

117TH CONGRESS  
1ST SESSION

# H. R. 5771

To amend title 23, United States Code, to establish a dedicated, competitive highway-rail grade separation program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2021

Mr. GARCÍA of Illinois (for himself and Mr. SCHNEIDER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to establish a dedicated, competitive highway-rail grade separation program, 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 “Building Much Needed  
5 Rail Grade Separations Act of 2021”.

6 **SEC. 2. GRADE SEPARATION GRANT PROGRAM.**

7 (a) IN GENERAL.—Chapter 1 of title 23, United  
8 States Code, is amended by inserting after section 130 the  
9 following:

1 **“§ 130A. Railway-highway crossing separation pro-**  
2 **gram**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CROSSING.—The term ‘crossing’ means a  
5 railway-highway grade crossing.

6 “(2) GRADE SEPARATION.—The term ‘grade  
7 separation’ means the elimination of a rail-highway  
8 grade crossing through the building of an additional  
9 structure such as an overpass, underpass, or trench,  
10 or a rail line relocation and improvement project  
11 that results in the closure of a highway-grade cross-  
12 ing.

13 “(3) LARGE PROJECT.—The term ‘large  
14 project’ means a project funded under this section  
15 that has total eligible project costs of greater than  
16 \$100,000,000.

17 “(4) PROGRAM.—The term ‘Program’ means  
18 the grade separation investment program established  
19 under subsection (b)(1).

20 “(b) ESTABLISHMENT OF GRADE SEPARATION PRO-  
21 GRAM.—

22 “(1) IN GENERAL.—The Secretary shall estab-  
23 lish a grade separation investment program to pro-  
24 vide grants on a competitive basis to carry out ac-  
25 tivities described in subsection (i) relating to grade  
26 separations.

1           “(2) GOALS.—The goals of the Program shall  
2       be—

3           “(A) to separate railway-highway grade  
4       crossings;

5           “(B) to improve safety by reducing the  
6       number of deaths and injuries at rail-highway  
7       crossings;

8           “(C) to increase the efficiency, and reli-  
9       ability of the movement of people and freight  
10      over rail-highway crossings;

11          “(D) to increase the capacity of the freight  
12      and passenger rail system;

13          “(E) to reduce the amount of noise from  
14      trains; and

15          “(F) to improve air quality and reduce  
16      greenhouse gas emissions from less idling at  
17      rail-highway crossings, especially in frontline  
18      communities.

19      “(c) FUNDING.—

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

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

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

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

5           “(B) in the case of an eligible project that  
6           is not a large project, in an amount that is—

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

10           “(ii) not less than \$2,500,000.

11           “(2) MAXIMUM AMOUNT.—For an eligible  
12           project receiving assistance under the Program, the  
13           amount of assistance provided by the Secretary  
14           under this section, as a share of eligible project  
15           costs, shall be—

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

18           “(B) in the case of a project that is not a  
19           large project, not more than 80 percent.

20           “(3) RAILROAD LIABILITY.—Any railroad or  
21           railroads involved in a project paid for in whole or  
22           in part from amounts made available under this sec-  
23           tion shall be liable to the United States for the net  
24           benefit to the railroad determined under the classi-

1       fication of such project made pursuant to paragraph  
2       (4).

3               “(4) RAILROAD SHARE.—Any railroad or rail-  
4       roads involved in a grade separation project carried  
5       out under this Act that benefits from such project  
6       shall be liable to the United States for 10 percent  
7       of the costs of construction, which shall be deemed  
8       to represent the net benefit to the railroad or rail-  
9       roads for the purpose of determining the railroad’s  
10      share of the cost of construction.

11              “(5) CASH SHARE.—Not more than half of the  
12      amount required under paragraph (4) may be attrib-  
13      utable to non-cash contributions of materials and  
14      labor furnished by the railroad in connection with  
15      the construction of such project.

16              “(6) LARGE PROJECTS.—At least 70 percent of  
17      the funds awarded in a fiscal year under this Pro-  
18      gram shall used for large projects.

19              “(7) FUTURE PIPELINE.—At least 5 percent of  
20      the total amount awarded in a fiscal year under this  
21      Program shall be for projects seeking funding for  
22      planning, preliminary engineering, or final environ-  
23      mental review. The Secretary shall ensure that the  
24      funding awarded is sufficient for such project to be

1 eligible for grant amounts for final design or con-  
2 struction in a future application cycle.

3 “(d) ELIGIBLE ENTITY.—The Secretary may make  
4 a grant under the Program to any of the following:

5 “(1) A State.

6 “(2) A group of States.

7 “(3) An interstate compact.

8 “(4) A public agency or publicly chartered au-  
9 thority established by one or more States.

10 “(5) A political subdivision of a State.

11 “(6) A metropolitan planning organization.

12 “(7) Amtrak or another rail carrier that pro-  
13 vides intercity rail passenger transportation (as de-  
14 fined in section 24102 of title 49).

15 “(8) A commuter rail authority.

16 “(9) A Tribal government or a consortium of  
17 Tribal governments.

18 “(10) A multistate or multijurisdictional group  
19 of entities described in paragraphs (1) through (9).

20 “(e) ADMINISTRATION OF FUNDS.—The Secretary  
21 may transfer any amounts awarded under this section, as  
22 appropriate, after selection, to the Federal Railroad Ad-  
23 ministration for—

24 “(1) administration of funds in accordance with  
25 title 49; or

1           “(2) for administration of funds in accordance  
2 with chapter 53 of title 49.

3           “(f) CONSIDERATIONS.—

4           “(1) PRIMARY CONSIDERATIONS.—In awarding  
5 grants under the Program, the Secretary shall con-  
6 sider the following primary factors:

7           “(A) Accident history at the crossing over  
8 the last 10 years, including the number of fa-  
9 talities and injuries.

10           “(B) Volume of trains, both freight and  
11 passenger, passing through the crossing.

12           “(C) Average speed of trains, both freight  
13 and passenger, that pass through the crossing.

14           “(D) Annual average daily motor vehicle,  
15 cyclist, and pedestrian traffic at the crossing.

16           “(E) Likelihood of a collision based on the  
17 geometry of the crossing.

18           “(F) Design speed and speed limit of the  
19 roadway that meets the crossing.

20           “(G) The number of other at-grade cross-  
21 ings in the vicinity of the project location.

22           “(H) The number of other grade separated  
23 crossings in the vicinity of the project location.

24           “(I) The amount of critical facilities near  
25 the crossing, including emergency response

1 services, hospitals, schools, chemical and power  
2 plants (including nuclear), military bases and  
3 installations, and other similar facilities as de-  
4 termined by the Secretary.

5 “(J) Whether the project is located in or  
6 would primarily benefit economically disadvan-  
7 taged communities, including environmental  
8 justice communities, underserved communities,  
9 or communities located in areas of persistent  
10 poverty.

11 “(2) SECONDARY CONSIDERATIONS.—In award-  
12 ing grants under the Program, the Secretary shall  
13 consider the following secondary factors:

14 “(A) Improvement in air quality, including  
15 reductions in greenhouse gas emissions.

16 “(B) Decrease in train noise.

17 “(C) Increase in economic development.

18 “(D) Improvements to commuter and  
19 intercity passenger rail service and on-time per-  
20 formance.

21 “(E) Improvements to the rail freight net-  
22 work.

23 “(F) The applicant’s history of dem-  
24 onstrating financial commitment to, and fund-  
25 ing of, similar projects.



1           “(G) Any other factors as determined by  
2           the Secretary.

3           “(3)     PROHIBITED     CONSIDERATIONS.—In  
4           awarding grants under this section, the Secretary  
5           may not—

6                     “(A) limit the amount of grants or assist-  
7                     ance projects located in 1 State can receive; or

8                     “(B) take into consideration the amount of  
9                     new non-Federal revenue an applicant has  
10                    raised.

11           “(g) COMPETITIVE PROCESS AND EVALUATION OF  
12           ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

13                     “(1) COMPETITIVE PROCESS.—

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

15                                     “(i) for the first fiscal year for which  
16                                     funds are made available for obligation  
17                                     under the Program, not later than 60 days  
18                                     after the date on which the template under  
19                                     subparagraph (B)(i) is developed, and in  
20                                     subsequent fiscal years, not later than 60  
21                                     days after the date on which amounts are  
22                                     made available for obligation under the  
23                                     Program, solicit grant applications for eli-  
24                                     gible projects other than large projects;  
25                                     and

1           “(ii) not later than 120 days after the  
2           date on which the solicitation under clause  
3           (i) expires, conduct evaluations under  
4           paragraph (3).

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

7                   “(i) develop a template for applicants  
8                   to use to summarize project needs and  
9                   benefits, including benefits described in  
10                  paragraph (3)(B)(i); and

11                   “(ii) enable applicants to use data  
12                   from the national crossing inventory under  
13                   section 20160 of title 49 to populate tem-  
14                   plates described in clause (i), as applicable.

15           “(2) APPLICATIONS.—An eligible entity shall  
16           submit to the Secretary an application at such time,  
17           in such manner, and containing such information as  
18           the Secretary may require.

19           “(3) EVALUATION.—

20                   “(A) IN GENERAL.—Prior to providing a  
21                   grant under this subsection, the Secretary  
22                   shall—

23                   “(i) conduct an evaluation of each  
24                   project for which an application is received  
25                   under this subsection; and

1           “(ii) assign a quality rating to the  
2           project on the basis of the evaluation  
3           under clause (i).

4           “(B) REQUIREMENTS.—In carrying out an  
5           evaluation under subparagraph (A), the Sec-  
6           retary shall—

7                   “(i) consider information on project  
8                   benefits submitted by the applicant using  
9                   the template developed under paragraph  
10                  (1)(B)(i), including how and to what ex-  
11                  tent the project will address the factors  
12                  listed in subsection (e); and

13                   “(ii) consider whether and the extent  
14                   to which the benefits, including the bene-  
15                   fits described in clause (i), are more likely  
16                   than not to outweigh the total project  
17                   costs.

18           “(C) DATA DRIVEN PROCESS.—In evalu-  
19           ating projects under this section, the Secretary  
20           shall—

21                   “(i) evaluate each project using a  
22                   quantitative approach to the extent prac-  
23                   tical; and

1           “(ii) may use all or parts of the meth-  
2           odology required to be developed for large  
3           projects in subsection (h).

4           “(D) PUBLICATION OF METHODOLOGY  
5           AND RATINGS.—The Secretary shall—

6           “(i) publish on the Department of  
7           Transportation’s website the methodology  
8           developed in paragraph (C) to evaluate  
9           projects submitted under this section; and

10           “(ii) not later than 30 days after an-  
11           nouncing an intent to award funds under  
12           this section, post on the Department of  
13           Transportation’s website any ratings or  
14           scores developed for each eligible applica-  
15           tion that submitted an application.

16           “(h) COMPETITIVE PROCESS, EVALUATION, AND AN-  
17           NUAL REPORT FOR LARGE PROJECTS.—

18           “(1) IN GENERAL.—The Secretary shall estab-  
19           lish an annual date by which an eligible entity sub-  
20           mitting an application for a large project shall sub-  
21           mit to the Secretary such information as the Sec-  
22           retary may require, including information described  
23           in paragraph (2), in order for a large project to be  
24           considered for a recommendation by the Secretary

1 for funding in the next annual report under para-  
2 graph (6).

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

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

7 “(B) information sufficient for the Sec-  
8 retary to determine that—

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

11 “(ii) there is a reasonable likelihood  
12 that the large project will continue to meet  
13 the requirements under this section.

14 “(3) NOTICE OF DETERMINATION.—On making  
15 a determination that information submitted to the  
16 Secretary under paragraph (1) is sufficient, the Sec-  
17 retary shall provide a written notice of that deter-  
18 mination to—

19 “(A) the entity that submitted the applica-  
20 tion;

21 “(B) the Committee on Environment and  
22 Public Works of the Senate; and

23 “(C) the Committee on Transportation and  
24 Infrastructure of the House of Representatives.

1           “(4) EVALUATION.—The Secretary may rec-  
2           ommend a large project for funding in the annual  
3           report under paragraph (6) only if the Secretary  
4           evaluates the proposed project and determines that  
5           the project is justified because the project—

6                   “(A) addresses a need to eliminate the  
7                   grade crossing as determined by the Secretary,  
8                   consistent with the goals of the Program under  
9                   subsection (b)(2);

10                   “(B) will generate significant benefits  
11                   based upon the factors listed in subsection (f);

12                   “(C) is cost effective based on an analysis  
13                   of whether the benefits described in subpara-  
14                   graph (B) are expected to outweigh the project  
15                   costs; and

16                   “(D) is supported by other Federal or non-  
17                   Federal financial commitments or revenues ade-  
18                   quate to fund completion of the project or  
19                   project phase.

20           “(5) RATINGS.—

21                   “(A) IN GENERAL.—The Secretary shall  
22                   create a data driven ranking to evaluate, rate,  
23                   and rank large projects. The Secretary shall de-  
24                   velop a methodology that—

1           “(i) quantifies numerically each factor  
2 listed in subsection (f)(1) to the extent  
3 practical;

4           “(ii) calculates a numerical safety  
5 score based on how the project would im-  
6 prove safety through the factors listed in  
7 subsection (f)(1);

8           “(iii) evaluates on a 5-point scale (the  
9 points of which include ‘high’, ‘medium-  
10 high’, ‘medium’, ‘medium-low’, and ‘low’)  
11 the benefits of the project for each of the  
12 factors listed in subsection (f)(2); and

13           “(iv) evaluates on a 5-point scale (the  
14 points of which include ‘high’, ‘medium-  
15 high’, ‘medium’, ‘medium-low’, and ‘low’)  
16 how each project meets subparagraphs  
17 (4)(C) and (4)(D).

18           “(B) OVERALL WEIGHTING.—The Sec-  
19 retary shall develop and publish on the Depart-  
20 ment of Transportation’s website a methodology  
21 that explains how the Secretary will create an  
22 overall rating for each project by weighting  
23 each rating in subparagraph (A) when awarding  
24 grants under this section. The Secretary shall

1 give at least 50 percent weight to the ‘safety  
2 score’ calculated under subparagraph (A)(ii).

3 “(C) PRIORITIZATION.—The Secretary  
4 shall prioritize funding for those projects scor-  
5 ing highest under subparagraph (B). To be con-  
6 sidered justified and receive a recommendation  
7 for funding in the annual report under para-  
8 graph (6), a project shall receive a ‘satisfactory’  
9 rating for each rating required under subpara-  
10 graph (A). The Secretary shall determine and  
11 publish what is considered a ‘satisfactory’ rat-  
12 ing for the purposes of this subparagraph.

13 “(D) POSTING OF RATINGS.—Not later  
14 than 30 days after announcing an intent to  
15 award funds under this section, the Secretary  
16 shall post on the Department of Transpor-  
17 tation’s website the overall ranking and scores,  
18 including the score for each metric quantified  
19 under paragraph (5)(A), for each eligible large  
20 application that submitted an application.

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

23 “(A) IN GENERAL.—Not later than the  
24 first Monday in February of each year, the Sec-  
25 retary shall submit to the Committees on



1           Transportation and Infrastructure and Appro-  
2           priations of the House of Representatives and  
3           the Committees on Environment and Public  
4           Works and Appropriations of the Senate a re-  
5           port that includes—

6                   “(i) a list of large projects that have  
7                   requested a recommendation for funding  
8                   under a new grant agreement from funds  
9                   anticipated to be available to carry out this  
10                  subsection in the next fiscal year;

11                  “(ii) the evaluation under paragraph  
12                  (4) and ratings under paragraph (5) for  
13                  each project referred to in subsection (j);  
14                  and

15                  “(iii) the grant amounts that the Sec-  
16                  retary recommends providing to large  
17                  projects in the next fiscal year, including—

18                          “(I) scheduled payments under  
19                          previously signed multiyear grant  
20                          agreements under subsection (j);

21                          “(II) payments for new grant  
22                          agreements, including single-year  
23                          grant agreements and multiyear grant  
24                          agreements;

1                   “(III) a description of how  
2                   amounts anticipated to be available  
3                   for the Program or the President’s  
4                   budget request for that fiscal year will  
5                   be distributed; and

6                   “(IV) for each project for which  
7                   the Secretary recommends a new  
8                   multiyear grant agreement under sub-  
9                   section (j), the proposed payout sched-  
10                  ule for the project.

11                  “(B) LIMITATIONS.—The Secretary shall  
12                  not recommend in an annual report under this  
13                  paragraph a new multiyear grant agreement  
14                  unless the Secretary determines that the project  
15                  can be completed using funds that are antici-  
16                  pated to be available in future fiscal years.

17                  “(C) CONSIDERATIONS.—In selecting  
18                  projects to recommend for funding in the an-  
19                  nual report under this paragraph, the Secretary  
20                  shall—

21                         “(i) consider the amount of funds  
22                         available in future fiscal years for  
23                         multiyear grant agreements as described in  
24                         subparagraph (B); and

1                   “(ii) assume the availability of funds  
2                   in future fiscal years for multiyear grant  
3                   agreements that extend beyond the period  
4                   of authorization based on the amount  
5                   made available for large projects under the  
6                   Program in the last fiscal year of the pe-  
7                   riod of authorization.

8                   “(i) ELIGIBLE PROJECT COSTS.—

9                   “(1) IN GENERAL.—A grant received for a  
10                  project under the Program may be used for—

11                  “(A) development phase activities, includ-  
12                  ing planning, feasibility analysis, revenue fore-  
13                  casting, environmental review, preliminary engi-  
14                  neering and design work, and other  
15                  preconstruction activities; and

16                  “(B) construction, reconstruction, rehabili-  
17                  tation, acquisition of real property (including  
18                  land related to the project and improvements to  
19                  the land), environmental mitigation, construc-  
20                  tion contingencies, acquisition of equipment,  
21                  and operational improvements directly related  
22                  to improving system performance.

23                  “(2) PROHIBITION OF A CERTAIN LIMITA-  
24                  TION.—The Secretary shall not limit eligible projects  
25                  from consideration for funding for planning, engi-

1 neering, environmental, construction, and design ele-  
2 ments of the same project in the same application.

3 “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE  
4 PROJECTS.—

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

10 “(2) REQUIREMENTS.—A multiyear grant  
11 agreement for a large project described in paragraph  
12 (1) shall—

13 “(A) establish the terms of participation by  
14 the Federal Government in the project;

15 “(B) establish the maximum amount of  
16 Federal financial assistance for the project in  
17 accordance with paragraphs (1) and (2) of sub-  
18 section (c);

19 “(C) establish a payout schedule for the  
20 project that provides for disbursement of the  
21 full grant amount by not later than 4 fiscal  
22 years after the fiscal year in which the initial  
23 amount is provided;

1           “(D) determine the period of time for com-  
2           pleting the project, even if that period extends  
3           beyond the period of an authorization; and

4           “(E) attempt to improve timely and effi-  
5           cient management of the project, consistent  
6           with all applicable Federal laws (including regu-  
7           lations).

8           “(3) SPECIAL FINANCIAL RULES.—

9           “(A) IN GENERAL.—A multiyear grant  
10          agreement under this subsection—

11           “(i) shall obligate an amount of avail-  
12          able budget authority specified in law; and

13           “(ii) may include a commitment, con-  
14          tingent on amounts to be specified in law  
15          in advance for commitments under this  
16          paragraph, to obligate an additional  
17          amount from future available budget au-  
18          thority specified in law.

19          “(B) STATEMENT OF CONTINGENT COM-  
20          MITMENT.—The agreement shall state that the  
21          contingent commitment is not an obligation of  
22          the Federal Government.

23          “(C) INTEREST AND OTHER FINANCIAL  
24          COSTS.—

1                   “(i) IN GENERAL.—Interest and other  
2                   financing costs of carrying out a part of  
3                   the project within a reasonable time shall  
4                   be considered a cost of carrying out the  
5                   project under a multiyear grant agreement,  
6                   except that eligible costs may not be more  
7                   than the cost of the most favorable financ-  
8                   ing terms reasonably available for the  
9                   project at the time of borrowing.

10                   “(ii) The applicant shall certify to the  
11                   Secretary that the applicant has shown  
12                   reasonable diligence in seeking the most  
13                   favorable financing terms.

14                   “(4) ADVANCE PAYMENT.—Notwithstanding  
15                   any other provision of law, an entity carrying out a  
16                   large project under a multiyear grant agreement—

17                   “(A) may use funds made available to the  
18                   entity under this title for eligible project costs  
19                   of the large project until the amount specified  
20                   in the multiyear grant agreement for the  
21                   project for that fiscal year becomes available for  
22                   obligation; and

23                   “(B) if the entity uses funds as described  
24                   in subparagraph (A), the funds used shall be  
25                   reimbursed from the amount made available

1           under the multiyear grant agreement for the  
2           project.

3           “(k) UNDERTAKING PARTS OF PROJECTS IN AD-  
4 VANCE UNDER LETTERS OF NO PREJUDICE.—

5           “(1) IN GENERAL.—The Secretary may pay to  
6           an applicant all eligible project costs under the Pro-  
7           gram, including costs for an activity for an eligible  
8           project incurred prior to the date on which the  
9           project receives funding under the Program if—

10                   “(A) before the applicant carries out the  
11                   activity, the Secretary approves through a letter  
12                   to the applicant the activity in the same man-  
13                   ner as the Secretary approves other activities as  
14                   eligible under the Program;

15                   “(B) a record of decision, a finding of no  
16                   significant impact, or a categorical exclusion  
17                   under the National Environmental Policy Act of  
18                   1969 (42 U.S.C. 4321 et seq.) has been issued  
19                   for the eligible project; and

20                   “(C) the activity is carried out without  
21                   Federal assistance and in accordance with all  
22                   applicable procedures and requirements.

23           “(2) INTEREST AND OTHER FINANCING  
24 COSTS.—

1           “(A) IN GENERAL.—For purposes of para-  
2 graph (1), the cost of carrying out an activity  
3 for an eligible project includes the amount of  
4 interest and other financing costs, including  
5 any interest earned and payable on bonds, to  
6 the extent interest and other financing costs are  
7 expended in carrying out the activity for the eli-  
8 gible project, except that interest and other fi-  
9 nancing costs may not be more than the cost of  
10 the most favorable financing terms reasonably  
11 available for the eligible project at the time of  
12 borrowing.

13           “(B) The applicant shall certify to the Sec-  
14 retary that the applicant has shown reasonable  
15 diligence in seeking the most favorable financ-  
16 ing terms under subparagraph (A).

17           “(3) NO OBLIGATIONS OR INFLUENCE ON REC-  
18 OMMENDATIONS.—An approval by the Secretary  
19 under paragraph (1)(A) shall not—

20           “(A) constitute an obligation of the Fed-  
21 eral Government; or

22           “(B) alter or influence any evaluation  
23 under subsections (g)(3)(A)(i) or (h)(4) or any  
24 recommendation by the Secretary for funding  
25 under the Program.



1       “(1) CONGRESSIONAL NOTIFICATION.—Not later  
2 than 30 days before making a grant under the Program,  
3 the Secretary shall submit to 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 written notification of the proposed grant  
7 that includes—

8               “(1) an evaluation and justification for the eli-  
9 gible project; and

10              “(2) the amount of the proposed grant.

11       “(m) REPORTS.—

12              “(1) ANNUAL REPORT.—Not later than August  
13 1 of each fiscal year, the Secretary shall make avail-  
14 able on the website of the Department of Transpor-  
15 tation an annual report that lists each eligible  
16 project for which a grant has been provided under  
17 the Program during the fiscal year.

18              “(2) GAO ASSESSMENT AND REPORT.—Not  
19 later than 3 years after the date of enactment of  
20 this section, the Comptroller General of the United  
21 States shall—

22                   “(A) conduct an assessment of the admin-  
23 istrative establishment, solicitation, selection,  
24 and justification process with respect to the  
25 funding of grants under the Program; and

1           “(B) submit to the Committee on Trans-  
2           portation and Infrastructure of the House of  
3           Representatives and the Committee on Environ-  
4           ment and Public Works of the Senate a report  
5           that describes—

6                   “(i) the adequacy and fairness of the  
7                   process under which each eligible project  
8                   that received a grant under the Program  
9                   was selected; and

10                   “(ii) the justification and criteria used  
11                   for the selection of each eligible project.

12           “(n) AUTHORIZATION OF APPROPRIATIONS.—There  
13           is authorized to be appropriated \$500,000,000 for each  
14           of the fiscal years 2022 through 2026 to carry out this  
15           section.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
17           for chapter 1 of title 23, United States Code, is amended  
18           by inserting after the item relating to section 130 the fol-  
19           lowing:

“130A. Railway-highway crossing separation program.”.

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