation Safety Board regarding transportation of
23 lithium batteries by air.

24 (2) REPORT.—Not later than 180 days after the
25 date of enactment of this Act, the Secretary of Trans-

1 *portation shall submit to the Committee on Transpor-*
 2 *tation and Infrastructure of the House of Representa-*
 3 *tives and the Committee on Commerce, Science, and*
 4 *Transportation of the Senate, a report on the evalua-*
 5 *tion described in paragraph (1).*

6 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
 7 **BY RAIL TANK CAR.**

8 *(a) STAY OF AUTHORIZATION FOR TRANSPORTATION*
 9 *OF LIQUEFIED NATURAL GAS BY TANK CAR.—*

10 *(1) IN GENERAL.—Any regulation authorizing*
 11 *the transportation of liquefied natural gas by rail*
 12 *tank car issued before the date of enactment of this*
 13 *Act shall have no force or effect until—*

14 *(A) the Secretary of Transportation con-*
 15 *ducts the evaluation, testing, and analysis re-*
 16 *quired in subsections (b), (c), and (d);*

17 *(B) the Secretary issues the report required*
 18 *by subsection (e);*

19 *(C) the Comptroller General of the United*
 20 *States completes the evaluation and report re-*
 21 *quired under subsection (g); and*

22 *(D) the Secretary issues a final rule updat-*
 23 *ing the regulation described in this paragraph*
 24 *that incorporates the additional data, research,*
 25 *and analysis required under this section.*

1 (2) *PERMIT OR APPROVAL.*—*The Secretary shall*
2 *rescind any special permit or approval for the trans-*
3 *portation of liquefied natural gas by rail tank car*
4 *issued before the date of enactment of this Act.*

5 (b) *EVALUATION.*—*Not later than 120 days after the*
6 *date of enactment of this Act, the Administrator of the Pipe-*
7 *line and Hazardous Materials Safety Administration, in*
8 *coordination with the Administrator of the Federal Rail-*
9 *road Administration, shall initiate an evaluation of the*
10 *safety, security, and environmental risks of transporting*
11 *liquefied natural gas by rail.*

12 (c) *TESTING.*—*In conducting the evaluation under*
13 *subsection (a), the Administrator of the Pipeline and Haz-*
14 *ardous Materials Safety shall—*

15 (1) *perform physical testing of rail tank cars, in-*
16 *cluding, at a minimum, the DOT–113C120–W9 speci-*
17 *fication, to evaluate the performance of such rail tank*
18 *cars in the event of an accident or derailment, includ-*
19 *ing evaluation of the extent to which design and con-*
20 *struction features such as steel thickness and valve*
21 *protections prevent or mitigate the release of liquefied*
22 *natural gas;*

23 (2) *analyze multiple release scenarios, including*
24 *derailments, front-end collisions, rear-end collisions,*
25 *side-impact collisions, grade-crossing collisions, punc-*

1 *tures, and impact of an incendiary device, at a min-*
2 *imum of three speeds of travel with a sufficient range*
3 *of speeds to evaluate the safety, security, and environ-*
4 *mental risks posed under real-world operating condi-*
5 *tions; and*

6 *(3) examine the effects of exposure to climate*
7 *conditions across rail networks, including tempera-*
8 *ture, humidity, and any other factors that the Ad-*
9 *ministrator of the Federal Railroad Administration*
10 *determines could influence performance of rail tank*
11 *cars and components of such rail tank cars.*

12 *(d) OTHER FACTORS TO CONSIDER.—In conducting*
13 *the evaluation under subsection (b), the Administrator of*
14 *the Pipeline and Hazardous Materials Safety shall evaluate*
15 *the impact of a discharge of liquefied natural gas from a*
16 *rail tank car on public safety and the environment, and*
17 *consider—*

18 *(1) the safety benefits of route restrictions, speed*
19 *restrictions, enhanced brake requirements, personnel*
20 *requirements, rail tank car technological require-*
21 *ments, and other operating controls;*

22 *(2) the inclusion of consist restrictions, including*
23 *limitations on the arrangement and quantity of rail*
24 *tank cars carrying liquefied natural gas in any given*
25 *consist;*

1 (3) the identification of potential impact areas,
2 and the number of homes and structures potentially
3 endangered by a discharge in rural, suburban, and
4 urban environments;

5 (4) the impact of discharge on the environment,
6 including air quality impacts;

7 (5) the benefits of advanced notification to the
8 Department of Transportation, State Emergency Re-
9 sponse Commissions, and Tribal Emergency Response
10 Commissions of routes for moving liquefied natural
11 gas by rail tank car;

12 (6) how first responders respond to an incident,
13 including the extent to which specialized equipment
14 or training would be required and the cost to commu-
15 nities for acquiring any necessary equipment or
16 training;

17 (7) whether thermal radiation could occur from
18 a discharge;

19 (8) an evaluation of the rail tank car authorized
20 by the Secretary of Transportation for liquefied nat-
21 ural gas or similar cryogenic liquids, and a deter-
22 mination of whether specific safety enhancements or
23 new standards are necessary to ensure the safety of
24 rail transport of liquefied natural gas; and

1 (9) *the risks posed by the transportation of lique-*
2 *fied natural gas by International Organization for*
3 *Standardization containers authorized by the Federal*
4 *Railroad Administration.*

5 (e) *REPORT.*—*Not later than 2 years after the date of*
6 *enactment of this Act, the Secretary of Transportation shall*
7 *submit to the Committee on Transportation and Infrastruc-*
8 *ture of the House of Representatives and the Committee on*
9 *Commerce, Science, and Transportation of the Senate, and*
10 *make available to the public—*

11 (1) *a report based on the evaluation and testing*
12 *conducted under subsections (b) and (c), which shall*
13 *include the results of the evaluation and testing and*
14 *recommendations for mitigating or eliminating the*
15 *safety, security, environmental, and other risks of an*
16 *accident or incident involving the transportation of*
17 *liquefied natural gas by rail; and*

18 (2) *a complete list of all research related to the*
19 *transportation of liquefied natural gas by rail con-*
20 *ducted by the Federal Railroad Administration, the*
21 *Pipeline and Hazardous Materials Safety Adminis-*
22 *tration, or any other entity of the Federal Govern-*
23 *ment since 2010 that includes, for each research*
24 *item—*

1 (A) the title of any reports or studies pro-
2 duced with respect to the research;

3 (B) the agency, entity, or organization per-
4 forming the research;

5 (C) the names of all authors and co-authors
6 of any report or study produced with respect to
7 the research; and

8 (D) the date any related report was pub-
9 lished or is expected to publish.

10 (f) *DATA COLLECTION.*—The Administrator of the
11 Federal Railroad Administration and the Administrator of
12 the Pipeline and Hazardous Materials Safety Administra-
13 tion shall collect any relevant data or records necessary to
14 complete the evaluation required by subsection (b).

15 (g) *GAO REPORT.*—After the evaluation required by
16 subsection (b) has been completed, the Comptroller General
17 shall conduct an independent evaluation to verify that the
18 Federal Railroad Administration and the Pipeline and
19 Hazardous Materials Safety Administration complied with
20 the requirements of this Act, and transmit to the Committee
21 on Transportation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Commerce, Science, and
23 Transportation of the Senate a report on the findings of
24 such independent evaluation.

1 (h) *FUNDING.*—From the amounts made available for
 2 fiscal year 2022 under section 5128(a) of title 49, United
 3 States Code, the Secretary shall expend not less than
 4 \$4,000,000 and not more than \$6,000,000 to carry out the
 5 evaluation under subsection (a).

6 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
 7 **MENTS AND GRANTS.**

8 Section 5107 of title 49, United States Code, is amend-
 9 ed by adding at the end the following:

10 “(j) *ASSISTANCE WITH LOCAL EMERGENCY RE-*
 11 *SPONDER TRAINING.*—The Secretary shall establish a pro-
 12 gram to make grants, on a competitive basis, to nonprofit
 13 organizations to develop hazardous materials response
 14 training for emergency responders and make such training
 15 available electronically or in person.”.

16 **SEC. 8204. LITHIUM BATTERY APPROVAL.**

17 (a) *IN GENERAL.*—Chapter 51 of title 49, United
 18 States Code, is amended by adding at the end the following:

19 **“§ 5129. Lithium battery approval**

20 “(a) *APPROVAL TO TRANSPORT CERTAIN BATTERIES*
 21 *IN COMMERCE.*—A person may not transport in commerce
 22 a specified lithium battery that is determined by the Sec-
 23 retary to be a high safety or security risk unless—

24 “(1) the manufacturer of such battery receives an
 25 approval from the Secretary; and

1 “(2) *the manufacture of such battery meets the*
2 *requirements of this section and the regulations issued*
3 *under subsection (d).*

4 “(b) *TERM OF APPROVAL.—An approval granted to a*
5 *manufacturer under this section shall not exceed 5 years.*

6 “(c) *APPROVAL PROCESS.—To receive an approval for*
7 *a specified lithium battery under this section, a manufac-*
8 *turer shall—*

9 “(1) *allow the Secretary, or an entity designated*
10 *by the Secretary, to inspect the applicant’s manufac-*
11 *turing process and procedures;*

12 “(2) *bear the cost of any inspection carried out*
13 *under paragraph (1); and*

14 “(3) *develop and implement, with respect to the*
15 *manufacture of such battery—*

16 “(A) *a comprehensive quality management*
17 *program; and*

18 “(B) *appropriate product identification,*
19 *marking, documentation, lifespan, and tracking*
20 *measures.*

21 “(d) *REGULATIONS REQUIRED.—Not later than 2*
22 *years after the date of enactment of this section, the Sec-*
23 *retary shall issue regulations to carry out this section. Such*
24 *regulations shall include—*

1 “(1) parameters for, and a process for receiving,
2 an approval under this section; and

3 “(2) a determination of the types of specified
4 lithium batteries that pose a high safety or security
5 risk in transport, including battery or cell type, size,
6 and energy storage capacity.

7 “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-
8 tion shall be construed—

9 “(1) to affect any provision, limitation, or prohi-
10 bition with respect to the transportation of a specified
11 lithium battery in effect as of the date of enactment
12 of this section; or

13 “(2) to authorize transportation of any such bat-
14 tery if such transportation is not already authorized
15 as of the date of enactment of this section.

16 “(f) *SPECIFIED LITHIUM BATTERY DEFINED.*—In this
17 section, the term ‘specified lithium battery’ means—

18 “(1) a lithium ion cell or battery; or

19 “(2) a lithium metal cell or battery.”.

20 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
21 51 of title 49, United States Code, is amended by adding
22 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”.

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.

1 (E) For fiscal year 2026, \$3,900,000,000.

2 (b) *PROJECT MANAGEMENT OVERSIGHT.*—The Sec-
3 retary may withhold up to one-half of one percent annually
4 from the amounts made available under subsection (a) for
5 oversight.

6 (c) *AMTRAK COMMON BENEFIT COSTS FOR STATE-*
7 *SUPPORTED ROUTES.*— For fiscal year 2022, if funds are
8 made available under subsection (a)(2) in excess of the
9 amounts authorized for fiscal year 2020 under section
10 11101(b) of the FAST Act (Public Law 114–94), Amtrak
11 shall use up to \$250,000,000 of the excess funds to defray
12 the share of operating costs of Amtrak’s national assets (as
13 such term is defined in section 24320(c)(5) of title 49,
14 United States Code) and corporate services (as such term
15 is defined pursuant to section 24317(b) of title 49, United
16 States Code) that is allocated to the State-supported serv-
17 ices. After the update of the cost methodology policy re-
18 quired under section 24712(a)(7)(B) of title 49, United
19 States Code, is implemented, there are authorized to be ap-
20 propriated to the Secretary for the use of Amtrak such sums
21 as may be necessary for each of the fiscal years 2023
22 through 2026 for the implementation of the updated policy.
23 (d) *STATE-SUPPORTED ROUTE COMMITTEE.*—Of the
24 funds made available under subsection (a)(2), the Secretary
25 may make available up to \$4,000,000 for each fiscal year

1 *for the State-Supported Route Committee established under*
 2 *section 24712 of title 49, United States Code.*

3 (e) *NORTHEAST CORRIDOR COMMISSION.—Of the*
 4 *funds made available under subsection (a)(1), the Secretary*
 5 *may make available up to \$6,000,000 for each fiscal year*
 6 *for the Northeast Corridor Commission established under*
 7 *section 24905 of title 49, United States Code.*

8 (f) *AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK*
 9 *OFFICE OF INSPECTOR GENERAL.—There are authorized to*
 10 *be appropriated to the Office of Inspector General of Am-*
 11 *trak the following amounts:*

12 (1) *For fiscal year 2022, \$26,500,000.*

13 (2) *For fiscal year 2023, \$27,000,000.*

14 (3) *For fiscal year 2024, \$27,500,000.*

15 (4) *For fiscal year 2025, \$28,000,000.*

16 (5) *For fiscal year 2026, \$28,500,000.*

17 (g) *PASSENGER RAIL IMPROVEMENT, MODERNIZA-*
 18 *TION, AND EXPANSION GRANTS.—*

19 (1) *There are authorized to be appropriated to*
 20 *the Secretary to carry out section 22906 of title 49,*
 21 *United States Code, the following amounts:*

22 (A) *For fiscal year 2022, \$4,800,000,000.*

23 (B) *For fiscal year 2023, \$4,900,000,000.*

24 (C) *For fiscal year 2024, \$5,000,000,000.*

25 (D) *For fiscal year 2025, \$5,100,000,000.*

1 (E) For fiscal year 2026, \$5,200,000,000.

2 (2) *PROJECT MANAGEMENT OVERSIGHT.*—The
3 Secretary may withhold up to 1 percent of the total
4 amount appropriated under paragraph (1) for the
5 costs of program management oversight, including
6 providing technical assistance and project planning
7 guidance, of grants carried out under section 22906
8 of title 49, United States Code.

9 (3) *HIGH-SPEED RAIL CORRIDOR PLANNING.*—
10 The Secretary shall withhold at least 4 percent of
11 funding in paragraph (1) for the purposes described
12 in section 22906(a)(1)(B) of title 49, United States
13 Code. Any funds withheld by this paragraph that re-
14 main unobligated at the end of the fiscal year fol-
15 lowing the fiscal year in which such funds are made
16 available may be used for any eligible project under
17 section 22906 of such title.

18 (h) *CONSOLIDATED RAIL INFRASTRUCTURE AND SAFE-*
19 *TY IMPROVEMENTS.*—

20 (1) *IN GENERAL.*—There are authorized to be ap-
21 propriated to the Secretary to carry out section 22907
22 of title 49, United States Code, the following amounts:

23 (A) For fiscal year 2022, \$1,200,000,000.

24 (B) For fiscal year 2023, \$1,300,000,000.

25 (C) For fiscal year 2024, \$1,400,000,000.

1 (D) For fiscal year 2025, \$1,500,000,000.

2 (E) For fiscal year 2026, \$1,600,000,000.

3 (2) *PROJECT MANAGEMENT OVERSIGHT.*—The
4 Secretary may withhold up to 2 percent of the total
5 amount appropriated under paragraph (1) for the
6 costs of program management oversight, including
7 providing technical assistance and project planning
8 guidance, of grants carried out under section 22907
9 of title 49, United States Code.

10 (3) *RAIL SAFETY PUBLIC AWARENESS.*—Of the
11 amounts made available under paragraph (1), the
12 Secretary may make available up to \$5,000,000 for
13 each of fiscal years 2022 through 2026 to make grants
14 under section 22907(o) of title 49, United States
15 Code.

16 (4) *RAILROAD TRESPASSING ENFORCEMENT.*—Of
17 the amounts made available under paragraph (1), the
18 Secretary may make available up to \$250,000 for
19 each of fiscal years 2022 through 2026 to make grants
20 under section 22907(p) of title 49, United States
21 Code.

22 (5) *RAILROAD TRESPASSING SUICIDE PREVEN-*
23 *TION.*—Of the amounts made available under para-
24 graph (1), the Secretary may make available up to
25 \$1,000,000 for each of fiscal years 2022 through 2026

1 to make grants under section 22907(q) of title 49,
2 United States Code.

3 (i) *BRIDGES, STATIONS, AND TUNNELS GRANTS.*—

4 (1) *IN GENERAL.*—*There are authorized to be ap-*
5 *propriated to the Secretary to carry out section 22909*
6 *of title 49, United States Code, the following amounts:*

7 (A) *For fiscal year 2022, \$4,800,000,000.*

8 (B) *For fiscal year 2023, \$4,900,000,000.*

9 (C) *For fiscal year 2024, \$5,000,000,000.*

10 (D) *For fiscal year 2025, \$5,100,000,000.*

11 (E) *For fiscal year 2026, \$5,200,000,000.*

12 (2) *PROJECT MANAGEMENT OVERSIGHT.*—*The*
13 *Secretary may withhold up to one half of 1 percent*
14 *of the total amount appropriated under paragraph*
15 *(1) for the costs of program management oversight,*
16 *including providing technical assistance and project*
17 *planning guidance, of grants carried out under sec-*
18 *tion 22909 of title 49, United States Code.*

19 (j) *RAILROAD REHABILITATION AND IMPROVEMENT*
20 *FINANCING.*—

21 (1) *IN GENERAL.*—*There are authorized to be ap-*
22 *propriated to the Secretary for payment of credit risk*
23 *premiums in accordance with section 502(f)(1) of the*
24 *Railroad Revitalization and Regulatory Reform Act*

1 *of 1976 (45 U.S.C. 822(f)(1)) the following amounts,*
2 *to remain available until expended:*

3 *(A) For fiscal year 2022, \$160,000,000.*

4 *(B) For fiscal year 2023, \$170,000,000.*

5 *(C) For fiscal year 2024, \$180,000,000.*

6 *(D) For fiscal year 2025, \$190,000,000.*

7 *(E) For fiscal year 2026, \$200,000,000.*

8 *(2) REFUND OF PREMIUM.—There are authorized*
9 *to be appropriated to the Secretary \$70,000,000 to*
10 *repay the credit risk premium under section 502 of*
11 *the Railroad Revitalization and Regulatory Reform*
12 *Act of 1976 (45 U.S.C. 822) for each loan in cohort*
13 *3, as defined by the memorandum to the Office of*
14 *Management and Budget of the Department of Trans-*
15 *portation dated November 5, 2018, with interest ac-*
16 *crued thereon, not later than 60 days after the date*
17 *on which all obligations attached to each such loan*
18 *have been satisfied. For each such loan for which obli-*
19 *gations have been satisfied as of the date of enactment*
20 *of this Act, the Secretary shall repay the credit risk*
21 *premium of each such loan, with interest accrued*
22 *thereon, not later than 60 days after the date of the*
23 *enactment of this Act.*

24 *(k) RESTORATION AND ENHANCEMENT GRANTS.—*

1 (1) *IN GENERAL.*—*There are authorized to be ap-*
 2 *propriated to the Secretary to carry out section 22908*
 3 *of title 49, United States Code, \$20,000,000 for each*
 4 *of fiscal years 2022 through 2026.*

5 (2) *PROJECT MANAGEMENT OVERSIGHT.*—*The*
 6 *Secretary may withhold up to 1 percent from the*
 7 *total amounts appropriated under paragraph (1) for*
 8 *the costs of project management oversight of grants*
 9 *carried out under section 22908 of title 49, United*
 10 *States Code.*

11 *(l) GRADE CROSSING SEPARATION GRANTS.*—

12 (1) *IN GENERAL.*—*There are authorized to be ap-*
 13 *propriated to the Secretary to carry out section 22912*
 14 *of title 49, United States Code, (as added by section*
 15 *9551 of this Act) the following amounts:*

16 (A) *For fiscal year 2022, \$450,000,000.*

17 (B) *For fiscal year 2023, \$475,000,000.*

18 (C) *For fiscal year 2024, \$500,000,000.*

19 (D) *For fiscal year 2025, \$525,000,000.*

20 (E) *For fiscal year 2026, \$550,000,000.*

21 (2) *PROJECT MANAGEMENT OVERSIGHT.*—*The*
 22 *Secretary may withhold up to 2 percent from the*
 23 *total amounts appropriated under paragraph (1) for*
 24 *the costs of project management oversight, including*
 25 *providing technical assistance and project planning*

1 *guidance, of grants carried out under section 22912*
 2 *of title 49, United States Code.*

3 (m) *AUTHORIZATION OF APPROPRIATIONS TO THE*
 4 *FEDERAL RAILROAD ADMINISTRATION.—Section 20117 of*
 5 *title 49, United States Code, is amended to read as follows:*

6 **“§ 20117. Authorization of appropriations**

7 “(a) *SAFETY AND OPERATIONS.—*

8 “(1) *IN GENERAL.—There are authorized to be*
 9 *appropriated to the Secretary of Transportation for*
 10 *the operations of the Federal Railroad Administra-*
 11 *tion and to carry out railroad safety activities au-*
 12 *thorized or delegated to the Administrator—*

13 “(A) *\$290,500,000 for fiscal year 2022;*

14 “(B) *\$303,300,000 for fiscal year 2023;*

15 “(C) *\$316,100,000 for fiscal year 2024;*

16 “(D) *\$324,400,000 for fiscal year 2025; and*

17 “(E) *\$332,900,000 for fiscal year 2026.*

18 “(2) *AUTOMATED TRACK INSPECTION PROGRAM*
 19 *AND DATA ANALYSIS.—From the funds made available*
 20 *under paragraph (1) for each of fiscal years 2022*
 21 *through 2026, not more than \$17,000,000 may be ex-*
 22 *pended for the Automated Track Inspection Program*
 23 *and data analysis related to track inspection. Such*
 24 *funds shall remain available until expended.*

1 “(3) *STATE PARTICIPATION GRANTS.*—Amounts
2 *made available under paragraph (1) for grants under*
3 *section 20105(e) shall remain available until ex-*
4 *pendent.*

5 “(4) *REGIONAL PLANNING GUIDANCE.*—The Sec-
6 *retary may withhold up to \$20,000,000 from the*
7 *amounts made available for each fiscal year under*
8 *paragraph (1) to facilitate and provide guidance for*
9 *regional planning processes, including not more than*
10 *\$500,000 annually for each interstate rail compact.*

11 “(5) *RAILROAD SAFETY INSPECTORS.*—

12 “(A) *IN GENERAL.*—The Secretary shall en-
13 *sure that the number of full-time equivalent rail-*
14 *road safety inspection personnel employed by the*
15 *Office of Railroad Safety of the Federal Railroad*
16 *Administration does not fall below the following:*

17 “(i) *379 for fiscal year 2022;*

18 “(ii) *403 for fiscal year 2023;*

19 “(iii) *422 for fiscal year 2024;*

20 “(iv) *424 for fiscal year 2025; and*

21 “(v) *426 for fiscal year 2026.*

22 “(B) *CONSIDERATION.*—In meeting the
23 *minimum railroad safety inspector levels under*
24 *subparagraph (A), the Secretary shall consider*

1 *the ability of railroad safety inspectors to ana-*
2 *lyze railroad safety data.*

3 “(C) *FUNDING.—From the amounts made*
4 *available to the Secretary under subsection*
5 *(a)(1), the Secretary shall use the following*
6 *amounts to carry out subparagraph (A):*

7 “(i) \$3,244,104 for fiscal year 2022.

8 “(ii) \$6,488,208 for fiscal year 2023.

9 “(iii) \$9,056,457 for fiscal year 2024.

10 “(iv) \$9,326,799 for fiscal year 2025.

11 “(v) \$9,597,141 for fiscal year 2026.

12 “(6) *OTHER SAFETY PERSONNEL.—*

13 “(A) *INCREASE IN NUMBER OF SUPPORT*
14 *EMPLOYEES.—The Secretary shall, for each of*
15 *fiscal years 2022 and 2023, increase by 10 the*
16 *total number of full-time equivalent employees*
17 *working as specialists, engineers, or analysts in*
18 *the field supporting inspectors compared to the*
19 *number of such employees employed in the pre-*
20 *vious fiscal year.*

21 “(B) *FUNDING.—From the amounts made*
22 *available to the Secretary under subsection*
23 *(a)(1), the Secretary shall use the following*
24 *amounts to carry out subparagraph (A):*

25 “(i) \$1,631,380 for fiscal year 2022.

1 “(ii) \$3,262,760 for fiscal year 2023.

2 “(iii) \$3,262,760 for fiscal year 2024.

3 “(iv) \$3,262,760 for fiscal year 2025.

4 “(v) \$3,262,760 for fiscal year 2026.

5 “(b) *RAILROAD RESEARCH AND DEVELOPMENT.*—

6 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—

7 *There are authorized to be appropriated to the Sec-*
 8 *retary of Transportation for necessary expenses for*
 9 *carrying out railroad research and development ac-*
 10 *tivities the following amounts which shall remain*
 11 *available until expended:*

12 “(A) \$67,000,000 for fiscal year 2022.

13 “(B) \$69,000,000 for fiscal year 2023.

14 “(C) \$71,000,000 for fiscal year 2024.

15 “(D) \$73,000,000 for fiscal year 2025.

16 “(E) \$75,000,000 for fiscal year 2026.

17 “(2) *SHORT LINE SAFETY.*—*From funds made*
 18 *available under paragraph (1) for each of fiscal years*
 19 *2022 through 2026, the Secretary may expend not*
 20 *more than \$4,000,000—*

21 “(A) *for grants to improve safety practices*
 22 *and training for Class II and Class III freight,*
 23 *commuter, and intercity passenger railroads;*
 24 *and*

1 “(B) to develop safety management systems
2 for Class II and Class III freight, commuter, and
3 intercity passenger railroads through the contin-
4 ued development of safety culture assessments,
5 transportation emergency response plans, train-
6 ing and education, outreach activities, best prac-
7 tices for trespassing prevention and employee
8 trauma response, and technical assistance.

9 “(3) UNIVERSITY RAIL CLIMATE INNOVATION IN-
10 STITUTE.—

11 “(A) IN GENERAL.—Of the amounts made
12 available under paragraph (1), the Secretary
13 may make available up to \$20,000,000 for each
14 of fiscal years 2022 through 2026 to establish the
15 University Rail Climate Innovation Institute
16 under section 22913.

17 “(B) PROJECT MANAGEMENT OVERSIGHT.—
18 The Secretary may withhold up to 1 percent
19 from the total amounts appropriated under sub-
20 paragraph (A) for the costs of project manage-
21 ment oversight of the grant carried out under
22 section 22913.

23 “(4) SUICIDE PREVENTION RESEARCH FUND-
24 ING.—From funds made available under paragraph
25 (1) for each of fiscal years 2022 through 2026, the

1 *Secretary may make available not less than*
2 *\$1,000,000 for human factors research undertaken by*
3 *the Federal Railroad Administration, including sui-*
4 *cide countermeasure evaluation, data exploration and*
5 *quality improvement, and other initiatives as appro-*
6 *priate.”.*

7 *(n) LIMITATION ON FINANCIAL ASSISTANCE FOR*
8 *STATE-OWNED ENTERPRISES.—*

9 *(1) IN GENERAL.—Funds provided under this*
10 *section and the amendments made by this section*
11 *may not be used in awarding a contract, subcontract,*
12 *grant, or loan to an entity that is owned or controlled*
13 *by, is a subsidiary of, or is otherwise related legally*
14 *or financially to a corporation based in a country*
15 *that—*

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

20 *(B) was identified by the United States*
21 *Trade Representative in the most recent report*
22 *required by section 182 of the Trade Act of 1974*
23 *(19 U.S.C. 2242) as a priority foreign country*
24 *under subsection (a)(2) of that section; and*

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

4 (2) *EXCEPTION.*—For purposes of paragraph (1),
5 the term “otherwise related legally or financially”
6 does not include a minority relationship or invest-
7 ment.

8 (3) *INTERNATIONAL AGREEMENTS.*—This sub-
9 section shall be applied in a manner consistent with
10 the obligations of the United States under inter-
11 national agreements.

12 (o) *RAIL TRUST FUND.*—

13 (1) *IN GENERAL.*—

14 (A) *FUNDING.*—Beginning on the date on
15 which a rail trust fund is established, any
16 amounts made available under subsections (a),
17 (g), (h), (i), (j)(1), (k), and (l) shall be derived
18 from such fund.

19 (B) *RAIL TRUST FUND DEFINED.*—In this
20 subsection, the term “rail trust fund” means a
21 trust fund established under the Internal Rev-
22 enue Code of 1986 for making certain expendi-
23 tures for the benefit of rail and for crediting cer-
24 tain taxes and penalties collected relating to rail.

1 (2) *SENSE OF COMMITTEE ON NEED FOR RAIL*
2 *TRUST FUND.—The following is the sense of the Com-*
3 *mittee on Transportation and Infrastructure of the*
4 *House of Representatives:*

5 (A) *There is a discrepancy in historical*
6 *Federal investment between highways, aviation,*
7 *and intercity passenger rail. Between 1949 and*
8 *2017, the Federal Government invested more*
9 *than \$2 trillion in our nation's highways and*
10 *over \$777 billion in aviation. The Federal Gov-*
11 *ernment has invested \$96 billion in intercity*
12 *passenger rail, beginning in 1971 with the cre-*
13 *ation of the National Railroad Passenger Cor-*
14 *poration. Intercity passenger rail Federal invest-*
15 *ment is only 12 percent of Federal aviation in-*
16 *vestment and less than 5 percent of Federal high-*
17 *way investment.*

18 (B) *Congress has recognized the value and*
19 *importance of a predictable, dedicated funding*
20 *source through a trust fund for all other modes*
21 *of transportation including for aviation, high-*
22 *ways, transit, and waterways. The Highway*
23 *Trust Fund was created in 1956. The Airport*
24 *and Aviation Trust Fund was created in 1970.*
25 *The Inland Waterways Trust Fund was created*

1 *in 1978. Mass transit was added to the Highway*
2 *Trust Fund in 1983. The Harbor Maintenance*
3 *Trust Fund was created in 1986. With regard to*
4 *Federal transportation investment, only intercity*
5 *passenger and freight rail do not have a predict-*
6 *able, dedicated funding source through a trust*
7 *fund.*

8 *(C) The Federal Railroad Administration*
9 *has identified more than \$300 billion worth of*
10 *investment needed to develop both high-speed and*
11 *higher speed intercity passenger rail corridors*
12 *around the United States. In addition, a Federal*
13 *Railroad Administration report from 2014 found*
14 *that shortline and regional railroads need \$7 bil-*
15 *lion of investment. The Northeast Corridor has a*
16 *\$40 billion state of good repair backlog.*

17 *(D) A rail trust fund would provide a pre-*
18 *dictable, dedicated funding source to high-speed*
19 *and intercity passenger rail projects and for the*
20 *public benefits of shortline and regional railroad*
21 *freight rail projects. A trust fund provides essen-*
22 *tial longer term funding certainty to allow the*
23 *United States to develop quality intercity pas-*
24 *senger rail service in corridors across the coun-*
25 *try, eliminate the state of good repair backlog on*

1 *the Northeast Corridor, allow for accessible*
 2 *equipment and stations for passengers with dis-*
 3 *abilities, move more freight on rail, redevelop an*
 4 *American passenger rail car manufacturing*
 5 *base, create good paying, middle class jobs, and*
 6 *reduce our nation’s transportation carbon emis-*
 7 *sions.*

8 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
 9 **TION, AND EXPANSION GRANTS.**

10 *(a) IN GENERAL.—Section 22906 of title 49, United*
 11 *States Code, is amended to read as follows:*

12 **“§ 22906. Passenger rail improvement, modernization,**
 13 **and expansion grants**

14 *“(a) IN GENERAL.—*

15 *“(1) ESTABLISHMENT.—The Secretary of Trans-*
 16 *portation shall establish a program to make grants to*
 17 *eligible applicants for—*

18 *“(A) capital projects that—*

19 *“(i) provide high-speed rail or inter-*
 20 *city rail passenger transportation;*

21 *“(ii) improve high-speed rail or inter-*
 22 *city rail passenger performance, including*
 23 *congestion mitigation, reliability improve-*
 24 *ments, achievement of on-time performance*
 25 *standards established under section 207 of*

1 *the Rail Safety Improvement Act of 2008*
 2 *(49 U.S.C. 24101 note), reduced trip times,*
 3 *increased train frequencies, higher oper-*
 4 *ating speeds, electrification, and other im-*
 5 *provements, as determined by the Secretary;*
 6 *and*

7 “(iii) *expand or establish high-speed*
 8 *rail or intercity rail passenger transpor-*
 9 *tation and facilities; or*

10 “(B) *corridor planning activities for high-*
 11 *speed rail described in section 26101(b).*

12 “(2) *PURPOSES.—Grants under this section shall*
 13 *be for projects that improve mobility, operational per-*
 14 *formance, or growth of high-speed rail or intercity*
 15 *rail passenger transportation.*

16 “(b) *DEFINITIONS.—In this section:*

17 “(1) *ELIGIBLE APPLICANT.—The term ‘eligible*
 18 *applicant’ means—*

19 “(A) *a State;*

20 “(B) *a group of States;*

21 “(C) *an Interstate Compact;*

22 “(D) *a public agency or publicly chartered*
 23 *authority established by 1 or more States;*

24 “(E) *a political subdivision of a State;*

1 “(F) *Amtrak, acting on its own behalf or*
2 *under a cooperative agreement with 1 or more*
3 *States; or*

4 “(G) *an Indian Tribe.*

5 “(2) *CAPITAL PROJECT.—The term ‘capital*
6 *project’ means—*

7 “(A) *a project or program for acquiring,*
8 *constructing, or improving—*

9 “(i) *passenger rolling stock;*

10 “(ii) *infrastructure assets, including*
11 *tunnels, bridges, stations, track and track*
12 *structures, communication and signaliza-*
13 *tion improvements; and*

14 “(iii) *a facility of use in or for the pri-*
15 *mary benefit of high-speed or intercity rail*
16 *passenger transportation;*

17 “(B) *project planning, development, design,*
18 *engineering, location surveying, mapping, envi-*
19 *ronmental analysis or studies;*

20 “(C) *acquiring right-of-way or payments*
21 *for rail trackage rights agreements;*

22 “(D) *making highway-rail grade crossing*
23 *improvements related to high-speed rail or inter-*
24 *city rail passenger transportation service;*

25 “(E) *electrification;*

1 “(F) *mitigating environmental impacts; or*

2 “(G) *a project relating to other assets deter-*
3 *mined appropriate by the Secretary.*

4 “(3) *INTERCITY RAIL PASSENGER TRANSPOR-*
5 *TATION.—The term ‘intercity rail passenger transpor-*
6 *tation’ has the meaning given such term in section*
7 *24102.*

8 “(4) *HIGH-SPEED RAIL.—The term ‘high-speed*
9 *rail’ has the meaning given such term in section*
10 *26105.*

11 “(5) *STATE.—The term ‘State’ means each of the*
12 *50 States and the District of Columbia.*

13 “(6) *SOCIALLY DISADVANTAGED INDIVIDUALS.—*
14 *The term ‘socially disadvantaged individuals’ has the*
15 *meaning given the term ‘socially and economically*
16 *disadvantaged individuals’ in section 8(d) of the*
17 *Small Business Act (15 U.S.C. 637(d)).*

18 “(c) *PROJECT REQUIREMENTS.—*

19 “(1) *REQUIREMENTS.—To be eligible for a grant*
20 *under this section, an eligible applicant shall dem-*
21 *onstrate that such applicant has or will have—*

22 “(A) *the legal, financial, and technical ca-*
23 *capacity to carry out the project;*

1 “(B) *satisfactory continuing control over*
2 *the use of the equipment or facilities that are the*
3 *subject of the project; and*

4 “(C) *an agreement in place for maintenance*
5 *of such equipment or facilities.*

6 “(2) *HIGH-SPEED RAIL REQUIREMENTS.—*

7 “(A) *CORRIDOR PLANNING ACTIVITIES.—*
8 *Notwithstanding paragraph (1), the Secretary*
9 *shall evaluate projects described in subsection*
10 *(a)(1)(B) based on the criteria under section*
11 *26101(c).*

12 “(B) *HIGH-SPEED RAIL PROJECT REQUIRE-*
13 *MENTS.—To be eligible for a grant for a high-*
14 *speed rail project, an eligible applicant shall*
15 *demonstrate compliance with section*
16 *26106(e)(2)(A).*

17 “(d) *PROJECT SELECTION CRITERIA.—*

18 “(1) *PRIORITY.—In selecting a project for a*
19 *grant under this section, the Secretary shall give pref-*
20 *erence to projects that—*

21 “(A) *are supported by multiple States or*
22 *are included in a multi-state regional plan or*
23 *planning process;*

1 “(B) achieve environmental benefits such as
2 a reduction in greenhouse gas emissions or an
3 improvement in local air quality; or

4 “(C) improve service to and investment in
5 socially disadvantaged individuals.

6 “(2) *ADDITIONAL CONSIDERATIONS.*—In selecting
7 an applicant for a grant under this section, the Sec-
8 retary shall consider—

9 “(A) the proposed project’s anticipated im-
10 provements to high-speed rail or intercity rail
11 passenger transportation, including anticipated
12 public benefits on the—

13 “(i) effects on system and service per-
14 formance;

15 “(ii) effects on safety, competitiveness,
16 reliability, trip or transit time, and resil-
17 ience;

18 “(iii) overall transportation system,
19 including efficiencies from improved inte-
20 gration with other modes of transportation
21 or benefits associated with achieving modal
22 shifts;

23 “(iv) ability to meet existing, antici-
24 pated, or induced passenger or service de-
25 mand; and

1 “(v) projected effects on regional and
2 local economies along the corridor, includ-
3 ing increased competitiveness, productivity,
4 efficiency, and economic development;

5 “(B) the eligible applicant’s past perform-
6 ance in developing and delivering similar
7 projects;

8 “(C) if applicable, the consistency of the
9 project with planning guidance and documents
10 set forth by the Secretary or required by law;
11 and

12 “(D) if applicable, agreements between all
13 stakeholders necessary for the successful delivery
14 of the project.

15 “(3) *ADDITIONAL SCREENING FOR HIGH-SPEED*
16 *RAIL.*—In selecting an applicant for a grant under
17 this section, for high-speed rail projects, the Secretary
18 shall, in addition to the application of paragraphs
19 (1) and (2), apply the selection and consideration cri-
20 teria described in subparagraphs (B) and (C) of sec-
21 tion 26106(e)(2).

22 “(e) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

23 “(1) *TOTAL PROJECT COST ESTIMATE.*—The Sec-
24 retary shall estimate the total cost of a project under
25 this section based on the best available information,

1 *including engineering studies, studies of economic fea-*
 2 *sibility, environmental analyses, and information on*
 3 *the expected use of equipment or facilities.*

4 “(2) *FEDERAL SHARE.*—*The Federal share of*
 5 *total project costs under this section shall not exceed*
 6 *90 percent.*

7 “(3) *TREATMENT OF REVENUE.*—*Applicants*
 8 *may use ticket and other revenues generated from op-*
 9 *erations and other sources to satisfy the non-Federal*
 10 *share requirements.*

11 “(f) *LETTERS OF INTENT.*—

12 “(1) *IN GENERAL.*—*The Secretary shall, to the*
 13 *maximum extent practicable, issue a letter of intent*
 14 *to a recipient of a grant under this section that—*

15 “(A) *announces an intention to obligate, for*
 16 *a project under this section, an amount that is*
 17 *not more than the amount stipulated as the fi-*
 18 *nancial participation of the Secretary in the*
 19 *project, regardless of authorized amounts; and*

20 “(B) *states that the contingent commit-*
 21 *ment—*

22 “(i) *is not an obligation of the Federal*
 23 *Government; and*

24 “(ii) *is subject to the availability of*
 25 *appropriations for grants under this section*

1 *and subject to Federal laws in force or en-*
2 *acted after the date of the contingent com-*
3 *mitment.*

4 “(2) CONGRESSIONAL NOTIFICATION.—

5 “(A) *IN GENERAL.*—Not later than 3 days
6 *before issuing a letter of intent under paragraph*
7 *(1), the Secretary shall submit written notifica-*
8 *tion to—*

9 “(i) *the Committee on Transportation*
10 *and Infrastructure of the House of Rep-*
11 *resentatives;*

12 “(ii) *the Committee on Appropriations*
13 *of the House of Representatives;*

14 “(iii) *the Committee on Appropria-*
15 *tions of the Senate; and*

16 “(iv) *the Committee on Commerce,*
17 *Science, and Transportation of the Senate.*

18 “(B) *CONTENTS.*—The notification sub-
19 *mitted under subparagraph (A) shall include—*

20 “(i) *a copy of the letter of intent;*

21 “(ii) *the criteria used under subsection*
22 *(d) for selecting the project for a grant; and*

23 “(iii) *a description of how the project*
24 *meets such criteria.*

1 “(g) *APPROPRIATIONS REQUIRED.*—An obligation
2 may be made under this section only when amounts are
3 appropriated for such purpose.

4 “(h) *AVAILABILITY.*—Amounts made available to carry
5 out this section shall remain available until expended.

6 “(i) *GRANT CONDITIONS.*—Except as specifically pro-
7 vided in this section, the use of any amounts appropriated
8 for grants under this section shall be subject to the grant
9 conditions under section 22905, except that the domestic
10 buying preferences of section 24305(f) shall apply to Am-
11 trak in lieu of the requirements of section 22905(a).”.

12 (b) *CLERICAL AMENDMENT.*—The item relating to sec-
13 tion 22906 in the analysis for chapter 229 of title 49,
14 United States Code, is amended to read as follows:

“22906. Passenger rail improvement, modernization, and expansion grants.”.

15 (c) *DEFINITION OF SATISFACTORY CONTINUING CON-*
16 *TROL.*—Section 22901 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(4) *SATISFACTORY CONTINUING CONTROL.*—The
19 term ‘satisfactory continuing control’ means the con-
20 tinuing ability to utilize and ensure maintenance of
21 an asset as a result of full or partial ownership, lease,
22 operating or other enforceable contractual agreements,
23 or statutory access rights.”.

1 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
2 **SAFETY IMPROVEMENT GRANTS.**

3 *Section 22907 of title 49, United States Code, is*
4 *amended—*

5 *(1) in subsection (b)—*

6 *(A) in the matter preceding paragraph (1)*
7 *by striking “The following” and inserting “Ex-*
8 *cept as provided in subsections (o), (p), and (q),*
9 *the following”;*

10 *(B) in paragraph (1) by inserting “or the*
11 *District of Columbia” before the period;*

12 *(C) in paragraph (10) by striking “trans-*
13 *portation center”;* and

14 *(D) by adding at the end the following:*

15 *“(12) A commuter authority (as such term is de-*
16 *fined in section 24102).*

17 *“(13) An Indian Tribe.”;*

18 *(2) in subsection (c)—*

19 *(A) in paragraph (1) by inserting “and up-*
20 *grades” after “Deployment”;*

21 *(B) by striking paragraph (2);*

22 *(C) by redesignating paragraphs (3)*
23 *through (12) as paragraphs (2) through (11), re-*
24 *spectively;*

25 *(D) in paragraph (2), as so redesignated, by*
26 *inserting “or safety” after “address congestion”;*

1 (E) in paragraph (3), as so redesignated, by
2 striking “identified by the Secretary” and all
3 that follows through “rail transportation” and
4 inserting “to improve service or facilitate rider-
5 ship growth in intercity rail passenger transpor-
6 tation or commuter rail passenger transpor-
7 tation (as such term is defined in section
8 24102)”;

9 (F) in paragraph (4), as so redesignated, by
10 inserting “to establish new quiet zones or” after
11 “engineering improvements”;

12 (G) in paragraph (9), as so redesignated, by
13 inserting “, including for suicide prevention and
14 other rail trespassing prevention” before the pe-
15 riod;

16 (3) in subsection (e)—

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

19 “(1) *IN GENERAL.*—In selecting a recipient of a
20 grant for an eligible project, the Secretary shall give
21 preference to—

22 “(A) projects that will maximize the net
23 benefits of the funds made available for use
24 under this section, considering the cost-benefit
25 analysis of the proposed project, including an-

1 *anticipated private and public benefits relative to*
2 *the costs of the proposed project and factoring in*
3 *the other considerations described in paragraph*
4 *(2); and*

5 *“(B) projects that improve service to, or*
6 *provide direct benefits to, socially disadvantaged*
7 *individuals (as defined in section 22906(b)), in-*
8 *cluding relocating or mitigating infrastructure*
9 *that limits community connectivity, including*
10 *mobility, access, or economic development of such*
11 *individuals.”; and*

12 *(B) in paragraph (3) by striking “para-*
13 *graph (1)(B)” and inserting “paragraph*
14 *(1)(A)”;*

15 *(4) in subsection (h)(2) by inserting “, except*
16 *that a grant for a capital project involving zero-emis-*
17 *sion locomotive technologies shall not exceed an*
18 *amount in excess of 90 percent of the total project*
19 *costs” before the period.*

20 *(5) by redesignating subsections (i), (j), and (k)*
21 *as subsections (l), (m), and (n) respectively; and*

22 *(6) by inserting after subsection (h) the fol-*
23 *lowing:*

24 *“(i) LARGE PROJECTS.—Of the amounts made avail-*
25 *able under this section, at least 25 percent shall be for*

1 *projects that have total project costs of greater than*
2 *\$100,000,000.*

3 “(j) *COMMUTER RAIL.*—

4 “(1) *ADMINISTRATION OF FUNDS.*—*The amounts*
5 *awarded under this section for commuter rail pas-*
6 *senger transportation projects shall be transferred by*
7 *the Secretary, after selection, to the Federal Transit*
8 *Administration for administration of funds in ac-*
9 *cordance with chapter 53.*

10 “(2) *GRANT CONDITION.*—

11 “(A) *IN GENERAL.*—*Notwithstanding sec-*
12 *tion 22905(f)(1) and 22907(j)(1), as a condition*
13 *of receiving a grant under this section that is*
14 *used to acquire, construct, or improve railroad*
15 *right-of-way or facilities, any employee covered*
16 *by the Railway Labor Act (45 U.S.C. 151 et*
17 *seq.) and the Railroad Retirement Act of 1974*
18 *(45 U.S.C. 231 et seq.) who is adversely affected*
19 *by actions taken in connection with the project*
20 *financed in whole or in part by such grant shall*
21 *be covered by employee protective arrangements*
22 *established under section 22905(e).*

23 “(B) *APPLICATION OF PROTECTIVE AR-*
24 *RANGEMENT.*—*The grant recipient and the suc-*
25 *cessors, assigns, and contractors of such recipient*

1 *shall be bound by the protective arrangements re-*
2 *quired under subparagraph (A). Such recipient*
3 *shall be responsible for the implementation of*
4 *such arrangement and for the obligations under*
5 *such arrangement, but may arrange for another*
6 *entity to take initial responsibility for compli-*
7 *ance with the conditions of such arrangement.*

8 “(3) *APPLICATION OF LAW.*—Subsection (g) of
9 *section 22905 shall not apply to grants awarded*
10 *under this section for commuter rail passenger trans-*
11 *portation projects.*

12 “(k) *DEFINITION OF CAPITAL PROJECT.*—In this sec-
13 *tion, the term ‘capital project’ means a project or program*
14 *for—*

15 “(1) *acquiring, constructing, improving, or in-*
16 *specting equipment, track and track structures, or a*
17 *facility, expenses incidental to acquisition or con-*
18 *struction (including project-level planning, designing,*
19 *engineering, location surveying, mapping, environ-*
20 *mental studies, and acquiring right-of-way), pay-*
21 *ments for rail trackage rights agreements, highway-*
22 *rail grade crossing improvements, mitigating environ-*
23 *mental impacts, communication and signalization*
24 *improvements, relocation assistance, acquiring re-*

1 *placement housing sites, and acquiring, constructing,*
 2 *relocating, and rehabilitating replacement housing;*

3 “(2) *rehabilitating, remanufacturing, or over-*
 4 *hauling rail rolling stock and facilities;*

5 “(3) *costs associated with developing State or*
 6 *multi-State regional rail plans; and*

7 “(4) *the first-dollar liability costs for insurance*
 8 *related to the provision of intercity passenger rail*
 9 *service under section 22904.”; and*

10 *(7) by striking subsection (l).*

11 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT**

12 **FINANCING.**

13 *(a) IN GENERAL.—Section 502 of the Railroad Revi-*
 14 *talization and Regulatory Reform Act of 1976 (45 U.S.C.*
 15 *822) is amended—*

16 *(1) in subsection (b)—*

17 *(A) in paragraph (1)—*

18 *(i) in subparagraph (A) by inserting*
 19 *“civil works such as cuts and fills, stations,*
 20 *tunnels,” after “components of track,”; and*

21 *(ii) in subparagraph (D) by inserting*
 22 *“, permitting,” after “reimburse planning”;*
 23 *and*

24 *(B) by striking paragraph (3);*

1 (2) *by striking subsection (e)(1) and inserting*
2 *the following:*

3 “(1) *DIRECT LOANS.*—*The interest rate on a di-*
4 *rect loan under this section shall be not less than the*
5 *yield on United States Treasury securities of a simi-*
6 *lar maturity to the maturity of the direct loan on the*
7 *date of execution of the loan agreement.*”;

8 (3) *in subsection (f)—*

9 (A) *in paragraph (1) by adding “The Sec-*
10 *retary shall only apply appropriations of budget*
11 *authority to cover the costs of direct loans and*
12 *loan guarantees as required under section*
13 *504(b)(1) of the Federal Credit Reform Act of*
14 *1990 (2 U.S.C. 661c(b)(1)), including the cost of*
15 *a modification thereof, in whole or in part, for*
16 *entities described in paragraphs (1) through (3)*
17 *of subsection (a).” at the end;*

18 (B) *in paragraph (3) by striking subpara-*
19 *graph (C) and inserting the following:*

20 “(C) *An investment-grade rating on the di-*
21 *rect loan or loan guarantee, as applicable, if the*
22 *total amount of the direct loan or loan guarantee*
23 *is less than \$100,000,000.*

24 “(D) *In the case of a total amount of a di-*
25 *rect loan or loan guarantee greater than*

1 \$100,000,000, an investment-grade rating from
 2 at least 2 rating agencies on the direct loan or
 3 loan guarantee, or an investment-grade rating
 4 on the direct loan or loan guarantee and a pro-
 5 jection of freight or passenger demand for the
 6 project based on regionally developed economic
 7 forecasts, including projections of any modal di-
 8 version resulting from the project.”; and

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

10 “(5) *REPAYMENT OF CREDIT RISK PREMIUMS.*—
 11 *The Secretary shall return credit risk premiums paid,*
 12 *and interest accrued thereon, to the original source*
 13 *when all obligations of a loan or loan guarantee have*
 14 *been satisfied. This paragraph applies to any project*
 15 *that has been granted assistance under this section*
 16 *after the date of enactment of the TRAIN Act.”; and*

17 (4) by adding at the end the following:

18 “(n) *NON-FEDERAL SHARE.*—*The proceeds of a loan*
 19 *provided under this section may be used as the non-Federal*
 20 *share of project costs under this title and title 49 if such*
 21 *loan is repayable from non-Federal funds.*

22 “(o) *BUY AMERICA.*—

23 “(1) *IN GENERAL.*—*In awarding direct loans or*
 24 *loan guarantees under this section, the Secretary shall*

1 *require each recipient to comply with section*
2 *22905(a) of title 49, United States Code.*

3 “(2) *SPECIFIC COMPLIANCE.*—*Notwithstanding*
4 *paragraph (1), the Secretary shall require—*

5 “(A) *Amtrak to comply with section*
6 *24305(f) of title 49, United States Code; and*

7 “(B) *a commuter authority (as defined in*
8 *section 24102 of title 49, United States Code) to*
9 *comply with section 5320 of title 49, United*
10 *States Code.”.*

11 (b) *GUIDANCE.*—*Not later than 9 months after the date*
12 *of enactment of this Act, the Secretary shall publish guid-*
13 *ance that provides applicants for assistance under section*
14 *502 of the Railroad Revitalization and Regulatory Reform*
15 *Act of 1976 (45 U.S.C. 822) information regarding the*
16 *types of data, assumptions, and other factors typically used*
17 *to calculate credit risk premiums required under subsection*
18 *(f) of such section. Such guidance shall include information*
19 *to help applicants understand how different factors may in-*
20 *crease or decrease such credit risk premiums.*

21 **SEC. 9105. BRIDGES, STATIONS, AND TUNNELS (BEST)**
22 **GRANT PROGRAM.**

23 (a) *IN GENERAL.*—*Chapter 229 of title 49, United*
24 *States Code, is amended by adding at the end the following:*

1 **“§ 22909. Bridges, stations, and tunnels (BeST) grant**
 2 **program**

3 “(a) *IN GENERAL.*—*The Secretary of Transportation*
 4 *shall establish a program (in this section referred to as the*
 5 *‘BeST Program’)* *to provide grants to eligible entities for*
 6 *major capital projects included in the BeST Inventory es-*
 7 *tablished under subsection (b) for rail bridges, stations, and*
 8 *tunnels that are publicly owned or owned by Amtrak to*
 9 *make safety, capacity, and mobility improvements.*

10 “(b) *BEST INVENTORY.*—

11 “(1) *ESTABLISHMENT.*—*Not later than 120 days*
 12 *after the date of enactment of the TRAIN Act, the*
 13 *Secretary shall establish, and publish on the website*
 14 *of the Department of Transportation an inventory (in*
 15 *this section referred to as the ‘BeST Inventory’)* *for*
 16 *publicly owned and Amtrak owned major capital*
 17 *projects designated by the Secretary to be eligible for*
 18 *funding under this section. The BeST Inventory shall*
 19 *include major capital projects to acquire, refurbish,*
 20 *rehabilitate, or replace rail bridges, stations, or tun-*
 21 *nels and any associated and co-located projects.*

22 “(2) *CONSIDERATIONS.*—*In selecting projects for*
 23 *inclusion in the BeST Inventory, the Secretary shall*
 24 *give priority to projects that provide the most benefit*
 25 *for intercity passenger rail service in relation to esti-*

1 *mated costs and that are less likely to secure all of the*
 2 *funding required from other sources.*

3 “(3) *UPDATES TO BEST INVENTORY.*—*Every 2*
 4 *years after the establishment of the BeST Inventory*
 5 *under paragraph (1), the Secretary shall update the*
 6 *BeST Inventory and include it in its annual budget*
 7 *justification.*

8 “(4) *ELIGIBILITY FOR BEST INVENTORY.*—
 9 *Projects included in the BeST Inventory—*

10 “(A) *shall be—*

11 “(i) *consistent with the record of deci-*
 12 *sion issued by the Federal Railroad Admin-*
 13 *istration in July 2017 titled ‘NEC FU-*
 14 *TURE: A Rail Investment Plan for the*
 15 *Northeast Corridor’ (known as the ‘Selected*
 16 *Alternative’);*

17 “(ii) *consistent with the most recent*
 18 *service development plan under section*
 19 *24904(a) (hereinafter in this section re-*
 20 *ferred to as the ‘Service Development*
 21 *Plan’); and*

22 “(iii) *located in a territory for which*
 23 *a cost allocation policy is maintained pur-*
 24 *suant to section 24905(c); or*

1 “(B) shall be consistent with a multi-state
2 regional planning document equivalent to the
3 document referred to in subparagraph (A)(ii)
4 with a completed Tier I environmental review of
5 such document pursuant to the National Envi-
6 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.).

8 “(5) *PROJECT FUNDING SEQUENCING.*—The Sec-
9 retary shall determine the order of priority for
10 projects in the BeST Inventory based on projects
11 identified in paragraph (4) and project management
12 plans as described in subsection (d). The Secretary
13 may alter the BeST Inventory as necessary if eligible
14 entities are not carrying out the schedule identified in
15 the Inventory.

16 “(6) *TERMS.*—The Secretary shall ensure the
17 BeST Inventory establishes, for each project included
18 in such Inventory—

19 “(A) the roles and terms of participation by
20 any railroad bridge, station, or tunnel owners
21 and railroad carriers in the project; and

22 “(B) the schedule for such project that en-
23 sures efficient completion of the project.

24 “(7) *SPECIAL FINANCIAL RULES.*—

1 “(A) *IN GENERAL.*—*Projects listed in the*
2 *BeST Inventory may include an agreement with*
3 *a commitment, contingent on future amounts to*
4 *be specified in law for commitments under this*
5 *paragraph, to obligate an additional amount*
6 *from future available budget authority specified*
7 *in law.*

8 “(B) *STATEMENT OF CONTINGENT COMMIT-*
9 *MENT.*—*An obligation or administrative com-*
10 *mitment under this paragraph may be made*
11 *only when amounts are appropriated. An agree-*
12 *ment shall state that any contingent commitment*
13 *is not an obligation of the Federal Government,*
14 *and is subject to the availability of appropria-*
15 *tions under Federal law and to Federal laws in*
16 *force or enacted after the date of the contingent*
17 *commitment.*

18 “(C) *FINANCING COSTS.*—*Financing costs of*
19 *carrying out the project may be considered a cost*
20 *of carrying out the project under the BeST In-*
21 *ventory.*

22 “(c) *EXPENDITURE OF FUNDS.*—

23 “(1) *FEDERAL SHARE OF TOTAL PROJECT*
24 *COSTS.*—*The Federal share for the total cost of a*
25 *project under this section shall not exceed 90 percent.*

1 “(2) *NON-FEDERAL SHARE.*—A recipient of
2 *funds under this section may use any source of funds,*
3 *including other Federal financial assistance, to sat-*
4 *isfy the non-Federal funds requirement. The non-Fed-*
5 *eral share for a grant provided under this section*
6 *shall be consistent with section 24905(c) or section*
7 *24712(a)(7) if either such section are applicable to the*
8 *railroad territory at the project location.*

9 “(3) *AVAILABILITY OF FUNDS.*—Funds made
10 *available under this section shall remain available for*
11 *obligation by the Secretary for a period of 10 years*
12 *after the last day of the fiscal year for which the*
13 *funds are appropriated, and remain available for ex-*
14 *penditure by the recipient of grant funds without fis-*
15 *cal year limitation.*

16 “(4) *ELIGIBLE USES.*—Funds made available
17 *under this section may be used for projects contained*
18 *in the most recent BeST Inventory, including pre-*
19 *construction expenses and the acquisition of real*
20 *property interests.*

21 “(5) *FUNDS AWARDED TO AMTRAK.*—Grants
22 *made to Amtrak shall be provided in accordance with*
23 *the requirements of chapter 243.*

24 “(6) *GRANT CONDITIONS.*—Except as provided in
25 *this section, the use of any amounts made available*

1 *for grants under this section shall be subject to the*
2 *grant requirements in section 22905.*

3 *“(d) PROJECT MANAGEMENT.—*

4 *“(1) SUBMISSION OF PROJECT MANAGEMENT*
5 *PLANS.—The Secretary shall establish a process, in-*
6 *cluding specifying formats, methods, and procedures,*
7 *for applicants to submit a project management plan*
8 *to the Secretary for a project in the BeST Inventory.*
9 *Consistent with requirements in section 22903, project*
10 *management plans shall—*

11 *“(A) describe the schedules, management ac-*
12 *tions, workforce availability, interagency agree-*
13 *ments, permitting, track outage availability, and*
14 *other factors that will determine the entity’s abil-*
15 *ity to carry out a project included in the BeST*
16 *Inventory; and*

17 *“(B) be updated and resubmitted in accord-*
18 *ance with this subsection every 2 years according*
19 *to the schedule in the most recent Service Devel-*
20 *opment Plan, or equivalent multi-state regional*
21 *planning document with a completed Tier I en-*
22 *vironmental review conducted pursuant to the*
23 *National Environmental Policy Act of 1969 (42*
24 *U.S.C. 4321 et seq.).*

1 “(2) *NORTHEAST CORRIDOR PROJECTS.*—For
2 *projects on the Northeast Corridor, an applicant shall*
3 *submit such project management plan to the North-*
4 *east Corridor Commission. Upon receipt of such plan,*
5 *the Northeast Corridor Commission shall submit to*
6 *the Secretary an updated Service Development Plan*
7 *that describes the schedule and sequencing of all cap-*
8 *ital projects on the Northeast Corridor, including esti-*
9 *mates of the amount each sponsor entity will need in*
10 *program funding for each of the next 2 fiscal years*
11 *to carry out the entity’s projects according to the*
12 *Service Development Plan.*

13 “(e) *COST METHODOLOGY POLICY REQUIREMENTS.*—

14 “(1) *IN GENERAL.*—The Secretary shall ensure,
15 *as a condition of a grant agreement under this sec-*
16 *tion for any project located in a railroad territory*
17 *where a policy established pursuant to section*
18 *24905(c) or section 209 of the Passenger Rail Invest-*
19 *ment and Improvement Act of 2008 (49 U.S.C. 24101*
20 *note) applies, that a recipient of funds under either*
21 *such section maintain compliance with the policies,*
22 *or any updates to any applicable cost methodology*
23 *policy, for the railroad territory encompassing the*
24 *project location.*

1 “(2) *PENALTY FOR NONCOMPLIANCE.*—If such re-
 2 *recipient does not maintain compliance with the poli-*
 3 *cies described in paragraph (1), the Secretary may—*

4 “(A) *withhold funds under this subsection*
 5 *from such recipient up to the amount the recipi-*
 6 *ent owes, but has not paid; and*

7 “(B) *permanently reallocate such funds to*
 8 *other recipients after a reasonable period.*

9 “(f) *DEFINITIONS.*—In this section:

10 “(1) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
 11 *ty’ means—*

12 “(A) *a State, including the District of Co-*
 13 *lumbia;*

14 “(B) *a group of States;*

15 “(C) *an Interstate Compact;*

16 “(D) *a public agency or publicly chartered*
 17 *authority established by one or more States;*

18 “(E) *a political subdivision of a State;*

19 “(F) *Amtrak;*

20 “(G) *An Indian Tribe; or*

21 “(H) *any combination of the entities listed*
 22 *in subparagraphs (A) through (G).*

23 “(2) *MAJOR CAPITAL PROJECT.*—The term
 24 *‘major capital project’ means a rail bridge, station, or*

1 *tunnel project used for intercity passenger rail service*
 2 *that has a total project cost of at least \$500,000,000.*

3 “(3) *NORTHEAST CORRIDOR.*—*The term ‘North-*
 4 *east Corridor’ has the meaning given the term in sec-*
 5 *tion 24904(e).*”

6 “(4) *PUBLICLY OWNED.*—*The term ‘publicly*
 7 *owned’ means major capital projects that are at least*
 8 *partially owned or planned to be owned by the Fed-*
 9 *eral Government or an eligible entity.*”

10 “(5) *CO-LOCATED PROJECT.*—*The term ‘co-lo-*
 11 *cated project’ means a capital project that is adjacent*
 12 *to a major capital project and can be carried out dur-*
 13 *ing the same period.’.*”

14 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 15 *229 of title 49, United States Code, is amended by adding*
 16 *at the end the following:*

 “22909. *Bridges, stations, and tunnels (BeST) grant program.*”.

17 **SEC. 9106. BUY AMERICA.**

18 *Section 22905(a) of title 49, United States Code, is*
 19 *amended—*

20 (1) *in paragraph (2)—*

21 (A) *in subparagraph (B) by adding “or” at*
 22 *the end;*

23 (B) *by striking subparagraph (C); and*

24 (C) *by redesignating subparagraph (D) as*
 25 *subparagraph (C);*

1 (2) *by striking paragraph (4) and inserting the*
2 *following:*

3 “(4)(A) *If the Secretary receives a request for a*
4 *waiver under paragraph (2), the Secretary shall pro-*
5 *vide notice of and an opportunity for public comment*
6 *on the request at least 30 days before making a find-*
7 *ing based on the request.*

8 “(B) *A notice provided under subparagraph (A)*
9 *shall—*

10 “(i) *include the information available to the*
11 *Secretary concerning the request, including*
12 *whether the request is being made under sub-*
13 *paragraph (A), (B), or (C) of paragraph (2);*
14 *and*

15 “(ii) *be provided by electronic means, in-*
16 *cluding on the official public website of the De-*
17 *partment of Transportation.”;*

18 (3) *in paragraph (5)—*

19 (A) *by striking “2012” and inserting*
20 *“2020, and each year thereafter”; and*

21 (B) *by inserting “during the preceding fis-*
22 *cal year” before the period; and*

23 (4) *by adding at the end the following:*

24 “(12) *The requirements of this subsection apply to all*
25 *contracts for a project carried out within the scope of the*

1 *applicable finding, determination, or decisions under the*
 2 *National Environmental Policy Act of 1969 (42 U.S.C.*
 3 *4321 et seq.), regardless of the funding source for activities*
 4 *carried out pursuant to such contracts, if at least 1 contract*
 5 *for the project is funded with amounts made available to*
 6 *carry out a provision specified in paragraph (1).”.*

7 ***TITLE II—AMTRAK REFORMS***

8 ***SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.***

9 *Section 24101 of title 49, United States Code, is*
 10 *amended—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (1)—*

13 *(i) by striking “, to the extent its budg-*
 14 *et allows,”; and*

15 *(ii) by striking “between crowded*
 16 *urban areas and in other areas of” and in-*
 17 *serting “throughout”;*

18 *(B) in paragraph (2) by striking the period*
 19 *and inserting “, thereby providing additional ca-*
 20 *capacity for the traveling public and widespread*
 21 *air quality benefits.”;*

22 *(C) in paragraph (4)—*

23 *(i) by striking “greater” and inserting*
 24 *“high”; and*

1 (ii) by striking “to Amtrak to achieve
2 a performance level sufficient to justify ex-
3 pending public money” and inserting “in
4 order to meet the intercity passenger rail
5 needs of the United States”;

6 (D) in paragraph (5)—

7 (i) by inserting “intercity and” after
8 “efficient”; and

9 (ii) by striking “the energy conserva-
10 tion and self-sufficiency” and inserting “ad-
11 dressing climate change, energy conserva-
12 tion, and self-sufficiency”;

13 (E) in paragraph (6) by striking “through
14 its subsidiary, Amtrak Commuter,”; and

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

16 “(9) Long-distance intercity passenger rail provides
17 economic benefits to rural communities and offers intercity
18 travel opportunities where such options are often limited,
19 making long-distance intercity passenger rail an important
20 part of the national transportation system.

21 “(10) The Northeast Corridor, long-distance routes,
22 and State-supported routes are interconnected and collec-
23 tively provide national rail passenger transportation.

1 “(11) *Investments in intercity and commuter rail pas-*
2 *senger transportation support jobs that provide a pathway*
3 *to the middle class.*”;

4 (2) *in subsection (b) by striking “The” and all*
5 *that follows through “consistent” and inserting “The*
6 *mission of Amtrak is to provide a safe, efficient, and*
7 *high-quality national intercity passenger rail system*
8 *that is trip-time competitive with other intercity*
9 *travel options, consistent*”;

10 (3) *in subsection (c)—*

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

13 “(1) *use its best business judgment in acting to*
14 *maximize the benefits of public funding;*”;

15 (B) *in paragraph (2)—*

16 (i) *by striking “minimize Government*
17 *subsidies by encouraging” and inserting*
18 *“work with”; and*

19 (ii) *by striking the semicolon and in-*
20 *serting “and improvements to service;”;*

21 (C) *by striking paragraph (3) and inserting*
22 *the following:*

23 “(3) *manage the passenger rail network in the*
24 *interest of public transportation needs, including cur-*
25 *rent and future Amtrak passengers;*”;

1 (D) in paragraph (7) by striking “encour-
2 age” and inserting “work with”;

3 (E) in paragraph (11) by striking “and”
4 the last place it appears; and

5 (F) by striking paragraph (12) and insert-
6 ing the following:

7 “(12) utilize and manage resources with a long-
8 term perspective, including sound investments that
9 take into account the overall lifecycle costs of an asset;

10 “(13) ensure that service is accessible, equitable,
11 and accommodating to passengers with disabilities
12 and members of underserved communities; and

13 “(14) maximize the benefits Amtrak generates for
14 the United States by creating quality jobs and sup-
15 porting the domestic workforce.”; and

16 (4) by striking subsection (d).

17 **SEC. 9202. AMTRAK STATUS.**

18 Section 24301(a) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (1) by striking “20102(2)” and
21 inserting “20102”; and

22 (2) in paragraph (2) by inserting “serving the
23 public interest in reliable passenger rail service” after
24 “for-profit corporation”.

1 **SEC. 9203. BOARD OF DIRECTORS.**

2 (a) *IN GENERAL.*—Section 24302 of title 49, United
3 States Code, is amended—

4 (1) *in subsection (a)*—

5 (A) *in paragraph (1)*—

6 (i) *in subparagraph (B) by striking*
7 *“President of Amtrak” and inserting “Chief*
8 *Executive Officer of Amtrak”;* and

9 (ii) *by striking subparagraph (C) and*
10 *inserting the following:*

11 *“(C) 8 individuals appointed by the Presi-*
12 *dent of the United States, by and with the advice*
13 *and consent of the Senate, with a record of sup-*
14 *port for national intercity passenger rail service.*
15 *Of the individuals appointed—*

16 “(i) 1 shall be a Mayor or Governor of
17 a location served by a regularly scheduled
18 Amtrak service on the Northeast Corridor;

19 “(ii) 1 shall be a Mayor or Governor
20 of a location served by a regularly scheduled
21 Amtrak service that is not on the Northeast
22 Corridor;

23 “(iii) 1 shall be a representative of
24 Amtrak employees;

25 “(iv) 1 shall be an individual with a
26 history of regular Amtrak ridership and an

1 *understanding of the concerns of intercity*
2 *rail passengers;*

3 “(v) 1 shall be an individual with—

4 “(I) demonstrated experience or
5 demonstrated interest in the Northeast
6 Corridor and the National Network;
7 and

8 “(II) industry experience or
9 qualifications in transportation,
10 freight and passenger rail transpor-
11 tation, travel, or passenger air trans-
12 portation; and

13 “(vi) 1 shall be an individual with
14 general business and financial experience
15 who has demonstrated experience or dem-
16 onstrated interest in the Northeast Corridor
17 and the National Network.”;

18 (B) in paragraph (2) by inserting “users of
19 Amtrak, including the elderly and individuals
20 with disabilities, and” after “and balanced rep-
21 resentation of”;

22 (C) in paragraph (3)—

23 (i) by striking “Not more than 5” and
24 inserting “Not more than 4”; and

1 (ii) by adding at the end the following:

2 “A member of the Board appointed under
3 clause (i) or (ii) of paragraph (1)(C) shall
4 serve for a term of 5 years or until such
5 member leaves the elected office such mem-
6 ber occupied at the time such member was
7 appointed, whichever is first.”;

8 (D) in paragraph (4) by striking “Presi-
9 dent” and inserting “Chief Executive Officer”;
10 and

11 (E) by striking paragraph (5) and inserting
12 the following:

13 “(5) The Secretary and any Governor of a State
14 may be represented at a Board meeting by a des-
15 ignee.”;

16 (2) in subsection (b)—

17 (A) by striking “PAY AND EXPENSES” and
18 inserting “DUTIES, PAY, AND EXPENSES”; and

19 (B) by inserting “Each director must con-
20 sider the well-being of current and future Am-
21 trak passengers, the public interest in sustain-
22 able national passenger rail service, and balance
23 the preceding considerations with the fiduciary
24 responsibilities of the director and the mission
25 and goals of Amtrak.” before “Each director not

1 *employed by the United States Government or*
 2 *Amtrak*”; and

3 (3) *by adding at the end the following:*

4 “(g) *GOVERNOR DEFINED.*—*In this section, the term*
 5 *‘Governor’ means the Governor of a State or the Mayor of*
 6 *the District of Columbia and includes a designee of the Gov-*
 7 *ernor.*”.

8 (b) *TIMING OF NEW BOARD REQUIREMENTS.*—*The ap-*
 9 *pointment and membership requirements under section*
 10 *24302 of title 49, United States Code (as amended by this*
 11 *Act), shall apply to any member of the Board appointed*
 12 *pursuant to subsection (a)(1)(C) of such section who is ap-*
 13 *pointed on or after the date of enactment of this Act.*

14 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

15 (a) *IN GENERAL.*—*Section 24308(c) of title 49, United*
 16 *States Code, is amended by adding at the end the following:*
 17 *“Notwithstanding section 24103(a) and section 24308(f),*
 18 *Amtrak shall have the right to bring an action for equitable*
 19 *or other relief in the United States District Court for the*
 20 *District of Columbia to enforce the preference rights granted*
 21 *under this subsection.*”.

22 (b) *CONFORMING AMENDMENT.*—*Section 24103 of title*
 23 *49, United States Code, is amended by inserting “and sec-*
 24 *tion 24308(c)” before “, only the Attorney General”.*

1 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
2 **TO AMTRAK.**

3 *Section 24308(e) of title 49, United States Code, is*
4 *amended—*

5 *(1) by striking paragraph (1) and inserting the*
6 *following: “(1)(A) When a rail carrier does not agree*
7 *to allow Amtrak to operate additional trains in ac-*
8 *cordance with proposed schedules over any rail line of*
9 *the carrier on which Amtrak is operating or seeks to*
10 *operate, Amtrak may submit an application to the*
11 *Board for an order requiring the carrier to allow for*
12 *the operation of the requested trains. Not later than*
13 *90 days after receipt of such application, the Board*
14 *shall determine whether the additional trains would*
15 *unreasonably impair freight transportation and—*

16 *“(i) upon a determination that such trains*
17 *do not unreasonably impair freight transpor-*
18 *tation, order the rail carrier to allow for the op-*
19 *eration of such trains on a schedule established*
20 *by the Board; or*

21 *“(ii) upon a determination that such trains*
22 *do unreasonably impair freight transportation,*
23 *initiate a proceeding to determine any addi-*
24 *tional infrastructure investments required by, or*
25 *on behalf of, Amtrak.*

1 “(B) If Amtrak seeks to resume operation of a
2 train that Amtrak operated during the 5-year period
3 preceding an application described in subparagraph
4 (A), the Board shall apply a presumption that the re-
5 sumed operation of such train will not unreasonably
6 impair freight transportation unless the Board finds
7 that there are substantially changed circumstances.”;

8 (2) in paragraph (2)—

9 (A) by striking “The Board shall consider”
10 and inserting “The Board shall”;

11 (B) by striking subparagraph (A) and in-
12 serting the following:

13 “(A) in making the determination under para-
14 graph (1), take into account any infrastructure in-
15 vestments previously made by, or on behalf of, Am-
16 trak, or proposed in Amtrak’s application, with the
17 rail carrier having the burden of demonstrating that
18 the additional trains will unreasonably impair the
19 freight transportation; and”;

20 (C) in subparagraph (B) by inserting “con-
21 sider investments described in subparagraph (A)
22 and” after “times,”; and

23 (3) by adding at the end the following:

24 “(4) In a proceeding initiated by the Board under
25 paragraph (1)(A)(ii), the Board shall solicit the views of

1 *the parties and require the parties to provide any necessary*
 2 *data or information. Not later than 180 days after the date*
 3 *on which the Board makes a determination under para-*
 4 *graph (1)(A)(ii), the Board shall issue an order requiring*
 5 *the rail carrier to allow for the operation of the requested*
 6 *trains provided that any conditions enumerated by the*
 7 *Board are met. In determining the necessary level of addi-*
 8 *tional infrastructure or other investments needed to miti-*
 9 *gate unreasonable impairment of freight transportation, the*
 10 *Board shall use any criteria, assumptions, and processes*
 11 *it considers appropriate.*

12 “(5) *The provisions of this subsection shall be in addi-*
 13 *tion to any other statutory or contractual remedies Amtrak*
 14 *may have with respect to operating the additional trains.”.*

15 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

16 (a) *IN GENERAL.*—Section 28103 of title 49, United
 17 States Code, is amended—

18 (1) *by redesignating subsection (e) as subsection*
 19 *(f); and*

20 (2) *by inserting after subsection (d) the fol-*
 21 *lowing:*

22 “(e) *PROHIBITION ON CHOICE-OF-FORUM CLAUSE.*—

23 “(1) *IN GENERAL.*—Amtrak may not impose a
 24 *choice-of-forum clause that attempts to preclude a*
 25 *passenger, or a person who purchases a ticket for rail*

1 *transportation on behalf of a passenger, from bring-*
2 *ing a claim against Amtrak in any court of com-*
3 *petent jurisdiction, including a court within the ju-*
4 *risdiction of the residence of such passenger in the*
5 *United States (provided that Amtrak does business*
6 *within that jurisdiction).*

7 “(2) *COURT OF COMPETENT JURISDICTION.—*
8 *Under this subsection, a court of competent jurisdic-*
9 *tion may not include an arbitration forum.”.*

10 “(b) *EFFECTIVE DATE.—This section, and the amend-*
11 *ments made by this section, shall apply to any claim that*
12 *arises on or after the date of enactment of this Act.*

13 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

14 “(a) *ASSESSMENT.—Amtrak shall conduct an assess-*
15 *ment and review of all Amtrak policies, procedures, proto-*
16 *cols, and guidelines for compliance with the requirements*
17 *of the Americans With Disabilities Act of 1990 (42 U.S.C.*
18 *12101 et seq.).*

19 “(b) *REPORT.—Not later than 180 days after the date*
20 *of enactment of this Act, Amtrak shall submit to the Com-*
21 *mittee on Transportation and Infrastructure of the House*
22 *of Representatives and the Committee on Commerce,*
23 *Science, and Transportation of the Senate a report on the*
24 *results of the assessment conducted under subsection (a).*

1 (c) *CONTENTS.*—*The report required under subsection*
2 *(b) shall include—*

3 (1) *a summary of the policies, procedures, proto-*
4 *cols, and guidelines reviewed;*

5 (2) *any necessary changes to such policies, proce-*
6 *dures, protocols, and guidelines to ensure compliance*
7 *with the Americans With Disabilities Act of 1990 (42*
8 *U.S.C. 12101 et seq.), including full compliance*
9 *under such Act for stations and facilities for which*
10 *Amtrak has responsibility under such Act and consid-*
11 *eration of the needs of individuals with disabilities*
12 *when procuring rolling stock and setting ticket fares;*
13 *and*

14 (3) *an implementation plan and timeline for*
15 *making any such necessary changes.*

16 (d) *ENGAGEMENT.*—*Amtrak shall engage with a range*
17 *of advocates for individuals with disabilities during the as-*
18 *essment conducted under subsection (a), and develop an*
19 *ongoing and standardized process for engagement with ad-*
20 *vocates for individuals with disabilities.*

21 (e) *PERIODIC EVALUATION.*—*At least once every 2*
22 *years, Amtrak shall review and update, as necessary, Am-*
23 *trak policies, procedures, protocols, and guidelines to ensure*
24 *compliance with the Americans With Disabilities Act of*
25 *1990 (42 U.S.C. 12101 et seq.).*

1 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

2 (a) *IN GENERAL.*—Chapter 243 of title 49, United
3 States Code, is amended by adding at the end the following:

4 **“§ 24323. Prohibition on smoking on Amtrak trains**

5 “(a) *PROHIBITION.*—Beginning on the date of enact-
6 ment of the TRAIN Act, Amtrak shall prohibit smoking on
7 board Amtrak trains.

8 “(b) *ELECTRONIC CIGARETTES.*—

9 “(1) *INCLUSION.*—The use of an electronic ciga-
10 rette shall be treated as smoking for purposes of this
11 section.

12 “(2) *ELECTRONIC CIGARETTE DEFINED.*—In this
13 section, the term ‘electronic cigarette’ means a device
14 that delivers nicotine or other substances to a user of
15 the device in the form of a vapor that is inhaled to
16 simulate the experience of smoking.”.

17 (b) *CONFORMING AMENDMENT.*—The analysis for
18 chapter 243 of title 49, United States Code, is amended by
19 adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

20 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
21 **TRAK.**

22 Section 24712 of title 49, United States Code, is
23 amended to read as follows:

24 **“§ 24712. State-supported routes operated by Amtrak**

25 “(a) *STATE-SUPPORTED ROUTE COMMITTEE.*—

1 “(1) *ESTABLISHMENT.*—*There is established a*
2 *State-Supported Route Committee (referred to in this*
3 *section as the ‘Committee’) to promote mutual co-*
4 *operation and planning pertaining to the current and*
5 *future rail operations of Amtrak and related activi-*
6 *ties of trains operated by Amtrak on State-supported*
7 *routes and to further implement section 209 of the*
8 *Passenger Rail Investment and Improvement Act of*
9 *2008 (49 U.S.C. 24101 note).*

10 “(2) *MEMBERSHIP.*—

11 “(A) *IN GENERAL.*—*The Committee shall*
12 *consist of—*

13 “(i) *members representing Amtrak;*

14 “(ii) *members representing the Depart-*
15 *ment of Transportation, including the Fed-*
16 *eral Railroad Administration; and*

17 “(iii) *members representing States.*

18 “(B) *NON-VOTING MEMBERS.*—*The Com-*
19 *mittee may invite and accept other non-voting*
20 *members to participate in Committee activities,*
21 *as appropriate.*

22 “(3) *DECISIONMAKING.*—*The Committee shall es-*
23 *tablish a bloc voting system under which, at a min-*
24 *imum—*

1 “(A) there are 3 separate voting blocs to
2 represent the Committee’s voting members, in-
3 cluding—

4 “(i) 1 voting bloc to represent the
5 members described in paragraph (2)(A)(i);

6 “(ii) 1 voting bloc to represent the
7 members described in paragraph (2)(A)(ii);
8 and

9 “(iii) 1 voting bloc to represent the
10 members described in paragraph (2)(A)(iii);

11 “(B) each voting bloc has 1 vote;

12 “(C) the votes of the voting bloc representing
13 the members described in paragraph (2)(A)(iii)
14 requires the support of at least two-thirds of that
15 voting bloc’s members; and

16 “(D) the Committee makes decisions by
17 unanimous consent of the 3 voting blocs.

18 “(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—
19 If all members of a voting bloc described in para-
20 graph (3) abstain from a Committee decision, agree-
21 ment between the other voting blocs consistent with
22 the procedures set forth in paragraph (3) shall be
23 deemed unanimous consent.

24 “(5) MEETINGS; RULES AND PROCEDURES.—The
25 Committee shall define and periodically update the

1 *rules and procedures governing the Committee’s pro-*
2 *ceedings. The rules and procedures shall—*

3 *“(A) incorporate and further describe the*
4 *decisionmaking procedures to be used in accord-*
5 *ance with paragraph (3); and*

6 *“(B) be adopted in accordance with such de-*
7 *cisionmaking procedures.*

8 *“(6) COMMITTEE DECISIONS.—Decisions made*
9 *by the Committee in accordance with the Committee’s*
10 *rules and procedures, once established, are binding on*
11 *all Committee members.*

12 *“(7) COST METHODOLOGY POLICY.—*

13 *“(A) IN GENERAL.—Subject to subpara-*
14 *graph (B), the Committee may amend the cost*
15 *methodology policy required and previously ap-*
16 *proved under section 209 of the Passenger Rail*
17 *Investment and Improvement Act of 2008 (49*
18 *U.S.C. 24101 note).*

19 *“(B) REVISIONS TO COST METHODOLOGY*
20 *POLICY.—*

21 *“(i) REQUIREMENT TO REVISE AND*
22 *UPDATE.—Subject to the requirements of*
23 *clause (iii), the Committee shall, not later*
24 *than March 31, 2022, update the cost meth-*
25 *odology policy required and previously ap-*

1 *proved under section 209 of the Passenger*
2 *Rail Investment and Improvement Act of*
3 *2008 (49 U.S.C. 24101 note). Such update*
4 *shall be consistent with the principles for*
5 *revision of the Committee pursuant to such*
6 *section and consistent with any subsequent*
7 *changes to such principles approved by the*
8 *Committee. The Committee shall implement*
9 *the updated policy beginning in fiscal year*
10 *2023 and shall submit to the Committee on*
11 *Transportation and Infrastructure of the*
12 *House of Representatives and the Committee*
13 *on Commerce, Science, and Transportation*
14 *of the Senate a report documenting and ex-*
15 *plaining any changes to the policy and*
16 *plans for implementation not later than 30*
17 *days after the adoption of the updated pol-*
18 *icy.*

19 “(i) *IMPLEMENTATION IMPACTS ON*
20 *FEDERAL FUNDING.—To the extent that a*
21 *policy implemented pursuant to clause (i)*
22 *assigns to Amtrak costs that were previously*
23 *allocated to States, Amtrak shall request*
24 *such costs in the general and legislative an-*
25 *ual report required by section 24315 or in*

1 any appropriate subsequent Federal fund-
2 ing request for the fiscal year in which the
3 revised policy is implemented.

4 “(iii) *PROCEDURES FOR CHANGING*
5 *METHODOLOGY.*—The rules and procedures
6 implemented under paragraph (5) shall in-
7 clude procedures for changing the cost meth-
8 odology policy under this subparagraph,
9 notwithstanding section 209(b) of the Pas-
10 senger Rail Investment and Improvement
11 Act (49 U.S.C. 22 24101 note), and proce-
12 dures or broad guidelines for conducting fi-
13 nancial planning, including operating and
14 capital forecasting, reporting, and data
15 sharing and governance.

16 “(C) *REQUIREMENTS.*—The cost method-
17 ology policy shall—

18 “(i) ensure equal treatment in the pro-
19 vision of like services of all States and
20 groups of States;

21 “(ii) assign to each route the costs in-
22 curred only for the benefit of that route and
23 a proportionate share, based upon factors
24 that reasonably reflect relative use, of costs

1 incurred for the common benefit of more
2 than 1 route; and

3 “(iii) promote increased efficiency in
4 Amtrak’s operating and capital activities.

5 “(b) *INVOICES AND REPORTS.*—

6 “(1) *MONTHLY INVOICE.*—Amtrak shall provide
7 to each State that sponsors a State-supported route a
8 monthly invoice of the cost of operating such route,
9 including fixed costs and third-party costs.

10 “(2) *PLANNING AND DEMAND REPORTS.*—A State
11 shall provide to the Committee and Amtrak planning
12 and demand reports with respect to a planned or ex-
13 isting State-supported route.

14 “(3) *FINANCIAL AND PERFORMANCE REPORTS.*—
15 The Committee shall require Amtrak to provide to the
16 States and the Committee financial and performance
17 reports at a frequency, and containing such informa-
18 tion, as determined appropriate by the Committee.

19 “(c) *DISPUTE RESOLUTION.*—

20 “(1) *REQUEST FOR DISPUTE RESOLUTION.*—If a
21 dispute arises with respect to the rules and procedures
22 implemented under subsection (a)(5), an invoice or a
23 report provided under subsection (b), implementation
24 or compliance with the cost methodology policy devel-
25 oped under section 209 of the Passenger Rail Invest-

1 *ment and Improvement Act of 2008 (49 U.S.C. 24101*
2 *note) or amended under subsection (a)(7) of this sec-*
3 *tion, either Amtrak or the State may request that the*
4 *Surface Transportation Board conduct dispute resolu-*
5 *tion under this subsection.*

6 “(2) *PROCEDURES.*—*The Surface Transportation*
7 *Board shall establish procedures for resolution of dis-*
8 *putes brought before it under this subsection, which*
9 *may include provision of professional mediation serv-*
10 *ices.*

11 “(3) *BINDING EFFECT.*—*A decision of the Sur-*
12 *face Transportation Board under this subsection shall*
13 *be binding on the parties to the dispute.*

14 “(4) *OBLIGATION.*—*Nothing in this subsection*
15 *shall affect the obligation of a State to pay an*
16 *amount related to a State-supported route that a*
17 *State sponsors that is not in dispute.*

18 “(d) *ASSISTANCE.*—

19 “(1) *IN GENERAL.*—*The Secretary may provide*
20 *assistance to the parties in the course of negotiations*
21 *for a contract for operation of a State-supported*
22 *route.*

23 “(2) *FINANCIAL ASSISTANCE.*—*From among*
24 *available funds, the Secretary shall provide—*

1 “(A) *financial assistance to Amtrak or 1 or*
2 *more States to perform requested independent*
3 *technical analysis of issues before the Committee;*
4 *and*

5 “(B) *administrative expenses that the Sec-*
6 *retary determines necessary.*

7 “(e) *PERFORMANCE METRICS.—In negotiating a con-*
8 *tract for operation of a State-supported route, Amtrak and*
9 *the State or States that sponsor the route shall consider in-*
10 *cluding provisions that provide penalties and incentives for*
11 *performance, including incentives to—*

12 “(1) *increase revenue;*

13 “(2) *reduce costs;*

14 “(3) *finalize contracts by the beginning of the*
15 *Federal fiscal year; and*

16 “(4) *require States to promptly make payments*
17 *for services delivered.*

18 “(f) *STATEMENT OF GOALS AND OBJECTIVES.—*

19 “(1) *IN GENERAL.—The Committee shall develop*
20 *and annually review and update, as necessary, a*
21 *statement of goals, objectives, and associated rec-*
22 *ommendations concerning the future of State-sup-*
23 *ported routes operated by Amtrak. The statement*
24 *shall identify the roles and responsibilities of Com-*
25 *mittee members and any other relevant entities, such*

1 *as host railroads, in meeting the identified goals and*
 2 *objectives, or carrying out the recommendations. The*
 3 *statement shall include a list of capital projects, in-*
 4 *cluding infrastructure, fleet, station, and facility ini-*
 5 *tiatives, needed to support the growth of State-sup-*
 6 *ported routes. The Committee may consult with such*
 7 *relevant entities, as the Committee considers appro-*
 8 *priate, when developing the statement.*

9 *“(2) TRANSMISSION OF STATEMENT OF GOALS*
 10 *AND OBJECTIVES.—Not later than March 31 of each*
 11 *year, the Committee shall submit to the Committee on*
 12 *Commerce, Science, and Transportation of the Senate*
 13 *and the Committee on Transportation and Infrastruc-*
 14 *ture of the House of Representatives the most recent*
 15 *annual update to the statement developed under para-*
 16 *graph (1).*

17 *“(g) NEW OR EXPANDED STATE-SUPPORTED*
 18 *ROUTES.—*

19 *“(1) COORDINATION AND CONSULTATION.—In de-*
 20 *veloping a new State-supported route or expanding*
 21 *an existing State-supported route, Amtrak shall close-*
 22 *ly coordinate with all States in which such route op-*
 23 *erates, and shall consult with the following:*

24 *“(A) The local municipalities in which the*
 25 *proposed route operates.*

1 “(B) *Commuter authorities and regional*
 2 *transportation authorities (as such terms are de-*
 3 *finied in section 24102) in the areas proposed to*
 4 *be served by such route.*

5 “(C) *The owner of any rail infrastructure*
 6 *over which the proposed route operates.*

7 “(D) *Administrator of the Federal Railroad*
 8 *Administration.*

9 “(E) *Other stakeholders, as appropriate.*

10 “(2) *STATE COMMITMENTS.—Notwithstanding*
 11 *any other provision of law, before beginning construc-*
 12 *tion necessary for, or beginning operation of, a State-*
 13 *supported route that is initiated or expanded on or*
 14 *after the date of enactment of the TRAIN Act, Amtrak*
 15 *shall enter into an agreement with the State in which*
 16 *the proposed route operates for sharing ongoing oper-*
 17 *ating costs and capital costs in accordance with—*

18 “(A) *the cost methodology policy described*
 19 *under subsection (a)(7); or*

20 “(B) *the alternative cost methodology sched-*
 21 *ule described in paragraph (3).*

22 “(3) *ALTERNATIVE COST METHODOLOGY.—Under*
 23 *the cost methodology schedule described in this para-*
 24 *graph, with respect to costs not covered by revenues*

1 *for the operation of a State-supported route, Amtrak*
2 *shall pay—*

3 “(A) *the share Amtrak otherwise would have*
4 *paid under the cost methodology under sub-*
5 *section (a); and*

6 “(B) *a percentage of the share that the State*
7 *otherwise would have paid under the cost meth-*
8 *odology policy under subsection (a) according to*
9 *the following:*

10 “(i) *Amtrak shall pay up to 100 per-*
11 *cent of the capital costs and planning costs*
12 *necessary to initiate a new State-supported*
13 *route or expand an existing State-supported*
14 *route, including planning and development,*
15 *design, and environmental analysis costs,*
16 *prior to beginning operations on the new*
17 *route.*

18 “(ii) *For the first 2 years of operation,*
19 *Amtrak shall pay for 100 percent of oper-*
20 *ating costs and capital costs.*

21 “(iii) *For the third year of operation,*
22 *Amtrak shall pay 90 percent of operating*
23 *costs and capital costs and the State shall*
24 *pay the remainder.*

1 “(iv) *For the fourth year of operation,*
2 *Amtrak shall pay 80 percent of operating*
3 *costs and capital costs and the State shall*
4 *pay the remainder*

5 “(v) *For the fifth year of operation,*
6 *Amtrak shall pay 50 percent of operating*
7 *costs and capital costs and the State shall*
8 *pay the remainder.*

9 “(vi) *For the sixth year of operation*
10 *and thereafter, operating costs and capital*
11 *costs shall be allocated in accordance with*
12 *the cost methodology policy described under*
13 *subsection (a) as applicable.*

14 “(4) *DEFINITIONS.—In this subsection, the terms*
15 *‘capital cost’ and ‘operating cost’ shall apply in the*
16 *same manner as such terms apply under the cost*
17 *methodology policy developed under subsection (a).*

18 “(h) *COST METHODOLOGY UPDATE AND IMPLEMENTA-*
19 *TION REPORT.—Not later than 18 months after an updated*
20 *cost methodology policy required under subsection (a)(7)(B)*
21 *is implemented, the Committee shall submit to the Com-*
22 *mittee on Transportation and Infrastructure of the House*
23 *of Representatives and the Committee on Commerce,*
24 *Science, and Transportation of the Senate a report assess-*
25 *ing the implementation of the updated policy.*

1 “(i) *IDENTIFICATION OF STATE-SUPPORTED ROUTE*
 2 *CHANGES.*—*Amtrak shall provide an update in the general*
 3 *and legislative annual report required by 24315(b) of*
 4 *planned or proposed changes to State-supported routes, in-*
 5 *cluding the introduction of new State-supported routes. In*
 6 *identifying routes to be considered planned or proposed*
 7 *under this subsection, Amtrak shall—*

8 “(1) *identify the timeframe in which such*
 9 *changes could take effect and whether Amtrak has en-*
 10 *tered into a commitment with a State under sub-*
 11 *section (g)(2); and*

12 “(2) *consult with the Committee and any addi-*
 13 *tional States in which a planned or proposed route*
 14 *may operate, not less than 120 days before an annual*
 15 *grant request is transmitted to the Secretary.*

16 “(j) *RULE OF CONSTRUCTION.*—*The decisions of the*
 17 *Committee—*

18 “(1) *shall pertain to the rail operations of Am-*
 19 *trak and related activities of trains operated by Am-*
 20 *trak on State-sponsored routes; and*

21 “(2) *shall not pertain to the rail operations or*
 22 *related activities of services operated by other rail*
 23 *carriers on State-supported routes.*

24 “(k) *DEFINITION OF STATE.*—*In this section, the term*
 25 *‘State’ means any of the 50 States, including the District*

1 of Columbia, that sponsor or propose to sponsor the oper-
 2 ation of trains by Amtrak on a State-supported route, or
 3 a public entity that sponsors or proposes to sponsor such
 4 operation on such a route.”.

5 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

6 (a) *DEPARTMENT MISSION.*—Not later than 180 days
 7 after the date of enactment of this Act, Amtrak shall iden-
 8 tify the mission of the Amtrak Police Department (in this
 9 section referred to as the “Department”), including the
 10 scope of the role and priorities of the Department, in miti-
 11 gating risks to and ensuring the safety and security of Am-
 12 trak passengers, employees, trains, stations, facilities, and
 13 other infrastructure. In identifying such mission, Amtrak
 14 shall consider—

15 (1) the unique needs of maintaining the safety
 16 and security of Amtrak’s network; and

17 (2) comparable passenger rail systems and the
 18 mission of the police departments of such rail systems.

19 (b) *WORKFORCE PLANNING PROCESS.*—Not later than
 20 120 days after identifying the mission of the Department
 21 under subsection (a), Amtrak shall develop a workforce
 22 planning process that—

23 (1) ensures adequate employment levels and allo-
 24 cation of sworn and civilian personnel, including pa-

1 *trol officers, necessary for fulfilling the Department's*
2 *mission; and*

3 *(2) sets performance goals and metrics for the*
4 *Department that align with the mission of the De-*
5 *partment and monitors and evaluates the Depart-*
6 *ment's progress toward such goals and metrics.*

7 *(c) CONSIDERATIONS.—In developing the workforce*
8 *planning process under subsection (b), Amtrak shall—*

9 *(1) identify critical positions, skills, and com-*
10 *petencies necessary for fulfilling the Department's*
11 *mission;*

12 *(2) analyze employment levels and ensure that—*

13 *(A) an adequate number of civilian and*
14 *sworn personnel are allocated across the Depart-*
15 *ment's 6 geographic divisions, including patrol*
16 *officers, detectives, canine units, special oper-*
17 *ations unit, strategic operations, intelligence,*
18 *corporate security, the Office of Professional Re-*
19 *sponsibilities, and the Office of Chief of Polices;*
20 *and*

21 *(B) patrol officers have an adequate pres-*
22 *ence on trains and route segments, and in sta-*
23 *tions, facilities, and other infrastructure;*

24 *(3) analyze workforce gaps and develop strategies*
25 *to address any such gaps;*

1 (4) *consider risks, including those identified by*
2 *Amtrak’s triannual risk assessments;*

3 (5) *consider variables, including ridership levels,*
4 *miles of right-of-way, crime data, call frequencies,*
5 *interactions with vulnerable populations, and work-*
6 *load, that comparable passenger rail systems with*
7 *similar police departments consider in the develop-*
8 *ment of the workforce plans of such systems; and*

9 (6) *consider collaboration or coordination with*
10 *local, State, Tribal, and Federal agencies, and public*
11 *transportation agencies to support the safety and se-*
12 *curity of the Amtrak network.*

13 (d) *CONSULTATION.—In carrying out this section, Am-*
14 *trak shall consult with the Amtrak Police Labor Committee,*
15 *public safety experts, foreign or domestic entities providing*
16 *passenger rail service comparable to Amtrak, and any other*
17 *relevant entities, as determined by Amtrak.*

18 (e) *REPORTS.—*

19 (1) *REPORT ON MISSION OF DEPARTMENT.—Not*
20 *later than 10 days after Amtrak identifies the mission*
21 *of the Department under subsection (a), Amtrak shall*
22 *submit to the Committee on Transportation and In-*
23 *frastructure of the House of Representatives and the*
24 *Committee on Commerce, Science, and Transpor-*
25 *tation of the Senate a report containing a description*

1 *of the mission of the Department and the reasons for*
 2 *the content of such mission.*

3 (2) *REPORT ON WORKFORCE PLANNING PROC-*
 4 *ESS.—Not later than 10 days after Amtrak completes*
 5 *the workforce planning process under subsection (b),*
 6 *Amtrak shall submit to the Committee on Transpor-*
 7 *tation and Infrastructure of the House of Representa-*
 8 *tives and the Committee on Commerce, Science, and*
 9 *Transportation of the Senate a report containing the*
 10 *workforce planning process, the underlying data used*
 11 *to develop such process, and how such process will*
 12 *achieve the Department’s mission.*

13 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

14 (a) *AMTRAK FOOD AND BEVERAGE.*—Section 24321 of
 15 *title 49, United States Code, is amended to read as follows:*

16 **“§ 24321. Amtrak food and beverage**

17 “(a) *ENSURING ACCESS TO FOOD AND BEVERAGE*
 18 *SERVICES.*—*On all long-distance routes, Amtrak shall en-*
 19 *sure that all passengers who travel overnight on such route*
 20 *shall have access to purchasing the food and beverages that*
 21 *are provided to sleeping car passengers on such route.*

22 “(b) *FOOD AND BEVERAGE WORKFORCE.*—

23 “(1) *WORKFORCE REQUIREMENT.*—*Amtrak shall*
 24 *ensure that any individual onboard a train who pre-*

1 *parens or provides food and beverages is an Amtrak*
 2 *employee.*

3 “(2) *SAVINGS CLAUSE.*—No Amtrak employee
 4 *holding a position as of the date of enactment of the*
 5 *TRAIN Act may be involuntarily separated because*
 6 *of any action taken by Amtrak to implement this sec-*
 7 *tion, including any employees who are furloughed as*
 8 *a result of the COVID–19 pandemic.*

9 “(c) *SAVINGS CLAUSE.*—Amtrak shall ensure that no
 10 *Amtrak employee holding a position as of the date of enact-*
 11 *ment of the Passenger Rail Reform and Investment Act of*
 12 *2015 is involuntarily separated because of the development*
 13 *and implementation of the plan required by the amend-*
 14 *ments made by section 11207 of such Act.”.*

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

16 (1) *ANALYSIS.*—The item relating to section
 17 *24321 in the analysis for chapter 243 of title 49,*
 18 *United States Code, is amended to read as follows:*

“24321. Amtrak food and beverage.”.

19 (2) *AMTRAK AUTHORITY.*—Section 24305(c)(4) of
 20 *title 49, United States Code, is amended by striking*
 21 *“only if revenues from the services each year at least*
 22 *equal the cost of providing the services”.*

23 (3) *CONTRACTING OUT.*—Section 121(c) of the
 24 *Amtrak Reform and Accountability Act of 1997 (49*
 25 *U.S.C. 24312 note; 111 Stat. 2574) is amended by*

1 *striking “, other than work related to food and bev-*
 2 *erage service,”.*

3 *(c) AMTRAK FOOD AND BEVERAGE WORKING*
 4 *GROUP.—*

5 *(1) ESTABLISHMENT.—Not later than 90 days*
 6 *after the date of enactment of this Act, Amtrak shall*
 7 *establish a working group (in this subsection referred*
 8 *to as the “Working Group”) to provide recommenda-*
 9 *tions on Amtrak onboard food and beverage services.*

10 *(2) MEMBERSHIP.—The Working Group shall*
 11 *consist of—*

12 *(A) an equal number of individuals rep-*
 13 *resenting—*

14 *(i) Amtrak;*

15 *(ii) the labor organizations rep-*
 16 *resenting Amtrak employees who prepare or*
 17 *provide onboard food and beverage services;*

18 *(iii) the State-Supported Route Com-*
 19 *mittee established by section 24712; and*

20 *(iv) nonprofit organizations rep-*
 21 *resenting Amtrak passengers; and*

22 *(B) an individual with culinary or hospi-*
 23 *tality expertise agreed to by the members under*
 24 *clauses (i) through (iv) of subparagraph (A).*

25 *(3) RECOMMENDATIONS.—*

1 (A) *IN GENERAL.*—*The Working Group*
2 *shall develop recommendations to increase rider-*
3 *ship and improve customer satisfaction by—*

4 (i) *promoting collaboration and en-*
5 *gagement between Amtrak, Amtrak pas-*
6 *sengers, and Amtrak employees preparing*
7 *or providing onboard food and beverage*
8 *services, prior to Amtrak implementing*
9 *changes to onboard food and beverage serv-*
10 *ices;*

11 (ii) *improving onboard food and bev-*
12 *erage services; and*

13 (iii) *improving solicitation, reception,*
14 *and consideration of passenger feedback re-*
15 *garding onboard food and beverage services.*

16 (B) *CONSIDERATIONS.*—*In developing the*
17 *recommendations under subparagraph (A), the*
18 *Working Group shall consider—*

19 (i) *the healthfulness of onboard food*
20 *and beverages offered, including the ability*
21 *of passengers to address dietary restrictions;*

22 (ii) *the preparation and delivery of on-*
23 *board food and beverages;*

1 (iii) the differing needs of passengers
2 traveling on long-distance routes, State-sup-
3 ported routes, and the Northeast Corridor;

4 (iv) the reinstatement of the dining car
5 service on long-distance routes;

6 (v) Amtrak passenger survey data
7 about the food and beverages offered on Am-
8 trak trains; and

9 (vi) any other issue the Working Group
10 determines appropriate.

11 (4) *REPORTS.*—

12 (A) *INITIAL REPORT.*—Not later than 1
13 year after the date on which the Working Group
14 is established, the Working Group shall submit to
15 the Board of Directors of Amtrak, the Committee
16 on Transportation and Infrastructure of the
17 House of Representatives, and the Committee on
18 Commerce, Science, and Transportation of the
19 Senate a report containing the recommendations
20 developed under paragraph (3).

21 (B) *SUBSEQUENT REPORT.*—Not later than
22 30 days after the date on which the Working
23 Group submits the report required under sub-
24 paragraph (A), Amtrak shall submit to the Com-
25 mittee on Transportation and Infrastructure of

1 *the House of Representatives and the Committee*
2 *on Commerce, Science, and Transportation of*
3 *the Senate a report on whether Amtrak agrees*
4 *with the recommendations of the Working Group*
5 *and describing any plans to implement such rec-*
6 *ommendations.*

7 (5) *PROHIBITION ON FOOD AND BEVERAGE SERV-*
8 *ICE CHANGES.*—*During the period beginning on the*
9 *date of enactment of this Act and ending 30 days*
10 *after the date on which Amtrak submits the report re-*
11 *quired under paragraph (4)(B), Amtrak may not*
12 *make large-scale, structural changes to existing on-*
13 *board food and beverage services, except that Amtrak*
14 *shall reverse any changes to onboard food and bev-*
15 *erage service made in response to the COVID–19 pan-*
16 *demic as Amtrak service is restored.*

17 (6) *TERMINATION.*—*The Working Group shall*
18 *terminate on the date on which Amtrak submits the*
19 *report required under paragraph (4)(B), except that*
20 *Amtrak may extend such date by up to 1 year if Am-*
21 *trak determines that the Working Group is beneficial*
22 *to Amtrak in making decisions related to onboard*
23 *food and beverage services. If Amtrak extends such*
24 *date, Amtrak shall include notification of the exten-*
25 *sion in the report required under paragraph (4)(B).*

1 (7) *NONAPPLICABILITY OF FEDERAL ADVISORY*
2 *COMMITTEE ACT.*—*The Federal Advisory Committee*
3 *Act (5 U.S.C. App.) does not apply to the Working*
4 *Group established under this section.*

5 (8) *LONG-DISTANCE ROUTE; NORTHEAST COR-*
6 *RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.*—*In*
7 *this subsection, the terms “long-distance route”,*
8 *“Northeast Corridor”, and “State-supported route”*
9 *have the meaning given those terms in section 24102*
10 *of title 49, United States Code.*

11 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING OUT.**

12 (a) *FURLOUGHED WORK.*—*Section 121 of the Amtrak*
13 *Reform and Accountability Act of 1997 (49 U.S.C. 24312*
14 *note; 111 Stat. 2574) is amended by striking subsection (d)*
15 *and inserting the following:*

16 “(d) *FURLOUGHED WORK.*—*Amtrak may not contract*
17 *out work within the scope of work performed by an em-*
18 *ployee in a bargaining unit covered by a collective bar-*
19 *gaining agreement entered into between Amtrak and an or-*
20 *ganization representing Amtrak employees during the pe-*
21 *riod of time such employee has been laid off involuntarily*
22 *if such employee—*

23 “(1) *is eligible and qualified under the agree-*
24 *ment to perform such work in accordance with the se-*
25 *niority of such employee; and*

1 “(2) *has not been provided an opportunity to be*
2 *recalled to perform such work.*”

3 “(e) *AGREEMENT PROHIBITIONS ON CONTRACTING*
4 *OUT.—This section does not—*

5 “(1) *supersede a prohibition or limitation on*
6 *contracting out work covered by an agreement entered*
7 *into between Amtrak and an organization rep-*
8 *resenting Amtrak employees; or*

9 “(2) *prohibit Amtrak and an organization rep-*
10 *resenting Amtrak employees from entering into an*
11 *agreement that allows for contracting out the work of*
12 *a furloughed employee that would otherwise be prohib-*
13 *ited under subsection (d).”.*

14 “(b) *WORKFORCE PLAN.—Section 24320(c)(2) of title*
15 *49, United State Code, is amended—*

16 “(1) *in subparagraph (C)(iii)(III) by striking*
17 *“and” at the end;*

18 “(2) *by redesignating subparagraph (D) as sub-*
19 *paragraph (E); and*

20 “(3) *by inserting after subparagraph (C) the fol-*
21 *lowing:*

22 “(D) *a summary of Amtrak’s plan to meet*
23 *the workforce needs of each asset category, which*
24 *shall—*

1 “(i) identify any gaps in Amtrak’s
2 workforce, including any vacancy, skill gap,
3 or shortage of qualified personnel;

4 “(ii) summarize any action Amtrak is
5 taking to address any such gaps; and

6 “(iii) summarize any anticipated
7 change to the size of the Amtrak workforce
8 and any cause for such change; and”.

9 **SEC. 9213. AMTRAK STAFFING.**

10 Section 24312 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(c) CALL CENTER STAFFING.—

13 “(1) OUTSOURCING.—Amtrak may not renew or
14 enter into a contract to outsource call center customer
15 service work on behalf of Amtrak, including through
16 a business process outsourcing group.

17 “(2) TRAINING.—Amtrak shall make available
18 appropriate training programs to any Amtrak call
19 center employee carrying out customer service activi-
20 ties using telephone or internet platforms.

21 “(d) STATION AGENT STAFFING.—

22 “(1) IN GENERAL.—Amtrak shall ensure that at
23 least one Amtrak ticket agent is employed at each sta-
24 tion building where at least one Amtrak ticket agent
25 was employed on or after October 1, 2017.

1 “(2) *LOCATIONS.*—Amtrak shall ensure that at
2 least one Amtrak ticket agent is employed at each sta-
3 tion building—

4 “(A) that Amtrak owns, or operates service
5 through, as part of a passenger service route; and

6 “(B) for which the number of passengers
7 boarding or disembarking an Amtrak long-distance
8 train in the previous fiscal year exceeds the aver-
9 age of at least 40 passengers per day over all
10 days in which the station was serviced by Am-
11 trak, regardless of the number of Amtrak vehicles
12 servicing the station per day. For fiscal year
13 2021, ridership from fiscal year 2019 shall be
14 used to determine qualifying stations.

15 “(3) *EXCEPTION.*—This subsection does not
16 apply to any station building in which a commuter
17 rail ticket agent has the authority to sell Amtrak tick-
18 ets.

19 “(4) *AMTRAK TICKET AGENT.*—For purposes of
20 this section, the term ‘Amtrak ticket agent’ means an
21 Amtrak employee with authority to sell Amtrak tick-
22 ets onsite and assist in the checking of Amtrak pas-
23 senger baggage.

24 “(5) *EFFECTIVE DATE.*—This subsection shall
25 take effect on the earlier of—

1 “(A) the date of the expiration of the emer-
 2 gency declaration issued by the President on
 3 March 13, 2020, pursuant to section 501(b) of
 4 the Robert T. Stafford Disaster Relief and Emer-
 5 gency Assistance Act (42 U.S.C. 5191(b)); or

6 “(B) the day after the period that is the
 7 first 6 consecutive months within a calendar
 8 year for which Amtrak ridership exceeds the Am-
 9 trak ridership for the same 6 consecutive cal-
 10 endar months in 2019.”.

11 **SEC. 9214. SPECIAL TRANSPORTATION.**

12 Section 24307(a) of title 49, United States Code, is
 13 amended—

14 (1) in the matter preceding paragraph (1) by
 15 striking “for the following:” and inserting “of at least
 16 a 10 percent discount on full-price coach class rail
 17 fares for, at a minimum—”;

18 (2) in paragraph (1) by striking the period at
 19 the end and inserting a semicolon; and

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

22 “(2) individuals of 12 years of age or younger;

23 “(3) individuals with a disability, as such term
 24 is defined in section 3 of the Americans with Disabil-
 25 ities Act of 1990 (42 U.S.C. 12102);

1 “(4) members of the Armed Forces on active duty
2 (as those terms are defined in section 101 of title 10)
3 and their spouses and dependents with valid identi-
4 fication;

5 “(5) veterans (as that term is defined in section
6 101 of title 38) with valid identification; and

7 “(6) individuals attending federally accredited
8 postsecondary education institutions with valid stu-
9 dent identification cards.”.

10 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

11 (a) *IN GENERAL*.—Chapter 243 of title 49, United
12 States Code, is further amended by adding at the end the
13 following:

14 **“§ 24324. Disaster and emergency relief program**

15 “(a) *IN GENERAL*.—The Secretary of Transportation
16 may make grants to Amtrak for—

17 “(1) capital projects to repair, reconstruct, or re-
18 place equipment, infrastructure, stations, and other
19 facilities that the Secretary determines are in danger
20 of suffering serious damage, or have suffered serious
21 damage, as a result of an emergency event;

22 “(2) offset revenue lost as a result of such an
23 event; and

24 “(3) support continued operations following
25 emergency events.

1 “(b) *COORDINATION OF EMERGENCY FUNDS.*—*Funds*
 2 *made available to carry out this section shall be in addition*
 3 *to any other funds available and shall not affect the ability*
 4 *of Amtrak to use any other funds otherwise authorized by*
 5 *law.*

6 “(c) *GRANT CONDITIONS.*—*Grants made under this*
 7 *subsection (a) shall be subject to section 22905(c)(2)(A) and*
 8 *other such terms and conditions as the Secretary determines*
 9 *necessary.*

10 “(d) *DEFINITION OF EMERGENCY EVENT.*—*In this sec-*
 11 *tion, the term ‘emergency event’ has the meaning given such*
 12 *term in section 20103.’.*

13 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 14 *243 of title 49, United States Code, is further amended by*
 15 *adding at the end the following:*

“24324. Disaster and emergency relief program.”.

16 **SEC. 9216. ACCESS TO RECREATIONAL TRAILS.**

17 *Section 24315 of title 49, United States Code, is*
 18 *amended by adding at the end the following:*

19 “(i) *ACCESS TO RECREATIONAL TRAILS.*—*At least 30*
 20 *days before implementing a new policy, structure, or oper-*
 21 *ation that impedes access to recreational trails, Amtrak*
 22 *shall work with potentially affected communities, making*
 23 *a good-faith effort to address local concerns about such ac-*
 24 *cess. Not later than February 15 of each year, Amtrak shall*
 25 *submit to the Committee on Transportation and Infrastruc-*

1 *ture of the House of Representatives and the Committee on*
 2 *Environment and Public Works of the Senate a report on*
 3 *any such engagement in the preceding calendar year, and*
 4 *any changes to policies, structures, or operations affecting*
 5 *access to recreational trails that were considered or made*
 6 *as a result. The report shall include Amtrak’s plans to miti-*
 7 *gate the impact to such access.”.*

8 **SEC. 9217. AMTRAK CYBERSECURITY ENHANCEMENT AND**
 9 **RESILIENCY GRANT PROGRAM.**

10 (a) *IN GENERAL.*—Chapter 243 of title 49, United
 11 States Code, is further amended by adding at the end the
 12 following:

13 **“§ 24325. Amtrak cybersecurity enhancement and re-**
 14 **siliency grant program**

15 “(a) *IN GENERAL.*—The Secretary of Transportation
 16 shall make grants to Amtrak for improvements in informa-
 17 tion technology systems, including cyber resiliency improve-
 18 ments for Amtrak information technology assets.

19 “(b) *APPLICATION OF BEST PRACTICES.*—Any cyber
 20 resiliency improvements carried out with a grant under this
 21 section shall be consistent with cybersecurity industry best
 22 practices and publications issued by the National Institute
 23 of Standards and Technology.

24 “(c) *COORDINATION OF CYBERSECURITY FUNDS.*—
 25 Funds made available to carry out this section shall be in

1 addition to any other Federal funds and shall not affect
 2 the ability of Amtrak to use any other funds otherwise au-
 3 thorized by law for purposes of enhancing the cybersecurity
 4 architecture of Amtrak.

5 “(d) GRANT CONDITIONS.—In carrying out this sec-
 6 tion—

7 “(1) to the extent practicable, the Secretary shall
 8 provide grants consistent with the process established
 9 under section 24319;

10 “(2) the Secretary shall ensure that a grant
 11 made available under this section shall be adminis-
 12 tered and disbursed as part of Amtrak’s annual grant
 13 agreement as authorized by section 24319(d)(1)(B);
 14 and

15 “(3) a grant made under this section shall be
 16 subject to such terms and conditions as the Secretary
 17 determines necessary.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chapter
 19 243 of title 49, United States Code, is further amended by
 20 adding at the end the following:

“24325. Amtrak cybersecurity enhancement and resiliency grant program.”.

21 **SEC. 9218. AMTRAK AND PRIVATE CARS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Congress
 23 that private cars and charter trains can—

24 (1) improve Amtrak’s financial performance,
 25 particularly on the long-distance routes;

1 (2) *have promotional value for Amtrak that re-*
 2 *sults in future travel on Amtrak trains by passengers*
 3 *made aware of Amtrak as a result;*

4 (3) *support private-sector jobs, including for me-*
 5 *chanical work and on-board services; and*

6 (4) *provide good-will benefits to Amtrak.*

7 (b) *POLICY REVIEW.*—*Amtrak shall review the policy*
 8 *changes since January 1, 2018, that have caused significant*
 9 *changes to the relationship between Amtrak and private car*
 10 *owners and charter train services and evaluate opportuni-*
 11 *ties to strengthen these services, including by reinstating*
 12 *some access points and restoring flexibility to charter-train*
 13 *policies. For charter trains, private cars, and package ex-*
 14 *press carried on regular Amtrak trains, consistent with*
 15 *sound business practice, Amtrak should recover direct costs*
 16 *plus a reasonable profit margin.*

17 **SEC. 9219. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

18 (a) *IN GENERAL.*—*Chapter 243 of title 49, United*
 19 *States Code, is further amended by adding at the end the*
 20 *following new section:*

21 **“§ 24326. Amtrak Office of Community Outreach**

22 “(a) *IN GENERAL.*—*Not later than 180 days after the*
 23 *date of enactment of the TRAIN Act, Amtrak shall establish*
 24 *an Office of Community Outreach to engage with commu-*
 25 *nities impacted by Amtrak operations.*

1 “(b) *RESPONSIBILITIES.—The Office of Community*
2 *Outreach shall be responsible for—*

3 “(1) *outreach and engagement with—*

4 “(A) *local officials before capital improve-*
5 *ment project plans are finalized; and*

6 “(B) *local stakeholders and relevant organi-*
7 *zations on projects of community significance;*

8 “(2) *clear explanation and publication of how*
9 *community members can communicate with Amtrak;*

10 “(3) *the use of virtual public involvement, social*
11 *media, and other web-based tools to encourage public*
12 *participation and solicit public feedback; and*

13 “(4) *making publicly available on the website of*
14 *Amtrak, planning documents for proposed and imple-*
15 *mented capital improvement projects.*

16 “(c) *REPORT TO CONGRESS.—Not later than 1 year*
17 *after the establishment of the Office of Community Out-*
18 *reach, and annually thereafter, Amtrak shall submit to the*
19 *Committee on Transportation and Infrastructure in the*
20 *House of Representatives and the Committee on Commerce,*
21 *Science, and Transportation of the Senate a report that—*

22 “(1) *describes the community outreach efforts un-*
23 *dertaken by the Amtrak Office of Community Out-*
24 *reach for the previous year; and*

1 “(2) identifies changes Amtrak made to capital
2 improvement project plans after engagement with af-
3 fected communities.”.

4 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
5 243 of title 49, United States Code, is further amended by
6 adding at the end the following:

 “24326. *Amtrak Office of Community Outreach.*”.

7 **SEC. 9220. LONG-DISTANCE CUSTOMER ENHANCEMENT**
8 **PROGRAM.**

9 (a) *AUTHORIZATION.*—Amtrak shall expend not less
10 than 2.5 percent of the amounts appropriated in each fiscal
11 year pursuant to section 9101(a)(2) to enhance the customer
12 experience on Amtrak long-distance routes.

13 (b) *ELIGIBILITY.*—Projects and initiatives to serve the
14 following purposes, including planning and development,
15 are eligible to be implemented by Amtrak under this section:

16 (1) *Rolling stock interior refreshes and redesigns.*

17 (2) *Food and beverage service improvements con-*
18 *sistent with section 24321 of title 49, United States*
19 *Code.*

20 (3) *Wi-Fi service expansion and improvement.*

21 (4) *Enhanced customer experience at stations.*

22 (5) *Other customer enhancement initiatives de-*
23 *veloped by Amtrak, including initiatives developed in*
24 *accordance with subsection (c).*

1 (c) *CONSULTATION.*—Not later than 90 days after the
2 date of enactment of this Act, and subsequently on a peri-
3 odic basis, Amtrak shall consult with appropriate States,
4 local governments, labor organizations representing rail-
5 road employees, and national associations that represent
6 rail passengers on ways to enhance the customer experience
7 on long-distance routes.

8 (d) *USE OF FUNDS FOR OTHER PURPOSES.*—Amtrak
9 may use funds provided under this section for purposes re-
10 lated to long-distance route service other than those listed
11 in subsection (b) if—

12 (1) *Amtrak determines the use of funds is nec-*
13 *essary to—*

14 (A) *improve the safety of long-distance*
15 *route operations; or*

16 (B) *maintain continued operation or service*
17 *levels of any such route; and*

18 (2) *not later than 10 days of the repurposing of*
19 *such funds, Amtrak submits to the Secretary, the*
20 *Committee on Transportation and Infrastructure and*
21 *the Committee on Appropriations of the House of*
22 *Representatives, and the Committee on Commerce,*
23 *Science, and Transportation, and the Committee on*
24 *Appropriations of the Senate, a report that in-*
25 *cludes—*

1 (A) the amount of funds repurposed for a
2 use described in this subsection, and

3 (B) the reason for the repurposing of such
4 funds.

5 (e) *LONG-DISTANCE ROUTE DEFINED.*—In this sec-
6 tion, the term “long-distance route” has the meaning given
7 the term in section 24102 of title 49, United States Code.

8 **SEC. 9221. AMTRAK CARBON-FREE AND RENEWABLE EN-**
9 **ERGY INITIATIVES.**

10 (a) *IN GENERAL.*—Chapter 243 of title 49, United
11 States Code, is further amended by adding at the end the
12 following new section:

13 **“§24327. Amtrak carbon-free and renewable energy**
14 **initiatives**

15 “(a) *EMISSIONS REDUCTION AND ENERGY PLAN.*—

16 “(1) *IN GENERAL.*—Not later than 1 year after
17 the date of enactment of the TRAIN Act, Amtrak
18 shall—

19 “(A) develop a greenhouse gas emissions re-
20 duction and energy plan that sets forth a goal of,
21 a strategy for achieving, and potential timelines
22 and funding requirements for—

23 “(i) becoming a net-zero carbon emis-
24 sions transportation provider; and

1 “(ii) achieving net-zero carbon emis-
2 sions with respect to Amtrak operations
3 within the Northeast Corridor;

4 “(B) submit the plan to the Secretary of
5 Transportation, the Committee on Transpor-
6 tation and Infrastructure of the House of Rep-
7 resentatives, and the Committee on Commerce,
8 Science, and Transportation of the Senate; and

9 “(C) publish the plan on Amtrak’s website.

10 “(2) *ADDITIONAL REQUIREMENTS.*—The plan de-
11 veloped under paragraph (1) shall contain—

12 “(A) at least 1 option for becoming a net-
13 zero carbon emissions transportation provider
14 not later than January 1, 2035; and

15 “(B) at least 1 option for achieving net-zero
16 carbon emissions with respect to Amtrak oper-
17 ations within the Northeast Corridor not later
18 than January 1, 2030.

19 “(3) *ANNUAL PROGRESS REPORTS.*—

20 “(A) *IN GENERAL.*—After submission and
21 publication of the plan developed under para-
22 graph (1), Amtrak shall include in each general
23 and legislative annual report required under sec-
24 tion 24315(b), an update on Amtrak’s progress
25 towards—

1 “(i) becoming a net-zero carbon emis-
2 sions transportation provider; and

3 “(ii) achieving net-zero carbon emis-
4 sions with respect to Amtrak operations
5 within the Northeast Corridor.

6 “(B) *LEGISLATIVE RECOMMENDATIONS.*—
7 *The update required under subparagraph (A)*
8 *may include recommendations for legislative*
9 *changes or changes to funding levels likely to in-*
10 *crease the rate of Amtrak’s progress.*

11 “(b) *CARBON-FREE AND RENEWABLE ENERGY USE.*—

12 “(1) *ENERGY SOURCE REQUIREMENT.*—*Not later*
13 *than 180 days after the date of enactment of the*
14 *TRAIN Act, Amtrak shall ensure that any new or re-*
15 *newed contract between Amtrak and a provider of*
16 *electricity that is used to meet the needs of train trac-*
17 *tion power or rail facility power requires that an*
18 *amount equal to or greater than 25 percent of such*
19 *electricity is derived from carbon-free or renewable*
20 *energy sources.*

21 “(2) *INCREASED ENERGY SOURCE GOALS.*—*Am-*
22 *trak shall establish goals for increasing the energy*
23 *source requirements described in paragraph (1), in-*
24 *cluding a goal of requiring—*

1 “(A) at least 50 percent of electricity de-
2 rived from such sources for new or renewed con-
3 tracts entered into beginning 5 years after the
4 date of enactment of the TRAIN Act; and

5 “(B) 100 percent of electricity derived from
6 such sources for new or renewed contracts entered
7 into on or after January 1, 2030.

8 “(3) EXCEPTIONS.—The requirements of para-
9 graph (1) shall not apply in any case in which—

10 “(A) no provider of electricity is able to
11 provide the necessary levels of carbon-free or re-
12 newable energy;

13 “(B) compliance with such requirements
14 would adversely affect Amtrak’s operations or
15 quality of service to an unreasonable degree; or

16 “(C) compliance with such requirements
17 would cause an increase of at least 50 percent in
18 total cost of electricity, as compared to the total
19 cost of electricity Amtrak would otherwise have
20 acquired.

21 “(4) REPORT.—Not later than 1 year after the
22 date of enactment of the TRAIN Act, Amtrak shall
23 submit to the Committee on Transportation and In-
24 frastructure of the House of Representatives and the
25 Committee on Commerce, Science, and Transpor-

1 *tation of the Senate a report that identifies opportu-*
 2 *nities to further increase Amtrak’s use of carbon-free*
 3 *and renewable energy for train traction power needs*
 4 *and facility power needs.”.*

5 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
 6 *243 of title 49, United States Code, is further amended by*
 7 *adding at the end the following:*

“24327. Amtrak carbon-free and renewable energy initiatives.”.

8 ***TITLE III—INTERCITY***
 9 ***PASSENGER RAIL POLICY***

10 ***SEC. 9301. NORTHEAST CORRIDOR COMMISSION.***

11 *Section 24905 of title 49, United States Code, is*
 12 *amended—*

13 *(1) in subsection (a)(1)—*

14 *(A) in subparagraph (A) by striking “mem-*
 15 *bers” and inserting “4 members”;*

16 *(B) in subparagraph (B) by striking “mem-*
 17 *bers” and inserting “5 members”; and*

18 *(C) in subparagraph (D) by striking “and*
 19 *commuter railroad carriers using the Northeast*
 20 *Corridor selected by the Secretary” and inserting*
 21 *“railroad carriers and commuter authorities*
 22 *using the Northeast Corridor, as determined by*
 23 *the Commission”;*

24 *(2) by striking paragraph (2) of subsection (a)*
 25 *and inserting the following:*

1 “(2) *At least two of the members described in*
 2 *paragraph (1)(B) shall be career appointees, as such*
 3 *term is defined in section 3132(a) of title 5.*”;

4 (3) *in subsection (b)(3)(B)—*

5 (A) *in clause (i) by inserting “, including*
 6 *ridership trends,” before “along the Northeast*
 7 *Corridor”;*

8 (B) *in clause (ii) by striking “capital in-*
 9 *vestment plan described in section 24904.” and*
 10 *inserting “first year of the capital investment*
 11 *plan described in section 24904; and”;* and

12 (C) *by adding at the end the following:*

13 “(iii) *progress in assessing and elimi-*
 14 *nating the state-of-good-repair backlog.*”;

15 (4) *in subsection (c)—*

16 (A) *by striking “(1) DEVELOPMENT” and*
 17 *all that follows through “standardized policy”*
 18 *and inserting the following:*

19 “(1) *POLICY.—The Commission shall—*

20 “(A) *maintain and update, as appropriate,*
 21 *the ‘Northeast Corridor Commuter and Intercity*
 22 *Rail Cost Allocation Policy’ approved on Sep-*
 23 *tember 17, 2015,”;*

24 (B) *in paragraph (1)—*

1 (i) in subparagraph (B) by striking “a
2 proposed timetable for implementing” and
3 inserting “timetables for implementing and
4 maintaining”;

5 (ii) in subparagraph (C) by striking
6 “the policy and the timetable” and insert-
7 ing “updates to the policy and the time-
8 tables”; and

9 (iii) by striking subparagraph (D) and
10 inserting the following:

11 “(D) support the efforts of the members of
12 the Commission to implement the policy in ac-
13 cordance with such timetables; and”;

14 (C) in paragraph (2)—

15 (i) by striking the first sentence and
16 inserting “In accordance with the timetable
17 developed in paragraph (1), Amtrak and
18 commuter authorities on the Northeast Cor-
19 ridor shall implement the policy developed
20 under paragraph (1) in agreements for
21 usage of facilities or services.”;

22 (ii) by striking “fail to implement such
23 new agreements” and inserting “fail to im-
24 plement the policy”; and

1 (iii) by striking “paragraph (1)(A), as
 2 applicable” and inserting “paragraph (1)”;
 3 and
 4 (D) in paragraph (4) by striking “public
 5 authorities providing commuter rail passenger
 6 transportation” and inserting “commuter au-
 7 thorities”;
 8 (5) by striking subsection (d);
 9 (6) by redesignating subsection (e) as subsection
 10 (d); and
 11 (7) in paragraph (1)(D) of subsection (d) (as re-
 12 designated by paragraph (6)) by striking “commuter
 13 rail agencies” and inserting “commuter authorities”.

14 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

15 (a) *IN GENERAL*.—Section 24904 of title 49, United
 16 States Code, is amended—

17 (1) by redesignating subsection (e) as subsection
 18 (f);
 19 (2) by striking subsection (c);
 20 (3) by redesignating subsections (a) and (b) as
 21 subsections (b) and (c), respectively;
 22 (4) by inserting before subsection (b), as so redес-
 23 ignated, the following:
 24 “(a) *SERVICE DEVELOPMENT PLAN*.—

1 “(1) *REQUIREMENT.*—Not later than December
2 31, 2021, the Northeast Corridor Commission estab-
3 lished under section 24905 (referred to in this section
4 as the ‘Commission’) shall submit to Congress a serv-
5 ice development plan that identifies key state-of-good-
6 repair, capacity expansion, and capital improvement
7 projects planned for the Northeast Corridor, to up-
8 grade aging infrastructure and improve the reli-
9 ability, capacity, connectivity, performance, and re-
10 siliency of passenger rail service on the Northeast
11 Corridor.

12 “(2) *CONTENTS.*—The service development plan
13 required under paragraph (1) shall—

14 “(A) provide a coordinated and consensus-
15 based plan covering a period of 15 years;

16 “(B) identify service objectives and capital
17 investments needs;

18 “(C) provide a delivery-constrained strategy
19 that identifies capital investment phasing, an
20 evaluation of workforce needs, and strategies for
21 managing resources and mitigating construction
22 impacts on operations;

23 “(D) describe the anticipated outcomes of
24 each project or program, including an assess-

1 *ment of improved capacity, travel time, and*
2 *other benefits and costs of proposed investments;*

3 *“(E) include a financial strategy that in-*
4 *corporates available funding and identifies fund-*
5 *ing needs and potential sources of such funding;*
6 *and*

7 *“(F) be updated at least every 5 years.”;*

8 *(5) in subsection (b) (as redesignated by para-*
9 *graph (3))—*

10 *(A) in paragraph (1)—*

11 *(i) in the matter preceding subpara-*
12 *graph (A) by striking “Not later than” and*
13 *all that follows through “shall” and insert-*
14 *ing “Not later than November 1 of each*
15 *year, the Commission shall”;*

16 *(ii) in subparagraph (A) by striking*
17 *“a capital investment plan” and inserting*
18 *“an annual capital investment plan”; and*

19 *(iii) in subparagraph (B) by inserting*
20 *“for the Northeast Corridor” after “capital*
21 *investment plan”;*

22 *(B) in paragraph (1)—*

23 *(i) in subparagraph (A) by striking “a*
24 *capital investment plan” and inserting “an*
25 *annual capital investment plan”; and*

1 (ii) in subparagraph (B) by inserting
2 “for the Northeast Corridor” after “capital
3 investment plan”;

4 (C) in paragraph (2)—

5 (i) in subparagraph (A) by striking
6 “and network optimization”;

7 (ii) in subparagraph (B) by striking
8 “and service”;

9 (iii) in subparagraph (C) by striking
10 “first fiscal year after the date on which”
11 and inserting “fiscal year during which”;

12 (iv) in subparagraph (D)—

13 (I) by striking “identify,
14 prioritize,” and all that follows
15 through “and consider” and inserting
16 “document the projects and programs
17 being undertaken to achieve the service
18 outcomes identified in the Northeast
19 Corridor service development plan,
20 once available, and the asset condition
21 needs identified in the Northeast Cor-
22 ridor asset management system de-
23 scribed in subsection (e) and consider”;
24 and

1 (II) in clause (i) by inserting
 2 “overall estimated” before “benefits”;
 3 (v) in subparagraph (E)(i) by striking
 4 “normalized capital replacement and”;
 5 (vi) in subparagraph (F) by adding
 6 “and” at the end;
 7 (vii) by striking subparagraph (G);
 8 and
 9 (viii) by redesignating subparagraph
 10 (H) as subparagraph (G); and
 11 (D) in paragraph (3)—
 12 (i) by striking “paragraph (2)(H)”
 13 and inserting “paragraph (2)(G)”;
 14 (ii) in subparagraph (A)—
 15 (I) by inserting “anticipated” be-
 16 fore “funding sources”; and
 17 (II) by inserting “and, in the ab-
 18 sence of an authorization or appro-
 19 priation of funds for a fiscal year, be
 20 based on the amount of funding avail-
 21 able in the previous fiscal year, plus
 22 inflation” after “methods”;
 23 (iii) in subparagraph (B) by striking
 24 “expected allocated shares of costs” and in-
 25 serting “status of cost sharing agreements”;

1 (iv) in subparagraph (C) by striking
2 “and” at the end;

3 (v) by redesignating subparagraph (D)
4 as subparagraph (E); and

5 (vi) by inserting after subparagraph
6 (C) the following:

7 “(D) include any funding needs in excess of
8 amounts authorized or otherwise available in a
9 fiscal year; and”;

10 (6) in subsection (c) (as redesignated by para-
11 graph (3)) by striking “may be spent only on” and
12 all that follows through the end and inserting “may
13 be spent only on capital projects and programs con-
14 tained in the Commission’s capital investment plan
15 from the previous year.”; and

16 (7) by striking subsection (d) and inserting the
17 following:

18 “(d) *REVIEW AND COORDINATION.*—The Commission
19 shall gather information from Amtrak, the States in which
20 the Northeast Corridor is located, and commuter rail au-
21 thorities to support development of the capital investment
22 plan. The Commission may specify a format and other cri-
23 teria for the information submitted. Submissions to the
24 plan from Amtrak, States in which the Northeast Corridor
25 are located, and commuter rail authorities shall be provided

1 *to the Commission in a manner that allows for a reasonable*
 2 *period of review by, and coordination with, affected agen-*
 3 *cies.*

4 “(e) *NORTHEAST CORRIDOR ASSET MANAGEMENT.*—
 5 *With regard to existing infrastructure, Amtrak and other*
 6 *infrastructure owners that provide or support intercity rail*
 7 *passenger transportation on the Northeast Corridor shall*
 8 *develop an asset management system, and use and update*
 9 *such system as necessary, to develop submissions to the*
 10 *Northeast Corridor capital investment plan described in*
 11 *subsection (b). Such system shall—*

12 “(1) *be timed consistent with the Federal Transit*
 13 *Administration process, as authorized under section*
 14 *5326, when implemented; and*

15 “(2) *include, at a minimum—*

16 “(A) *an inventory of all capital assets*
 17 *owned by the developer of the plan;*

18 “(B) *an assessment of asset condition;*

19 “(C) *a description of the resources and*
 20 *processes necessary to bring or maintain those*
 21 *assets in a state of good repair; and*

22 “(D) *a description of changes in asset con-*
 23 *dition since the previous version of the plan.”.*

24 (b) *CONFORMING AMENDMENTS.*—

1 (1) *ACCOUNTS*.—Section 24317(d)(1) of title 49,
2 *United States Code*, is amended—

3 (A) in subparagraph (B) by striking
4 “24904(a)(2)(E)” and inserting
5 “24904(b)(2)(E)”; and

6 (B) in subparagraph (F) by striking
7 “24904(b)” and inserting “24904(c)”.

8 (2) *FEDERAL-STATE PARTNERSHIP FOR STATE*
9 *OF GOOD REPAIR*.—Section 24911(e)(2) of title 49,
10 *United States Code*, is amended by striking
11 “24904(a)” and inserting “24904(b)”.

12 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

13 Section 22905 of title 49, *United States Code*, is
14 amended—

15 (1) in subsection (c)(2)(B) by striking “that are
16 equivalent to the protective arrangements established
17 under section 504 of the Railroad Revitalization and
18 Regulatory Reform Act of 1976 (45 U.S.C. 836)” and
19 inserting “established by the Secretary under sub-
20 section (e)(1)”;

21 (2) by redesignating subsections (e) and (f) as
22 subsections (f) and (g), respectively; and

23 (3) by inserting after subsection (d) the fol-
24 lowing:

25 “(e) *EQUIVALENT EMPLOYEE PROTECTIONS*.—

1 “(1) *ESTABLISHMENT.*—Not later than 90 days
 2 after the date of enactment of this subsection, the Ad-
 3 ministrator of the Federal Railroad Administration
 4 shall establish protective arrangements equivalent to
 5 those established under section 504 of the Railroad
 6 Revitalization and Regulatory Reform Act of 1976
 7 (45 U.S.C. 836), and require such protective arrange-
 8 ments to apply to employees described under sub-
 9 section (c)(2)(B) and as required under subsection (j)
 10 of section 22907.

11 “(2) *PUBLICATION.*—The Administrator shall
 12 make available on a publicly available website the
 13 protective arrangements established under paragraph
 14 (1).”.

15 **SEC. 9304. INTERSTATE RAIL COMPACTS.**

16 (a) *IDENTIFICATION.*—Section 410 of the Amtrak Re-
 17 form and Accountability Act of 1997 (Public Law 105–134;
 18 49 U.S.C. 24101 note) is amended—

19 (1) in subsection (b)(2) by striking “(except
 20 funds made available for Amtrak)”; and

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

22 “(c) *INTERSTATE RAIL COMPACTS PROGRAM.*—The
 23 Secretary of Transportation shall—

1 “(1) make available on a publicly accessible
2 website a list of interstate rail compacts established in
3 accordance with subsection (a);

4 “(2) provide information to the public regarding
5 interstate rail compacts, including how States may
6 establish interstate rail compacts under subsection
7 (a); and

8 “(3) annually update the information provided
9 under paragraph (2).”.

10 (b) *GRANTS AUTHORIZED.*—Chapter 229 of title 49,
11 United States Code, is further amended by adding at the
12 end the following:

13 **“§ 22910. Interstate rail compacts support program**

14 “(a) *IN GENERAL.*—The Secretary shall develop and
15 implement a competitive grant program for providing ad-
16 ministrative assistance, including salaries, benefits, travel,
17 and other administrative expenses, to eligible applicants to
18 support interstate and regional efforts—

19 “(1) to improve the safety, efficiency, or reli-
20 ability of intercity passenger rail; and

21 “(2) to promote and develop intercity passenger
22 rail service, including through initiating, restoring,
23 or enhancing intercity passenger rail service.

24 “(b) *APPLICANT SELECTION CRITERIA.*—

1 “(1) *IN GENERAL.*—*In awarding grants under*
2 *this section, the Secretary shall consider—*

3 “(A) *the amount of other funding received*
4 *by an applicant (including funding from rail-*
5 *roads) or other significant participation by*
6 *State, local, and regional governmental and pri-*
7 *vate entities;*

8 “(B) *the applicant’s work to facilitate and*
9 *encourage regional planning for passenger rail*
10 *improvement, enhancement, and development;*

11 “(C) *the applicant’s work to foster, through*
12 *rail transportation systems, economic develop-*
13 *ment, particularly in rural communities, for so-*
14 *cially disadvantaged individuals, and for dis-*
15 *advantaged populations;*

16 “(D) *the applicant’s efforts to provide guid-*
17 *ance to local communities on public and private*
18 *resources relate to community concerns, such as*
19 *congestion, rail and grade crossing safety, tres-*
20 *passer prevention, quiet zones, idling, and rail*
21 *line relocations;*

22 “(E) *whether the applicant seeks to restore*
23 *service over routes formerly operated by Amtrak,*
24 *including routes described in section 11304(a) of*
25 *the Passenger Rail Reform and Investment Act*

1 *of 2015 (title XI of division A of Public Law*
2 *114–94);*

3 *“(F) the applicant’s intent to provide inter-*
4 *city passenger rail service to regions and com-*
5 *munities that are underserved or not served by*
6 *other intercity public transportation;*

7 *“(G) whether the applicant is enhancing*
8 *connectivity and geographic coverage of the exist-*
9 *ing national network of intercity rail passenger*
10 *service;*

11 *“(H) the applicant’s efforts to engage with*
12 *entities to deploy railroad safety technology or*
13 *programs, including trespassing prevention, rail*
14 *integrity inspection systems, or grade crossing*
15 *safety;*

16 *“(I) whether the applicant prepares re-*
17 *gional rail and corridor service development*
18 *plans and corresponding environmental analysis;*
19 *and*

20 *“(J) whether the applicant has engaged*
21 *with the Federal, local, or State government and*
22 *transportation planning agencies to identify*
23 *projects necessary to enhance multimodal connec-*
24 *tions or facilitate service integration between rail*
25 *service and other modes, including between inter-*

1 *city rail passenger transportation and intercity*
2 *bus service, commercial air service, or commuter*
3 *rail service.*

4 “(2) *PREFERENCE.*—*In selecting grant recipi-*
5 *ents, the Secretary shall give preference to applicants*
6 *that are initiating, restoring, or enhancing intercity*
7 *rail passenger transportation.*

8 “(c) *APPLICATION PROCESS.*—*The Secretary shall pre-*
9 *scribe the form and manner of submitting applications*
10 *under this section.*

11 “(d) *PERFORMANCE MEASURES.*—

12 “(1) *IN GENERAL.*—*The Secretary shall establish*
13 *performance measures for each grant recipient to as-*
14 *sess progress in achieving strategic goals and objec-*
15 *tives.*

16 “(2) *ANNUAL REPORT.*— *The Secretary shall re-*
17 *quire grant recipients to submit an annual report of*
18 *the activities of such recipient and information re-*
19 *lated to applicable performance measures, which may*
20 *include—*

21 “(A) *a demonstration of progress to achieve*
22 *or advance the relevant criteria described in sub-*
23 *section (b); and*

24 “(B) *the amount of non-Federal matching*
25 *funds provided from each member State.*

1 “(e) *FEDERAL SHARE OF TOTAL PROJECT COST.*—The
 2 Secretary shall require each recipient of a grant under this
 3 subsection to provide a non-Federal match of not less than
 4 50 percent of the administrative assistance to the interstate
 5 rail compact.

6 “(f) *APPLICABLE REQUIREMENTS.*—The use of any
 7 amounts appropriated for grants under this section shall
 8 be subject to the applicable requirements under this chapter.

9 “(g) *APPLICABILITY.*—Amounts appropriated to carry
 10 out this section shall remain available until expended.

11 “(h) *LIMITATIONS.*—

12 “(1) *MAXIMUM FUNDING PER APPLICANT.*—The
 13 Secretary may not award grants under this section in
 14 an amount exceeding \$500,000 annually for each ap-
 15 plicant.

16 “(2) *NUMERIC LIMITATION.*—The Secretary may
 17 not provide grants under this section to more than 10
 18 interstate rail compacts in any fiscal year.

19 “(i) *DEFINITIONS.*—In this section:

20 “(1) *APPLICANT.*—The term ‘applicant’ means
 21 an interstate rail compact or an interstate commis-
 22 sion composed of 2 or more States that has been estab-
 23 lished to promote, develop, or operate intercity pas-
 24 senger rail transportation systems.

1 “(2) *INTERCITY PASSENGER RAIL SERVICE*.—The
 2 term ‘intercity passenger rail service’ has the mean-
 3 ing given the term ‘intercity rail passenger transpor-
 4 tation’ in section 24102.”.

5 (c) *CLERICAL AMENDMENT*.—The analysis for chapter
 6 229 of title 49, United States Code, is further amended by
 7 adding at the end the following:

 “22910. Interstate rail compacts support program.”.

8 **SEC. 9305. HIGH-SPEED RAIL UPDATES.**

9 (a) *HIGH-SPEED RAIL CORRIDOR PLANNING*.—Section
 10 26101 of title 49, United States Code, is amended—

11 (1) in subsection (b)(1)—

12 (A) in the matter preceding subparagraph
 13 (A) by striking “, or if it is an activity described
 14 in subparagraph (M)”;

15 (B) in subparagraph (J) by striking “right-
 16 of-way improvements” and inserting “right-of-
 17 way acquisition or improvement needs”;

18 (C) in subparagraph (K) by inserting
 19 “and” at the end; and

20 (D) by striking subparagraphs (L) and (M)
 21 and inserting the following:

22 “(L) public costs in the creation of public pri-
 23 vate partnerships.”; and

24 (2) in subsection (c)—

1 (A) by striking paragraphs (1) through (3)
2 and inserting the following:

3 “(1) the extent to which the proposed planning
4 focuses on systems which will provide for high-speed
5 rail;

6 “(2) the integration of the corridor into metro-
7 politan area and statewide transportation planning,
8 including State rail plans;

9 “(3) the use of rail stations within urbanized
10 areas that are located in a geographic area with a
11 greater density population than the urbanized area as
12 a whole;”;

13 (B) in paragraph (4) by inserting before the
14 semicolon “, passenger rail, transit, and other
15 multimodal options”;

16 (C) in paragraph (6) by inserting “and re-
17 duce greenhouse gas emissions” before the semi-
18 colon; and

19 (D) in paragraph (11) by inserting “, in-
20 cluding access to affordable housing” before the
21 semicolon.

22 (b) *DEFINITIONS.*—Section 26105(2) of title 49,
23 United States Code, is amended—

1 (1) by inserting “made available to members of
2 the general public as passengers and reasonably ex-
3 pected to reach speeds of” after “service which is”;

4 (2) in subparagraph (A) by striking “reasonably
5 expected to reach sustained speeds of more than 125
6 miles per hour; and” and inserting “160 miles per
7 hour or more on shared-use right-of-way; or”; and

8 (3) in subparagraph (B) by striking “made
9 available to members of the general public as pas-
10 sengers” and inserting “186 miles per hour or more
11 on dedicated right-of-way”.

12 (c) *HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.*—
13 Section 26106(e)(2) of title 49, United States Code, is
14 amended—

15 (1) in subparagraph (A)(i) by striking “section
16 211 of the Passenger Rail Investment and Improve-
17 ment Act of 2008” and inserting “section 24904(a)”;
18 and

19 (2) in subparagraph (C)(i)—

20 (A) by striking subclause (III);

21 (B) by redesignating subclause (II) as sub-
22 clause (III);

23 (C) by inserting after subclause (I) the fol-
24 lowing:

1 “(II) connectivity to rail stations
 2 within urbanized areas that are located
 3 in a geographic area with a greater
 4 density population than the urbanized
 5 area as a whole;”; and

6 (D) by striking subclause (IV) and inserting
 7 the following:

8 “(IV) environmental benefits, in-
 9 cluding projects that—

10 “(aa) reduce greenhouse gas
 11 emissions; and

12 “(bb) involve electrification
 13 or the purchase of environ-
 14 mentally sensitive, fuel-efficient,
 15 and cost-effective passenger rail
 16 equipment;”.

17 **SEC. 9306. STATE RAIL PLANNING FORMULA FUNDS.**

18 (a) *IN GENERAL.*—Chapter 229 of title 49, United
 19 States Code, is further amended by adding at the end the
 20 following:

21 **“§ 22911. State rail planning formula funds**

22 “(a) *IN GENERAL.*—In carrying out this chapter, the
 23 Secretary shall allocate an appropriate portion of 1.5 per-
 24 cent of the amounts made available for programs under this
 25 chapter to provide grants to States—

1 “(1) for State or multi-State regional intercity
2 passenger rail corridor planning or project-specific,
3 intercity passenger rail planning purposes; or

4 “(2) for funding rail projects otherwise eligible
5 under section 22907 if no intercity passenger rail
6 planning is feasible.

7 “(b) *LIMITATION OF FUNDS.*—Any unobligated bal-
8 ances of a grant under this section remaining after 3 years
9 from the fiscal year in which the grant was made shall be
10 redistributed in an appropriate portion.

11 “(c) *DEFINITIONS.*—In this section:

12 “(1) *APPROPRIATE PORTION.*—The term ‘appro-
13 priate portion’ means a share, for each State—

14 “(A) one quarter of which is comprised of
15 the ratio that the total railroad route miles in
16 such State bears to the total railroad route miles
17 in the United States, excluding from each such
18 total the route miles used exclusively for tourist
19 excursions;

20 “(B) one quarter of which is comprised of
21 the ratio that the population in such State bears
22 to the total population of the United States, as
23 determined by the Bureau of the Census; and

24 “(C) half of which is comprised of the ratio
25 that the Amtrak ridership for fiscal year 2019 in

1 *each State bears to the total Amtrak ridership*
 2 *for fiscal year 2019.*

3 “(2) *STATE.*—*The term ‘State’ means each of the*
 4 *50 States and the District of Columbia.’.*”

5 *(b) CLERICAL AMENDMENT.*—*The analysis for chapter*
 6 *229 of title 49, United States Code, is further amended by*
 7 *adding at the end the end the following:*

“22911. State rail planning formula funds.”.

8 ***TITLE IV—COMMUTER RAIL***
 9 ***POLICY***

10 ***SEC. 9401. SENSE OF CONGRESS REGARDING COMMUTER***
 11 ***RAIL LIABILITY INSURANCE.***

12 *(a) FINDINGS.*—*Congress finds the following:*

13 *(1) Prior to the COVID–19 pandemic, 32 com-*
 14 *muter railroads across the United States safely car-*
 15 *ried passengers on more than 500,000,000 trips each*
 16 *year.*

17 *(2) Commuter rail is a \$9,900,000,000 industry*
 18 *that creates and supports more than 200,000 public-*
 19 *and private-sector jobs, and continues to grow.*

20 *(3) Most commuter rail agencies are required to*
 21 *maintain liability insurance up to statutory liability*
 22 *limits.*

23 *(4) Commuter rail agencies face significant ob-*
 24 *stacles to finding and obtaining liability insurance.*

1 (5) *Only a handful of insurers offer this cov-*
2 *erage, and a significant percentage of the railroad li-*
3 *ability insurance marketplace is provided by foreign*
4 *companies.*

5 (6) *The number of insurers in the American and*
6 *foreign markets willing to even offer potential capac-*
7 *ity for this coverage has drastically decreased over the*
8 *past several years, and, regardless of cost, it is becom-*
9 *ing extremely difficult for commuter railroads to ob-*
10 *tain the needed coverage.*

11 (7) *Despite the exceptional safety record of com-*
12 *muter railroads and recent full compliance with posi-*
13 *tive train control, a 2021 survey of the American*
14 *Public Transportation Association's commuter rail*
15 *agencies revealed that there has been a 60 percent in-*
16 *crease in premium costs over the last 3 years.*

17 (8) *The increase in premiums is largely due to*
18 *factors outside the control of the commuter rail indus-*
19 *try, including major forest fires, hurricanes, and in-*
20 *surers exiting the market.*

21 (9) *The cost of liability insurance severely im-*
22 *pacts the operating budgets of many commuter rail*
23 *agencies and potentially affects their ability to offer*
24 *these critical public transportation services.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 2 *that Congress should address the capacity and cost issues*
 3 *associated with the commuter rail liability insurance mar-*
 4 *ket and consider establishing a commuter rail insurance*
 5 *program within the Department of Transportation.*

6 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
 7 **OF TRACKAGE USE REQUESTS.**

8 Section 28502 of title 49, United States Code, is
 9 amended to read as follows:

10 **“§28502. Surface Transportation Board mediation of**
 11 ***trackage use requests***

12 “A rail carrier shall provide good faith consideration
 13 to a reasonable request from a provider of commuter rail
 14 passenger transportation for access to trackage and provi-
 15 sion of related services. If, after a reasonable period of nego-
 16 tiation, a public transportation authority cannot reach
 17 agreement with a rail carrier to use trackage of, and have
 18 related services provided by, the rail carrier for purposes
 19 of commuter rail passenger transportation, the public
 20 transportation authority or the rail carrier may apply to
 21 the Board for nonbinding mediation. In any case in which
 22 dispatching for the relevant trackage is controlled by a rail
 23 carrier other than the trackage owner, both shall be subject
 24 to the requirements of this section and included in the
 25 Board’s mediation process. The Board shall conduct the

1 *nonbinding mediation in accordance with the mediation*
 2 *process of section 1109.4 of title 49, Code of Federal Regula-*
 3 *tions, as in effect on the date of enactment of the TRAIN*
 4 *Act. During such mediation process, the Board shall deter-*
 5 *mine whether the consideration a rail carrier provided to*
 6 *a request was in good faith and whether the request from*
 7 *a provider of commuter rail passenger transportation was*
 8 *reasonable. The determinations made in the preceding sen-*
 9 *tence shall have no effect on the nonbinding nature of the*
 10 *mediation.”.*

11 **SEC. 9403. SURFACE TRANSPORTATION BOARD MEDIATION**
 12 **OF RIGHTS-OF-WAY USE REQUESTS.**

13 *Section 28503 of title 49, United States Code, is*
 14 *amended to read as follows:*

15 **“§28503. Surface Transportation Board mediation of**
 16 ***rights-of-way use requests***

17 *“A rail carrier shall provide good faith consideration*
 18 *to a reasonable request from a provider of commuter rail*
 19 *passenger transportation for access to rail right-of-way for*
 20 *the construction and operation of a segregated fixed guide-*
 21 *way facility. If, after a reasonable period of negotiation,*
 22 *a public transportation authority cannot reach agreement*
 23 *with a rail carrier to acquire an interest in a railroad*
 24 *right-of-way for the construction and operation of a seg-*
 25 *regated fixed guideway facility to provide commuter rail*

1 *passenger transportation, the public transportation author-*
 2 *ity or the rail carrier may apply to the Board for non-*
 3 *binding mediation. In any case in which dispatching for*
 4 *the relevant trackage is controlled by a rail carrier other*
 5 *than the right-of-way owner, both shall be subject to the re-*
 6 *quirements of this section and included in the Board's me-*
 7 *diation process. The Board shall conduct the nonbinding*
 8 *mediation in accordance with the mediation process of sec-*
 9 *tion 1109.4 of title 49, Code of Federal Regulations, as in*
 10 *effect on the date of enactment of the TRAIN Act. During*
 11 *such mediation process, the Board shall determine whether*
 12 *the consideration a rail carrier provided to a request was*
 13 *in good faith and whether the request from a provider of*
 14 *commuter rail passenger transportation was reasonable.*
 15 *The determinations made in the preceding sentence shall*
 16 *have no effect on the nonbinding nature of the mediation.”.*

17 **TITLE V—RAIL SAFETY**

18 **Subtitle A—Passenger and Freight** 19 **Safety**

20 **SEC. 9501. STUDY ON SAFETY IMPACT OF LONG TRAINS.**

21 (a) *STUDY.*—The Secretary of Transportation shall
 22 *conduct a study on the safety impacts of the operation of*
 23 *long trains.*

24 (b) *CONTENTS.*—The study conducted under subsection

25 (a) shall include—

1 (1) *an examination of any potential risks of the*
2 *operation of long trains and recommendations on*
3 *mitigation of any such risks;*

4 (2) *among other safety factors with respect to the*
5 *operation of such trains, an evaluation of any—*

6 (A) *potential risk of loss of communications*
7 *between an end-of-train device, or a distributed*
8 *power unit, and the locomotive cab, including*
9 *communications over differing terrains and con-*
10 *ditions;*

11 (B) *potential risk of loss of radio commu-*
12 *nications between crewmembers after a crew-*
13 *member alights from a train, including commu-*
14 *nications over differing terrains and conditions;*

15 (C) *potential risk of derailments, including*
16 *any risks associated with in-train compressive*
17 *forces and slack action, or other safety risks in*
18 *differing terrains and conditions;*

19 (D) *changes in risks or benefits to safety as-*
20 *sociated with the deployment of multiple distrib-*
21 *uted power units in the consists of such trains;*
22 *and*

23 (E) *impacts of the length of trains on brak-*
24 *ing and locomotive performance and track wear*
25 *and tear; and*

1 (3) *an evaluation of whether additional engineer*
2 *and conductor training is required for safely oper-*
3 *ating such trains.*

4 (c) *COLLABORATION.*—*In conducting the study re-*
5 *quired under subsection (a), the Secretary shall collaborate*
6 *with railroad carriers, labor organizations representing*
7 *railroad employees, and railroad safety technology manu-*
8 *facturers.*

9 (d) *RESULTS OF STUDY.*—

10 (1) *REPORT.*—*Not later than 24 months after the*
11 *date of enactment of this Act, the Secretary shall sub-*
12 *mit to the Committee on Transportation and Infra-*
13 *structure of the House of Representatives and the*
14 *Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate a report that contains—*

16 (A) *the results of the study required by sub-*
17 *section (a);*

18 (B) *any recommendations for mitigating*
19 *safety risks caused by long trains; and*

20 (C) *a description of any action the Sec-*
21 *retary intends to take to address any safety risk*
22 *identified in the study.*

23 (2) *SHARING STUDY RESULTS.*—*After submitting*
24 *the report required by paragraph (1), the Secretary*
25 *shall share the results of the study with railroad car-*

1 riers, labor organizations representing railroad em-
 2 ployees, and safety technology organizations.

3 (e) *SECRETARY ACTION*.—Not later than 180 days
 4 after the date on which the report required by subsection
 5 (d)(1) is submitted, the Secretary shall implement any pro-
 6 posed actions described in such report.

7 (f) *DEFINITION*.—In this section, the term “long train”
 8 means a freight train composed of more than 150 rail cars.

9 (g) *FUNDING*.—From the amounts made available for
 10 fiscal year 2021 to carry out section 20117(a) of title 49,
 11 United States Code, the Secretary shall expend not less than
 12 \$1,000,000 and not more than \$2,000,000 to carry out this
 13 section.

14 **SEC. 9502. FRA SAFETY REPORTING.**

15 (a) *IN GENERAL*.—Section 20901 of title 49, United
 16 States Code, is amended by inserting “(including the train
 17 length, the number of crew members in the controlling loco-
 18 motive cab, and the duties of such crew members)” after
 19 “reported accident or incident”.

20 (b) *REGULATIONS*.—Not later than 1 year after the
 21 date of enactment of this Act, the Secretary of Transpor-
 22 tation shall issue such regulations as are necessary to carry
 23 out the amendment made by subsection (a).

24 (c) *TREND ANALYSIS*.—

1 (1) *IN GENERAL.*—Chapter 209 of title 49,
 2 *United States Code*, is amended by adding at the end
 3 *the following:*

4 **“§ 20904. Trend analysis**

5 “(a) *ANNUAL REVIEW AND ANALYSIS.*—Not later than
 6 1 year after the date of enactment of the *TRAIN Act*, and
 7 not less frequently than annually thereafter, the Secretary
 8 shall review the reports filed by a railroad carrier subject
 9 to section 20901(a) and analyze the data contained in such
 10 reports for trends or patterns of potential safety risks.

11 “(b) *SECRETARY ACTION.*—If the Secretary identifies
 12 any such trends or patterns, the Secretary shall—

13 “(1) take such actions as are necessary to ad-
 14 dress the potential safety risk; and

15 “(2) if appropriate, communicate any such
 16 trends or patterns to a representative of any relevant
 17 railroad carrier and a representative of the employees
 18 of such railroad carrier, including any nonprofit em-
 19 ployee labor organization representing a craft or class
 20 of employees subject to the potential safety risk.”.

21 (2) *CLERICAL AMENDMENT.*—The analysis for
 22 chapter 209 of title 49, *United States Code*, is amend-
 23 ed by adding at the end the following:

“20904. Trend analysis.”.

24 (d) *ACCIDENT AND INCIDENT REPORTING.*—Section
 25 209 of the *Rail Safety Improvement Act of 2008* (49 U.S.C.

1 20901 note) is amended by inserting “, and other events
2 required to be reported under part 225 of title 49, Code
3 of Federal Regulations,” after “collisions and fatalities”.

4 **SEC. 9503. WAIVER NOTICE REQUIREMENTS.**

5 Section 20103(d) of title 49, United States Code, is
6 amended to read as follows:

7 “(d) *NONEMERGENCY WAIVERS.*—

8 “(1) *IN GENERAL.*—The Secretary may waive or
9 suspend compliance with any part of a regulation
10 prescribed or order issued under this chapter if the
11 waiver or suspension is in the public interest and
12 consistent with railroad safety.

13 “(2) *NOTICE REQUIRED.*—The Secretary shall—

14 “(A) provide timely public notice of any re-
15 quest for a waiver or suspension under this sub-
16 section;

17 “(B) make the application for such waiver
18 or suspension and any related underlying data
19 available to interested parties;

20 “(C) provide the public with notice and a
21 reasonable opportunity to comment on a pro-
22 posed waiver or suspension under this subsection
23 before making a final decision; and

24 “(D) make public the reasons for granting
25 a waiver or suspension under this subsection.

1 “(3) *INFORMATION PROTECTION.*—*Nothing in*
2 *this subsection shall be construed to require the release*
3 *of information protected by law from public disclo-*
4 *sure.”.*

5 **SEC. 9504. NOTICE OF FRA COMPREHENSIVE SAFETY COM-**
6 **PLIANCE ASSESSMENTS.**

7 (a) *INITIAL NOTICE.*—*If the Federal Railroad Admin-*
8 *istration initiates a comprehensive safety compliance as-*
9 *essment of an entity providing regularly scheduled inter-*
10 *city or commuter rail passenger transportation, the Admin-*
11 *istration shall notify in electronic format the Committee on*
12 *Transportation and Infrastructure of the House of Rep-*
13 *resentatives and the Committee on Commerce, Science, and*
14 *Transportation of the Senate of such comprehensive safety*
15 *compliance assessment not later than 10 business days after*
16 *the date on which commencement of any field investigation*
17 *activity that is part of such assessment occurs.*

18 (b) *FINDINGS.*—*Not later than 180 days after comple-*
19 *tion of a comprehensive safety compliance assessment de-*
20 *scribed in subsection (a), the Federal Railroad Administra-*
21 *tion shall transmit in electronic format to the Committee*
22 *on Transportation and Infrastructure of the House of Rep-*
23 *resentatives and the Committee on Commerce, Science, and*
24 *Transportation of the Senate a summary report of the find-*
25 *ings of such assessment.*

1 (c) *DEFINITION OF COMPREHENSIVE SAFETY COMPLI-*
 2 *ANCE ASSESSMENT.*—*In this section, the term “comprehen-*
 3 *sive safety compliance assessment” means a focused review*
 4 *initiated and managed by the Federal Railroad Adminis-*
 5 *tration based on findings from an accident investigation*
 6 *and involving at least 2 technical disciplines, with the pur-*
 7 *pose of examining the compliance of an entity providing*
 8 *regularly scheduled intercity or commuter rail passenger*
 9 *transportation with safety standards.*

10 **SEC. 9505. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

11 *Section 20902 of title 49, United States Code, is*
 12 *amended—*

13 (1) *in subsection (b) by striking “subpena” and*
 14 *inserting “subpoena”;*

15 (2) *in subsection (c) by inserting “The Secretary*
 16 *shall develop a process to make available to a rep-*
 17 *resentative of the railroad carrier that is the subject*
 18 *of an accident or incident investigation, and to a rep-*
 19 *resentative of the employees of such railroad carrier,*
 20 *including a nonprofit employee labor organization*
 21 *representing railroad workers, a draft investigation*
 22 *report for timely review and comment.” after the pe-*
 23 *riod at the end; and*

24 (3) *by adding at the end the following:*

1 “(d) *GATHERING INFORMATION AND TECHNICAL EX-*
2 *PERTISE.*—

3 “(1) *IN GENERAL.*—*The Secretary shall create a*
4 *standard process for investigators to use during acci-*
5 *dent and incident investigations conducted under this*
6 *section to—*

7 “(A) *gather information about an accident*
8 *or incident under investigation from railroad*
9 *carriers, contractors or employees of railroad*
10 *carriers or representatives of employees of rail-*
11 *road carriers, and others determined relevant by*
12 *the Secretary; and*

13 “(B) *consult with railroad carriers, contrac-*
14 *tors or employees of railroad carriers or rep-*
15 *resentatives of employees of railroad carriers,*
16 *and others determined relevant by the Secretary,*
17 *for technical expertise on the facts of the accident*
18 *or incident under investigation.*

19 “(2) *CONFIDENTIALITY.*—*In developing the proc-*
20 *ess under paragraph (1), the Secretary shall factor in*
21 *ways to maintain the confidentiality of any entity*
22 *identified under paragraph (1) if—*

23 “(A) *such entity requests confidentiality;*

24 “(B) *such entity was not involved in the ac-*
25 *cident or incident; and*

1 “(C) *maintaining such entity’s confiden-*
 2 *tiality does not adversely affect an investigation*
 3 *of the Federal Railroad Administration.*

4 “(3) *APPLICATION OF LAW.—This subsection*
 5 *shall not apply to any investigation carried out by*
 6 *the National Transportation Safety Board.”.*

7 **SEC. 9506. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

8 “(a) *IN GENERAL.—Subchapter II of chapter 201 of*
 9 *title 49, United States Code, is amended by adding at the*
 10 *end the following:*

11 **“§ 20169. Freight train crew size safety standards**

12 “(a) *MINIMUM CREW SIZE.—No freight train may be*
 13 *operated unless such train has a 2-person crew comprised*
 14 *of at least 1 appropriately qualified and certified conductor*
 15 *and 1 appropriately qualified and certified locomotive engi-*
 16 *neer.*

17 “(b) *EXCEPTIONS.—Except as provided in subsection*
 18 *(d), the prohibition in subsection (a) shall not apply in any*
 19 *of the following circumstances:*

20 “(1) *Train operations on track that is not a*
 21 *main track.*

22 “(2) *A train operated—*

23 “(A) *by a railroad carrier that has fewer*
 24 *than 400,000 total employee work hours annu-*
 25 *ally and less than \$40,000,000 annual revenue*

1 *(adjusted for inflation as measured by the Sur-*
2 *face Transportation Board Railroad Inflation-*
3 *Adjusted Index);*

4 *“(B) at a speed of not more than 25 miles*
5 *per hour; and*

6 *“(C) on a track with an average track grade*
7 *of less than 2 percent for any segment of track*
8 *that is at least 2 continuous miles.*

9 *“(3) Locomotives performing assistance to a*
10 *train that has incurred mechanical failure or lacks*
11 *the power to traverse difficult terrain, including trav-*
12 *eling to or from the location where assistance is pro-*
13 *vided.*

14 *“(4) Locomotives that—*

15 *“(A) are not attached to any equipment or*
16 *attached only to a caboose; and*

17 *“(B) do not travel farther than 30 miles*
18 *from the point of origin of such locomotive.*

19 *“(5) Train operations staffed with fewer than a*
20 *two-person crew at least 1 year prior to the date of*
21 *enactment of this section, if the Secretary determines*
22 *that the operation achieves an equivalent level of safe-*
23 *ty.*

24 *“(c) TRAINS INELIGIBLE FOR EXCEPTION.—The excep-*
25 *tions under subsection (b) may not be applied to—*

1 “(1) a train transporting 1 or more loaded cars
2 carrying high-level radioactive waste, spent nuclear
3 fuel, or material toxic by inhalation;

4 “(2) a train carrying 20 or more loaded tank
5 cars of a Class 2 material or a Class 3 flammable liq-
6 uid in a continuous block or a single train carrying
7 35 or more loaded tank cars of a Class 2 material or
8 a Class 3 flammable liquid throughout the train con-
9 sist; or

10 “(3) a train with a total length of 7,500 feet or
11 greater.

12 “(d) **WAIVER.**—A railroad carrier may seek a waiver
13 of the requirements of this section pursuant to section
14 20103(d).”.

15 (b) **CLERICAL AMENDMENT.**—The analysis for sub-
16 chapter II of chapter 201 of title 49, United States Code,
17 is amended by adding at the end the following:

 “20169. Freight train crew size safety standards.”.

18 **SEC. 9507. BORDER CROSSINGS.**

19 (a) **BORDER CROSSINGS.**—The Secretary of Transpor-
20 tation shall require that—

21 (1) any railroad carrier that is operating a
22 freight train across the southern border into the
23 United States operates the train continually until the
24 last car of the train passes through the scanning facil-

1 *ity used for nonintrusive inspection by U.S. Customs*
2 *and Border Protection located at such border;*

3 *(2) when the last car of such train passes*
4 *through such facility, the railroad carrier shall stop*
5 *such train to conduct a crew interchange and any*
6 *federally-mandated safety testing; and*

7 *(3) the railroad carrier ensures that the only in-*
8 *dividuals that operate such trains after carrying out*
9 *the activities described in paragraph (2) are individ-*
10 *uals—*

11 *(A) who are United States nationals or*
12 *aliens lawfully admitted for permanent residence*
13 *in the United States; and*

14 *(B) whose primary reporting point is in the*
15 *United States.*

16 *(b) FUNDING.—*

17 *(1) SET-ASIDE.—From the amounts made avail-*
18 *able to carry out section 22907 of title 49, United*
19 *States Code, the Secretary shall set aside, for each of*
20 *fiscal years 2022 through 2026, \$60,000,000 for*
21 *projects to prevent blocked crossing incidents as a re-*
22 *sult of operations made necessary by subsection (a).*
23 *Projects eligible for funding under this paragraph*
24 *are—*

1 (A) *highway-rail grade crossing separation*
2 *projects eligible under such section that are lo-*
3 *cated not further than 1.5 miles from a scanning*
4 *facility described in subsection (a)(1); and*

5 (B) *projects eligible under such section to*
6 *relocate a rail line to prevent blocked crossing*
7 *incidents resulting from trains crossing the*
8 *southern border.*

9 (2) *UNOBLIGATED FUNDS.—Any funds provided*
10 *under paragraph (1) that are unobligated at the end*
11 *of the second fiscal year following the fiscal year in*
12 *which such funds are set aside may be used for any*
13 *eligible project under section 22907.*

14 (c) *AGREEMENT.—The Secretary shall ensure that a*
15 *recipient of funds made available under subsection*
16 *(b)(1)(A) has a written agreement with any railroad car-*
17 *rier operating over the infrastructure constructed or im-*
18 *proved with such funds that includes a requirement that*
19 *any such railroad carrier may not operate trains over such*
20 *infrastructure that, due to the length of the train, are likely*
21 *to cause blocked crossing incidents.*

22 (d) *RULE OF CONSTRUCTION.—Nothing in this section*
23 *shall be construed as amending any safety regulation of the*
24 *Federal Railroad Administration or amending or revoking*

1 *any waivers such Administration has granted under section*
 2 *20103 of title 49, United States Code.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) RAILROAD CARRIER.—The term “railroad*
 5 *carrier” has the meaning given such term in section*
 6 *20102 of title 49, United States Code.*

7 *(2) SOUTHERN BORDER.—The term “southern*
 8 *border” means the international border between the*
 9 *United States and Mexico.*

10 *(3) BLOCKED CROSSING INCIDENT.—The term*
 11 *“blocked crossing incident” has the meaning given*
 12 *such term in section 20173 of title 49, United States*
 13 *Code.*

14 **SEC. 9508. YARDMASTERS HOURS OF SERVICE.**

15 *(a) LIMITATIONS ON DUTY HOURS OF YARDMASTER*
 16 *EMPLOYEES.—Section 21103 of title 49, United States*
 17 *Code, is amended—*

18 *(1) in the section heading by inserting “**and***
 19 ***yardmaster employees**” after “**train employ-***
 20 ***ees**”;*

21 *(2) by inserting “or yardmaster employee” after*
 22 *“train employee” each place it appears; and*

23 *(3) in subsection (e) by inserting “or yardmaster*
 24 *employee’s” after “During a train employee’s”.*

1 (b) *DEFINITIONS.*—Section 21101 of title 49, United
2 States Code, is amended—

3 (1) in paragraph (3) by inserting “a yardmaster
4 employee,” after “dispatching service employee,”; and
5 (2) by adding at the end the following:

6 “(6) ‘yardmaster employee’ means an individual
7 responsible for supervising and coordinating the con-
8 trol of trains and engines operating within a rail
9 yard.”.

10 (c) *CONFORMING AMENDMENT.*—The analysis for
11 chapter 211 of title 49, United States Code, is amended by
12 striking the item relating to section 21103 and inserting
13 the following:

“21103. Limitations on duty hours of train employees and yardmaster employ-
ees.”.

14 **SEC. 9509. LEAKING BRAKES.**

15 (a) *IN GENERAL.*—The Administrator of the Federal
16 Railroad Administration shall take such actions as are nec-
17 essary to prohibit the use of any service air brake control
18 valve or emergency air brake control valve in any location
19 north of the 37th parallel during the period beginning on
20 November 1 and ending on March 31 of any year if—

21 (1) the period between the date on which the air
22 brake control valve is in use and the date of the man-
23 ufacture or recondition of such valve exceeds 15 years;
24 and

1 (2) *the air brake control valve is operated in—*

2 (A) *a unit train on or after August 1, 2023;*

3 (B) *a train transporting 1 or more mate-*
4 *rials poisonous by inhalation, as such term is*
5 *defined in section 171.8 of title 49, Code of Fed-*
6 *eral Regulations, on or after August 1, 2023; or*

7 (C) *a non-unit train on or after August 1,*
8 *2025.*

9 (b) *REPORTS.—Not later than 1 year after the date*
10 *of enactment of this Act, and every year thereafter until*
11 *air brake control valves described in subsection (a) are no*
12 *longer operating in trains as required under subparagraphs*
13 *(A) and (B) of subsection (a)(1), the Administrator shall*
14 *transmit to the Committee on Transportation and Infra-*
15 *structure of the House of Representatives and the Committee*
16 *on Commerce, Science, and Transportation of the Senate*
17 *a report that identifies—*

18 (1) *the estimated number of such air brake con-*
19 *trol valves in use on—*

20 (A) *unit trains operating north of the 37th*
21 *parallel between November 1 and March 31; and*

22 (B) *trains transporting 1 or more material*
23 *poisonous-by-inhalation operating north of the*
24 *37th parallel during the period beginning on No-*
25 *vember 1 and ending on March 31;*

1 (2) *any issues affecting the industry’s progress*
2 *toward ensuring that such air brake control valves*
3 *are phased out in accordance with the requirements*
4 *of subsection (a); and*

5 (3) *efforts the Administrator has taken since the*
6 *previous report to ensure such air brake control valves*
7 *are phased out in accordance with the requirements*
8 *of subsection (a).*

9 (c) *RULEMAKING.—If, after collecting data through a*
10 *science-based methodology, the Administrator determines*
11 *the prohibition under subsection (a) does not ensure a suffi-*
12 *cient level of safety, the Administrator may propose alter-*
13 *native actions in a rulemaking addressing the air brake*
14 *control valves subject to this section.*

15 **SEC. 9510. REPORT ON PTC SYSTEM FAILURES.**

16 *Section 20157 of title 49, United States Code, is*
17 *amended by adding at the end the following:*

18 “(m) *REPORT OF SYSTEM FAILURES.—The Secretary*
19 *shall require railroad carriers and other entities subject to*
20 *subsection (a) to regularly report to the Administrator fail-*
21 *ures of positive train control systems. The Secretary shall*
22 *prescribe the type of failure, format, interval, and detail*
23 *required for reports submitted under this subsection.”.*

1 **SEC. 9511. FATIGUE REDUCTION MANAGEMENT PLANS.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, the Secretary of Transportation
4 shall issue final regulations on fatigue management plans
5 based on the notice of proposed rulemaking published on
6 December 22, 2020, titled “Fatigue Risk Management Pro-
7 grams for Certain Passenger and Freight Railroads” (85
8 *Fed. Reg.* 83484; Docket No. *FRA–2015–0122*).

9 (b) *MONITORING.*—

10 (1) *FATIGUE AS CAUSE OR CONTRIBUTING FAC-*
11 *TOR.*—If a Federal Railroad Administration railroad
12 accident or incident investigation conducted under
13 section 20902 of title 49, United States Code, identi-
14 fies that fatigue was a casual or contributing factor
15 to an accident or incident, the Secretary may reopen
16 a fatigue management plan of a passenger railroad
17 operation or a railroad subject to part 270 or part
18 271, respectively, of title 49, Code of Federal Regula-
19 tions.

20 (2) *FATIGUE AS SYSTEMIC ISSUE.*—If the Sec-
21 retary determines that fatigue is a systemic issue for
22 a passenger railroad operation or railroad, the Sec-
23 retary shall reopen a fatigue management plan of
24 such passenger railroad operation or a railroad sub-
25 ject to part 270 or part 271, respectively, of title 49,
26 Code of Federal Regulations.

1 (3) *REOPENING OF FATIGUE MANAGEMENT*
 2 *PLAN.—If the Secretary reopens a fatigue manage-*
 3 *ment plan under paragraph (1) or (2), the Secretary*
 4 *shall—*

5 (A) *consider whether any statement filed*
 6 *under sections 270.208(e) and 271.207(e) of title*
 7 *49, Code of Federal Regulations, addressed such*
 8 *plan; and*

9 (B) *consult with employees, including labor*
 10 *organizations representing railroad employees, of*
 11 *the passenger railroad operation or railroad that*
 12 *has a reopened fatigue management plan.*

13 **SEC. 9512. ASSAULT PREVENTION AND RESPONSE PLANS.**

14 (a) *IN GENERAL.—Subchapter II of chapter 201 of*
 15 *title 49, United States Code, as amended by this division,*
 16 *is further amended by adding at the end the following:*

17 **“§ 20170. Assault prevention and response plans**

18 “(a) *IN GENERAL.—Not later than 180 days after the*
 19 *date of enactment of the TRAIN Act, any entity that pro-*
 20 *vides regularly scheduled intercity or commuter rail pas-*
 21 *senger transportation shall submit to the Secretary of*
 22 *Transportation for review and approval an assault preven-*
 23 *tion and response plan (in this section referred to as the*
 24 *‘Plan’) to address transportation assaults.*

1 “(b) *CONTENTS OF PLAN.*—*The Plan required under*
2 *subsection (a) shall include—*

3 “(1) *procedures that—*

4 “(A) *facilitate the reporting of a transpor-*
5 *tation assault, including the notification of on-*
6 *site personnel, rail law enforcement, and local*
7 *law enforcement;*

8 “(B) *personnel should follow up on the re-*
9 *porting of a transportation assault, including*
10 *actions to protect affected individuals from con-*
11 *tinued assault;*

12 “(C) *may be taken to remove the passenger*
13 *or personnel who has committed a transportation*
14 *assault from the train or related area or facility*
15 *as soon as practicable when appropriate;*

16 “(D) *include protections and safe reporting*
17 *practices for passengers who may have been as-*
18 *saulted by personnel; and*

19 “(E) *may limit or prohibit, to the extent*
20 *practicable, future travel with the entity de-*
21 *scribed in subsection (a) by any passenger or*
22 *personnel who commits a transportation assault*
23 *against personnel or passengers;*

24 “(2) *a policy that ensures an employee who is a*
25 *victim or witness of a transportation assault may*

1 *participate in the prosecution of a criminal offense of*
2 *such assault without any adverse effect on the victim’s*
3 *or witnesses’ employment status; and*

4 *“(3) a process and timeline for conducting an*
5 *annual review and update of the Plan.*

6 *“(c) NOTICE TO PASSENGERS.—An entity described*
7 *under subsection (a) shall display onboard trains and in*
8 *boarding areas, as appropriate, a notice stating the entity’s*
9 *abilities to restrict future travel under subsection (b)(1)(E).*

10 *“(d) PERSONNEL TRAINING.—An entity described*
11 *under subsection (a) shall provide initial and annual train-*
12 *ing for all personnel on the contents of the Plan, including*
13 *training regarding—*

14 *“(1) the procedures described in subsection (b);*

15 *“(2) methods for responding to hostile situations,*
16 *including de-escalation training; and*

17 *“(3) rights and responsibilities of personnel with*
18 *respect to a transportation assault on themselves,*
19 *other personnel, or passengers.*

20 *“(e) PERSONNEL PARTICIPATION.—The Plan required*
21 *under subsection (a) shall be developed and implemented*
22 *with the direct participation of personnel, and, as applica-*
23 *ble, labor organizations representing personnel.*

24 *“(f) REPORTING.—*

25 *“(1) INCIDENT NOTIFICATION.—*

1 “(A) *IN GENERAL.*—Not later than 10 days
2 after a transportation assault incident, the ap-
3 plicable entity described in subsection (a) shall
4 notify personnel employed at the location in
5 which the incident occurred. In the case of an in-
6 cident on a vehicle, such entity shall notify per-
7 sonnel regularly scheduled to carry out employ-
8 ment activities on the service route on which the
9 incident occurred.

10 “(B) *CONTENT OF INCIDENT REPORT.*—The
11 notification required under paragraph (1)
12 shall—

13 “(i) include a summary of the inci-
14 dent; and

15 “(ii) be written in a manner that pro-
16 tects the confidentiality of individuals in-
17 volved in the incident.

18 “(2) *ANNUAL REPORT.*—For each calendar year,
19 each entity with respect to which a transportation as-
20 sault incident has been reported during such year
21 shall submit to the Secretary a report that describes—

22 “(A) the number of assault incidents re-
23 ported to the entity, including—

24 “(i) the number of incidents committed
25 against passengers; and

1 “(ii) the number of incidents com-
2 mitted against personnel; and

3 “(B) the number of assault incidents re-
4 ported to rail or local law enforcement by per-
5 sonnel of the entity.

6 “(3) PUBLICATION.—The Secretary shall make
7 available to the public on the primary website of the
8 Federal Railroad Administration the data collected
9 under paragraph (2).

10 “(4) DATA PROTECTION.—Data made available
11 under this subsection shall be made available in a
12 manner that protects the confidentiality of individ-
13 uals involved in transportation assault incidents.

14 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—In
15 this section, the term ‘transportation assault’ means the oc-
16 currence, or reasonably suspected occurrence, of an act
17 that—

18 “(1) constitutes assault;

19 “(2) is committed by a passenger or member of
20 personnel of an entity that provides regularly sched-
21 uled intercity or commuter rail passenger transpor-
22 tation against another passenger or member of per-
23 sonnel of such entity; and

24 “(3) takes place—

25 “(A) within a vehicle of such entity; or

1 “(B) in an area in which passengers are en-
 2 tering or exiting a vehicle described in subpara-
 3 graph (A); or

4 “(C) at a station or facility where such en-
 5 tity operates, regardless of ownership of the sta-
 6 tion or facility.”.

7 (b) *CONFORMING AMENDMENT.*—*The analysis for sub-*
 8 *chapter II of chapter 201 of title 49, United States Code,*
 9 *as amended by this division, is further amended by adding*
 10 *at the end the following:*

 “20170. Assault prevention and response plans.”.

11 ***SEC. 9513. CRITICAL INCIDENT STRESS PLANS.***

12 *The Secretary of Transportation shall issue such regu-*
 13 *lations as are necessary to amend part 272 of title 49, Code*
 14 *of Federal Regulations, to ensure that—*

15 (1) *the coverage of a critical incident stress plan*
 16 *under section 272.7 of such part includes directly in-*
 17 *volved employees of commuter railroads and intercity*
 18 *passenger railroads, as such terms are defined in sec-*
 19 *tion 272.9 of such part; and*

20 (2) *assault and the witnessing of an assault*
 21 *against an employee or train passenger is included in*
 22 *the definition of critical incident under section 272.9*
 23 *of such part.*

1 **SEC. 9514. CREWMEMBER CERTIFICATION AND QUALIFICA-**
 2 **TION.**

3 (a) *AUDIT OF PROGRAMS.*—

4 (1) *IN GENERAL.*—Subchapter II of chapter 201
 5 of title 49, United States Code, as amended by this
 6 division, is further amended by adding at the end the
 7 following:

8 **“§20171. Audit of qualification and certification pro-**
 9 **grams**

10 “(a) *IN GENERAL.*—Not later than 1 year after the
 11 date of enactment of the TRAIN Act, and not less frequently
 12 than every 5 years thereafter, the Secretary shall conduct
 13 an audit of—

14 “(1) the qualification and certification program
 15 of locomotive engineers of each Class I railroad car-
 16 rier subject to the requirements of part 240 of title 49,
 17 Code of Federal Regulations; and

18 “(2) the qualification and certification program
 19 of conductors of each Class I railroad carrier subject
 20 to the requirements of part 242 of title 49, Code of
 21 Federal Regulations.

22 “(b) *CONTENTS OF AUDIT.*—In carrying out the audit
 23 required under subsection (a), the Secretary shall—

24 “(1) consider whether the training, qualification,
 25 and continuing education components of the pro-
 26 grams described in subsection (a) comply with regula-

1 *tions in parts 240 and 242 of title 49, Code of Fed-*
2 *eral Regulations;*

3 *“(2) assess the quality of the training that rail-*
4 *road carriers provide locomotive engineers and con-*
5 *ductors under such programs;*

6 *“(3) determine whether such programs provide*
7 *locomotive engineers and conductors the knowledge,*
8 *skill, and ability to safely operate the types of loco-*
9 *motives or trains a railroad carrier may require a lo-*
10 *comotive engineer and conductor to operate, including*
11 *all associated technology used on such locomotives or*
12 *trains;*

13 *“(4) determine whether the training, qualifica-*
14 *tion, and continuing education components of such*
15 *programs reflect the operating practices of the rail-*
16 *road carrier carrying out such components;*

17 *“(5) assess whether a railroad carrier conducting*
18 *such programs provides locomotive engineers or con-*
19 *ductors adequate at-controls training before certifi-*
20 *cation;*

21 *“(6) assess how a railroad carrier uses a simu-*
22 *lator or other technology to train, familiarize, or pro-*
23 *vide recurrent training to a locomotive engineer or*
24 *conductor, including how the use of a simulator or*

1 *other such technology compares to international expe-*
2 *rience or practice; and*

3 *“(7) address any other safety issues the Secretary*
4 *determines appropriate for preparing locomotive engi-*
5 *neers and conductors.*

6 *“(c) DEFICIENCY IN QUALIFICATION AND CERTIFI-*
7 *CATION PROGRAM.—If, in conducting the audit required*
8 *under this section, the Secretary identifies a deficiency in*
9 *a railroad carrier’s qualification and certification program*
10 *of locomotive engineers or the qualification and certification*
11 *program of conductors, the Secretary shall require the rail-*
12 *road carrier to update such program to eliminate the defi-*
13 *ciency.*

14 *“(d) CONSULTATION.—In conducting the audit re-*
15 *quired under this section, the Secretary shall consult with*
16 *representatives of each railroad carrier and representatives*
17 *of the employees of the railroad carrier, including any non-*
18 *profit employee labor organization representing engineers*
19 *or conductors of the railroad carrier.*

20 *“(e) COOPERATION.—*

21 *“(1) IN GENERAL.—A railroad carrier and em-*
22 *ployees of the railroad carrier, including any non-*
23 *profit employee labor organization representing engi-*
24 *neers or conductors of the railroad carrier, shall co-*

1 *operate fully with the Secretary during an audit re-*
2 *quired under this section.*

3 “(2) *DOCUMENTS; INTERVIEWS.*—*A railroad car-*
4 *rier shall provide any documents requested by the*
5 *Secretary or make available any employee for inter-*
6 *view with the Secretary without undue delay or ob-*
7 *struction.*

8 “(f) *REPORT TO CONGRESS.*—*Not later than 90 days*
9 *after the date on which the Secretary completes an audit*
10 *under subsection (a), the Secretary shall—*

11 “(1) *publish on the website of the Federal Rail-*
12 *road Administration a report that summarizes the re-*
13 *sults of the audit and any updates made in accord-*
14 *ance with subsection (c); and*

15 “(2) *notify of such report the Committee on*
16 *Transportation and Infrastructure of the House of*
17 *Representatives and the Committee on Commerce,*
18 *Science, and Transportation of the Senate.*

19 “(g) *CIVIL PENALTY.*—*The Secretary is authorized to*
20 *assess a civil penalty or to take other authorized enforce-*
21 *ment action, as appropriate, pursuant to chapter 213 for*
22 *a failure to comply with the requirements of this section.”.*

23 “(2) *CLERICAL AMENDMENT.*—*The analysis for*
24 *subchapter II of chapter 201 of title 49, United States*

1 *Code, as amended by this division, is further amended*
2 *by adding at the end the following:*

“20171. Audit of qualification and certification programs.”.

3 ***(b) REVIEW OF REGULATIONS.—***

4 ***(1) IN GENERAL.—****The Secretary of Transpor-*
5 *tation shall determine whether any update to part*
6 *240 or 242, of title 49, Code of Federal Regulations,*
7 *is necessary to prepare locomotive engineers and con-*
8 *ductors to safely operate trains.*

9 ***(2) REQUIREMENTS.—****In making a determina-*
10 *tion under paragraph (1), the Secretary shall—*

11 ***(A) evaluate, taking into account the re-***
12 *quirements of section 20169 of title 49, United*
13 *States Code, whether such parts establish Federal*
14 *standards for railroad carriers to—*

15 ***(i) provide locomotive engineers and***
16 *conductors the knowledge, skill and ability*
17 *to safely operate trains under conditions*
18 *that reflect industry practices;*

19 ***(ii) adequately address locomotive en-***
20 *gineer and conductor situational awareness;*

21 ***(iii) require adequate at-controls train-***
22 *ing before a locomotive engineer or con-*
23 *ductor is certified;*

1 (iv) adequately prepare locomotive en-
2 gineers and conductors to understand all lo-
3 comotive operating characteristics;

4 (v) sufficiently require locomotive engi-
5 neers and conductors to demonstrate knowl-
6 edge on the physical characteristics of a ter-
7 ritory under various conditions and using
8 various resources; and

9 (vi) address any other safety issue the
10 Secretary determines appropriate for better
11 preparing locomotive engineers and conduc-
12 tors; and

13 (B) consider the results of the audit re-
14 quired by section 20171 of title 49, United States
15 Code.

16 (3) *REPORT TO CONGRESS.*—Not later than 180
17 days after the date on which the Secretary submits
18 the report required under section 20171(f) of title 49,
19 United States Code, the Secretary shall submit to the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate
23 a report that includes the findings of the review re-
24 quired under paragraph (1) and a description of any
25 action the Secretary intends to take to improve, or in-

1 crease the effectiveness of the requirements of, part
2 240 or 242 of title 49, Code of Federal Regulations.

3 (4) *RULEMAKING.*—If the Secretary determines
4 under paragraph (1) that any update to part 240 or
5 242 is necessary to prepare locomotive engineers or
6 conductors to safely operate locomotives or trains, the
7 Secretary shall issue a rulemaking to carry out such
8 update.

9 (5) *APPLICATION OF LAW.*—Any action the Sec-
10 retary takes as a result of a determination made
11 under paragraph (1) shall be consistent with section
12 20169 of title 49, United States Code.

13 (6) *DEFINITION OF RAILROAD CARRIER.*—In this
14 subsection, the term “railroad carrier” has the mean-
15 ing given such term in section 20102 of title 49,
16 United States Code.

17 **SEC. 9515. SAFETY MANAGEMENT TEAM COMMUNICATION.**

18 (a) *IN GENERAL.*—Subchapter II of chapter 201 of
19 title 49, United States Code, as amended by this division,
20 is further amended by adding at the end the following:

21 **“§ 20172. Safety management team communication**

22 “The Administrator of the Federal Railroad Adminis-
23 tration shall implement a process for the communication
24 of information between safety management teams of the Ad-
25 ministration and railroad employees, including any non-

1 *profit employee labor organization representing railroad*
 2 *employees. Such process shall include a reasonable time-*
 3 *frame for a safety management team to respond to commu-*
 4 *nication from such railroad employees.”.*

5 (b) *CLERICAL AMENDMENT.—The analysis for sub-*
 6 *chapter II of chapter 201 of title 49, United States Code,*
 7 *as amended by this division, is further amended by adding*
 8 *at the end the following:*

“20172. Safety management team communication.”.

9 **SEC. 9516. GAO STUDY ON REORGANIZATION OF OFFICE OF**
 10 **RAILROAD SAFETY.**

11 (a) *STUDY.—The Comptroller General of the United*
 12 *States shall conduct a study comparing the Office of Rail-*
 13 *road Safety of the Federal Railroad Administration before*
 14 *and after the reorganization of such Office that took effect*
 15 *on June 8, 2020.*

16 (b) *CONTENTS.—The study conducted under subsection*
 17 *(a) shall evaluate—*

18 (1) *the differences in the structure of the Office*
 19 *before and after such reorganization;*

20 (2) *any differences in the communication be-*
 21 *tween the Office and railroad carriers and the em-*
 22 *ployees of railroad carriers before and after such reor-*
 23 *ganization;*

24 (3) *any differences in the communication be-*
 25 *tween Federal Railroad Administration safety inspec-*

1 *tors and other specialists before and after such reorga-*
2 *nization, and the impacts of such differences;*

3 *(4) whether the structure before or after such re-*
4 *organization better protects against regulatory cap-*
5 *ture;*

6 *(5) whether the structure before or after such re-*
7 *organization is better at promoting and ensuring*
8 *safety;*

9 *(6) whether the structure before or after such re-*
10 *organization more closely resembles the structure of*
11 *other Department of Transportation modal agencies*
12 *that have enforcement authority similar to the Fed-*
13 *eral Railroad Administration; and*

14 *(7) any other issues the Comptroller General de-*
15 *termines are relevant.*

16 *(c) INFORMATION COLLECTION.—In conducting the*
17 *study required under this section, the Comptroller General*
18 *shall collect information from the following entities:*

19 *(1) The Federal Railroad Administration.*

20 *(2) Freight rail carriers and passenger rail car-*
21 *riers.*

22 *(3) Employees of freight rail carriers and pas-*
23 *senger rail carriers.*

24 *(4) Other entities the Comptroller General deter-*
25 *mines are relevant.*

1 (d) *REPORT.*—Not later than 1 year after the date of
2 enactment of this Act, the Comptroller General shall trans-
3 mit to the Committee on Transportation and Infrastructure
4 of the House of Representatives and the Committee on Com-
5 merce, Science, and Transportation of the Senate a report
6 that includes the findings of the study conducted under sub-
7 section (a) and any recommendations for improving safety
8 and communication within the Office of Railroad Safety
9 or between the Office of Railroad Safety and the entities
10 identified in paragraphs (2) and (3) of subsection (c).

11 **SEC. 9517. OPEN-TOP RAIL CAR PUBLIC INPUT.**

12 Not later than 1 year after the date of enactment of
13 this Act, the Administrator of the Federal Railroad Admin-
14 istration shall initiate a public process to seek input on
15 addressing safety risks, spills, emissions, odors, and other
16 public nuisances associated with top loading rail cars,
17 open-top hoppers, and gondolas, including evaluating the
18 feasibility of a requirement that such rail cars be covered
19 while in transportation, including while being held, de-
20 layed, or transferred.

21 **SEC. 9518. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
22 **TY VALIDATION PLAN.**

23 (a) *IN GENERAL.*—Subchapter I of chapter 201 of title
24 49, United States Code, is amended by adding at the end
25 the following:

1 **“§20122. *New passenger service pre-revenue safety***
 2 ***validation plan***

3 “(a) *SAFETY VALIDATION PLAN.*—

4 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
 5 *tation shall require a covered entity to submit to the*
 6 *Secretary a safety validation plan to ensure the safe*
 7 *operation of—*

8 “(A) *a new intercity rail passenger trans-*
 9 *portation or commuter rail passenger transpor-*
 10 *tation service;*

11 “(B) *an intercity rail passenger transpor-*
 12 *tation or commuter rail passenger transpor-*
 13 *tation route that has not been in revenue service*
 14 *for a period of more than 180 days; or*

15 “(C) *an extension of an existing intercity*
 16 *rail passenger transportation or commuter rail*
 17 *passenger transportation route.*

18 “(2) *SUBMISSION.*—*A covered entity shall submit*
 19 *a safety validation plan required under paragraph*
 20 *(1) not later than 30 days before the date on which*
 21 *such entity begins revenue service of a service or route*
 22 *described in paragraph (1).*

23 “(b) *REQUIREMENTS.*—

24 “(1) *IN GENERAL.*—*Not later than 60 days after*
 25 *the date of enactment of the TRAIN Act, the Sec-*
 26 *retary shall establish the requirements of the safety*

1 *validation plan described under subsection (a), in-*
2 *cluding adequate training of all relevant personnel*
3 *and a minimum period of simulated service to ensure*
4 *operational readiness.*

5 “(2) *PROHIBITION OF SERVICE.*—*The Secretary*
6 *shall prohibit a covered entity from beginning a serv-*
7 *ice described in subsection (a)(1) until the entity is*
8 *in full compliance with the safety validation plan re-*
9 *quired by such subsection.*

10 “(c) *AMENDMENT TO SAFETY VALIDATION PLAN.*—

11 “(1) *IN GENERAL.*—*The Secretary shall require a*
12 *covered entity to submit to the Secretary for review*
13 *and approval any proposed amendment to a safety*
14 *validation plan required under subsection (a).*

15 “(2) *REVIEW AND APPROVAL.*—*Not later than 5*
16 *working days after the date on which the Secretary*
17 *receives a proposed amendment submitted under*
18 *paragraph (1), the Secretary shall review and ap-*
19 *prove or deny such proposed amendment.*

20 “(3) *NOTIFICATION.*—*If the Secretary does not*
21 *approve a proposed amendment submitted under this*
22 *subsection, the Secretary shall provide written notice*
23 *to the covered entity of the specific areas in which the*
24 *proposed amendment is deficient. An entity may cor-*

1 *rect such deficiencies and reapply for review and ap-*
 2 *proval under this subsection.*

3 *“(d) DEFINITIONS.—In this section:*

4 *“(1) COVERED ENTITY.—The term ‘covered enti-*
 5 *ty’ means an entity providing regularly scheduled*
 6 *railroad transportation that is intercity rail pas-*
 7 *senger transportation or commuter rail passenger*
 8 *transportation.*

9 *“(2) INTERCITY RAIL PASSENGER TRANSPOR-*
 10 *TATION; COMMUTER RAIL PASSENGER TRANSPOR-*
 11 *TATION.—The terms ‘intercity rail passenger trans-*
 12 *portation’ and ‘commuter rail passenger transpor-*
 13 *tation’ have the meanings given such terms in section*
 14 *24102.”.*

15 *(b) CLERICAL AMENDMENT.—The analysis for sub-*
 16 *chapter I of chapter 201 of title 49, United States Code,*
 17 *is amended by adding at the end the following new item:*

“20122. New passenger service pre-revenue safety validation plan.”.

18 **SEC. 9519. SAFETY OVERSIGHT OF NONTRADITIONAL AND**
 19 **EMERGING RAIL TECHNOLOGIES.**

20 *(a) IN GENERAL.—The Secretary of Transportation*
 21 *shall conduct a review of the safety regulations of the Fed-*
 22 *eral Railroad Administration to determine the applica-*
 23 *bility of such regulations to nontraditional and emerging*
 24 *rail technologies and to identify any gaps in such regula-*

1 tions or any challenges to ensuring the safety of such tech-
2 nologies.

3 (b) *REPORT.*—Not later than 18 months after the date
4 of enactment of this Act, the Secretary shall submit to the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report on the
8 findings of the review conducted under subsection (a).

9 (c) *CONTENTS.*—The report required under subsection
10 (b) shall include a description of—

11 (1) the applicability of safety regulations in ef-
12 fect on the date of enactment of this Act to nontradi-
13 tional and emerging rail technologies;

14 (2) whether gaps in the regulations or other chal-
15 lenges exist that should be addressed in order to en-
16 sure the safety of nontraditional and emerging rail
17 technologies;

18 (3) any additional regulations that are necessary
19 to ensure the safety of nontraditional and emerging
20 rail technologies; and

21 (4) any additional research that may be needed
22 to further evaluate and regulate the safety of non-
23 traditional and emerging rail technologies.

24 (d) *PUBLIC NOTICE AND COMMENT.*—In conducting
25 the review process under subsection (a), the Secretary shall

1 *provide notice and an opportunity for public comment for*
 2 *not less than 60 days.*

3 (e) *NONTRADITIONAL AND EMERGING RAIL TECH-*
 4 *NOLOGIES DEFINED.—In this section, the term “nontradi-*
 5 *tional and emerging rail technologies” means nonhighway*
 6 *ground transportation that runs on electromagnetic guide-*
 7 *ways in a tube, or system of tubes, that operates in a low-*
 8 *pressure environment.*

9 ***Subtitle B—Grade Crossing Safety***

10 ***SEC. 9551. HIGHWAY-RAIL GRADE CROSSING SEPARATION*** 11 ***GRANTS.***

12 (a) *IN GENERAL.—Chapter 229 of title 49, United*
 13 *States Code, as amended by this division, is further amend-*
 14 *ed by adding at the end the following:*

15 ***“§22912. Highway-rail grade crossing separation*** 16 ***grants***

17 *“(a) GENERAL AUTHORITY.—The Secretary of Trans-*
 18 *portation shall make grants under this section to eligible*
 19 *entities to assist in funding the cost of highway-rail grade*
 20 *crossing separation projects.*

21 *“(b) APPLICATION REQUIREMENTS.—To be eligible for*
 22 *a grant under this section, an eligible entity shall submit*
 23 *to the Secretary an application in such form, in such man-*
 24 *ner, and containing such information as the Secretary may*
 25 *require, including—*

1 “(1) *an agreement between the entity that owns*
2 *or controls the railroad right-of-way and the appli-*
3 *cant addressing access to the railroad right-of-way*
4 *throughout the project; and*

5 “(2) *a cost-sharing agreement with the funding*
6 *amounts that the entity that owns or controls the*
7 *railroad right-of-way shall contribute to the project,*
8 *which shall be not less than 10 percent of the total*
9 *project cost.*

10 “(c) *ELIGIBLE PROJECTS.—The following projects are*
11 *eligible to receive a grant under this section:*

12 “(1) *Installation, repair, or improvement, in-*
13 *cluding necessary acquisition of real property inter-*
14 *ests, of highway-rail grade crossing separations.*

15 “(2) *Highway-rail grade crossing elimination*
16 *incidental to eligible grade crossing separation*
17 *projects.*

18 “(3) *Project planning, development, and environ-*
19 *mental work related to a project described in para-*
20 *graph (1) or (2).*

21 “(d) *PROJECT SELECTION CRITERIA.—In awarding*
22 *grants under this section, the Secretary—*

23 “(1) *shall give priority to projects that maximize*
24 *the safety benefits of Federal funding;*

1 “(2) shall give priority to projects that provide
2 direct benefits to socially disadvantaged individuals
3 (as such term is defined in section 22906(b)); and

4 “(3) may evaluate applications on the safety
5 profile of the existing crossing, 10-year history of ac-
6 cidents at such crossing, inclusion of the proposed
7 project on a State highway-rail grade crossing action
8 plan, average daily vehicle traffic, total number of
9 trains per day, average daily number of crossing clo-
10 sures, the challenges of grade crossings located near
11 international borders, proximity to established emer-
12 gency evacuation routes, and proximity of community
13 resources, including schools, hospitals, fire stations,
14 police stations, and emergency medical service facili-
15 ties.

16 “(e) *FEDERAL SHARE OF TOTAL PROJECT COSTS.*—

17 “(1) *TOTAL PROJECT COSTS.*—The Secretary
18 shall estimate the total costs of a project under this
19 section based on the best available information, in-
20 cluding any available engineering studies, studies of
21 economic feasibility, environmental analysis, and in-
22 formation on the expected use of equipment or facili-
23 ties.

1 “(2) *FEDERAL SHARE.*—*The Federal share for a*
2 *project carried out under this section shall not exceed*
3 *85 percent.*

4 “(f) *GRANT CONDITIONS.*—*An eligible entity may not*
5 *receive a grant for a project under this section unless such*
6 *project complies with section 22905.*

7 “(g) *LETTERS OF INTENT.*—

8 “(1) *IN GENERAL.*—*The Secretary shall, to the*
9 *maximum extent practicable, issue a letter of intent*
10 *to a recipient of a grant under this section that—*

11 “(A) *announces an intention to obligate for*
12 *a project an amount that is not more than the*
13 *amount stipulated as the financial participation*
14 *of the Secretary for the project; and*

15 “(B) *states that the contingent commit-*
16 *ment—*

17 “(i) *is not an obligation of the Federal*
18 *Government; and*

19 “(ii) *is subject to the availability of*
20 *appropriations for grants under this section*
21 *and subject to Federal laws in force or en-*
22 *acted after the date of the contingent com-*
23 *mitment.*

24 “(2) *CONGRESSIONAL NOTIFICATION.*—

1 “(A) *IN GENERAL.*—Not later than 3 days
 2 before issuing a letter of intent under paragraph
 3 (1), the Secretary shall submit written notifica-
 4 tion to—

5 “(i) *the Committee on Transportation*
 6 *and Infrastructure of the House of Rep-*
 7 *resentatives;*

8 “(ii) *the Committee on Appropriations*
 9 *of the House of Representatives;*

10 “(iii) *the Committee on Appropria-*
 11 *tions of the Senate; and*

12 “(iv) *the Committee on Commerce,*
 13 *Science, and Transportation of the Senate.*

14 “(B) *CONTENTS.*—The notification sub-
 15 mitted under subparagraph (A) shall include—

16 “(i) *a copy of the letter of intent;*

17 “(ii) *the criteria used under subsection*
 18 *(d) for selecting the project for a grant; and*

19 “(iii) *a description of how the project*
 20 *meets such criteria.*

21 “(h) *APPROPRIATIONS REQUIRED.*—An obligation or
 22 contingent commitment may be made under subsection (g)
 23 only after amounts are appropriated for such purpose.

24 “(i) *DEFINITIONS.*—In this section:

1 “(1) *ELIGIBLE ENTITY*.—The term ‘eligible enti-
2 ty’ means—

3 “(A) a State;

4 “(B) a public agency or publicly chartered
5 authority;

6 “(C) a metropolitan planning organization;

7 “(D) a political subdivision of a State; and

8 “(E) a Tribal government.

9 “(2) *METROPOLITAN PLANNING ORGANIZA-
10 TION*.—The term ‘metropolitan planning organiza-
11 tion’ has the meaning given such term in section
12 134(b) of title 23.

13 “(3) *STATE*.—The term ‘State’ means a State of
14 the United States or the District of Columbia.”.

15 (b) *CLERICAL AMENDMENT*.—The analysis for chapter
16 229 of title 49, United States Code, as amended by this
17 division, is further amended by adding at the end the fol-
18 lowing:

 “22912. Highway-rail grade crossing separation grants.”.

19 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

20 Section 22907 of title 49, United States Code (as
21 amended by this Act), is further amended by adding at the
22 end the following new subsection:

23 “(o) *RAIL SAFETY PUBLIC AWARENESS GRANTS*.—

24 “(1) *GRANT*.—Of the amounts made available to
25 carry out this section, the Secretary shall make grants

1 to nonprofit organizations to carry out public infor-
2 mation and education programs to help prevent and
3 reduce rail-related pedestrian, motor vehicle, and
4 other incidents, injuries, and fatalities, and to im-
5 prove awareness along railroad right-of-way and at
6 highway-rail grade crossings.

7 “(2) *SELECTION.*—Programs eligible for a grant
8 under this subsection—

9 “(A) shall include, as appropriate—

10 “(i) development, placement, and dis-
11 semination of public service announcements
12 in appropriate media;

13 “(ii) school presentations, driver and
14 pedestrian safety education, materials, and
15 public awareness campaigns; and

16 “(iii) disseminating information to the
17 public on how to identify and report to the
18 appropriate authorities—

19 “(I) unsafe or malfunctioning
20 highway-rail grade crossings and
21 equipment; and

22 “(II) high-risk and unsafe behav-
23 ior and trespassing around railroad
24 right-of-way; and

1 “(B) may include targeted and sustained
2 outreach in communities at greatest risk to de-
3 velop measures to reduce such risk.

4 “(3) COORDINATION.—Eligible entities shall co-
5 ordinate program activities with local communities,
6 law enforcement and emergency responders, and rail-
7 road carriers, as appropriate, and ensure consistency
8 with State highway-rail grade crossing action plans
9 required under section 11401(b) of the FAST Act (49
10 U.S.C. 22501 note) and the report titled ‘National
11 Strategy to Prevent Trespassing on Railroad Prop-
12 erty’ issued by the Federal Railroad Administration
13 in October 2018.

14 “(4) PRIORITIZATION.—In awarding grants
15 under this subsection, the Administrator shall give
16 priority to applications for programs that—

17 “(A) are nationally recognized;

18 “(B) are targeted at schools in close prox-
19 imity to railroad right-of-way;

20 “(C) partner with nearby railroad carriers;

21 or

22 “(D) focus on communities with a recorded
23 history of repeated pedestrian and motor vehicle
24 accidents, incidents, injuries, and fatalities at

1 *highway-rail grade crossings and along railroad*
 2 *right-of-way.*

3 “(5) *APPLICABILITY.*—Section 22905 shall not
 4 *apply to contracts and agreements made under this*
 5 *subsection.”.*

6 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
 7 **BLOCKING PUBLIC HIGHWAY-RAIL GRADE**
 8 **CROSSINGS.**

9 (a) *IN GENERAL.*—Subchapter II of chapter 201 of
 10 *title 49, United States Code, as amended by this division,*
 11 *is further amended by adding at the end the following:*

12 **“§20173. Time limit for blocking public highway-rail**
 13 ***grade crossing***

14 “(a) *TIME LIMIT.*—A railroad carrier may not cause
 15 *a blocked crossing incident that is longer than 10 minutes*
 16 *in duration, unless the blocked crossing incident is caused*
 17 *by—*

18 “(1) *a casualty or serious injury;*

19 “(2) *an accident;*

20 “(3) *a track obstruction;*

21 “(4) *actions necessary to comply with Federal*
 22 *rail safety laws, regulations, or orders issued there-*
 23 *under unless the action to comply could reasonably*
 24 *occur at a different time or location;*

25 “(5) *actions necessary to adhere to section 24308;*

1 “(6) a train fully contained within rail yard
2 limits or fully contained in a rail siding;

3 “(7) an act of God; or

4 “(8) a derailment or a safety appliance equip-
5 ment failure that prevents the train from advancing.

6 “(b) *INVESTIGATION OF FREQUENTLY BLOCKED*
7 *CROSSINGS.*—For any public highway-rail grade crossing
8 that has had 3 or more blocked crossing incidents that ex-
9 ceed the time limit set forth in subsection (a) and are re-
10 ported to the blocked crossing database, and such incidents
11 have occurred on at least 3 calendar days within a 30-day
12 period, the Secretary shall—

13 “(1) provide an electronic notice of the number
14 of reported blocked crossing incidents to the railroad
15 carrier that owns the public highway-rail grade cross-
16 ing;

17 “(2) investigate the causes of the blocked crossing
18 incidents; and

19 “(3) investigate possible measures to reduce the
20 frequency and duration of blocked crossing incidents
21 at such grade crossing.

22 “(c) *RECORDKEEPING.*—

23 “(1) *IN GENERAL.*—A railroad carrier shall,
24 upon receiving a notice under subsection (b), main-
25 tain train location data records for the public high-

1 way-rail grade crossing that was the subject of the no-
2 tice.

3 “(2) CONTENTS OF RECORDS.—The train loca-
4 tion data records required under paragraph (1) shall
5 include—

6 “(A) a list of all blocked crossing incidents
7 at the public highway-rail grade crossing that is
8 the subject of the report exceeding 10 minutes;

9 “(B) the cause of the blocked crossing inci-
10 dent (to the extent available);

11 “(C) train length; and

12 “(D) the estimated duration of each blocked
13 crossing incident.

14 “(3) CONSULTATION.—Beginning on the date on
15 which a railroad carrier receives a notice under sub-
16 section (b), the Secretary may consult with the carrier
17 for a period of 60 days to address concerns with
18 blocked crossing incidents at the public highway-rail
19 grade crossing that is the subject of the notice.

20 “(4) EXPIRATION OF DATA COLLECTION.—The
21 requirement to maintain records under paragraph (1)
22 shall cease with respect to a public highway-rail
23 grade crossing noticed under subsection (b)(2) if there
24 are no reports submitted to the blocked crossing data-
25 base for blocked crossing incidents reported to occur

1 *at such grade crossing during the previous 365 con-*
2 *secutive calendar days.*

3 “(d) *CIVIL PENALTIES.*—

4 “(1) *IN GENERAL.*—*The Secretary may issue*
5 *civil penalties in accordance with section 21301 to*
6 *railroad carriers for violations of subsection (a) oc-*
7 *curring 60 days after the date of submission of a no-*
8 *tice under subsection (b).*

9 “(2) *RELEASE OF RECORDS.*—*Upon the request*
10 *of, and under requirements set by, the Secretary, rail-*
11 *road carriers shall provide the records maintained*
12 *pursuant to subsection (c)(1) to the Administrator of*
13 *the Federal Railroad Administration.*

14 “(3) *ALTERNATE ROUTE EXEMPTION.*—*Civil*
15 *penalties may not be issued for violations of sub-*
16 *section (a) that occur at a public highway-rail grade*
17 *crossing if an alternate route created by a public*
18 *highway-rail grade separation exists within a half*
19 *mile by road mileage of such public highway-rail*
20 *grade crossing.*

21 “(4) *GRADE SEPARATION PROJECT.*—*Civil pen-*
22 *alties may not be issued for violations of subsection*
23 *(a) if the violation occurs at a public highway-rail*
24 *grade crossing for which there is a proposed grade*
25 *separation project—*

1 “(A) that has received written agreement
2 from the relevant local authorities; and

3 “(B) for which railroad carrier and project
4 funding from all parties has been budgeted.

5 “(5) CONSIDERATIONS.—In determining civil
6 penalties under this section, the Secretary shall con-
7 sider increased penalties in a case in which a pattern
8 of the blocked crossing incidents continue to cause
9 delays to State or local emergency services.

10 “(e) APPLICATION TO AMTRAK AND COMMUTER RAIL-
11 ROADS.—This section shall not apply to Amtrak or com-
12 muter authorities, including Amtrak and commuter au-
13 thorities’ operations run or dispatched by a Class I rail-
14 road.

15 “(f) DEFINITIONS.—In this section:

16 “(1) BLOCKED CROSSING DATABASE.—The term
17 ‘blocked crossing database’ means the national blocked
18 crossing database established under section 20174.

19 “(2) BLOCKED CROSSING INCIDENT.—The term
20 ‘blocked crossing incident’ means a circumstance in
21 which a train, locomotive, rail car, or other rail
22 equipment is stopped in a manner that obstructs
23 travel at a public highway-rail grade crossing.

24 “(3) PUBLIC HIGHWAY-RAIL GRADE CROSSING.—
25 The term ‘public highway-rail grade crossing’ means

1 *a location within a State in which a public highway,*
 2 *road, or street, including associated sidewalks and*
 3 *pathways, crosses 1 or more railroad tracks at*
 4 *grade.”.*

5 (b) *CLERICAL AMENDMENT.—The analysis for sub-*
 6 *chapter II of chapter 201 of title 49, United States Code,*
 7 *is further amended by adding at the end the following new*
 8 *item:*

“20173. Time limit for blocking public highway-rail grade crossing.”.

9 **SEC. 9554. NATIONAL BLOCKED CROSSING DATABASE.**

10 (a) *IN GENERAL.—Subchapter II of chapter 201 of*
 11 *title 49, United States Code, as amended by this division,*
 12 *is further amended by adding at the end the following:*

13 **“§20174. National blocked crossing database**

14 *“(a) DATABASE.—Not later than 45 days after the date*
 15 *of enactment of the TRAIN Act, the Secretary of Transpor-*
 16 *tation shall establish a national blocked crossings database*
 17 *for the public to report blocked crossing incidents.*

18 *“(b) PUBLIC AWARENESS.—Not later than 60 days*
 19 *after the date of enactment of the TRAIN Act, the Secretary*
 20 *shall require each railroad carrier to publish the active link*
 21 *to report blocked crossing incidents on the website of the*
 22 *national blocked crossings database described in subsection*
 23 *(a) on the home page of the publicly-available website of*
 24 *the railroad carrier.*

1 “(c) *BLOCKED CROSSING INCIDENT; PUBLIC HIGH-*
 2 *WAY-RAIL GRADE CROSSING.*—*In this section, the terms*
 3 *‘blocked crossing incident’ and ‘public highway-rail grade*
 4 *crossing’ have the meanings given the terms in section*
 5 *20173.’’.*

6 (b) *CLERICAL AMENDMENT.*—*The analysis for sub-*
 7 *chapter II of chapter 201 of title 49, United States Code,*
 8 *is further amended by adding at the end the following new*
 9 *item:*

“20174. *National blocked crossing database.*”.

10 ***SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED***
 11 ***CROSSING MATTERS.***

12 *Section 20152 of title 49, United States Code, is*
 13 *amended—*

14 (1) *in subsection (a)—*

15 (A) *in paragraph (1)—*

16 (i) *in subparagraph (C) by striking*
 17 *“or” at the end;*

18 (ii) *by redesignating subparagraph (D)*
 19 *as subparagraph (E); and*

20 (iii) *by inserting the following after*
 21 *subparagraph (C):*

22 “(D) *blocked crossing incident, as defined in*
 23 *section 20173; or*”;

24 (B) *in paragraph (4)—*

1 (i) by striking “paragraph (1)(C) or
2 (D)” and inserting “subparagraph (C), (D),
3 or (E) of paragraph (1)”; and

4 (ii) by striking “and” at the end;
5 (C) in paragraph (5) by striking the period
6 at the end and inserting a semicolon ; and
7 (D) by adding at the end the following:

8 “(6) upon receiving a report of a blocked cross-
9 ing pursuant to paragraph (1)(D), the railroad car-
10 rier shall, within 14 days of receipt of the report—

11 “(A) verify that the public highway-rail
12 grade crossing, as defined in section 20173, was
13 blocked for a period of at least 10 minutes; and

14 “(B) upon positive verification of the re-
15 port, enter the report into the national blocked
16 crossings database established in section 20174;
17 and

18 “(7) promptly inform the Secretary of any up-
19 date to the number maintained under paragraph
20 (1).”; and

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

22 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
23 Secretary shall make any telephone number established
24 under subsection (a) publicly available on the website of the
25 Department of Transportation.”.

1 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY**

2 **REVIEW.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall expend such sums as are necessary to conduct
6 a comprehensive review of the national highway-rail cross-
7 ing inventory of the Department of Transportation estab-
8 lished under section 20160 of title 49, United States Code.

9 (b) *CONTENTS.*—In conducting the review required
10 under subsection (a), the Secretary shall—

11 (1) *verify the accuracy of the geographical loca-*
12 *tion data contained in the inventory described in sub-*
13 *section (a) using mapping technologies and other*
14 *methods; and*

15 (2) *notify the relevant railroad and State agen-*
16 *cies of the erroneous data in the inventory and re-*
17 *quire such entities to correct the erroneous data with-*
18 *in 30 days of notification.*

19 (c) *STATE REPORTS.*—The Secretary shall require
20 State agencies to ensure that any geographic data contained
21 in the inventory described in subsection (a) remains con-
22 sistent with any geographic data identified in biennial
23 State reports required under section 130 of title 23, United
24 States Code.

25 (d) *REPORT.*—Not later than 120 days after the com-
26 pletion of the review required under subsection (a), the Sec-

1 *retary shall submit to the Committee on Transportation*
 2 *and Infrastructure of the House of Representatives and the*
 3 *Committee on Commerce, Science, and Transportation of*
 4 *the Senate a report summarizing the corrections made to*
 5 *the inventory described in subsection (a) and the Secretary's*
 6 *plans to ensure continued accuracy of such inventory.*

7 **SEC. 9557. RAILROAD TRESPASSING ENFORCEMENT**
 8 **GRANTS.**

9 *Section 22907 of title 49, United States Code, is fur-*
 10 *ther amended by adding at the end the following:*

11 *“(p) RAILROAD TRESPASSING ENFORCEMENT*
 12 *GRANTS.—*

13 *“(1) IN GENERAL.—Of the amounts made avail-*
 14 *able under this section, the Secretary may make*
 15 *grants to public law enforcement agencies engaged in,*
 16 *or seeking to engage in, suicide prevention efforts*
 17 *along railroad right-of-way to pay wages of law en-*
 18 *forcement personnel to patrol railroad right-of-way*
 19 *located in communities at risk for rail trespassing in-*
 20 *cidents and fatalities.*

21 *“(2) PRIORITIZATION.—In awarding grants*
 22 *under this subsection, the Administrator shall give*
 23 *priority to applications from entities that have juris-*
 24 *isdiction within the boundaries of the 10 States with*
 25 *the highest incidence of rail trespass related casualties*

1 *as reported in the previous fiscal year, as reported by*
 2 *the National Rail Accident Incident Reporting Sys-*
 3 *tem.*

4 “(3) *LIMITATION.*—*The Secretary shall not*
 5 *award more than 3 annual grants under this sub-*
 6 *section to the same entity.”.*

7 **SEC. 9558. RAILROAD TRESPASSING SUICIDE PREVENTION**
 8 **GRANTS.**

9 *Section 22907 of title 49, United States Code, is fur-*
 10 *ther amended by adding at the end the following:*

11 “(q) *RAILROAD TRESPASSING SUICIDE GRANTS.*—

12 “(1) *IN GENERAL.*—*Of the amounts made avail-*
 13 *able to carry out this section, the Secretary may make*
 14 *grants to eligible entities to implement a public out-*
 15 *reach campaign to reduce the number of railroad sui-*
 16 *cides.*

17 “(2) *ELIGIBLE ENTITY.*—*In this subsection, the*
 18 *term ‘eligible entity’ means a nonprofit mental health*
 19 *organization engaged in, or seeking to engage in, sui-*
 20 *cide prevention efforts along railroad right-of-way in*
 21 *partnership with a railroad carrier, as defined in sec-*
 22 *tion 20102.”.*

23 **SEC. 9559. INCLUDING RAILROAD SUICIDES.**

24 “(a) *IN GENERAL.*—*Not less than 180 days after the*
 25 *enactment of this Act, the Secretary of Transportation shall*

1 *revise any regulations, guidance, or other relevant agency*
 2 *documents to include the number of suicides on a railroad*
 3 *crossing or railroad right-of-way in the total number of rail*
 4 *fatalities the Secretary reports each year.*

5 (b) *AUTHORITY OF THE SECRETARY.*—*In carrying out*
 6 *subsection (a), the Secretary may require Federal, State,*
 7 *and local agencies, railroads, or other entities to submit*
 8 *such data as necessary.*

9 (c) *APPLICABILITY OF RULEMAKING REQUIRE-*
 10 *MENTS.*—*The requirements of section 553 of title 5, United*
 11 *States Code, shall not apply to the modification required*
 12 *by subsection (a).*

13 **SEC. 9560. REPORT ON SAFETY MEASURES REQUIRED FOR**
 14 **QUIET ZONES.**

15 *Not later than 180 days after the date of enactment*
 16 *of this Act, the Administrator of the Federal Railroad Ad-*
 17 *ministration shall—*

18 (1) *submit to Congress a report on any supple-*
 19 *mentary safety measures and alternative safety meas-*
 20 *ures not contained in part 222 of title 49, Code of*
 21 *Federal Regulations, that can be used to qualify for*
 22 *a Quiet Zone or Partial Quiet Zone; and*

23 (2) *include in the report submitted under para-*
 24 *graph (1)—*

- 1 (A) a summary of the supplementary safety
 2 measures and alternative safety measures for
 3 which a public authority has requested approval
 4 from the Administrator to implement; and
 5 (B) an explanation for why such requests
 6 were not granted.

7 ***TITLE VI—MISCELLANEOUS***

8 ***SEC. 9601. RAIL NETWORK CLIMATE CHANGE VULNER-***
 9 ***ABILITY ASSESSMENT.***

10 (a) *IN GENERAL.*—The Secretary of Transportation
 11 shall seek to enter into an agreement with the National
 12 Academies to conduct an assessment of the potential im-
 13 pacts of climate change on the national rail network.

14 (b) *ASSESSMENT.*—At a minimum, the assessment
 15 conducted pursuant to subsection (a) shall—

16 (1) cover the entire freight, commuter, and inter-
 17 city passenger rail network of the United States;

18 (2) evaluate risk to the network over 5-, 30-, and
 19 50-year outlooks;

20 (3) examine and describe potential effects of cli-
 21 mate change and extreme weather events on passenger
 22 and freight rail infrastructure, trackage, and facili-
 23 ties, including facilities owned by rail shippers;

1 (4) *identify and categorize the assets described in*
2 *paragraph (3) by vulnerability level and geographic*
3 *area; and*

4 (5) *recommend strategies or measures to mitigate*
5 *any adverse impacts of climate change, including—*

6 (A) *emergency preparedness measures;*

7 (B) *resiliency best practices for infrastruc-*
8 *ture planning; and*

9 (C) *coordination with State and local au-*
10 *thorities.*

11 (c) *REPORT.—Not later than 18 months after the date*
12 *of enactment of this Act, the Secretary shall submit to the*
13 *Committee on Transportation and Infrastructure of the*
14 *House of Representatives and the Committee on Commerce,*
15 *Science, and Transportation of the Senate a report con-*
16 *taining the findings of the assessment conducted pursuant*
17 *to subsection (a).*

18 (d) *FURTHER COORDINATION.—The Secretary shall*
19 *make the report publicly available on the website of the De-*
20 *partment of Transportation and communicate the results*
21 *of the assessment with stakeholders.*

22 (e) *REGULATORY AUTHORITY.—If the Secretary finds*
23 *in the report required under subsection (c) that regulatory*
24 *measures are warranted and such measures are otherwise*
25 *under the existing authority of the Secretary, the Secretary*

1 *may issue such regulations as are necessary to implement*
2 *such measures.*

3 (f) *FUNDING.—From the amounts made available for*
4 *fiscal year 2022 under section 20117(b) of title 49, United*
5 *States Code, the Secretary shall expend not less than*
6 *\$1,500,000 to carry out the study required under subpara-*
7 *graph (a).*

8 **SEC. 9602. ADVANCE ACQUISITION.**

9 (a) *IN GENERAL.—Chapter 242 of title 49, United*
10 *States Code, is amended by inserting the following after sec-*
11 *tion 24202:*

12 **“SEC. 24203. ADVANCE ACQUISITION.**

13 “(a) *RAIL CORRIDOR PRESERVATION.—The Secretary*
14 *of Transportation may assist a recipient of Federal finan-*
15 *cial assistance provided by the Secretary for an intercity*
16 *passenger rail project in acquiring a right-of-way and adja-*
17 *cent real property interests before or during the completion*
18 *of the environmental reviews for a project that may use such*
19 *property interests if the acquisition is otherwise permitted*
20 *under Federal law.*

21 “(b) *CERTIFICATION.—Before authorizing advance ac-*
22 *quisition under this section, the Secretary shall verify*
23 *that—*

24 “(1) *the recipient has authority to acquire the*
25 *real property interest; and*

1 “(2) *the acquisition of the real property inter-*
2 *est—*

3 “(A) *is for a transportation purpose;*

4 “(B) *will not cause significant adverse envi-*
5 *ronmental impact;*

6 “(C) *will not limit the choice of reasonable*
7 *alternatives for the proposed project or otherwise*
8 *influence the decision of the Secretary on any*
9 *approval required for the project;*

10 “(D) *does not prevent the lead agency from*
11 *making an impartial decision as to whether to*
12 *accept an alternative that is being considered;*

13 “(E) *complies with other applicable Federal*
14 *laws and regulations; and*

15 “(F) *will not result in elimination or reduc-*
16 *tion of benefits or assistance to a displaced per-*
17 *son required by the Uniform Relocation Assist-*
18 *ance and Real Property Acquisition Policies Act*
19 *of 1970 (42 U.S.C. 4601 et seq.) and title VI of*
20 *the Civil Rights Act of 1964 (42 U.S.C. 2000d*
21 *et seq.).*

22 “(c) *ENVIRONMENTAL REVIEWS.—*

23 “(1) *COMPLETION OF NEPA REVIEW.—Before re-*
24 *imbursing or approving the expenditure of Federal*
25 *funding for an acquisition of a real property interest,*

1 *the Secretary shall complete all review processes other-*
2 *wise required under the National Environmental Pol-*
3 *icy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f)*
4 *of the Department of Transportation Act of 1966 (49*
5 *U.S.C. 303), and section 106 of the National Historic*
6 *Preservation Act (16 U.S.C. 470f) with respect to the*
7 *acquisition.*

8 “(2) *TIMING OF DEVELOPMENT ACQUISITION.—A*
9 *real property interest acquired under subsection (a)*
10 *may not be developed in anticipation of the proposed*
11 *project until all required environmental reviews for*
12 *the project have been completed.*

13 “(d) *INCLUSION IN NON-FEDERAL SHARE OF PROJECT*
14 *COSTS.—Non-Federal funds used to acquire right-of-way*
15 *and adjacent real property interests under this section be-*
16 *fore or during the environmental review, or before the*
17 *award of a grant by the Secretary, shall be included in de-*
18 *termining the non-Federal share of the costs of the under-*
19 *lying intercity passenger rail project.*

20 “(e) *SAVINGS CLAUSE.—The advance acquisition proc-*
21 *ess described in this section—*

22 “(1) *is in addition to processes in effect on or be-*
23 *fore the date of enactment of the TRAIN Act; and*

24 “(2) *does not affect—*

1 “(A) any right of the recipient described in
2 subsection (a) to acquire property; or

3 “(B) any other environmental review proc-
4 ess, program, agreement, or funding arrange-
5 ment related to the acquisition of real property,
6 in effect on the date of enactment of the TRAIN
7 Act.”.

8 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
9 242 of title 49, United States Code, is amended by inserting
10 after the item relating to section 24202 the following new
11 item:

 “Sec. 24203. Advance acquisition.”.

12 **SEC. 9603. UNIVERSITY RAIL CLIMATE INNOVATION INSTI-**
13 **TUTE.**

14 (a) *IN GENERAL.*—Chapter 229 of title 49, United
15 States Code, is further amended by adding at the end the
16 following:

17 **“§22913. University Rail Climate Innovation Institute**

18 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
19 tation may make a grant to an institution of higher edu-
20 cation to establish a University Rail Climate Innovation
21 Institute (in this section referred to as the ‘Institute’) for
22 the research and development of low- and zero-emission rail
23 technologies. Such grant agreement shall not exceed 5 years.

1 “(b) *ELIGIBLE APPLICANTS.*—To be eligible for a
2 grant under the subsection (a), an institution of higher edu-
3 cation shall—

4 “(1) have an active research program to study
5 the development of low- and zero-emission rail tech-
6 nologies or be able to demonstrate sufficient expertise
7 in relevant rail research and development;

8 “(2) enter into a cost-sharing agreement for pur-
9 poses of the Institute with a railroad or rail supplier;
10 and

11 “(3) submit to the Secretary an application in
12 such form, at such time, and containing such infor-
13 mation as the Secretary may require.

14 “(c) *ELIGIBLE PROJECTS.*—A recipient of this grant
15 under this section may carry out the research, design, devel-
16 opment, and demonstration of 1 or more of the following:

17 “(1) Hydrogen-powered locomotives and associ-
18 ated locomotive technologies.

19 “(2) Battery-powered locomotives and associated
20 locomotive technologies.

21 “(3) Deployment of a revenue service testing and
22 demonstration program to accelerate commercial
23 adoption of low- or zero-emission locomotives.

24 “(4) Development or deployment of an operating
25 prototype low- or zero-emission locomotive.

1 “(5) *Rail technologies that significantly reduce*
2 *greenhouse gas emissions, as determined appropriate*
3 *by the Secretary.*

4 “(d) *BUY AMERICA APPLICABILITY.—For purposes of*
5 *subsection (c)(4), the recipient shall be in compliance with*
6 *section 22905(a).*

7 “(e) *FUNDING REQUIREMENT.—The Federal share of*
8 *the total cost of the Institute shall not exceed 50 percent.*

9 “(f) *CONSIDERATIONS.—In selecting an applicant to*
10 *receive funding to establish the Institute, the Secretary shall*
11 *consider—*

12 “(1) *the extent to which the proposed activities*
13 *maximize greenhouse gas reductions;*

14 “(2) *the potential of the proposed activities to in-*
15 *crease the use of low- and zero- emission rail tech-*
16 *nologies among the United States freight and pas-*
17 *senger rail industry; and*

18 “(3) *the anticipated public benefits of the pro-*
19 *posed activities.*

20 “(g) *CONSIDERATION OF HBCUS.—In selecting an in-*
21 *stitution of higher education for a grant award under this*
22 *section, the Secretary shall consider historically black col-*
23 *leges and universities, as such term is defined in section*
24 *371(a) of the Higher Education Act of 1965 (2010 U.S.C.*

1 1067q), and other minority institutions, as such term is
 2 defined by section 365 of such Act (20 U.S.C. 1067k).

3 “(h) NOTIFICATION.—

4 “(1) NOTICE.—Not less than 3 days before an
 5 applicant has been selected, the Secretary shall notify
 6 the Committee on Transportation and Infrastructure
 7 of the House of Representatives and the Committee on
 8 Commerce, Science, and Transportation of the Senate
 9 of the intention to award such a grant.

10 “(2) REPORT.—The Institute shall submit to the
 11 Committee on Transportation and Infrastructure of
 12 the House of Representatives, the Committee on Com-
 13 merce, Science, and Transportation of the Senate,
 14 and the Secretary an annual report summarizing the
 15 activities undertaken by the Institute on low- and
 16 zero-emission rail technologies.

17 “(i) INSTITUTION OF HIGHER EDUCATION DE-
 18 FINED.—In this section, the term ‘institution of higher edu-
 19 cation’ has the meaning given such term in section 101 of
 20 the Higher Education Act of 1965 (20 U.S.C. 1001).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chapter
 22 229 of title 49, United States Code, is further amended by
 23 adding at the end the following:

“22913. University Rail Climate Innovation Institute.”.

1 **SEC. 9604. WORKFORCE DIVERSITY AND DEVELOPMENT.**

2 (a) *IN GENERAL.*—*The Secretary of Transportation*
3 *shall carry out at least one workforce development pilot pro-*
4 *gram with a railroad carrier.*

5 (b) *TYPES OF PILOT PROGRAMS.*—*A workforce devel-*
6 *opment pilot program described in subsection (a) may be*
7 *in the form of—*

8 (1) *an outreach program to increase employment*
9 *opportunities for socially disadvantaged individuals;*

10 (2) *the development of a partnership with high*
11 *schools, vocational schools, community colleges, or sec-*
12 *ondary education institutions to address future work-*
13 *force needs; and*

14 (3) *an apprenticeship program to train railroad*
15 *employees in needed skills.*

16 (c) *APPRENTICESHIP.*—*In carrying out a workforce*
17 *development pilot program described in subsection (b)(3),*
18 *the Secretary shall partner with a railroad carrier pro-*
19 *viding intercity rail passenger transportation.*

20 (d) *REPORT TO CONGRESS.*—*For a workforce develop-*
21 *ment pilot program carried out under this section, the Sec-*
22 *retary shall transmit to the Committee on Transportation*
23 *and Infrastructure of the House of Representatives and the*
24 *Committee on Commerce, Science, and Transportation of*
25 *the Senate a report that describes—*

1 (1) *the activities carried out under the pilot pro-*
2 *gram;*

3 (2) *the diversity of individuals participating in*
4 *the pilot program;*

5 (3) *an evaluation of the pilot program;*

6 (4) *employment outcomes, including job place-*
7 *ment, job retention, and wages, using performance*
8 *metrics established by the Secretary of Transpor-*
9 *tation, in consultation with the Secretary of Labor,*
10 *and consistent with performance indicators used by*
11 *programs under the Workforce Innovation and Op-*
12 *portunity Act (29 U.S.C. 3101 et seq.), as applicable;*
13 *and*

14 (5) *any recommendations for increasing diver-*
15 *sity in the railroad workforce, addressing future*
16 *workforce needs, or enhancing workforce skills.*

17 (e) *DEFINITION.—In this section:*

18 (1) *INTERCITY RAIL PASSENGER TRANSPOR-*
19 *TATION.—The term “intercity rail passenger trans-*
20 *portation” has the meaning given such term in sec-*
21 *tion 24102 of title 49, United States Code.*

22 (2) *RAILROAD CARRIER.—The term “railroad*
23 *carrier” has the meaning given such term in section*
24 *20102 of title 49, United States Code.*

1 (3) *SOCIALLY DISADVANTAGED INDIVIDUALS.*—
 2 *The term “socially disadvantaged individuals” has*
 3 *the meaning given the term “socially and economi-*
 4 *cally disadvantaged individuals” in section 8(d) of*
 5 *the Small Business Act (15 U.S.C. 637(d)).*

6 (f) *FUNDING.*—*From the amounts made available*
 7 *under section 20117(b) of title 49, United States Code, the*
 8 *Secretary may expend up to \$1,300,000 for fiscal year 2022*
 9 *and \$1,300,000 for 2023 to carry out this section.*

10 **SEC. 9605. REQUIREMENTS FOR RAILROAD FREIGHT CARS**
 11 **ENTERING SERVICE IN UNITED STATES.**

12 (a) *IN GENERAL.*—*Chapter 207 of title 49, United*
 13 *States Code, is amended by adding at the end the following:*
 14 **“§ 20704. Requirements for railroad freight cars enter-**
 15 **ing service in United States**

16 “(a) *DEFINITIONS.*—*In this section, the following defi-*
 17 *nitions apply:*

18 “(1) *COMPONENT.*—*The term ‘component’ means*
 19 *a part or subassembly of a railroad freight car.*

20 “(2) *CONTROL.*—*The term ‘control’ means the*
 21 *power, whether direct or indirect and whether or not*
 22 *exercised, through the ownership of a majority or a*
 23 *dominant minority of the total outstanding voting in-*
 24 *terest in an entity, representation on the board of di-*
 25 *rectors of an entity, proxy voting on the board of di-*

1 *rectors of an entity, a special share in the entity, a*
2 *contractual arrangement with the entity, a formal or*
3 *informal arrangement to act in concert with an enti-*
4 *ty, or any other means, to determine, direct, make de-*
5 *cisions, or cause decisions to be made for the entity.*

6 “(3) *COST OF SENSITIVE TECHNOLOGY.*—*The*
7 *term ‘cost of sensitive technology’ means the aggregate*
8 *cost of the sensitive technology located on a railroad*
9 *freight car.*

10 “(4) *COUNTRY OF CONCERN.*—*The term ‘country*
11 *of concern’ means a country that—*

12 “(A) *is identified by the Department of*
13 *Commerce as a nonmarket economy country (as*
14 *defined in section 771(18) of the Tariff Act of*
15 *1930 (19 U.S.C. 1677(18))) as of the date of en-*
16 *actment of the TRAIN Act;*

17 “(B) *was identified by the United States*
18 *Trade Representative in the most recent report*
19 *required by section 182 of the Trade Act of 1974*
20 *(19 U.S.C. 2242) as a foreign country included*
21 *on the priority watch list defined in subsection*
22 *(g)(3) of that section; and*

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

1 “(5) *NET COST*.—The term ‘net cost’ has the
 2 meaning given the term in chapter 4 of the USMCA
 3 or any subsequent free trade agreement between the
 4 United States, Mexico, and Canada.

5 “(6) *QUALIFIED FACILITY*.—The term ‘qualified
 6 facility’ means a facility that is not owned or under
 7 the control of a state-owned enterprise.

8 “(7) *QUALIFIED MANUFACTURER*.—The term
 9 ‘qualified manufacturer’ means a railroad freight car
 10 manufacturer that is not owned or under the control
 11 of a state-owned enterprise.

12 “(8) *RAILROAD FREIGHT CAR*.—The term ‘rail-
 13 road freight car’ means a car designed to carry
 14 freight or railroad personnel by rail, including—

15 “(A) box car;

16 “(B) refrigerator car;

17 “(C) ventilator car;

18 “(D) intermodal well car;

19 “(E) gondola car;

20 “(F) hopper car;

21 “(G) auto rack car;

22 “(H) flat car;

23 “(I) special car;

24 “(J) caboose car;

25 “(K) tank car; and

1 “(L) yard car.

2 “(9) *SENSITIVE TECHNOLOGY*.—The term ‘sen-
3 sitive technology’ means any device embedded with
4 electronics, software, sensors, or other connectivity,
5 that enables the device to connect to, collect data from,
6 or exchange data with another device, including—

7 “(A) onboard telematics;

8 “(B) remote monitoring software;

9 “(C) firmware;

10 “(D) analytics;

11 “(E) GPS satellite and cellular location
12 tracking systems;

13 “(F) event status sensors;

14 “(G) predictive component condition and
15 performance monitoring sensors; and

16 “(H) similar sensitive technologies embed-
17 ded into freight railcar components and sub-
18 assemblies.

19 “(10) *STATE-OWNED ENTERPRISE*.—The term
20 ‘state-owned enterprise’ means—

21 “(A) an entity that is owned by, or under
22 the control of, a national, provincial, or local
23 government of a country of concern, or an agen-
24 cy of such government; or

1 “(B) *an individual acting under the direc-*
 2 *tion or influence of a government or agency de-*
 3 *scribed in subparagraph (A).*

4 “(11) *SUBSTANTIALLY TRANSFORMED.—The*
 5 *term ‘substantially transformed’ means a component*
 6 *of a railroad freight car that undergoes an applicable*
 7 *change in tariff classification as a result of the manu-*
 8 *facturing process, as described in chapter 4 and re-*
 9 *lated Annexes of the USMCA or any subsequent free*
 10 *trade agreement between the United States, Mexico,*
 11 *and Canada.*

12 “(12) *USMCA.—The term ‘USMCA’ has the*
 13 *meaning given the term in section 3 of the United*
 14 *States-Mexico-Canada Agreement Implementation Act*
 15 *(19 U.S.C. 4502).*

16 “(b) *REQUIREMENTS FOR RAILROAD FREIGHT CARS*
 17 *ENTERING SERVICE IN THE UNITED STATES.—*

18 “(1) *LIMITATION ON RAILROAD FREIGHT CARS.—*
 19 *A railroad freight car wholly manufactured on or*
 20 *after the date that is 1 year after the date of enact-*
 21 *ment of the TRAIN Act, may only operate on the*
 22 *United States freight railroad interchange system if—*

23 “(A) *the railroad freight car is manufac-*
 24 *tured, assembled, and substantially transformed,*

1 *as applicable, by a qualified manufacturer in a*
2 *qualified facility;*

3 “(B) *none of the sensitive technology located*
4 *on the railroad freight car, including components*
5 *necessary to the functionality of the sensitive*
6 *technology, originates from a country of concern*
7 *or is sourced from state-owned enterprise; and*

8 “(C) *none of the content of the railroad*
9 *freight car, excluding sensitive technology, origi-*
10 *nates from a country of concern or is sourced*
11 *from a state-owned enterprise that has been de-*
12 *termined by a recognized court or administrative*
13 *agency of competent jurisdiction and legal au-*
14 *thority to have violated or infringed valid*
15 *United States intellectual property rights of an-*
16 *other including such a finding by a Federal dis-*
17 *trict court under title 35 or the U.S. Inter-*
18 *national Trade Commission under section 337 of*
19 *the Tariff Act of 1930 (19 U.S.C. 1337).*

20 “(2) *LIMITATION ON RAILROAD FREIGHT CAR*
21 *CONTENT.—*

22 “(A) *PERCENTAGE LIMITATION.—Not later*
23 *than 12 months after the date of enactment of the*
24 *TRAIN Act, a railroad freight car manufactured*

1 *may operate on the United States freight rail-*
2 *road interchange system only if—*

3 “(i) *not more than 20 percent of the*
4 *content of the railroad freight car, cal-*
5 *culated by the net cost of all components of*
6 *the car and excluding the cost of sensitive*
7 *technology, originates from a country of*
8 *concern or is sourced from a state-owned en-*
9 *terprise; and*

10 “(ii) *not later than 24 months after the*
11 *date of enactment of the TRAIN Act, the*
12 *percentage described in clause (i) shall be*
13 *no more than 15 percent*

14 “(B) *CONFLICT.—The percentages specified*
15 *in this paragraph apply notwithstanding any*
16 *apparent conflict with provisions of chapter 4 of*
17 *the USMCA.*

18 “(c) *REGULATIONS AND PENALTIES.—*

19 “(1) *REGULATIONS REQUIRED.—Not later than 1*
20 *year after the date of enactment of the TRAIN Act,*
21 *the Secretary of Transportation shall issue such regu-*
22 *lations as are necessary to carry out this section, in-*
23 *cluding for the monitoring, enforcement, and sensitive*
24 *technology requirements of this section.*

1 “(2) *CERTIFICATION REQUIRED.*—*To be eligible*
 2 *to provide a railroad freight car for operation on the*
 3 *United States freight railroad interchange system, the*
 4 *manufacturer of such car shall certify to the Secretary*
 5 *annually that any railroad freight cars to be so pro-*
 6 *vided meet the requirements of this section.*

7 “(3) *COMPLIANCE.*—

8 “(A) *VALID CERTIFICATION REQUIRED.*—*At*
 9 *the time a railroad freight car begins operation*
 10 *on the United States freight railroad interchange*
 11 *system, the manufacturer of such railroad freight*
 12 *car shall have valid certification describe under*
 13 *paragraph (2) for the year in which such car be-*
 14 *gins operation.*

15 “(B) *REGISTRATION OF NONCOMPLIANT*
 16 *CARS PROHIBITED.*—*A railroad freight car man-*
 17 *ufacturer may not register, or cause to be reg-*
 18 *istered, a railroad freight car that does not com-*
 19 *ply with the requirements of this section in the*
 20 *Association of American Railroad’s Umler sys-*
 21 *tem.*

22 “(4) *CIVIL PENALTIES.*—

23 “(A) *IN GENERAL.*—*A railroad freight car*
 24 *manufacturer that has manufactured a railroad*
 25 *freight car for operation on the United States*

1 *freight railroad interchange system that the Sec-*
 2 *retary of Transportation determines, after writ-*
 3 *ten notice and an opportunity for a hearing, has*
 4 *violated this section is liable to the United States*
 5 *Government for a civil penalty of at least*
 6 *\$100,000 but not more than \$250,000 for each*
 7 *violation for each railroad freight car.*

8 “(B) *PROHIBITION FOR VIOLATIONS.*—*The*
 9 *Secretary of Transportation may prohibit a rail-*
 10 *road freight car manufacturer with respect to*
 11 *which the Secretary has assessed more than 3*
 12 *violations under subparagraph (A) from pro-*
 13 *viding additional railroad freight cars for oper-*
 14 *ation on the United States freight railroad inter-*
 15 *change system until the Secretary determines—*

16 “(i) *such manufacturer is in compli-*
 17 *ance with this section; and*

18 “(ii) *all civil penalties assessed to such*
 19 *manufacturer under subparagraph (A) have*
 20 *been paid in full.”.*

21 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 22 *207 of title 49, United States Code, is amended by adding*
 23 *at the end the following:*

“20704. *Requirements for railroad freight cars entering service in United States.*”.

1 **SEC. 9606. RAIL RESEARCH AND DEVELOPMENT CENTER OF**
2 **EXCELLENCE.**

3 *Section 20108 of title 49, United States Code, is*
4 *amended by adding at the end the following:*

5 *“(d) RAIL RESEARCH AND DEVELOPMENT CENTER OF*
6 *EXCELLENCE.—*

7 *“(1) CENTER OF EXCELLENCE.—The Secretary*
8 *may provide a grant to an entity described in para-*
9 *graph (2) to establish a Center of Excellence to ad-*
10 *vance research and development that improves the*
11 *safety, efficiency, and reliability of passenger and*
12 *freight rail transportation.*

13 *“(2) ELIGIBILITY.—An institution of higher edu-*
14 *cation (as defined in section 101 of the Higher Edu-*
15 *cation Act of 1965 (20 U.S.C. 1002)) or a consortium*
16 *of nonprofit institutions of higher education shall be*
17 *eligible to receive a grant under this subsection.*

18 *“(3) SELECTION CRITERIA.—In awarding a*
19 *grant under this subsection, the Secretary may—*

20 *“(A) give preference to an applicant with*
21 *strong past performance related to rail research,*
22 *education, and workforce development activities;*

23 *“(B) consider the extent to which the appli-*
24 *cant would involve public passenger and private*
25 *and public freight railroad operators; and*

1 “(C) consider the regional and national im-
2 pacts of the applicant’s proposal.

3 “(4) *USE OF FUNDS.*—Amounts awarded under
4 this subsection may be used to establish and operate
5 the Center of Excellence described in paragraph (1)
6 and for research, evaluation, education, and workforce
7 development and training efforts related to safety, en-
8 vironmental sustainability, and reliability of rail
9 transportation, including—

10 “(A) rolling stock;

11 “(B) positive train control;

12 “(C) human factors, systems design, or fa-
13 tigue;

14 “(D) rail infrastructure;

15 “(E) shared corridors;

16 “(F) grade crossings;

17 “(G) rail systems maintenance;

18 “(H) network resiliency;

19 “(I) programs to train railroad workers in
20 needed skills; and

21 “(J) the development of programs or part-
22 nerships to raise awareness of railroad employ-
23 ment opportunities, in coordination with the
24 Federal Railroad Administration.

1 “(5) *FEDERAL SHARE*.—*The Federal share of the*
 2 *cost of an activity carried out with a grant under this*
 3 *subsection shall be 50 percent.*”.

4 **SEC. 9607. FREIGHT RAILROAD LOCOMOTIVE REQUIRE-**
 5 **MENTS.**

6 (a) *REQUIREMENTS FOR CLASS I LOCOMOTIVES*.—*A*
 7 *Class I railroad may only operate a locomotive on the*
 8 *freight railroad interchange system on or after January 1,*
 9 *2030, if—*

10 (1) *the locomotive was manufactured on or after*
 11 *January 1, 2008;*

12 (2) *the primary NO_x and PM emissions on the*
 13 *Environmental Protection Agency certificate of con-*
 14 *formity for the locomotive are equal to or cleaner than*
 15 *the cleanest available locomotive; or*

16 (3) *the locomotive has not exceeded a total of*
 17 *89,100 MWhs of operation since its original engine*
 18 *build date.*

19 (b) *CERTIFICATION REQUIRED*.—*To be eligible to own*
 20 *or operate a locomotive covered by subsection (a) on the*
 21 *United States freight railroad interchange system on or*
 22 *after January 1, 2030, a Class I railroad shall certify to*
 23 *the Secretary of Transportation that such locomotive meets*
 24 *the requirements of this section.*

1 (c) *EFFECTUATION.*—*The Secretary is authorized to*
2 *issue such regulations as are necessary to carry out this*
3 *section.*

4 (d) *DEFINITIONS.*—*In this section:*

5 (1) *CERTIFICATE OF CONFORMITY.*—*The term*
6 *“certificate of conformity” means the document that*
7 *the Environmental Protection Agency issues to an en-*
8 *gine manufacturer to certify that an engine class con-*
9 *forms to Environmental Protection Agency require-*
10 *ments.*

11 (2) *CLEANEST AVAILABLE LOCOMOTIVE.*—*The*
12 *term “cleanest available locomotive” means the strict-*
13 *est standard set by the Environmental Protection*
14 *Agency for the applicable locomotive under section*
15 *213 of the Clean Air Act (42 U.S.C. 7547).*

Union Calendar No. 49

117TH CONGRESS
1ST Session

H. R. 3684

[Report No. 117-70]

A BILL

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

JUNE 22, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed