

117TH CONGRESS
2D SESSION

S. 5169

To amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Ms. LUMMIS (for herself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, 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 “Truck Parking Safety
5 Improvement Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that it should be a na-
8 tional priority to address the shortage of parking for com-

1 commercial motor vehicles on the Federal-aid highway system
 2 to improve highway safety.

3 **SEC. 3. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

4 (a) IN GENERAL.—Chapter 1 of title 23, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 180. Parking for commercial motor vehicles**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COMMERCIAL MOTOR VEHICLE.—The term
 10 ‘commercial motor vehicle’ has the meaning given
 11 the term in section 31132 of title 49.

12 “(2) SAFETY REST AREA.—The term ‘safety
 13 rest area’ has the meaning given the term in section
 14 120(c)(1).

15 “(b) GRANT AUTHORITY.—Subject to the availability
 16 of funds, the Secretary shall make grants, on a competi-
 17 tive basis, to eligible entities for projects to provide park-
 18 ing for commercial motor vehicles and improve the safety
 19 of commercial motor vehicle drivers.

20 “(c) ELIGIBLE ENTITIES.—

21 “(1) IN GENERAL.—An entity eligible to receive
 22 a grant under this section is any of the following:

23 “(A) A State.

24 “(B) A metropolitan planning organiza-
 25 tion.

1 “(C) A unit of local government.

2 “(D) A political subdivision of a State or
3 local government carrying out responsibilities
4 relating to commercial motor vehicle parking.

5 “(E) An Indian Tribe (as defined in sec-
6 tion 4 of the Indian Self-Determination and
7 Education Assistance Act (25 U.S.C. 5304)) or
8 a consortium of Indian Tribes (as so defined).

9 “(F) A multistate or multijurisdictional
10 group of entities described in subparagraphs
11 (A) through (E).

12 “(2) PRIVATE SECTOR PARTICIPATION.—An eli-
13 gible entity that receives a grant under this section
14 may partner with a private entity to carry out an eli-
15 gible project under this section.

16 “(d) ELIGIBLE PROJECTS.—

17 “(1) IN GENERAL.—An entity may use a grant
18 provided under this section for a project described in
19 paragraph (2) that is on—

20 “(A) a Federal-aid highway; or

21 “(B) a facility with reasonable access (as
22 described in section 658.19 of title 23, Code of
23 Federal Regulations (or a successor regulation))
24 to—

25 “(i) a Federal-aid highway; or

1 “(ii) a freight facility.

2 “(2) PROJECTS DESCRIBED.—A project re-
3 ferred to in paragraph (1) is a project—

4 “(A) to construct a safety rest area that
5 includes parking for commercial motor vehicles;

6 “(B) to construct additional commercial
7 motor vehicle parking capacity—

8 “(i) on or adjacent to a private com-
9 mercial truck stop or travel plaza;

10 “(ii) within the boundaries of, or adja-
11 cent to, a publicly owned freight facility,
12 including a port terminal operated by a
13 public authority;

14 “(iii) at an existing facility, including
15 an inspection or weigh station and a park-
16 and-ride location; or

17 “(iv) at another suitable facility, as
18 determined by the Secretary;

19 “(C) to reopen an existing weigh station,
20 safety rest area, park-and-ride facility, or other
21 government-owned facility, that is not in use,
22 for commercial motor vehicle parking;

23 “(D) to construct or make capital improve-
24 ments to an existing public commercial motor

1 vehicle parking facility to expand parking use
2 and availability, including at a seasonal facility;

3 “(E) to identify, promote, and manage the
4 availability of publicly and privately provided
5 commercial motor vehicle parking, such as
6 through the use of intelligent transportation
7 systems;

8 “(F) to improve the personal safety and
9 security of commercial motor vehicle drivers at
10 a parking facility as part of a project described
11 in subparagraphs (A) through (D);

12 “(G) to improve a parking facility, includ-
13 ing through advanced truck stop electrification
14 systems and other improvements determined
15 appropriate by the Secretary, as part of a
16 project described in subparagraphs (A) through
17 (D); or

18 “(H) to maintain a safety rest area that is
19 open to commercial motor vehicles.

20 “(e) APPLICATION.—To be eligible to receive a grant
21 under this section, an eligible entity shall submit to the
22 Secretary an application at such time, in such manner,
23 and containing such information as the Secretary may re-
24 quire, including—

25 “(1) a description of the proposed project; and

1 “(2) any other information that the Secretary
2 determines to be necessary.

3 “(f) PRIORITY.—In providing grants under this sec-
4 tion, the Secretary shall give priority to applications that
5 demonstrate—

6 “(1) a shortage of commercial motor vehicle
7 parking capacity in the corridor in which the project
8 is located;

9 “(2) consultation with motor carriers, commer-
10 cial motor vehicle drivers, public safety officials, and
11 private providers of commercial motor vehicle park-
12 ing;

13 “(3) that the project will likely—

14 “(A) increase the availability or utilization
15 of commercial motor vehicle parking;

16 “(B) facilitate the efficient movement of
17 freight; and

18 “(C) improve highway safety, traffic con-
19 gestion, and air quality; and

20 “(4) the ability to provide for the maintenance
21 and operation of the facility.

22 “(g) USE OF FUNDS.—

23 “(1) IN GENERAL.—An eligible entity may use
24 a grant under this section for—

“(A) development phase activities, including planning, feasibility analysis, benefit-cost analysis, environmental review, preliminary engineering and design work, and other preconstruction activities necessary to advance a project under this section; and

“(B) construction and operational improvements.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—An eligible entity may use not more than 25 percent of the amount of a grant under this section for activities described in paragraph (1)(A).

“(B) EXISTING FACILITIES.—

“(i) IN GENERAL.—Except as provided in clause (ii), not more than 10 percent of the amounts made available for each fiscal year for grants under this section may be used for projects described in subsection (d)(2)(E) that solely identify, promote, and manage the availability of existing commercial motor vehicle parking.

“(ii) EXCEPTION.—Clause (i) shall not apply to a project described in subsection (d)(2)(E) that is part of a project

1 to expand commercial motor vehicle park-
2 ing capacity.

3 “(C) MAINTENANCE.—Not more than 15
4 percent of the amounts made available for each
5 fiscal year for grants under this section may be
6 used for projects described in subsection
7 (d)(2)(H).

8 “(h) REQUIREMENTS.—

9 “(1) PUBLICLY ACCESSIBLE PARKING.—Com-
10 mercial motor vehicle parking constructed, opened,
11 or improved with funds from a grant under this sec-
12 tion shall be open and accessible to all commercial
13 motor vehicle drivers.

14 “(2) PROHIBITION ON CHARGING FEES.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), no fee may be charged to a
17 commercial motor vehicle to access parking con-
18 structed, opened, maintained, or improved with
19 a grant under this section.

20 “(B) ANCILLARY FEES.—A fee may be
21 charged to a commercial motor vehicle for ancil-
22 lary services related to parking constructed,
23 opened, maintained, or improved with a grant
24 under this section, including—

1 “(i) a system that provides heating
2 and air conditioning to commercial motor
3 vehicles; or

4 “(ii) a system that provides electrical
5 power to commercial motor vehicles with-
6 out the need for engine idling.

7 “(i) FEDERAL SHARE.—Notwithstanding section
8 120, the Federal share for a project carried out under this
9 section shall be up to 100 percent.

10 “(j) TREATMENT OF PROJECTS.—Notwithstanding
11 any other provision of law, a project carried out under this
12 section shall be treated as a project on a Federal-aid high-
13 way under this chapter.

14 “(k) PERIOD OF AVAILABILITY OF FUNDS.—
15 Amounts made available for projects under this section
16 shall remain available for a period of 3 years after the
17 last day of the fiscal year in which the amounts are made
18 available.

19 “(l) SURVEY AND COMPARATIVE ASSESSMENT.—

20 “(1) IN GENERAL.—Not later than 4 years
21 after the date of enactment of this section, and every
22 2 years thereafter, the Secretary, in consultation
23 with appropriate State motor carrier safety per-
24 sonnel, motor carriers, State departments of trans-
25 portation, and private providers of commercial motor

1 vehicle parking, shall submit to the Committee on
2 Environment and Public Works of the Senate and
3 the Committee on Transportation and Infrastructure
4 of the House of Representatives a report that—

5 “(A) evaluates the availability of adequate
6 parking and rest facilities, taking into account
7 both private and public facilities, for commer-
8 cial motor vehicles engaged in interstate trans-
9 portation;

10 “(B) evaluates the effectiveness of the
11 projects funded under this section in improving
12 access to commercial motor vehicle parking;

13 “(C) evaluates the ability of eligible enti-
14 ties that received a grant under this section to
15 sustain the operation of parking facilities con-
16 structed with funds provided under this section;
17 and

18 “(D) reports on the progress being made
19 to provide adequate commercial motor vehicle
20 parking facilities.

21 “(2) RESULTS.—The Secretary shall make the
22 reports under paragraph (1) available to the public
23 on the website of the Department of Transportation.

24 “(3) ALIGNMENT OF REPORTS.—In carrying
25 out this subsection, the Secretary shall—

1 “(A) consider the results of the commercial
 2 motor vehicle parking facilities assessments of
 3 States under subsection (f) of section 70202 of
 4 title 49; and

5 “(B) seek to align the contents of the re-
 6 ports under paragraph (1) and the submission
 7 and publication of those reports with the State
 8 freight plans developed and updated under that
 9 section.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
 11 ter 1 of title 23, United States Code, is amended by add-
 12 ing at the end the following:

“180. Parking for commercial motor vehicles.”.

13 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Sec-
 15 retary of Transportation for projects for commercial
 16 motor vehicle parking under section 180 of title 23, United
 17 States Code—

- 18 (1) \$175,000,000 for fiscal year 2023;
- 19 (2) \$185,000,000 for fiscal year 2024;
- 20 (3) \$195,000,000 for fiscal year 2025; and
- 21 (4) \$200,000,000 for fiscal year 2026.

○